VOLUME ONE

Appendix to the Journal of the Assembly

LEGISLATURE OF THE STATE OF CALIFORNIA
1963 REGULAR SESSION

REPORTS

January 7, 1963—June 21, 1963

HON JESSE M UNRUH
Speaker

HON CARLOS BEE
Speaker pro Tempore

HON JEROME R WALDIE
Majority Floor Leader

HON CHARLES J CONRAD
Minority Floor Leader

ARTHUR A OHNIMUS
Chief Clerk of the Assembly

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ASSEMBLY INTERIM COMMITTEE REPORTS
1961-1963

VOLUME 1 NUMBER 5

REPORT OF THE

ASSEMBLY INTERIM COMMITTEE ON CIVIL SERVICE AND STATE PERSONNEL

House Resolution No. 361, 1961

PUBLIC EMPLOYEE REPRESENTATION, HEALTH INSURANCE, RETIREMENT, ORAL EXAMINATIONS, SALARY ADJUSTMENT PROCEDURES, POLYGRAPH TESTS, AND OTHER CIVIL SERVICE PROBLEMS

MEMBERS OF THE COMMITTEE

CHARLES W. MEYERS, *Chairman*
EDWIN L Z'BERG, *Vice Chairman*
JACK A BEAVER
JOSEPH M KENNICK
MONTIVEL A BURKE
VERNON KILPATRICK
LEVERETTE D HOUSE
HELEN N. WILKIE, *Secretary*

December 1962

Published by the
ASSEMBLY
OF THE STATE OF CALIFORNIA

HON JESSE M UNRUH
Speaker
HON CARLOS BEE
Speaker pro Tempore
HON. JEROME R WALDIE
Majority Floor Leader
HON JOSEPH C SHELL
Minority Floor Leader
ARTHUR A OHNIMUS
Chief Clerk

LETTER OF TRANSMITTAL

December 1962

HON. JESSE M. UNRUH
Speaker of the Assembly
State Capitol, Sacramento, California

MR. SPEAKER AND MEMBERS OF THE ASSEMBLY: Pursuant to House Resolution No 361 of the 1961 General Session, directing the Assembly Interim Committee on Civil Service and State Personnel to ascertain, study and analyze facts relating to the State Civil Service System and state personnel, your committee transmits herewith the final report of its findings and recommendations.

Legislation recommended by the committee is set forth in this report, along with committee observations and committee recommendations Legislative action has not been recommended for some of the subjects studied, because such action has been deemed unnecessary or inappropriate at this time, or because further research and study appear necessary

The committee spent a considerable part of its time hearing the subjects of public employee representation, health insurance, liberalized benefits for retired state employees, oral examinations, salary adjustment procedures, polygraph tests, retirement bills, and other related matters

Bills recommended by this interim committee will be introduced at the 1963 Regular Session as interim committee-sponsored bills.

Transcripts of the hearings and other information submitted are available in the office of the chairman of the committee, Charles W Meyers, State Capitol, Room 2126, Sacramento, California

Respectfully submitted,

CHARLES W. MEYERS, *Chairman*
EDWIN L. Z'BERG, *Vice Chairman*
JACK A. BEAVER
MONTIVEL A BURKE
JOSEPH M KENNICK
VERNON KILPATRICK
LEVERETTE D. HOUSE

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LIST OF COMMITTEE HEARINGS

Date of hearing	*Place of hearing*	*Bills heard*
December 18, 19, 1961	San Francisco	A B 2585, A B 3128
January 9, 10, 1962	San Francisco	A B 1966
February 15, 16, 1962	Los Angeles	A B. 802, A B 1906, A B 3128, A B 2585
March 5, 6, 1962	San Francisco	A B. 1340, A B 1966
May 21, 22, 1962	San Francisco	A B 1966, A B 64, H R 409
August 9, 10, 1962	Los Angeles	A B. 1966, A B 649
September 4, 5, 1962	Eureka	A B 649, A B. 1337, A B 1033 Uniform schedule of penalties for state employees (Continuation of 1959-1961 interim study)
October 15, 1962	San Francisco	A B 1033, A B 3078, H R 409
November 19, 20, 1962	Sacramento	A B 1966

PART I

RECOMMENDATIONS

RECOMMENDATIONS *

PUBLIC EMPLOYEE REPRESENTATION

After extensive hearings by this committee on A B. 1966, in conjunction with House Resolution 297, the so-called California Plan, or "Public Employee Representation Act," introduced by Assemblyman Kennick, and sponsored by the California State Employees Association and other civil service groups, it became apparent that no general agreement on the terms of such legislation could be reached among the various interests involved

The committee feels that the subject of collective bargaining by public employees is so complex and controversial, and the proposed legislation so pioneering, the committee does not recommend its enactment at the 1963 session Rather, it is the committee's recommendation that the subject matter be given further interim committee study, in hopes that the groups involved—public employee representatives, labor organization representatives, as well as spokesmen for state and local governmental agencies—may reach some general area of agreement in this vital area of employer-employee relationships in public service.

HEALTH INSURANCE

As a result of committee hearings into various phases of state employees' health insurance problems, pursuant to House Resolution 409 by Assemblyman Meyers, approved by the 1961 Legislature, it is recommended that the state contribution under the Meyers-Geddes Health Insurance Act of 1961 be increased from the present $5 per month per participating employee to $10 per month The higher amount would cover the average cost of the employee's premium The employee would then bear the cost of his dependents' premiums The State Personnel Board reports that the trend outside state service is for employers to pay full cost of the employee's premium for health insurance, as is the case with the overwhelming percentage of collective bargaining agreements negotiated in California during 1961 To achieve equity, this principle should be applied to state health insurance At the present time the federal government is reviewing their position in this area

It is recommended that the six-month waiting period before which a new employee can begin drawing state contributions to his health insurance plan be eliminated, as suggested by the State Employees' Retirement System

It is recommended that municipal court judges be made eligible for participation in state health insurance plans

It is recommended that the 1963 Legislature give due consideration to problems of retired employees of the State Printing Office and the San Francisco Port Authority who lose benefits under their union-negotiated health insurance plans when they retire and yet are not covered by the Meyers-Geddes Act

* Unless otherwise noted, bills referred to by number in this report were introduced at the 1961 Legislature and sent to this committee for interim study

It is recommended that employees who terminate state service before they are eligible for retirement be allowed to continue in their state health plan until the end of the month following the month in which they leave state service The present alternative system would be eliminated under which an employee terminating state service is given a 30-day free extension of health insurance

It is recommended that the Meyers-Geddes coverage be extended to some 100 beneficiaries of former judges, legislators and state-employed teachers who died during employment when they would have been eligible for retirement

It is recommended that the number of insurance plans available under the Meyers-Geddes Act be kept to a minimum to avoid a proliferation of plans that would mean higher premiums and reduced benefits. All plans shall be approved by the State Employees' Retirement System Board.

The committee recommends the subject matter contained in House Resolution 409 be further studied by the appropriate interim committee following the 1963 legislative session.

The committee recommends that consideration be given to possible inclusion of some 2,000 "permanent intermittent" employees of the State Department of Employment within the state employees' health insurance plan.

RETIREMENT MEASURES

It is strongly recommended that legislation similar to A B. 649 (by Assemblyman Z'berg) but as amended by this committee and carried as Appendix "E" in this report, be enacted by the 1963 Legislature.

This legislation would provide "cost of living" increases in current retirement benefits for those state employees retired prior to December 31, 1961, by 2 to 10 percent, depending on date of retirement, with those who have been retired the longest receiving the greatest percentage increase. Provides that no increase shall exceed $50 a month. A minimum retirement allowance of $900 a year would be established for persons who retire at age 60 with 10 years service Raises the present minimum of $1,200 a year for persons with 20 years of service to $1,800 a year.

It is also recommended that A B 1337 (by Assemblyman Meyers) increasing from $400 to $600 the so-called "burial payment" to the estate or beneficiary of a state employee who dies after retirement, be enacted by the 1963 Legislature, to conform with Workmen's Compensation benefits.

Also recommended for enactment is A B 1033 (by Assemblyman Meyers) permitting retired state employees to be employed with pay by state agencies for limited periods during emergencies or to meet special needs without loss of retirement benefits, providing all adequate safeguards are contained in the legislation (See Appendix "F.")

PUNITIVE ACTION AGAINST STATE EMPLOYEES, INCLUDING USE OF POLYGRAPHS

The committee urges that the subject matter contained in the provisions of A B 3128 (by Assemblyman Meyers) which would prohibit the use of lie detectors on state employees, be given further careful study by the appropriate interim committee following the 1963 legis-

lative session The committee strongly supports enactment at the 1963 session of legislation setting standards for the use of polygraphs in California and providing for the licensing of qualified operators as it deals with state employees

The committee was informed of abuses in this field and recognized experts said licensing legislation is necessary to eliminate misuse of these instruments, which can be important aids in crime detection and law enforcement

It is recommended that the State Personnel Board and the California State Employees' Association get together on proposed amendments to A B 3078 (by Assemblyman Meyers) which provides that Section 19250 of the Government Code, specifying conduct required of state employees, shall not be basis of punitive action against an employee unless the appointing power has filed with the Personnel Board a statement specifically outlining activities declared to be incompatible with their duties in state service The Personnel Board and the California State Employees' Association agreed to discuss such amendments and report their findings to the Legislature by March 15, 1963. If no agreement is reached by the two groups by that time, it is the committee's recommendation that this matter be referred to an appropriate interim committee for further study following the 1963 legislative session

The committee has heard considerable testimony regarding political activities of state employees in conjunction with political activities of federal employees (commonly referred to as the Hatch Act). The committee recognizes that a pressing problem does exist and recommends that remedial legislation be introduced in this area.

STATE AND HARBOR POLICE BENEFITS UNDER WORKMEN'S COMPENSATION

The committee strongly recommends that California State Police and Harbor Police be afforded the same benefits under Workmen's Compensation that are already provided in the law for other types of state and local law enforcement personnel To this end, the committee proposes enactment of A B 2585 (by Assemblyman Meyers) under which state and harbor police will be granted up to a year's leave with full pay when disabled on the job The measure also provides that hernia, tuberculosis, heart trouble and pneumonia shall be presumed to have arisen in the course of employment when contracted by members of these employment groups—as is already the case with city police, state highway patrolmen, state fish and game wardens, narcotics agents, and other law enforcement personnel

ORAL EXAMINATIONS, SALARY ADJUSTMENT PROCEDURES, AND MISCELLANEOUS

The committee recognizes the opportunity for abuses in the overweighting of oral portions of civil service examinations, A B. 802 (by Assemblyman Hawkins) and recommends a comprehensive review of present practices The State Personnel Board has agreed to such a study and will report its findings to the 1963 Legislature by March 15,

1963 If no legislation is approved on this subject during the 1963 legislative session, it is the committee's recommendation that this matter be referred to an appropriate interim committee for further study following the 1963 legislative session

The committee urges further study of legislation that would allow the State Personnel Board to make salary adjustments in excess of funds made available by the Legislature for salary increases, A B. 1340 (by Assemblyman Meyers).

PART II

FINDINGS

FINDINGS

PUBLIC EMPLOYEE REPRESENTATION

The committee heard many hours of testimony and discussion on this subject at six hearings throughout the state, the first on January 9, 1962, in San Francisco; the last on November 20, 1962, in Sacramento.

At the outset of this report, the committee wishes to thank and commend the many public-spirited persons and groups that participated in the sometimes arduous panel discussions of the complex and controversial problems involving collective bargaining by public employees.

Among these participants were Robert H Sharpe, John W McElheney, Wallace D Henderson, William Grimm, Barry Bertram and Robert Spiegel, representing the California State Employees' Association; Paul Marcus, Long Beach City Employees Association and California League of City Employees, Walter Kaitz, League of County Employee Associations; Kenneth E Wright, Sacramento City Employees Association; Richard Carpenter, League of California Cities; Tom Nolder, County Supervisors Association; Robert C. Schleh, California Conference of Employer Associations; Ralph Hartley, Harold G Reynolds, Jr , California Nurses Association; Leo De Los Rios, California Association of Highway Patrolmen; Frederick H Ward, Los Angeles County Employees Association; Eugene Daugherty, Los Angeles Employees Association and All Cities Employees Association; Kelvin D Sharp, Assistant Executive Office, Roy W Stephens, Assistant Secretary, State Personnel Board; Norman Woodbury, California Municipal Utilities Association, William A Lovejoy, Peace Officers Research Association; Richard Bartlett, California School Employees Association; William E Payne, Executive Officer, Edward K Coombs, Assistant Executive Office, State Employees' Retirement System; Kenneth D. Larson, Federated Fire Fighters of California; Robert W. Formhals, Russell Burnham, California School Boards Association; J. H Corson, Association of School Administrators; Louis Nowell, Robert D Cutts, Los Angeles Fire and Police Protective League; Robert Hall, California State Federation of Teachers, AFL-CIO; Bud Aronson, Charles A Henderson, Joseph P Hanley, Thomas Hardwick, Union of State Employees, AFL-CIO; M A Walters, International Brotherhood of Electrical Workers, AFL-CIO; Stanley Hart, American Federation of State, County and Municipal Employees, AFL-CIO; James Lee, State Building and Constructions Trades Council, AFL-CIO; L A Parker, Los Angeles Building and Construction Trades Council, AFL-CIO, Harold Jaeger, Alfred S. Charlton, County Employees Union, Local 347, Los Angeles, Harold Jaeger, Public Employees Council of California, AFL-CIO, David Novogrodsky, Building Service Joint Council No 8, Southern California, Sam Hunegs, American Federation of State, County and Municipal Workers, AFL-CIO; Leon Bluestone, Los Angeles County Employees Association; Walter L Henry, Personnel Director, City of Burbank; Frank D. Rohmer, California State Employees for Social Security

The committee also wants to express appreciation to Deputy Legislative Counsel Sherwin C MacKenzie, Associate Administrative Analyst J. Delbert Sarber representing the Legislative Analyst's office; and the committee secretary, Mrs Helen N Wilkie

In general, the committee found that the California State Employees' Association and several other public employee groups not affiliated with organized labor, favored enactment of A B 1966 Strongest opposition came from labor unions and councils Opposition also came from private employers' representatives, and from spokesmen for the League of California Cities and the County Supervisors Association

At the outset of the hearings, the author of the bill, Assemblyman Joseph M Kennick, briefly outlined the measure as follows·

"A B 1966 would enact the 'Public Employee Representation Act' to provide a system of representation between state agencies and political subdivisions of the State and the elected representatives of their employees The bill guarantees the right of every public employee to form, join, and participate in the activities of an employee organization of his choice and provides a system for the selection of such employee organizations It stipulates that such groups must regularly meet to discuss employment problems and provides a system of arbitration and mediation where parties cannot agree."

In his initial presentation in support of the bill, Mr McElheney, representing the California State Employees' Association, declared that the measure was "the culmination of several years of very intensive study and analysis of the problem of public employee representation in California "

"Just to give the committee a brief résumé of the background that led to the introduction of A B 1966, I would like to go back to the 1959 session of the Legislature," Mr McElheney testified "At that time a series of bills was introduced which touched on many aspects of this problem Many of these bills attempted to provide for the industrial collective bargaining pattern in public employment California State Employees' Association was of the opinion that the industrial collective bargaining was not appropriate in public employment, that it was not feasible, I should say, practical, and that it was not legal."

Following referral of such bills to interim committees, Mr McElheney said his organization made a "very thorough study" of the problem of formal representation for public employees at state and local levels of government "and we finally welded together A B 1966 in the form that it was introduced at the 1961 General Session "

Other groups that endorsed the legislation, either in whole or in part, at the initial or subsequent committee sessions, included the California League of City Employees Association, Los Angeles County Employees Association, the League of County Employees Associations, Sacramento City Employees' Association, California Nurses Association, California Association of Highway Patrolmen, Los Angeles Police and Fire Protective League, and Los Angeles Employees Association and All Cities Employees Association

Opposition came from the following groups California State Federation of Teachers, AFL-CIO; League of California Cities; Union of State Employees, AFL-CIO, County Supervisors Association; International Brotherhood of Electrical Workers, AFL-CIO; State Person-

nel Board; American Federation of State and Municipal Employees, AFL-CIO; California Conference of Employer Associations; State Building and Construction Trades Council, AFL-CIO; County Employees Union, Local 347, Los Angeles; California School Employees Association, Public Employees Council of California, AFL-CIO; California Municipal Utilities Association, Building Service Joint Council No. 8, Southern California; Peace Officers Research Association; American Federation of State, County and Municipal Workers, AFL-CIO; and Los Angeles Building and Construction Trades Council, AFL-CIO.

California School Boards Association spokesmen said the organization had no opposition as long as school district employees are eliminated from the bill, as is the case with A B 1966 as amended by committee and as carried in the appendix to this report.

Representatives of firefighters were divided on the question of excluding that group from provisions of the bill. Consequently, the committee did not attempt to settle that issue, and the revised bill contains alternatives in it on this point.

There were other matters upon which no basis of agreement could be reached among those who participated in panel discussions on this bill, and the revised measure as shown in the appendix also offers alternative provisions. (See Appendix "A" for the bill as revised by the Interim Committee, Appendix "B" for an analysis of the bill's provisions. Appendix "C" for federal letters on employer-employee relations in federal service, and Appendix "D" for an analysis and comparison of the following. A B 1966, as revised by committee, Chapter 10 (commencing with Section 3500) Division 4, Title I, Government Code, and Presidential Executive Order 10998.)

Even though many amendments were written into the bill through general agreement of participating parties, the final draft remained unacceptable to numerous parties that opposed it in the first place. Because of the monumental nature of the legislation, the committee agreed that the bill in question, as amended by the committee, and containing alternatives on disputed points, should not be enacted by the 1963 Legislature, because of the unresolved issues, but should be given another two-year interim committee study, with a report back to the 1965 Legislature.

Toward the conclusion of the committee investigation, Assemblyman Kennick praised Chairman Meyers on his "able handling" of the hearings and also complimented "those who participated in these hearings for their elasticity in listening to the arguments against certain sections of the bill, and their readiness to conform in every conceivable way so that peace and harmony may be brought into the field of public employment as a result of this type of legislation."

Referring to his bill as "the California Plan," Assemblyman Kennick declared. "We stress in this bill the no-strike clause as one of the important measures."

Mr. Sharpe, representing the California State Employees Association, also stressed that the bill, while providing for a system of collective bargaining in public service, "specifically indicates that strikes and other economic sanctions are not appropriate in a governmental relationship situation."

Many of the groups urged that Chapter 1964, Statutes of 1961 (A.B. 2375 by Assemblyman George Brown) "be allowed to work" before being supplanted by such legislation as that contained in A.B 1966. The so-called Brown Act provides that public employees "shall have the right to join organizations of their own choosing for the purpose of representation on all matters of employer-employee relations" and that "employees shall have the right to represent their members in their employment relations with public agencies."

Among critics of the bill, Mr. Walters of the International Brotherhood of Electrical Workers found the measure "fraught with danger so far as bona fide labor organizations are concerned." He objected to the no-strike clause while declaring that "we don't purport to want to strike" and also criticized numerous other provisions of the bill, including the fact that it would supersede Chapter 10, Statutes of 1961.

Mr Aronson, representing the Union of State Employees, contended that percentages contained in the bill as the basis for determining representation would build "a high fence around the California State Employees Association, and I might add, with a barbed wire topping." Mr. Aronson also said that while his union "has never utilized the strike weapon," inclusion of a strike ban in the legislation "would make second-class citizens" of public workers.

At the final hearing on the measure November 19, 1962, Assemblyman Kennick declared:

"It is not our purpose to propose anti-labor legislation It is our purpose to solve a problem if at all possible; to make the field of public employment much better than it is. If we accomplish a portion of it under this bill, we will have made some headway."

Officials of the California State Employees' Association, claiming 93,000 members throughout the State, denied that the legislation, through elections and other procedures set forth for determining bargaining agents for state workers, would "freeze out" smaller employee groups, including unions

Mr Stephens of the State Personnel Board testified that there are "many employee voices" currently participating in grievance procedures and "we fear that some of the voices would be stilled" by A B 1966 "Some of the smaller groups would be lost in the total structure," Mr. Stephens concluded

Mr. Stephens noted that the Personnel Board had on April 26, 1962 adopted rules for employer-employee relations, in accordance with Chapter 10, Statutes of 1961 He declared that the "more formal and complex aspects" of public employees representations contained in A.B. 1966 "are not needed at the present time"

Mr. Henderson of the California State Employees Association concluded:

"We are proud we presented this bill It answers real needs of public employees And it goes farther than any bill of its kind in the United States"

Mr Parker of the Los Angeles Building and Construction Trades Council, disagreed in his concluding statement

"This bill as it sets at the present time is no Magna Charta for us, because we have already earned the right to be heard, and this bill will

have the tendency to pull down that right. The Personnel Board, for example, has never refused me the right to talk for my people in Southern California As the bill stands at the present time, we'll oppose it in the Legislature "

HEALTH INSURANCE

The committee heard considerable testimony supporting amendments to the Meyers-Geddes Health Insurance Act of 1961 These committee hearings were held pursuant to House Resolution 409 by Assemblyman Meyers, adopted by the 1961 Legislature

The California State Employees Association representatives said it is their objective that the State pay the full cost of the employee's premium, while the employee bear the cost of his dependents' premium

William E Payne, Executive Officer of the State Employees' Retirement System, said this would mean increasing the state's monthly contribution under Meyers-Geddes Act from the present $5 monthly to $10 monthly

In recommending this increase, the committee is convinced from the testimony and other evidence that it is the general practice in private industry for the employer to pay considerably more than $5 per month per employee toward the cost of employee health plans

According to the State Personnel Board, a study by the State Department of Industrial Relations of collective bargaining agreements negotiated during 1961 covering more than 1 4 million California workers showed that 91 percent of these workers were covered by health plans, and that agreements covering 88 percent of those workers provided that the employer pay the full cost of the employee's coverage

This same survey indicated that the average monthly contribution to health and welfare plans was $16 47 The employer contribution was less than $10 for only 12 percent of the employees

On the basis of these data, the Personnel Board in its salary recommendations to Governor Edmund G Brown for the 1963 session has suggested an increase in state contributions to health insurance plans

The California State Employees' Association suggested that if the overall objective of the $10 a month state contribution could not be met, the state should at least increase its contribution by the amount necessary to cover the costs of retired persons This cost is estimated at $1 30 a month

The California State Employees' Association, along with the Retired State Government Employees' Association, asked elimination of the requirement that a retired person, in order to be eligible for the state contribution under the Meyers-Geddes Act, must have gone on the retirement rolls within four months after leaving state service.

The State Employees' Retirement System opposed this change on the basis that any other criteria for determining eligibility of already retired persons would be less fair and create more injustices

The committee does not recommend outright discontinuance of the requirement that an annuitant must have retired directly from employment (within the four-month period established as a "rule of thumb" by the Retirement Board), but does recommend that ways and means

be found to eliminate injustices Falling in the latter category would be instances where employees were forced to leave state employment due to illness with the full intention of returning to work Then, after it became apparent that their health would not permit them to return, they went on retirement—more than four months after their termination—and are now denied the right to participate in the Meyers-Geddes Health Insurance Act This problem should be solved

The committee recommends elimination of the six-month waiting period now required before a new employee can begin drawing the state health insurance contribution

The committee also recommends that employees who quit state service (prior to eligibility for retirement benefits) be allowed to continue in their health plan, with the state contribution, until the end of the month following the month in which they terminated employment Along with this change, there will be an elimination of the 30-day free extension of health insurance coverage now provided those separating from state service

Under an additional amendment proposed by the State Employees' Retirement Board and recommended by this committee, health insurance benefits would be extended to beneficiaries of former judges, legislators and state-employed teachers who died during employment when they would have been eligible for retirement An estimated 100 persons are affected

Municipal Court Judge Leland J Lazarus of San Francisco asked that municipal court judges be allowed to participate in the Meyers-Geddes Act with approval of their county boards of supervisors This would have been authorized by A B 64 of the 1962 First Extraordinary Session This measure, by Assemblyman Meyers, also included State Printing Plant employees and retired legislators A B 64 passed the Assembly, but died on technical grounds in the closing hours of the session in Senate committee

Judge Lazarus testified that there is a particular need for this legislation as it would affect San Francisco municipal court judges They were covered by the same private plan as San Francisco Superior Court Judges until the Meyers-Geddes Act took in superior court judges This meant higher premiums and reduced benefits for municipal court judges in their own system

The committee is recommending that municipal court judges be covered by the Meyers-Geddes Act

However, union spokesmen for State Printing Office employees said their members do not wish to be included in the Meyers-Geddes Act There was testimony that under union agreements applied to printing office personnel the state currently is paying $14 monthly toward health insurance benefits for plant employees Arrangements are being discussed under which retired printing plant employees could obtain coverage under the union plan

Mr Payne testified that since passage of legislation at the 1962 session permitting legislators to come under the Meyers-Geddes Act by paying the full monthly premium themselves, it has been legally deter-

mined that retired legislators are eligible for participation without further legislation

The committee also heard testimony to the effect that some 2,000 "permanent intermittent" employees of the State Department of Employment are not eligible for state health insurance because they do not meet the requirement of half-time employment provided in the law. The California State Employees' Association urged, and the committee recommends, that consideration be given to permitting these employees to participate in the plans, either through paying full cost of coverage or a pro-rated share

The committee also was asked that consideration be given to Belt Line Railroad employees of the San Francisco Port Authority who, like State Printing Plant employees, are entitled to receive state contributions to their health and welfare plans negotiated through the unions while they are active employees, but are no longer eligible to participate in the union plans when they retire. It was suggested that these retired employees be given benefits under the Meyers-Geddes Act. The committee concurs in this suggestion

The committee looked with a critical eye into the situation under which the University of California was brought under the Meyers-Geddes Act for the purpose of receiving state contributions to health insurance for university personnel, but the regents declined to participate in any state plans, choosing instead to establish their own.

Chairman Meyers asked Mr Payne this question·

"Do you feel that it would be better to have all the state employees in one system—one package program under one system—or do you feel as though it's better to have splinter groups?"

Mr Payne responded·

"I've felt that it is better to have all of the state employees under similar programs. I would have considered that this would have been the case had the university decided to bring its employees under similar programs . the Meyers-Geddes program for state employees would have been improved " The Committee wishes to express its thanks to Ernest H Kunzi, Deputy Legislative Counsel

RETIREMENT MEASURES

This committee held hearings on three bills dealing with retirement of state employees, and recommends enactment of all three, as follows

1 A B 649 by Assemblyman Z'berg, increasing benefits of state employees who retired prior to December 31, 1961 The bill as revised by the interim committee is carried as Appendix "E" in this report in the form that it will be introduced at the 1963 Legislature

2 A B 1337 by Assemblyman Meyers, increasing from $400 to $600 the so-called "burial payment" to the estate or beneficiary of a state employee who dies after retirement

3 A B 1033 by Assemblyman Meyers, permitting retired state employees to be rehired for brief periods and under certain conditions without loss of retirement benefits, providing all adequate safeguards are contained in the legislation (See Appendix "F")

A.B. 649

Assemblyman Z'berg informed the committee that his bill (A B. 649) was introduced at the request of the Retired State Government Employees Association of California. He said the measure attempts to solve a "recurring problem—one that is continually getting worse as far as state employees are concerned." Assemblyman Z'berg declared.

"It's a recognition of the fact that in our retirement system, those people who retire on fixed incomes as the years progress in our economy, which is a constantly rising cost of living economy, feels a squeeze. . . . It is certainly the desire of the state in insuring to people who come to work the fact that they will have at least a minimum income upon which to retire."

Mr. Frank B. Durkee, representing the Retired State Government Employees Association, declared that there is precedent for the Legislature to grant retired employees cost of living increases, since this was done on five occasions between 1947 and 1957. He pointed out that since 1957 retired state workers have received no pension increases while active employees have received pay raises totaling approximately 20 percent.

Mr. Durkee cited official government figures pointing to substantial increases in living costs since 1957, and noted that under the proposed legislation no one would receive an increase of more than $50 a month.

He testified: "This is a bill for the little people, gentlemen, who are struggling along and who retired in past years when the benefits under state retirement were not what they are today, and who are having difficulty getting by on $100 a month minimum."

As recommended by the committee, the legislation increases from the present $1,200 a year to $1,800 a year the minimum pension payable to persons retired after 20 years of state service.

William E. Payne, Executive Officer of the State Employees' Retirement System, estimated that the legislation would benefit perhaps 10,000 retired state employees.

Mr. George Feinberg, representing the California State Employees Association, said his organization will "probably give our number one priority" to this legislation at the 1963 session so far as retirement bills are concerned.

A.B. 1337

As to A B 1337, by Assemblyman Meyers, increasing from $400 to $600 the benefits to the estate or beneficiary of a state employee who dies after retirement, Chairman Meyers stated that the measure was sponsored by the California State Employees' Association.

Mr. Feinberg contended that the increase is warranted, based on living cost rises since 1953, when the payment was increased from $300 to the present $400. In 1959, the Legislature increased the burial benefit under Workmen's Compensation Law from $400 to $600.

Mr. Payne stated that the Retirement Board favors this increase on the grounds that a $400 burial benefit "may have been a reasonable figure several years ago, but $600 is more reasonable today."

A.B. 1033

A B 1033, by Assemblyman Meyers, sponsored by the State Personnel Board, would permit persons retired under the State Employees' Retirement System to be employed by the state for periods of not more than 30 working days at a stretch, and not more than 60 working days in any calendar year

This bill was amended during the 1961 session to add a further limitation that for any employee drawing the equivalent of $15 a day or more in pension benefits, any amount earned during state re-employment that exceeds $15 daily shall be deducted from his pay.

After thorough consideration, however, and considerable testimony attesting to the benefit to the state that will accrue if retired employees, including specialists in the fields of engineering, law and medicine, can be "called back" for short stretches during emergencies, the committee decided that the $15 limitation should be deleted from the bill to be introduced at the 1963 session

Roy W. Stephens, Assistant Secretary of the State Personnel Board, stated that the bill's "sole purpose is that of on occasion being able to tap and use some of the special skills that still exist in our retired group."

Mr Stephens told the committee:

"Sometimes in unexpected workloads, particularly out in the rural areas such as in the motor vehicles registration period or when illness strikes unexpectedly and you don't have trained people available—if there were a recently retired employee, it offers another little reservoir."

Mr. Stephens said that on many occasions a "device" has been used through which a retired state employee, say an engineer, has been hired by a consulting firm which in turn has a contract with the state This, said Mr Stephens, usually involves much higher fees to the state than if the retired employee could be hired directly on a temporary basis.

At interim committee hearings, the bill was opposed by Mr. Richard Bartlett, representing the California School Employees Association, on grounds it "lays the foundation for abuse" and would be followed by further efforts to liberalize it Mr Bartlett declared the state should adhere strictly to the principle that a person drawing retirement benefits from the State Employees' Retirement System should not also be drawing pay from the state

Mr. George Feinberg, representing the California State Employees' Association, said his organization does not oppose the measure so long as it retains the safeguards and limitations written into it

Mr. Payne said the Retirement Board supported the legislation in 1961.

William Lorenz, Chairman of the Personnel Officers Council, also testified in favor of the legislation

J Delbert Barber, representing the Legislative Analyst's office, said there are no costs involved in the bill and that there may in fact be savings if the state is allowed to rehire experienced personnel for temporary work rather than hiring and training new personnel.

PUNITIVE ACTIONS AGAINST STATE EMPLOYEES, INCLUDING USE OF POLYGRAPHS

Under A B 3128, introduced by Assemblyman Meyers at the request of the California State Employees' Association, no state agency could require or request any employee or job applicant to take a polygraph test in order to obtain or retain a state position

Mr John W McElheney, representing the California State Employees' Association, testified that the legislation was sought after members of the State Police stationed at the Bay Transit Terminal in January 1961 were asked to submit to polygraph tests in connection with an investigation into an apparent theft of a camera from the State Police office there Two of the officers refused to take such tests and were dismissed from their state positions The dismissals were upheld by the State Personnel Board, then appealed to the courts by the individuals involved At this writing, the matter is still in litigation

George H Brereton, Deputy Director of the State Department of Justice, opposed A B 3128, declaring it would "seriously handicap" the State Bureau of Criminal Identification and Investigation He said the polygraph, or he detector, ' is a very valuable tool when used by our qualified special agents in determining the guilt or innocence of persons suspected of having committed a criminal offense "

Mr Brereton informed the committee that during 1960 and 1961, state agents used polygraph examinations in 15 cases involving a total of 29 state employees As a result of the examinations, 12 persons were cleared, 3 tests were considered inconclusive, 14 were determined to be untruthful, and of the 14, 10 ultimately admitted their guilt.

Opposition also came from Emil J Relat, Senior Counsel, State Department of Finance, who stated that the courts have held that polygraph tests do not constitute an invasion of constitutional rights

Other opposition came from Mr William Melnicoe of the Department of Police Science Administration, Sacramento State College; Dr Bruce Trotter, Vice President of the International Association of Polygraph Operators, Police Chief Edward M Toothman of Oakland, and others involved in law enforcement and polygraph operations

The bill was favored by representatives of the California State Employees' Association, the Union of State Employees, AFL-CIO, American Federation of State, County and Municipal Employees, AFL-CIO; and the International Longshoremen's and Warehousemen's Union, AFL-CIO

In general, backers of the legislation felt that use of he detectors on state employees is an invasion of personal rights, that the polygraph is a "fallible instrument"; and that such matters can be handled through usual law enforcement procedures if and when criminal charges are filed against any state employee

Spokesmen for the International Association of Polygraph Operators conceded that some unqualified persons are using such machines in California, and that in fact some of the machines they use are inadequate or even fraudulent This, they said, is because there are no standards or licensing requirements in California law for the use of polygraphs

Mr Milnicoe declared:

"A good polygraph, about the cheapest one you can buy is $675. However, you can buy a Japanese-made unit for $22 50. They are selling them as kids' toys, and some of those being used by some of these private examiners are not much better"

As a result of the testimony, the committee urges that the subject matter contained in the provisions of A B 3128, be given further careful study by the appropriate interim committee following the 1963 legislative session The committee strongly supports enactment at the 1963 legislative session setting standards for the use of polygraphs in California and providing for the licensing of qualified operators as it deals with state employees

A.B. 3078, BY ASSEMBLYMAN MEYERS

This bill, sponsored by the California State Employees' Association, provides that Section 19250 of the Government Code, which specifies in general terms conduct required of state employees, shall not be the basis of punitive action against an employee unless the appointing power has filed with the State Personnel Board a statement of employee activities declared to be inconsistent or incompatible with their duties in state service

Section 19250 declares in part "Every state employee shall fulfill to the best of his ability the duties of the office or position conferred upon him and shall prove himself in his behavior inside and outside the service worthy of the esteem which his office or position requires"

The succeeding section establishes a procedure whereby an appointing power shall prescribe those activities which, for employees under his jurisdiction, will be considered incompatible

Mr Wallace D Henderson, representing the California State Employees' Association, took the position that it is unfair to take punitive action against an employee under the generalized terms of Section 19250 until the specific activities deemed to be incompatible are published under Section 19251

Mr Roy Stephens, representing the State Personnel Board, and Willard A Shank, Deputy State Attorney General, opposed the bill as too broad.

"The problem faced by the state agencies is the impossibility of listing every type of conduct or act that is improper and harmful to the state service," said Mr Stephens

At the conclusion of the hearing on this bill, it was agreed that representatives of the Personnel Board and the California State Employees' Association would attempt to get together on amendments to this bill that may be considered by the 1963 Legislature

The committee has heard considerable testimony regarding political activities of state employees in conjunction with political activities of federal employees (commonly referred to as the Hatch Act) The committee recognizes that a pressing problem does exist and recommends that remedial legislation be introduced in this area

STATE AND HARBOR POLICE BENEFITS UNDER WORKMEN'S COMPENSATION

A B. 2585, by Assemblyman Meyers, which this committee is recommending for enactment by the 1963 Legislature, would liberalize workmen's compensation benefits for California State Police and State Harbor Police. The measure, sponsored by the groups involved and supported by the California State Employees' Association, is designed to give State and Harbor Police the same special benefits already afforded other law enforcement groups, such as local police, state fish and game and forestry personnel, narcotics agents, highway patrolmen, and others

Specifically, the legislation would provide State and Harbor Police with up to a year's sick leave with full pay when disabled on the job At present, these groups receive only two-thirds of the policeman's salary

Further, under A B 2585, whenever any state or harbor policeman develops hernia, tuberculosis, heart trouble or pneumonia, it would be presumed that the ailment arose in the course of employment. Other comparable groups already are awarded this benefit.

Sergeants Emmett Riordan and Raymond A. Haskell of the State Police, and Chief Romeo de Martini of the State Harbor Police, testified at committee hearings that their personnel perform much the same work as local police

Mr. John W. McElheney, representing the California State Employees' Association, testified that these groups "have been neglected for a long time." He said there is no question they are performing police work.

"They make arrests, they testify in court, they do all the numerous things, including investigative work that other law enforcement groups that are covered by this do," Mr McElheney stated

State Police officials testified that they do the same work on state property, including the Capitol grounds, that local police do on other property.

Chief de Martini said harbor police work is done along San Francisco's Embarcadero "We have auto boosting, petty thefts, drunk driving—the whole gamut of penal code laws that are broken by the average criminal," he declared.

It was noted that the additional benefits contained in the bill would be applied only to those actually involved in police work, and not to clerical or other nonpolice personnel

ORAL EXAMINATIONS, SALARY ADJUSTMENT PROCEDURES AND MISCELLANEOUS

A.B. 802, BY ASSEMBLYMAN HAWKINS

This measure provides that where a civil service examination is written in part, the weight to be given the oral phase of the examination, together with all other phases outside the written portion, shall not exceed 15 percent of the total weight of the examination.

At a committee hearing in Los Angeles February 15, 1962, the legislation was supported by individual public employees, and public em-

ployee representatives, who claimed that the oral examination has been used at both the state and local level in discriminatory fashion It was charged that oral boards have at times downgraded persons because of racial or religious prejudices, or because of predetermined favoritism for other applicants.

Spokesmen for the Union of State Employees favored the bill, while the California State Employees' Association opposed it in form but offered its co-operation in helping to investigate abuses in this area The measure was opposed by the State Personnel Board, whose Assistant Executive Officer, Kelvin D Sharp, held that the "personal equation" in selecting the right person for the right job was in many instances greater than the 15 percent limitation A B 802 would place on the weight of oral examinations

The committee, recognizing existence of abuses, requested the Personnel Board and state agencies to make a comprehensive review of present practices and report to the appropriate committee of the Legislature by March 15, 1963 If the subject material cannot be resolved as a result of this review, then it is recommended by the committee that it receive further study by an appropriate interim committee following the 1963 legislative session.

A.B. 1340, BY ASSEMBLYMAN MEYERS

This measure, sponsored by the California State Employees' Association, would eliminate the present legal prohibition against the State Personnel Board making salary adjustments that would require expenditures in excess of existing appropriations available for salary increase purposes.

Mr John W McElheney, representing the California State Employees' Association, told the committee that the bill was "a very drastic proposal . although we feel we have good basis for making such a request"

Mr McElheney noted that the Legislature and the Governor had on several occasions in recent years failed to appropriate the full amount of funds sought by the Personnel Board for salary increases A B 1340, in effect, would require the Legislature to find funds necessary to finance any pay increases determined by the Personnel Board to be justified based on prevailing rates for comparable work outside state service

A B 1340 also was supported by the American Federation of State, County and Municipal Employees, AFL-CIO

However, Mr Sharp of the Personnel Board opposed the measure, welcoming the "confidence" that it would place in his board, but attacking the principle of the people's representatives in the Legislature delegating the entire salary-setting authority to an administrative agency Said Mr. Sharp

"The power to appropriate, the power to spend as it were, we feel should be coequal perhaps with the power to tax We don't think you should give to any public agency, including the State Personnel Board, the authority to—by acting on salary matters without prior clearance—impose upon the State of California the burden of unanticipated levies against the people of the State"

The committee does not recommend passage of A B 1340 at the 1963 Legislature, but urges further study be given by the appropriate interim committee following the 1963 legislative session

A.B. 2061, BY ASSEMBLYMAN SHELL

This bill would provide for establishment of civil service and retirement systems for employees of the Los Angeles Metropolitan Transit Authority

The author of this legislation requested that the bill be held in abeyance Therefore, there is no committee recommendation on the measure

PART III

APPENDIX

APPENDIX A

A.B. 1966 as revised by committee

TENTATIVE DRAFT

An act to amend and renumber Chapter 10 (commencing with Section 3500) of, and to add Chapter 10 (commencing with Section 3500) to, Division 4 of Title 1 of the Government Code, relating to public employment.

The people of the State of California do enact as follows:

SECTION 1 Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code is amended and renumbered to read:

CHAPTER 9 5. PUBLIC EMPLOYEE ORGANIZATIONS

3400. It is the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the various public agencies in the State of California by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and be represented by such organizations in their employment relationships with public agencies. Nothing contained herein shall be deemed to supersede the provisions of existing state law and the charters, ordinances and rules of local public agencies which establish and regulate a merit or civil service system or which provide for other methods of administering employer-employee relations This chapter is intended, instead, to strengthen merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the public agencies by which they are employed.

3401. As used in this chapter·

(a) "Employee organization" means any organization which includes employees of a public agency and which has as one of its primary purposes representing such employees in their relations with that public agency.

(b) "Public agency" means the State of California, every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not

(c) "Public employee" means any person employed by any public agency excepting those persons elected by popular vote or appointed to office by the Governor of this State

3402. The provisions of this chapter shall be applicable to all employee organizations, public agencies, and public employees as defined in Section 3401 of this chapter, except those organizations, agencies and employees to which the provisions of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of this code apply

3403. Except as otherwise provided by the Legislature, public employees shall have the right to form, join, and participate in the ac-

tivities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations Public employees also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the public agency

3404 Employee organizations shall have the right to represent their members in their employment relations with public agencies Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership Nothing in this section shall prohibit any employee from appearing in his own behalf in his employment relations with the public agency

3405 The scope of representation shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment

3406 The governing body of a public agency, or such boards, commissions, administrative officers or other representatives as may be properly designated by law or by such governing body, shall meet and confer with representatives of employee organizations upon request, and shall consider as fully as it deems reasonable such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action

3407 Public agencies and employee organizations shall not interfere with, intimidate restrain, coerce or discriminate against public employees because of their exercise of their rights under Section 3502

3408 A public agency may adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter (commencing with Section 3400)

Such rules and regulations may include provisions for (a) verifying that an organization does in fact represent employees of the public agency (b) verifying the official status of employee organization officers and representatives (c) access of employee organization officers and representatives to work locations (d) use of official bulletin boards and other means of communication by employee organizations (e) furnishing nonconfidential information pertaining to employment relations to employee organizations (f) such other matters as are necessary to carry out the purposes of this chapter

For employees in the state civil service, rules and regulations in accordance with this section may be adopted by the State Personnel Board.

3409 The governing body of a public agency may, in accordance with reasonable standards, designate positions or classes of positions which have duties consisting primarily of the enforcement of state laws or local ordinances, and may by resolution or ordinance adopted after a public hearing, limit or prohibit the right of employees in such positions or classes of positions to form, join or participate in employee organizations where it is in the public interest to do so

The right of employees to form, join and participate in the activities of employee organizations shall not be restricted by a public agency on any grounds other than those set forth in this section This section is

not applicable to any employee subject to the provisions of Chapter 4 (commencing with Section 1960) of Part 7, Division 2 of the Labor Code

3410 The enactment of this chapter shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public employees

SEC 2 Chapter 10 (commencing with Section 3500) is added to Division 4 of Title 1 of the Government Code, to read

CHAPTER 10 FORMAL REPRESENTATION OF PUBLIC EMPLOYEES

Article 1 General

3500 This chapter shall be known as the "Public Employee Formal Representation Act."

3501 It is the purpose of this chapter to provide for the establishment of the best possible employment relationships between the management and the employees of the various public agencies in California through a system of formal representation which is based on the principles of

(1) Identifiable management and identifiable employee representatives in employer-employee relations in public service;

(2) Preservation of the rights of individual employees,

(3) Preservation of existing orderly processes of governmental operations,

(4) Recognition that the public interest and processes of good government require the establishment of a formal system of representation different in some respects from that existing in private enterprise,

(5) Recognition of the right and responsibility of each public agency to make final decisions regarding employment matters and employer-employee relationships except in those instances where the decision has been submitted to arbitration,

(6) Participation of the people in the personnel processes of public agencies through their elected representatives;

(7) Good faith negotiation between management in public agencies and recognized employee organizations,

(8) Impartial arbitration or mediation of unresolved differences,

(9) Preservation of orderly government through the elimination of work stoppages, layoffs and lockouts in public employment,

(10) Promotion of efficiency, consistency, harmony and economy in public employment, and

(11) Preservation and extension of merit systems in the public agencies of California so that the people of the State will be assured of able and competent employees, so that adequate standards of service can be established and maintained, and so that all of the people will continue to have an adequate opportunity to compete for selection to positions in public employment

3502 This chapter is applicable to every public agency in the State except those agencies specifically excluded by Section 3503

3503 The following public agencies are excluded from the application of this chapter

(a) Public agencies engaged in governmental as distinguished from proprietary activities and employing ~~25~~ *15* or less full-time employees

(b) The Los Angeles Metropolitan Transit Authority and all transit districts whose employer-employee relations are subject to Sections 25051, 25052, 28850, and 28851 of the Public Utilities Code

(c) Public school districts

[Firefighter Alternative 1]

3504. The following public employees are excluded from the application of this chapter:

(a) Employees of the fire departments and fire services of counties, cities, cities and counties, districts and other political subdivisions of the State

3505. The provisions of this chapter shall be liberally construed so as to properly effectuate the purpose of this chapter If any portion of this chapter is determined to be unconstitutional, the remainder, if it is properly severable, shall remain in effect.

The enactment of this chapter shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public employees.

Article 2 Definitions

3520. Unless the context requires otherwise, the definitions hereinafter set forth govern the construction of this chapter and the rules adopted hereunder

(a) "Merit system" means any system of appointment or promotion based upon merit, efficiency and fitness as determined by competitive examination A "competitive examination" need not be a written examination. "Merit system" also includes the determination of grades and classes of employees where that process is essential to the administration of examinations It also includes procedures for the dismissal, demotion, suspension or other disciplinary action for failure to demonstrate merit in the performance of work and the right to appeal from such action.

(b) "Public employee" means every officer and employee of a public agency.

(c) "Employee organization" means any employee organization which has as one of its primary purposes representing its members in employment matters and employer-employee relations, but "employee organization" shall not include any organization which discriminates with regard to the terms or conditions of membership because of race, color, creed or national origin

(d) "Division" means the Division of Public Employment Relations.

(e) "Commission" means the Public Employment Relations Control Commission.

(f) "Chief of the division" means the Chief of the Division of Public Employment Relations.

(g) "Public agency" means the State, any city, county, city and county, district, or any other political subdivision of the State whether incorporated or not and whether chartered or not If the division determines that a portion of a public agency has a personnel system which taken as a whole is clearly distinguishable and different from that of the public agency as a whole, that portion may constitute a separate public agency for the purpose of this chapter. In determining whether the personnel system of a portion of a public agency is clearly

distinguishable and different, consideration shall be given to the content of the retirement program, method of job classification and setting salaries and other similar matters of the portion of the public agency. A separate department of a public agency may also constitute a separate public agency irrespective of differences between its personnel system and that of the public agency as a whole if the division determines that it would effectuate the purpose of this chapter for the department to be so considered

(h) "Managerial position" means a position in a public agency which has duties which regularly require participation in the determination of the policy of the public agency and which regularly involve the administration of the program of the public agency.

(i) "Confidential position" means a position in a public agency which is directly responsible to an elected official, governing board, administrative or advisory board or commission, or a person in a managerial position and which has duties which regularly involve matters of a confidential nature.

(j) "Governing board" means the elected or appointed board which exercises legislative and executive authority for the public agency as a whole

(k) "Advisory or administrative board or commission" means an elected or appointed board or commission which exercises advisory, administrative, or policymaking functions for a phase of the activities of a public agency.

(*l*) "Recognized employee organization" means an employee organization which has been recognized as provided in Section 3570 and following.

(m) "Employee organization council" means a council of recognized employee organizations as provided in Section 3575

(n) "Representation" means the processes of good faith negotiation, consultation, hearing, and other related processes concerning employment matters and employer-employee relations as provided in Section 3610

(o) "Professional organization" means an organization composed of members of a particular profession, trade, or calling which has as one of its primary purposes the development, establishment and maintenance of standards of practices for members of that profession, trade, or calling, but "professional organization" shall not include any organization which discriminates with regard to the terms or conditions of membership because of race, color, creed or national origin

(p) "Strike" means the refusal of an employee to perform his assigned work because of a dispute over employment relations or working conditions It normally includes the refusal to remain at the normal place of employment and the expectation of return to employment after settlement of the dispute It does not include the resignation of an employee whether or not due to a dispute over employment relations or working conditions

Article 3 Employee Rights

3530 (a) Except as provided in Section 3531, every public employee shall have the right to form, join, and participate in the activities of employee organizations of his choice.

(b) No public employee may knowingly join or participate in an employee organization which advocates the violent overthrow of the government of the United States or of the State of California

(c) Every employee organization may provide reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership

(d) Public agencies shall, upon the request of an employee organization, make deductions from employees' salaries, wages or retirement allowances for the payment of dues in the employee organization and forward these dues to the employee organization The public agency may require the employee organization to pay the additional cost involved in making such deductions or may pay such cost itself

3531 The following persons are excluded from and shall not participate in the activities of an employee organization except as provided in Section 3532·

(a) Public officers elected by the people

(b) Members of the governing board of every public agency whether elected or appointed.

(c) Members of administrative and advisory boards and commissions except those persons who are officers or employees of an employee organization or who are otherwise employees of a public agency and are not excluded by other provisions of this section

(d) Each public agency may designate as excluded under this section one person in a confidential position for each public officer designated in subdivision (a) of this section and one person in a confidential position for each board or commission designated in subdivisions (b) and (c) of this section

(e) With the approval of the division and the recognized employee organization involved, each public agency, as defined in subdivision (g) of Section 3520 may designate a reasonable number of managerial positions and may prohibit the persons holding these positions from joining and actively participating in the activities of an employee organization In no case shall the number of such managerial positions exceed 2 percent of the total number of full-time employees in the public agency.

3532. Persons excluded under Section 3531 are not prohibited from holding honorary, associate, affiliate, or other similar membership in employee organizations so long as such membership does not entitle them to vote, hold office, or participate in the determination of the policies of the employee organization

[Employee Organization Membership of Management Representatives, Alternative 1. To be substituted for Sections 3531 and 3532]

3531 ~~The following persons are excluded from and shall not participate in the activities of an employee organization except as provided in Section 3532.~~

The following persons shall not represent an employee organization in any negotiation, consultation, hearing or other related process concerning employment matters and employer-employee relations involving employees of the public agency in which they are officers or employees nor shall these persons participate in the determination of

the policies of such an employee organization with respect to the public agency in which they are officers or employees:

(a) Public officers elected by the people

(b) Members of the governing board of every public agency whether elected or appointed.

(c) Members of administrative and advisory boards and commissions ~~except those persons who are officers or employees of an employee organization or who are otherwise employees of a public agency and are not excluded by other provisions of this section~~

(d) Each public agency may designate as excluded under this section one person in a confidential position for each public officer designated in subdivision (a) of this section and one person in a confidential position for each board or commission designated in subdivisions (b) and (c) of this section

(e) With the approval of the division and the recognized employee organization involved, each public agency, as defined in subdivision (g) of Section 3520 may designate a reasonable number of managerial positions ~~and may prohibit the persons holding these positions from joining and actively participating in the activities of an employee organization. In no case shall the number of such managerial positions~~ *not* exceed *ing* 2 percent of the total number of full-time employees in the public agency ~~The provisions of this subdivision shall not apply to managerial positions within employee organizations.~~

3532 [Entire section to be stricken]

[Employee Organization Membership of Management Representatives, Alternative 2. To be substituted for Sections 3531 and 3532]

3531 The following persons may not represent an employee organization in relation to any negotiation, consultation, hearing or other related processes concerning employment matters and employer-employee relations as provided in Section 3610, and which relates to the agency, board, commission, or public body in which they are officers or employees:

(a) Public officers elected by the people

(b) Members of the governing board of every public agency whether elected or appointed

(c) Members of administrative and advisory boards and commissions.

(d) Employees in managerial or confidential positions when specifically designated as such, for the purposes of this chapter, by each public agency as defined in subdivision (g) of Section 3520 In no case shall the number of such managerial and confidential positions exceed 2 percent of the total number of full-time employees in the public agency

3532 [Entire section to be stricken]

[End of Employee Organization Membership of Management Representatives, Alternatives 1 and 2]

3533 In individual employment matters, every public employee has the right to represent himself, to be represented by counsel, or to be represented by an employee or professional organization before public officers, public agencies, boards and commissions, and in the courts. Except as otherwise provided in this chapter, employee organ-

izations have the right to represent their members either individually or collectively, and have standing to sue in the courts of this State

Article 4. Prohibitions

3550. No public agency shall, either separately or in concert with an employee organization, take any action which will in any way unlawfully compromise the effectiveness of a merit system in the public agency

3551. Public officers, members of governing boards of public agencies, members of advisory boards and commissions, and persons in managerial or confidential positions are prohibited from performing or attempting to perform any of the following acts:

(a) Requiring or influencing an employee to join a specific employee organization.

(b) Discouraging an employee from joining any employee organization.

(c) Favoring or discriminating against an employee for forming, joining, or participating in the activities of an employee organization.

(d) Interfering in the internal affairs or influencing the determination of the policy of an employee organization.

3552 (a) Violation of Section 3551 shall be a proper reason for disciplinary action

(b) Violation of Section 3551 shall be a misdemeanor.

(c) Violation of Section 3551 shall be a proper basis for the granting of injunctive relief.

3553. (a) No public employee shall have the right to strike against a public agency.

(b) No public employee may refuse to perform any of the duties of his office because of a strike or other concerted action by an employee organization composed of either public employees or employees in private business or both.

(c) A public agency may take appropriate disciplinary or other action based on violation of this section Such action shall be in accordance with the applicable statutes, ordinances, or rules of that public agency.

3554. In negotiations as provided in this chapter, no public agency may enforce its position in employment relations matters by dismissal or layoff or discipline of employees or by discriminating against employees or by threats or coercion

Article 5 Formal Recognition of Employee Organizations

3570 In any public agency, an employee organization may be recognized for the purpose of representing ~~the~~ employees of the public agency in employment matters and in employer-employee relations Recognition shall be given upon certification by the commission that the employee organization has (1) met the required conditions, and (2) has been successful in an appropriate election or has indicated the required membership through payroll deduction records

3571. An employee organization may petition the division for recognition as the organization to represent all employees in a public agency, or as the organization to represent all employees in a designated occu-

pational group within a public agency. If the petition is for an occupational group within a public agency, the occupational group must be composed of employees in the same class, series of occupationally related classes, or occupation and must represent not less than the following percentage of the full-time employees of the whole public agency:

Number of full-time employees	*Percentage required*
Less than 1,000	10
1,000– 4,999	7½
5,000– 9,999	5
10,000–19,999	2½
20,000 and over	2

The preceding percentage standards shall not apply when the division determines that an employee organization has had a substantial history of representation of employees employed by the public agency or other employers if the employees are in the same class, series of occupationally related classes or occupation as the employees in the occupational group petitioned for

Each petition for recognition must include reasonable evidence that a substantial portion of the employees desire to be represented by the petitioning employee organization

3572. Within a reasonable time after receipt of a petition for recognition, the division shall conduct an election by secret ballot among the employees of the public agency

(a) If only one employee organization has petitioned for recognition and has petitioned for recognition as the representative of all employees, and it receives a simple majority of the votes cast, it shall be the only employee organization recognized during the period of certification

(b) If more than one employee organization has petitioned for recognition, and an organization which has petitioned for recognition as the representative of all employees within the public agency receives a two-thirds majority of all votes cast, that organization shall be the only employee organization recognized during the period of certification, except that, if an organization which has petitioned for recognition as the representative of a designated occupational group receives a two-thirds majority of all votes cast in that occupational group, it shall be the employee organization recognized for that occupational group during the period of certification

(c) If all organizations which have petitioned for recognition have petitioned as representatives of all employees within the public agency, the organization receiving a simple majority of the votes cast shall be the only employee organization recognized during the period of certification

(d) If one or more organizations have petitioned for recognition as the representative of all employees and other organizations have petitioned for recognition as representatives of designated occupational groups, and no organization has received a two-thirds majority of all votes cast, then the organization receiving a simple majority of the votes cast within a designated occupational group or within the remainder of the employees of the public agency shall be the employee organization recognized during the period of certification.

(e) If no single employee organization has been recognized, and an organization which has petitioned for recognition as the organization to represent the employees in a designated occupational group receives a simple majority of the votes cast by the employees in that occupational group, it shall be the employee organization recognized during the period of certification for that occupational group

(f) In every election, one of the alternatives presented shall be that no organization be recognized as the organization representing the employees of the public agency or of the designated occupational group.

3573. Upon completion of an election, the division shall certify to the public agency the employee organization or organizations recognized Each certification shall remain in effect for at least two years. After two years and when there is reasonable evidence that employees in a public agency or in any particular occupational group in a public agency desire to be represented by another employee organization, or that they desire that no organization be recognized, the division shall conduct another secret ballot election

3574. The reasonable cost of each recognition election shall be assessed by the division against the employee organization, or organizations, which petitioned for recognition whether or not they were successful in the election. The assessed costs may include the cost of materials, and mailing

3575. When more than one employee organization has been recognized within a public agency, an employee organization council shall be organized. Employee organization councils shall be composed of representatives of recognized employee organizations designated by the employee organizations. Each employee organization council shall select its chairman. Each organization shall have membership ~~on and a vote~~ on the employee council proportionate to the number of employees it has been recognized to represent ~~Where employee councils exist, employee organizations shall not act independently in representing groups of employees but shall act through the employee council Employee organizations may, at any time, independently represent their members in individual employment matters.~~ *Where employee organization councils exist, these councils shall act for their constituent recognized employee organizations in employment matters and employer-employee relations with public agencies insofar as these employment matters and employer-employee relations concern matters and relations of common interest to all employees represented by employee organizations in the council In such matters and relations of common interest each employee organization on the employee organization council shall not act independently but shall act through the council, and each employee organization shall have a vote on the council proportionate to the number of employees it has been recognized to represent. Insofar as the employment matters and employer-employee relations with public agencies concern matters and relations of interest only to employees represented by a particular recognized employee organization representing employees of a public agency or only to individual employees represented by such an employee organization, that employee organization shall independently represent such employees even though an employee organization council exists.*

[Appropriate Unit, Alternative 1. To be substituted for Sections 3571 and 3572]

3571 An employee organization may petition the division for recognition as the organization to represent all employees in a public agency, or as the organization to represent all employees in a designated occupational group within a public agency. If the petition is for an occupational group within a public agency, the occupational group must be composed of employees in the same class, series of occupationally related classes, or occupation and must represent not less than the following percentage of the full-time employees of the whole public agency:

Number of full-time employees	*Percentage required*
Less than 1,000	5
1,000– 4,999	4
5,000– 9,999	3
10,000–19,999	2
20,000 and over	1

The preceding percentage standards shall not apply when the division determines that an employee organization has had a substantial history of representation of employees employed by the public agency or other employers if the employees are in the same class, series of occupationally related classes or occupation as the employees in the occupational group petitioned for.

Each petition for recognition must include *a showing that not less than thirty percent* ~~reasonable evidence that a substantial portion~~ of the employees desire to be represented by the petitioning employee organization. *The showing of interest may be by petition or payroll deduction records.*

3572 Within a reasonable time after receipt of a petition for recognition, the division *shall investigate to determine whether the required conditions have been met and, if so, the division* shall conduct an election by secret ballot among the employees of the public agency.

(a) If only one employee organization has petitioned for recognition and has petitioned for recognition as the representative of all employees, and it receives a simple majority of the votes cast, it shall be the only employee organization recognized during the period of certification.

(b) If more than one employee organization has petitioned for recognition, and an organization which has petitioned for recognition as the representative of all employees within the public agency receives a two-thirds majority of all votes cast, that organization shall be the only employee organization recognized during the period of certification, except that, if an organization which has petitioned for recognition as the representative of a designated occupational group receives a two-thirds majority of all votes cast in that occupational group, it shall be the employee organization recognized for that occupational group during the period of certification.

(c) If all organizations which have petitioned for recognition have petitioned as representatives of all employees within the public agency,

the organization receiving a simple majority of the votes cast shall be the only employee organization recognized during the period of certification

(d) If one or more organizations have petitioned for recognition as the representative of all employees and other organizations have petitioned for recognition as representatives of designated occupational groups, and no organization has received a two-thirds majority of all votes cast, then the organization receiving a simple majority of the votes cast within a designated occupational group or within the remainder of the employees of the public agency shall be the employee organization recognized during the period of certification.

(e) If no single employee organization has been recognized, and an organization which has petitioned for recognition as the organization to represent the employees in a designated occupational group receives a simple majority of the votes cast by the employees in that occupational group, it shall be the employee organization recognized during the period of certification for that occupational group

(f) In every election, one of the alternatives presented shall be that no organization be recognized as the organization representing the employees of the public agency or of the designated occupational group.

[Balance of Article 5 Would Appear as Set Forth Heretofore]
[Appropriate Unit, Alternative 2. To be substituted for Sections 3570 to 3572, *inclusive*]

3570 In any public agency, an employee organization may be recognized for the purpose of representing *an appropriate unit of* ~~the~~ employees of the public agency in employment matters and in employer-employee relations Recognition shall be given upon certification by the *commission* that the employee organization has (1) met the required conditions, and (2) has been successful in an appropriate election or has indicated the required membership through payroll deduction records

3571 The appropriate unit shall be deemed to be all employees of the public ~~jurisdiction~~ *agency* involved, provided that when a petition is timely filed by 30 percent or more of the employees in any public ~~jurisdiction~~ *agency* or in any craft, classification, department or division thereof stating that they desire to be represented ~~for the purposes of bargaining~~ *in employment matters and in employer-employee relations* by any employee organization ~~, association, group or individual~~ in a unit composed of all eligible employees of such public ~~jurisdiction~~ *agency*, craft, classification, department or division, the division shall make an investigation to determine whether or not a question of representation exists, taking into consideration the timeliness of filing of the petition and whether or not the required showing of interest on the part of 30 percent of the eligible employees has been made

3572 ~~Within a reasonable time after receipt of a petition for recognition~~ *If the division determines that a question of representation exists,* the division shall conduct an election by secret ballot among the employees of the public agency *within a reasonable time after receipt of a petition for recognition*.

(a) If only one employee organization ~~has petitioned for~~ *is seeking* recognition *as the representative of the employees of a public agency*

and the organization is seeking ~~and has petitioned for~~ recognition as the representative of all employees, and it receives a simple majority of the votes cast, it shall be the only employee organization recognized during the period of certification

(b) If more than one employee organization ~~has petitioned for~~ *is seeking* recognition *as the representative of the employees of a public agency*, and an organization ~~which has petitioned for~~ *seeking* recognition as the representative of all employees within the public agency receives a two-thirds majority of all votes cast, that organization shall be the only employee organization recognized during the period of certification, except that, if an organization which ~~has petitioned for~~ *is seeking* recognition as the representative of ~~a designated occupational group~~ *the employees in an appropriate unit composed of some portion of the employees of the public agency* receives a two-thirds majority of all votes cast in that ~~occupational group~~ *unit*, it shall be the employee organization recognized for that ~~occupational group~~ *unit of employees* during the period of certification

(c) If all organizations which ~~have petitioned for~~ *are seeking* recognition have ~~petitioned~~ *sought recognition* as representatives of all employees within the public agency, the organization receiving a simple majority of the votes cast shall be the only employee organization recognized during the period of certification

(d) If one or more organizations ~~have petitioned for~~ *are seeking* recognition as the representative of all employees and other organizations ~~have petitioned for~~ *are seeking* recognition as representatives of ~~designated occupational groups~~ *the employees in appropriate units composed of some portion of the employees of the public agency*, and no organization has received a two-thirds majority of all votes cast, then the organization receiving a simple majority of the votes cast within a ~~designated occupational group~~ *unit composed of some portion of the employees*, or within the remainder of the employees of the public agency, shall be the employee organization recognized during the period of certification

(e) If no single employee organization has been recognized, and an organization which ~~has petitioned for~~ *is seeking* recognition as the organization to represent the employees ~~in a designated occupational group~~ *in an appropriate unit composed of some portion of the employees of the public agency* receives a simple majority of the votes cast by the employees in that ~~occupational group~~ *unit*, it shall be the employee organization recognized during the period of certification for ~~that occupational group~~ *that unit of employees*

(f) In every election, one of the alternatives presented shall be that no organization be recognized as the organization representing the employees ~~of~~ *in* the public agency or ~~of the designated occupational group~~ *appropriate units involved*

[Balance of Article 5 Would Appear as Set Forth Heretofore]
[Alternative 3. To be substituted for Sections 3570 to 3575, inclusive]

3570 In any public agency, an employee organization may be recognized for the purpose of representing ~~the~~ employees of the public agency in employment matters and in employer-employee relations. Recognition shall be given upon certification by the commission that

the employee organization has (1) met the required conditions, and (2) has been successful in an appropriate election ~~or has indicated the required membership through payroll deduction records~~.

3571 An employee organization may petition the division for recognition as the organization to represent all employees in a public agency, or as the organization to represent all employees in a designated occupational group within a public agency. If the petition is for an occupational group within a public agency, the occupational group must be composed of employees in the same class, series of occupationally related classes, or occupation ~~and must represent not less than the following percentage of the full-time employees of the whole public agency:~~

~~Number of full-time employees~~	~~Percentage required~~
~~Less than 1,000~~	~~10~~
~~1,000 4,999~~	~~7½~~
~~5,000 9,999~~	~~5~~
~~10,000 19,999~~	~~2½~~
~~20,000 and over~~	~~2~~

~~The preceding percentage standards shall not apply when the division determines that an employee organization has had a substantial history of representation of employees in the occupational group in that public agency.~~

Each petition for recognition must include reasonable evidence that a substantial portion of the employees desire to be represented by the petitioning employee organization.

3572 Within a reasonable time after receipt of a petition for recognition, the division shall conduct an election by secret ballot among the employees of the public agency.

~~(a) If only one employee organization has petitioned for recognition and has petitioned for recognition as the representative of all employees, and it receives a simple majority of the votes cast, it shall be the only employee organization recognized during the period of certification.~~

~~(b) If more than one employee organization has petitioned for recognition, and an organization which has petitioned for recognition as the representative of all employees within the public agency receives a two-thirds majority of all votes cast, that organization shall be the only employee organization recognized during the period of certification; except that, if an organization which has petitioned for recognition as the representative of a designated occupational group receives a two-thirds majority of all votes cast in that occupational group, it shall be the employee organization recognized for that occupational group during the period of certification.~~

~~(c) If all organizations which have petitioned for recognition have petitioned as representatives of all employees within the public agency, the organization receiving a simple majority of the votes cast shall be the only employee organization recognized during the period of certification.~~

~~(d) If one or more organizations have petitioned for recognition as the representative of all employees and other organizations have petitioned for recognition as representatives of designated occupational groups, and no organization has received a two-thirds majority of all votes cast, then the organization receiving a simple majority of the votes cast within a designated occupational group or within the remainder of the employees of the public agency shall be the employee organization recognized during the period of certification.~~

~~(e)~~ If no single employee organization has been recognized, and an organization which has petitioned for recogniton as the organization to represent the employees in a designated occupational group receives a simple majority of the votes cast by the employees in that occupational group, it shall be the employee organization recognized during the period of certification for that occupational group

~~(f)~~ In every election, one of the alternatives presented shall be that no organization be recognized as the organization representing the employees of the public agency or of the designated occupational group.

3573 Upon the completion of an election, the division shall certify to the public agency the employee organization or organizations recognized Each certification shall remain in effect for at least two years After two years and when there is reasonable evidence that employees in a public agency or in any particular occupational group in a public agency desire to be represented by another employee organization, or that they desire that no organization be recognized, the division shall conduct another secret ballot election

~~3571 The reasonable cost of each recognition election shall be assessed by the division against the employee organization, or organizations, which petitioned for recognition whether or not they were successful in the election. The assessed costs may include the cost of materials, and mailing.~~

~~3575~~ *3571* When more than one employee organization has been recognized within a public agency, an employee organization council ~~shall~~ *may* be organized Employee organization councils shall be composed of representatives of recognized employee organizations designated by the employee organizations Each employee organization council ~~shall~~ *may* select its chairman Each organization ~~shall~~ *may* have membership on the employee council proportionate to the number of employees it has been recognized to represent Where employee organization councils exist, these councils ~~shall~~ *may* act for their constituent recognized employee organizations in employment matters and employer-employee relations with public agencies insofar as these employment matters and employer-employee relations concern matters and relations of common interest to all employees represented by employee organizations in the council ~~In such matters and relations of common interest each employee organization on the employee organization council shall not act independently but shall act through the council and each employee organization shall have a vote on the council proportionate to the number of employees it has been recognized to represent~~ Insofar as the employment matters and employer-employee relations with public agencies concern matters and relations of interest only to employees represented by a particular recognized employee

organization representing employees of a public agency or only to individual employees represented by such an employee organization, that employee organization ~~shall~~ *may* independently represent such employees even though an employee organization council exists

[End of Formal Recognition of Employee Organizations, Alternatives 1-3]

Article 6. Designation of Management and Management Councils

3590. In every public agency there shall be designated either a single person or a council which will have the responsibility for acting for that public agency in employment matters and in employer-employee relations. These shall be designated as management representatives and management councils, respectively

3591. Each public agency shall, through its usual processes, designate the management representative or management council which shall act for it for the purpose of this chapter

3592. A management council shall be established for state agencies exclusive of the University of California The State Management Council shall be composed of four persons designated by the Governor, two persons designated jointly by the State Controller, the Attorney General, the State Treasurer, the Secretary of State, the Superintendent of Public Instruction, and the Board of Equalization, and one person designated by the Board of Trustees of the State College System, unless the State College System is designated as a separate public agency in accordance with subdivision (g) of Section 3520. It shall perform the functions designated in Section 3590

The State Management Council shall, after consultation with the various departments, designate the managerial and confidential positions in state employment in accordance with Section 3531

3593. Management representatives and management councils shall be chosen from among persons authorized to represent their public agencies and who are excluded by subdivisions (a), (b) and (c) of Section 3531 from membership and participation in the activities of employee organizations.

Article 7. Representation and Arbitration

3610. The scope of representation shall include all matters relating to employment conditions and employer-employee relations Representation includes, but is not limited to, matters relating to salaries, hours of work, working conditions, grievances and retirement

3611. Recognized employee organizations shall have the following rights:

(a) To be informed on all matters affecting the employment status and conditions of the employees they represent

(b) To be consulted on all such matters

(c) To be given notice, to appear, and to be heard whenever a public board, commission, or officer is considering matters affecting the employment status or conditions of the employees they represent

All public officers shall insure that the rights enumerated in this section are provided to recognized employee organizations

Violation of this section shall be a misdemeanor.

3612. Public agencies and their officers and management representatives shall make decisions and supply answers to specific requests within a reasonable period of time and when a decision or answer is requested of a public agency by an employee organization, the parties shall agree upon what constitutes a reasonable period of time within which the decision or answer shall be given

If, in any instance, the parties fail to agree and the public agency fails to make a requested decision or supply a requested answer within a reasonable period of time, the employee organization involved may seek a writ of mandate in an appropriate court to compel the public agency and its appropriate officers and representatives to make the requested decision or supply the requested answer

3613. Recognized employee organizations or employee organization councils, or their representatives, shall meet with the management representative or council to discuss matters within the scope of representation They shall meet promptly and in all events not later than 10 days after a request for a meeting is made by any party All parties shall negotiate in good faith on matters under consideration and shall attempt to reach agreement

3614 When agreement is reached on matters regarding which the management representative or council has authority to act, the agreed upon decision shall be placed in effect at the time required by law or within a reasonable time after the decision is agreed upon. When agreement is reached on matters regarding which the management representative or council does not have the authority to act, the agreed upon decision shall be presented to the appropriate officer, board, commission, or other public body as a joint management-employee recommendation

3615 When, after good faith negotiations regarding a matter on which the management representative or council has authority to act, either party determines that agreement is not possible that party may elect to refer the matter under consideration to arbitration and all parties shall submit the matter to arbitration Arbitrators shall review all information presented by the parties and may obtain such other information as considered necessary Arbitrators may hold hearings or conduct investigations The decisions of arbitrators shall be in writing and shall state the decision and the facts upon which it was based Decisions of arbitrators are final and binding The decision of the arbitrators shall be put into effect by the management representative or council

3616 When, after good faith negotiations regarding a matter on which the management representative or council does not have the authority to act, either party determines that agreement is not possible, that party may elect to refer the matter under consideration to mediation and all parties shall submit the matter to mediation Mediators shall examine the matter in the same manner as prescribed for arbitrated matters The decision of the mediator shall be presented to the appropriate officer, board, commission, or other public body in lieu of a joint management-employee recommendation

3617 Impartial arbitrators and mediators shall be appointed by the State Judicial Council They shall be persons who are not parties to the negotiations Not more than three persons shall be selected for each matter submitted for arbitration or mediation The Judicial Coun-

cil may, upon the recommendation of the division, appoint arbitrators and mediators who shall serve without charge or for a fee specified by the Judicial Council

3618 The cost of arbitration or mediation, including fees charged by arbitrators and mediators, either in whole or in part may be assessed by arbitrators or mediators against either the employee organization or employee organization council or against the management representative or council or against both Costs may be assessed whenever the arbitrators or mediators determine that negotiations were not carried on in good faith, when actions were unreasonable, or whenever other actions were taken which placed matters in arbitration or mediation unnecessarily If the assessment of costs against one or both of the parties is not appropriate, the cost of arbitration or mediation shall be borne equally by the parties

The division shall provide by rule for limitations on fees charged by arbitrators and mediators and pursuant to such rules and regulations shall recommend to the Judicial Council whether or not the arbitrators or mediators should serve without charge or for a specified fee in a particular proceeding In providing for such limitations and when making its recommendation, the division shall take into account the limits of the financial resources of public agencies and employee organizations

3619 Nothing in this chapter shall be construed as having the effect of divesting any public agency or any board, commission, or other public body of the authority to take any action which it currently is required by law to take regarding employee salaries, working conditions, or other similar matters

Article 8 Administration

3630 There is in the Department of Industrial Relations a division known as the Division of Public Employment Relations which is administered by the Public Employment Relations Control Commission The commission shall consist of seven members, who are appointed by the Governor, by and with the advice and consent of the Senate, and one of whom is designated as chairman by the Governor The term of office of each member of the commission shall be four years Of the members of the commission first appointed, two shall be appointed for a term of one year, two for a term of two years, two for a term of three years, and one for a term of four years

The members of the commission shall be composed of the following persons

(a) Three representatives of public agencies, at least two of whom are not from state employment

(b) Three representatives of employee organizations, at least two of whom are from organizations not representing state employees

(c) One representative who is not connected with public employment

The headquarters of the commission and the division shall be in Sacramento

3631 The division shall administer this chapter and shall have the following powers and shall perform the following duties

(a) Prescribe, amend, and repeal rules, in accordance with the Administrative Procedure Act (Chapter 4 (commencing with Section

11370) and 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), for the administration and enforcement of this chapter In addition, notice of the contents of proposed rules shall be given to public agencies and to recognized employee organizations.

(b) Approve the designation of managerial and confidential positions in accordance with Section 3531

(c) Identify public agencies in accordance with subdivision (g) of Section 3520

(d) Take appropriate action to enforce the provisions of Section 3551

(e) Supervise the formal recognition of employee organizations in accordance with Sections 3570 and following

(f) Hear appeals from actions taken by the chief of the division or by a public agency relating to matters within the scope of this chapter

(g) The division shall have such other powers and duties necessary for the proper enforcement of the provisions of this chapter

3632. Subject to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code), the commission shall appoint a chief of the division and such other personnel as are necessary to carry out and perform the powers, duties, purposes, functions and jurisdiction of the division. The chief of the division shall perform and discharge under the direction and control of the commission the powers, duties, purposes, functions and jurisdiction vested in the division and delegated to him by the commission The chief of the division may redelegate to his subordinates unless by division rule or express provision of law he is specifically required to act personally.

The commission may not delegate to the chief of the division the power to prescribe, amend and repeal rules, the taking of actions to enforce Section 3551 or the hearing of appeals

3633. The division shall make a report which shall be filed with each house of the Legislature within five days after the opening day of each regular session of the Legislature The report shall pertain to matters relating to the administration of this chapter including the status of merit systems in the various public agencies as they are affected by this chapter The report may include recommendations for necessary changes in the statutes relating to the administration of this chapter.

In the preparation of this report, the division shall hold public hearings at which time the various public agencies and recognized employee organizations may present their views and recommendations

Copies of the report shall be made available to public agencies and recognized employee organizations without cost

3634 In matters relating to the administration of this chapter, a majority of the members of the commission shall constitute a quorum The concurring vote of a majority of the members of the commission shall be required to make any action of the commission effective.

3635 The commission shall meet as often as the needs of the public service may require but shall meet at least bimonthly Meetings of the

commission shall be open to the public, and any interested person shall be given reasonable opportunity to be heard.

3636 The salary of each member of the commission shall be twenty-five dollars ($25) for each day that the commission meets. Each member shall also receive his actual and necessary travel expenses incurred in the course of his duties

3637 All officers and employees of the State and of any public agency shall aid in all proper ways in carrying into effect this chapter and the rules adopted by the division and public agencies pursuant hereto

SEC 3 There is hereby appropriated from the General Fund the sum of sixty-two thousand dollars ($62,000), to be allocated by the Department of Finance, for the purpose of payment of salaries and wages and other costs of the operation of the Division of Public Employment Relations

[Firefighters Alternative 1]

SEC 4 Section 1961 of the Labor Code is amended to read:

1961 As used in this chapter, the term "employees" means the employees of the fire departments and fire services of ~~the State,~~ counties, cities, cities and counties, districts, and other political subdivisions of the State

[Firefighters Alternative 2]

SEC 4 Chapter 4 (commencing with Section 1960) of Part 7 of Division 2 of the Labor Code is repealed

APPENDIX B

Analysis and comparison of the provisions of Assembly Bill No. 1966 of the 1961 Regular Session, as amended in Assembly April 5, 1961, and the bill as it would read in the form considered by the Assembly Interim Committee on Civil Service and State Personnel at a committee hearing held in Sacramento on November 19 and 20, 1962.

Assembly Bill 1966 of the 1961 session, as amended in Assembly April 5, 1961, would have added a Chapter 10 (commencing with Section 3500) to Division 4 of Title 1 of the Government Code (Sec 1 of the bill) The proposed act, which would have been entitled "Public Employee Formal Representation Act" (Sec 3500)*, would have done all of the following

Declared the Legislature's purpose to be to provide for the establishment of the best possible employment relationships between the management and employees of the various public agencies in California through a system of formal representation based upon the following principles

(1) One identified management and one identified employee organization or council in each public agency; (2) preservation of the rights of individual employees, (3) preservation of existing orderly processes of governmental operations, (4) recognition that the public interest and processes of good government require the establishment of a formal system of representation different in some respects from that existing in private enterprise, (5) recognition of the right and responsibility of each public agency to make final decisions regarding employment matters and employer-employee relationships, (6) participation of the people in the personnel processes of public agencies through their elected representatives, (7) good faith negotiation between management in public agencies and recognized employee organizations, (8) impartial arbitration or mediation of unresolved differences; (9) preservation of orderly government through the elimination of work stoppages, layoffs, lockouts and other related means of coercion in public employment, (10) promotion of efficiency, consistency, harmony and economy in public employment, and (11) preservation and extension of merit systems in the public agencies of

* Sections referred to are those which A B 1966 would have added to the Government Code

Assembly Bill 1966 as it would read in the form considered by the Assembly Interim Committee on Civil Service and State Personnel at the committee hearing held in Sacramento on November 19 and 20, 1962,* would add a Chapter 10 (commencing with Section 3500) to Division 4 of Title 1 of the Government Code (Sec 2 of the bill) The proposed act, which would be entitled "Public Employee Formal Representation Act" (Sec 3500),† would do all of the following

Declare the Legislature's purpose to be to provide for the establishment of the best possible employment relationships between the management and employees of the various public agencies in California through a system of formal representation based upon the following principles

(1) Identifiable management and identifiable employee representatives in employer-employee relations in public service; (2) preservation of the rights of individual employees, (3) preservation of existing orderly processes of governmental operations, (4) recognition that the public interest and processes of good government require the establishment of a formal system of representation different in some respects from that existing in private enterprise, (5) recognition of the right and responsibility of each public agency to make final decisions regarding employment matters and employer-employee relationships, except in those instances where the decision has been submitted to arbitration; (6) participation of the people in the personnel processes of public agencies through their elected representatives, (7) good faith negotiation between management in public agencies and recognized employee organizations, (8) impartial arbitration or mediation of unresolved differences; (9) preservation of orderly government through the elimination of

* Including certain amendments proposed at the hearing

† Sections referred to are those which A B 1966 would add to the Government Code, as the bill would read in the form considered by the Assembly Interim Committee on Civil Service and State Personnel at the committee hearing held in Sacramento on November 19 and 20, 1962

California so that the people of the State will be assured of able and competent employees, so that adequate standards of service can be established and maintained, and so that all of the people will continue to have an adequate opportunity to compete for selection to positions in public employment (Sec 3501)	work stoppages, layoffs, and lockouts in public employment; (10) promotion of efficiency, consistency, harmony and economy in public employment, and (11) preservation and extension of merit systems in the public agencies of California so that the people of the State will be assured of able and competent employees, so that adequate standards of service can be established and so that all of the people will continue to have an adequate opportunity to compete for selection to positions in public employment (Sec 3501)
Provided that the provisions of the act shall be liberally construed and shall be severable (Sec 3504).	Provide that the provisions of the act shall be liberally construed, shall be severable, and shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public employees (Sec. 3505).
Defined "public agency" as the State, every city, every county, every city and county, every district, and every other political subdivision of the State (Secs 3502 and 3520(d)) However, the Public Employment Relations Control Agency, created by the act, would have been authorized to determine that a portion of a public agency having a personnel system clearly distinguishable and different from that of the agency as a whole constitutes a separate public agency for the purposes of the act's provisions (Sec 3520(d))	Define "public agency" as the State, any city, county, city and county, district, or any other political subdivision of the State, whether incorporated or not and whether chartered or not (Sec 3520(g)) However, the Division of Public Employment Relations, created by the act, would be authorized to determine that a portion or a public agency having a personnel system clearly distinguishable and different from that of the agency as a whole constitutes a separate public agency for the purposes of the act, and in addition may determine that a separate department of a public agency also constitutes a separate public agency if the division determines that such would effectuate the purposes of the act (Sec 3520(g))
Excluded from the coverage of the act public agencies with 25 or less full-time employees, public agencies which have specific statutory provisions providing different methods of formal representation, and public school districts (Sec 3503)	Exclude from the coverage of the act public agencies engaged in governmental as distinguished from proprietary activities and employing 15 or less full-time employees, the Los Angeles Metropolitan Transit Authority and certain other specified transit districts, and public school districts (Sec 3503) It has been proposed that firefighters be included under the act (Firefighter Alternative 2) and, alternatively, that firefighters employed by counties, cities, cities and counties, districts, and other political subdivisions of the State be excluded from the act (Firefighter Alternative 1)
Defined "public employee" to mean every officer and employee of a public agency (Sec 3520(b))	Define "public employee" to mean every officer and employee of a public agency (Sec 3520(b))

Defined "employee organization" to mean any employee organization which has as one of its primary purposes representing its members in employment matters and employer-employee relations (Sec 3520(c))	Define "employee organization" to mean any employee organization which has as one of its primary purposes representing its members in employment matters and employer-employee relations, but not including any organization which discriminates with regard to the terms or conditions of membership because of race, color, creed, or national origin (Sec 3520(c))
Defined "representation" to mean the processes of good faith negotiation, consultation, hearing, and other related processes concerning employment matters and employer-employee relations (Sec 3520(k)).	Define "representation" to mean the processes of good faith negotiation, consultation, hearing, and other related processes concerning employment matters and employer-employee relations (Sec 3520(n))
In addition, the proposed act would have specially defined the terms "merit system," "managerial position," "confidential position," "governing board," "advisory or administrative board or commission," "recognized employee organization," "employee council," "professional organization," "strike," "agency," "executive officer," and "board" (Sec 3520)	In addition, the proposed act would specially define the terms 'merit system," "managerial position," "confidential position," 'governing board," "advisory or administrative board or commission," "recognized employee organization,' 'employee organization council," "professional organization," "strike," "division," "chief of the division," and "commission" (Sec 3520)
Declared that, except as otherwise provided in the act, every public employee shall have the right to form, join, and participate in the activities of an employee organization of his choice However, employees would have been prohibited from knowingly joining or participating in an employee organization which advocates the violent overthrow of the government of the United States or of this State (Sec. 3530(a) (b))	Declare that, except as otherwise provided in the act, every public employee shall have the right to form, join, and participate in the activities of an employee organization of his choice However, employees would be prohibited from knowingly joining or participating in an employee organization which advocates the violent overthrow of the government of the United States or of this State (Sec 3530(a) (b))
Authorized employee organizations to provide reasonable restrictions regarding membership and dismissal of individuals from membership in employee organizations (Sec 3530(c))	Authorize employee organizations to provide reasonable restrictions regarding membership and dismissal of individuals from membership in employee organizations (Sec 3530(c))
	Authorize public agencies upon request of an employee organization to make payroll deductions of dues and to require the employee organization to pay the additional cost involved or to pay such cost itself (Sec 3530(d))
Excluded public officers elected by the people, members of the governing board of public agencies, members of administrative and advisory boards and commissions, with certain specified exceptions, and certain designated persons in confidential and managerial positions from, and prohibited their participation in, the activities of employee organizations (Sec 3531) other than with respect to honorary, associate, affiliate, or other similar memberships not entitling	Exclude public officers elected by the people, members of the governing board of public agencies, members of administrative boards and commissions, with certain specified exceptions, and certain designated persons in confidential and managerial positions from, and prohibit their participation in, the activities of employee organizations (Sec 3531) other than with respect to honorary, associate, affiliate, or other similar memberships not entitling them to vote, hold

them to vote, hold office, or participate in policy determinations of the employee organization (Sec 3532)

Authorized public agencies to designate certain specified confidential positions and, with the approval of the Public Employment Relations Control Agency and after consultation with the recognized employee organization, managerial positions (Secs 3531(d), 3592).

Prohibited public officers, members of governing boards of public agencies, members of advisory boards and commissions, and persons in managerial and confidential positions from performing or attempting to perform any of the following acts (1) requiring or influencing employees to join specific employee organizations, (2) discouraging employees from joining any employee organization, (3) favoring or discriminating against employees for forming, joining, or participating in an employee organization, or (4) interfering in the internal affairs or influencing the determination of the policy of an employee organization (Sec 3551) Made violation a reason for disciplinary action by the Public Employment Relations Control Agency or other appropriate agency and, further, a misdemeanor and basis for the granting of injunctive relief (Sec 3552)

office, or participate in policy determinations of the employee organization (Sec 3532)

It has been proposed that in lieu of the foregoing provisions excluding certain persons from participation in the activities of employee organizations, that public officers, members of governing boards, and members of administrative and advisory boards and commissions, and certain designated persons in confidential and managerial positions be prohibited from representing employee organizations in negotiations, consultations, and hearings concerning employment matters and employer-employee relations involving employees of their agencies and further prohibiting these persons from participation in policy determinations of employee organizations with respect to their public agencies (Employee Organization Membership of Management Representatives, Alternative 1) Alternatively, it has been proposed that such persons merely be prohibited from representing employee organizations in relation to any negotiation, consultation, hearing, or other related process concerning employment matters and other employer-employee relations relating to their public agency (Employee Organization Membership of Management Representatives, Alternative 2)

Authorize public agencies to designate certain specified confidential positions and, with the approval of the Division of Public Employment Relations and the recognized employee organization, managerial positions (Secs 3531(d), 3592)

Prohibit public officers, members of governing boards of public agencies, members of advisory boards and commissions, and persons in managerial and confidential positions from performing or attempting to perform any of the following acts (1) requiring or influencing employees to join specific employee organizations; (2) discouraging employees from joining any employee organization, (3) favoring or discriminating against employees for forming, joining, or participating in an employee organization, or (4) interfering in the internal affairs or influencing the determination of the policy of an employee organization (Sec 3551) Make violation a reason for disciplinary action and, further, a misdemeanor and basis for the granting of injunctive relief (Sec 3552).

Prohibited public agencies and employee organizations from taking any action which would in any way compromise the effectiveness of the merit system in that agency (Sec 3550)

Prohibited public agencies from enforcing their position in employment relations matters by dismissal or layoff or discipline of employees or by discriminating against employees or by threats or coercion (Sec 3554)

Provided that public employees shall not have the right to strike against any public agency nor refuse to perform any duties because of a strike or other concerted action by an employee organization, and that public agencies are authorized to take appropriate disciplinary action in accordance with the applicable law for violations of these provisions (Sec 3553)

Authorized public agencies to recognize employee organizations for the purpose of representing the employees of that agency in employment matters and employer-employee relations Such recognition would have been upon certification by the Public Employment Relations Control Board, created by the act, that the organization has met specified conditions and indicated its representative status through an election or payroll deduction records (Sec. 3570).

Permitted employee organizations to petition the Public Employment Relations Control Agency for recognition as the representative of employees in a public agency or in an occupational group in that public agency Such a petion could have been filed to represent employees in a particular occupational group if that group constituted certain specified percentages of the employees of the whole public agency and met certain other specified conditions Petitions would have had to include reasonable evidence that a substantial portion of the employees desired representation (Sec 3571).

Prohibit public agencies and employee organizations from taking any action which would in any way unlawfully compromise the effectiveness of the merit system in that agency (Sec. 3550)

Prohibit public agencies from enforcing their position in negotiations of employment relations matters by dismissal or layoff or discipline of employees or by discriminating against employees or by threats or coercion (Sec 3554)

Provide that public employees shall not have the right to strike against any public agency nor refuse to perform any duties because of a strike or other concerted action by an employee organization, and that public agencies are authorized to take appropriate disciplinary action in accordance with the applicable law for violations of these provisions (Sec 3553)

Authorize public agencies to recognize employee organizations for the purpose of representing the employees of that agency in employment matters and employer-employee relations Such recognition would be upon certification by the Public Employment Relations Control Commission, created by the act, that the organization has met specified conditions and indicated its representative status through an election or payroll deduction records (Sec 3570)

Permit employee organizations to petition the Division of Public Employment Relations for recognition as the representative of employees in a public agency or in an occupational group in that public agency Such a petition could be to represent employees in a particular occupational group if that group constituted certain specified percentages of the employees of the whole public agency or it is determined by the division that the employee organization has had a substantial history of representation of employees employed by the public agency or other employers if the employees are in the same class, series of occupationally related classes, or occupation as the employees in the occupational group petitioned for Petitions would have to include reasonable evidence that a substantial portion of the employees desired representation (Sec 3571)

Required that the Public Employment Relations Control Agency, within a reasonable time after the receipt of a petition for recognition, conduct a secret ballot election Specified certain proportions of the vote which, if obtained by an employee organization, would entitle that organization to be certified as the representative of the employees involved These specified proportions included a provision that if one or more employee organizations petition, and one organization which has petitioned for all employees within a public agency receives a two-thirds majority of all votes, that organization shall be the only organization recognized (Secs 3572, 3573)

Required that certifications remain in effect for at least two years, and required that thereafter when there is reasonable evidence that the employees involved desire to be represented by another employee organization, or by no employee organization, that the Public Employment Relations Control Agency conduct another election (Sec. 3573)

Required that costs of elections be assessed against employee organizations petitioning therefor (Sec 3574)

Required, when more than one employee organization is recognized within a public agency, that an employee organization council be organized consisting of representatives from each employee organization in numbers proportionate to the number of employees which each organization represents Provided that where employee councils exist, employee organizations shall act through the councils where they shall have a vote proportionate to the number of employees represented, but may independently represent their members in individual employment matters (Sec. 3575).

Require that the Division of Public Employment Relations, within a reasonable time after the receipt of a petition for recognition, conduct a secret ballot election Specify certain proportions of the vote which, if obtained by an employee organization, would entitle that organization to be certified as the representative of the employees involved These specified proportions include a provision that if one or more employee organizations petition, and one organization which has petitioned for all employees within a public agency receives a two-thirds majority of all votes, that organization shall be the only organization recognized, except that if the organization petitioning for a designated occupational group receives a two-thirds majority within that group, it shall be the organization recognized for that group (Secs 3572, 3573)

Require that certifications remain in effect for at least two years, and require that thereafter when there is reasonable evidence that the employees involved desire to be represented by another employee organization or by no employee organization, that the Division of Public Employment Relations conduct another election (Sec 3573)

Require that costs of elections be assessed against employee organizations petitioning therefor (Sec 3574).

Require, when more than one employee organization is recognized within a public agency, that an employee organization council be organized consisting of representatives from each employee organization in numbers proportionate to the number of employees which each organization represents. Provide that where employee organization councils exist, these councils shall act for their constituent organizations in employment matters insofar as these matters are of common interest to all employees represented, and each organization shall have a vote in the council proportionate to the number of employees it is recognized to represent. However, insofar as matters are of concern only to employees represented by a particular organization or only to individual employees represented by an organization, that organization shall independently represent such employees (Sec 3575)

It has been proposed that the foregoing provisions relating to petitions

and elections to establish representation of public employees be altered as follows.

Appropriate Unit, Alternative 1: Reduce the specified percentages required to entitle an employee organization to petition to represent employees in a particular occupational group in a public agency and to require that a petition for recognition include a showing that not less than 30 percent of the employees desire to be represented by the petitioning organization and to provide that such showing may be by petition or payroll deduction records [The remaining provisions of the bill relating to recognition of employee organizations would be as set forth heretofore]

Appropriate Unit, Alternative 2: Authorize public agencies to recognize employee organizations for the purpose of representing an appropriate unit of employees of that agency in employment matters and employer-employee relations Provide that an appropriate unit shall be deemed to be all employees of the agency involved, providing that when a petition is timely filed by 30 percent or more of the employees in any public agency or in any craft, classification, department or division thereof, stating that they desire to be represented by any employee organization in a unit composed of all eligible employees of such agency, craft, classification, department or division, the Division of Public Employment Relations shall make an investigation to determine whether or not a question of representation exists, taking into consideration the timeliness of filing of the petition and whether or not there is the required showing of interest [The remaining provisions of the bill relating to recognition of employee organizations would be as set forth heretofore]

Appropriate Unit, Alternative 3 Authorize public agencies to recognize employee organizations for the purpose of representing the employees of that agency in employment matters and employer-employee relations. Such recognition would be upon certification by the Public Employment Relations Con-

trol Commission that the organization has met specified conditions and indicated its representative status through election (Sec 3570)

Permit employee organizations to petition the Division of Public Employment Relations for recognition as the representative of employees in a public agency or in an occupational group in that public agency Require that the Division of Public Employment Relations, within a reasonable time after receipt of a petition for recognition, conduct a secret ballot election, and certify that organization to the public agency as the representative of the employees involved (Secs. 3572, 3573)

Require that certifications remain in effect for at least two years, and require that thereafter when there is reasonable evidence that the employees involved desire to be represented by another employee organization or by no employee organization, that the Division of Public Employment Relations conduct another election (Sec 3573)

Provide that, when more than one employee organization is recognized within a public agency, that an employee organization council may be organized consisting of representatives from each employee organization in numbers proportionate to the number of employees which each organization represents Provide that where employee organization councils exist, these councils may act for their constituent organizations in employment matters insofar as these matters are of common interest to all employees represented, and each organization shall have a vote in the council proportionate to the number of employees it is recognized to represent However, insofar as matters are of concern only to employees represented by a particular organization or only to individual employees represented by an organization, that organization may independently represent such employees (Sec 3575)

Required public agencies to designate a management representative or management council to act for the agency in employment matters and employer-employee relations (Secs 3590, 3591).

Require public agencies to designate a management representative or management council to act for the agency in employment matters and employer-employee relations (Secs 3590, 3591)

Required that a management council be established for state agencies, exclusive of the University of California, and specified the manner of selection of its members Required that the State Management Council after consultation with the state departments designate managerial and confidential positions in state employment (Sec 3592).

Provided that management representatives and councils shall be chosen from among persons excluded from the coverage of the act (Sec 3593)

Required employee organizations or employee councils, or their representatives, to meet regularly with management representatives to discuss matters within the scope of representation and to negotiate in good faith on all matters under consideration and to attempt to reach agreement (Sec 3613).

Included within the scope of representation all matters relating to employment conditions and employer-employee relations, including, but not limited to, salaries, hours of work, working conditions, grievances, and retirement (Sec 3610)

Granted employee organizations the right to be informed and consulted on all matters affecting employment status and conditions of the employees they represent and to be given notice to appear and to be heard concerning such matters and required public agencies to make decisions and supply answers to specific requests within a reasonable period of time (Secs 3611, 3612).

Provided that when agreement is reached on matters regarding which the management representative or council has authority to act, the agreed upon decision shall be placed in effect Required, if the management representative or council does not have authority to act, that the agreed upon decision be presented to the appropriate officer, board, commission, or other public body, as a joint management-employee recommendation (Sec 3614)

Require that a management council be established for state agencies, exclusive of the University of California, and specify the manner of selection of such members Require that the State Management Council after consultation with the state department designate managerial and confidential positions in state employment (Sec 3592).

Provide that management representatives and councils shall be chosen from among persons authorized to represent their agency and who are excluded from the coverage of the act (Sec 3593).

Require employee organizations or employee councils, or their representatives, to meet promptly, and in all events not later than 10 days after request, with management representatives, to discuss matters within the scope of representation and to negotiate in good faith on all matters under consideration and to attempt to reach agreement (Sec 3613)

Include within the scope of representation all matters relating to employment conditions and employer-employee relations, including, but not limited to, salaries, hours of work, working conditions, grievances, and retirement (Sec. 3610)

Grant employee organizations the right to be informed and consulted on all matters affecting employment status and conditions of the employees they represent and to be given notice to appear and to be heard concerning such matters and require public agencies to make decisions and supply answers to specific requests within a reasonable period of time Provide that the parties shall agree upon what constitutes a reasonable period of time (Secs 3611, 3612)

Make violation of certain of the foregoing provisions a misdemeanor or subject to writ of mandate (Secs 3611, 3612)

Provide that when agreement is reached on matters regarding which the management representative or council has authority to act, the agreed upon decision shall be placed in effect Require, if the management representative or council does not have authority to act, that the agreed upon decision be presented to the appropriate officer, board, commission, or other public body, as a joint management-employee recommendation (Sec 3614)

If either party determines that agreement is not possible and the negotiations concern a matter upon which the management representative or council has the authority to act, authorized that party to refer the matter to arbitration Made decision of the arbitrator final and binding and required the management representative or council to put it into effect (Sec 3615) If the management representative or council does not have authority to act upon the matter under negotiation and either party determines that agreement is not possible, authorized that party to refer the matter to mediation Required that the decision of the mediator be presented to the appropriate officer, board, commission, or public body in lieu of a joint management-employee recommendation (Sec 3616)	If either party determines that agreement is not possible and the negotiations concern a matter upon which the management representative or council has the authority to act, authorize that party to refer the matter to arbitration and require all parties to submit to arbitration Make decision of the arbitrator final and binding and require the management representative or council to put it into effect (Sec 3615) If the management representative or council does not have authority to act upon the matter under negotiation and either party determines that agreement is not possible, authorize that party to refer the matter to mediation and require all parties to submit to mediation Require that the decision of the mediator be presented to the appropriate officer, board, commission, or public body in lieu of a joint management-employee recommendation (Sec 3616)
Provided for appointment of arbitrators and mediators by the State Judicial Council (Sec 3617), and provided that costs may be assessed against either the employee organization or council, the management representative or council, depending upon the arbitrator's or mediator's determinations with respect to the good faith, reasonableness and necessity of the party's action Provided that if assessment of costs against one or both parties is not appropriate costs shall be borne equally by the parties (Sec 3618)	Provide for appointment of arbitrators and mediators by the State Judicial Council (Sec 3617), and provide that costs, including fees charged by arbitrators and mediators, may be assessed against either the employee organization or council, the management representative or council, depending upon the arbitrator's or mediator's determinations with respect to the good faith, reasonableness and necessity of the party's action Provide that if assessment of costs against one or both parties is not appropriate, costs shall be borne equally by the parties Provide that arbitrators and mediators may be required to serve without charge or for fees recommended by the division pursuant to division rules (Sec 3618)
Authorized public employees to represent themselves in individual employment matters or to be represented by counsel or by an employee or professional organization when appearing before public officers, public agencies, boards and commissions, and the courts Authorized employee organizations to represent their members either individually or collectively (Sec 3533)	Authorize public employees to represent themselves in individual employment matters or to be represented by counsel or by an employee or professional organization when appearing before public officers, public agencies boards and commissions, and the courts Authorize employee organizations to represent their members either individually or collectively and provide that such organizations shall have standing to sue in the courts of this State (Sec 3533).
Established a Public Employment Relations Control Agency administered by a Public Employment Relations Control Board and prescribed the composition and procedure of the board (Secs 3630, 3634, 3635, 3636)	Establish a new division in the Department of Industrial Relations, the Division of Public Employment Relations, administered by a Public Employment Relations Control Commission and prescribe the composition and procedure of the commission (Secs 3630, 3634, 3635, 3636)

Required the Public Employment Relations Control Agency to administer the proposed "Public Employee Formal Representation Act" and granted to the agency the following powers and duties (1) prescribing, amending and repealing rules for the administration and enforcement of the proposed act, (2) approving designations of managerial and confidential positions, (3) identifying "public agencies" when such constitute a portion of a larger public agency, (4) taking appropriate action to enforce the provisions relating to prohibited activities by public agencies, (5) supervising the formal recognition of employee organizations, (6) hearing appeals from actions taken by the executive officer of the board or by a public agency relating to matters within the scope of the provisions of the act, and (7) such other powers and duties necessary for the proper enforcement of the provisions of the act (Sec 3631)	Require the Division of Public Employment Relations to administer the proposed "Public Employee Formal Representation Act" and grant to the division the following powers and duties (1) prescribing, amending and repealing rules for the administration and enforcement of the proposed act, (2) approving designations of managerial and confidential positions, (3) identifying "public agencies" when such constitute a portion of a larger public agency, (4) taking appropriate action to enforce the provisions relating to prohibited activities by public agencies, (5) supervising the formal recognition of employee organizations, (6) hearing appeals from actions taken by the chief of the division or by a public agency relating to matters within the scope of the provisions of the act, and (7) such other powers and duties necessary for the proper enforcement of the provisions of the act (Sec 3631)
Authorized the appointment of an executive officer for the Public Employment Relations Control Agency and designated his duties (Sec 3632)	Authorize the appointment of a chief of the Division of Public Employment Relations and designate his duties (Sec 3632)
Required the agency to make an annual report to the Legislature and to hold public hearings at which public agencies and employee organizations may present their views and recommendations (Sec 3633)	Require the division to make an annual report to the Legislature and to hold public hearings at which public agencies and employee organizations may present their views and recommendations (Sec 3633)
Required all officers and employees of the State and of any public agency to aid in all proper ways in carrying into effect the provisions of the act and agency rules adopted pursuant thereto (Sec 3637)	Require all officers and employees of the State and of any public agency to aid in all proper ways in carrying into effect the provisions of the act and rules adopted by the division and public agencies pursuant thereto (Sec 3637) Provide that the act shall not be construed as having the effect of divesting any public agency or board, commission, or other public body of the authority to take any action currently required by law regarding salaries, working conditions, or other similar matters (Sec 3619) Amend and renumber Chapter 10 (commencing with Sec 7500) of Division 4 of Title 1 of the Government Code to provide that the provisions of that chapter shall be applicable to all employee organizations, public agencies, and public employees except those to which the provisions of the proposed "Public Employee Formal Representation Act" apply (Sec 1 of the bill)
Appropriated $62,000 for payment of salaries, wages, and other costs of the Public Employment Relations Control Agency (Sec 2 of the bill).	Appropriate $62,000 for payment of salaries, wages, and other costs of the Division of Public Employment Relations (Sec. 3 of the bill).

APPENDIX C

Report of President's Task Force on Employee-Management Relations in the Federal Service, and statement by President approving Task Force report

January 8, 1962

DEAR MR. PRESIDENT.

In accordance with the instructions of your memorandum of June 22, 1961, I am transmitting herewith the report of the President's Task Force on Employee-Management Relations in the Federal Service

The principal recommendation which we wish to make to you may be seen from the title of our report: "A Policy for Employee-Management Co-operation in the Federal Service"

At the present time, the federal government has no presidential policy on employee-management relations, or at least no policy beyond the barest acknowledgment that such relations ought to exist Lacking guidance, the various agencies of the government have proceeded on widely varying courses Some have established extensive relations with employee organizations, most have done little, a number have done nothing The Task Force is firmly of the opinion that in large areas of the government we are yet to take advantage of this means of enlisting the creative energies of government workers in the formulation and implementation of policies that shape the conditions of their work

This situation has attracted increasing interest from the Congress, from federal officials, from scholars in the field of public administration, and from public spirited groups such as the National Civil Service League The Task Force has received much assistance from these sources in our study of existing practices within the government, and in our consideration of policies for the future As was to be expected, we enjoyed the full co-operation of the many employee organizations, but we would like to remark upon the mature and reasoned quality of that co-operation The employee organizations of the federal government are not strangers in our midst Some of the largest date back to the 19th century Altogether they have enlisted some 33 percent of federal employees; for decades they have maintained themselves as nationwide, stable, responsible organizations

The Task Force believes the time has come to establish a government-wide presidential policy which acknowledges the legitimate role which these organizations should have in the formulation and implementation of federal personnel policies and practices.

We believe, further, that the proposals which we are recommending, if adopted on a governmentwide basis, would constitute a historic development in federal personnel policy At the same time we would emphasize the fact that it was not necessary for us to seek far or wide to come up with our recommendations With but minor exceptions, everything which we propose as a governmentwide policy for the future is at this moment the existing, established policy of one federal agency or another We have fashioned a program of our own materials, choosing that which has already been tested and has proved its worth within the federal government

In proposing a governmentwide policy on employee-management relations, we are not proposing the establishment of uniform government-

wide practices The great variations among the many agencies of the government require that each be enabled to devise its own particular practices, in co-operation with its own employees. Our object is to lay down the general policies which should guide such efforts. Our proposals. then, are as follows:

A The Federal Employee's Right to Organize.

Federal employees have the right to join bona fide employee organizations. This right encompasses the right to refrain from joining. Wherever any considerable number of employees have organized for the purpose of collective dealing, the attitude of the government should be that of an affirmative willingness to enter such relations.

B Forms of Recognition.

Bona fide organizations of federal employees, which are free of restrictions or practices denying membership because of race, color, creed or national origin, which are free of all corrupt influences, and do not assert the right to strike or advocate the overthrow of the government of the United States should be recognized by government agencies

Organizations of federal employees should be granted recognition essentially according to the extent to which they represent employees in a particular unit or activity of a government agency. This recognition may be informal, formal, or exclusive.

1 Informal Recognition

Informal recognition gives an organization the right to be heard on matters of interest to its members, but places an agency under no obligation to seek its views Informal recognition will be granted to any organization, regardless of what status may have been extended to any other organization.

2. Formal Recognition

Formal recognition will be granted to any organization with 10 percent of the employees in a unit or activity of a government agency, where no organization has been granted exclusive recognition Formal recognition gives an organization the right to be consulted on matters of interest to its members

3 Exclusive Recognition

Exclusive recognition will be granted to any organization chosen by a majority of the employees in an appropriate unit. Exclusive recognition gives an organization the right to enter collective negotiations with management officials with the object of reaching an agreement applicable to all employees of the unit. Such agreements must not conflict with existing federal laws or regulations, or with agency regulations, or with governmentwide personnel policies, or with the authority of the Congress over various personnel matters.

C. Veterans Organizations

The recognition of employee organizations should not affect the special relationship of veterans organizations with government agencies

D. Religious and Social Organizations.

The recognition of employee organizations should not preclude limited dealings with employee groups formed for religious or social purposes

E The Scope of Consultations and Negotiations With Employee Organizations

Consultations or negotiations, according to the form of recognition granted, may concern matters in the area of working conditions and personnel policies, within the limits of applicable federal laws and regulations, and consistent with merit system principles

Accordingly, as an employee organization has been granted formal or exclusive recognition, it may consult with or negotiate with management officials on matters of concern to employees.

F. Procedure to Be Adopted in the Vent of Impasses.

Impasses in negotiations between government officials and employee organizations granted exclusive recognition should be solved by other means than arbitration Methods for helping to bring about settlements should be devised and agreed to on an agency by agency basis.

G Form of Agreements

Agreements between management officials and employee organizations granted exclusive recognition should be reduced to writing in an appropriate form Decisions reached by management officials as a result of consultation with employee organizations granted formal recognition may also be communicated in writing to the organization concerned Negotiations should be kept within reasonable time limits.

H Services That May Be Provided for Employee Organizations

Bulletin boards should be made available to employee organizations Officially approved or requested consultations with employee organizations should take place on official time. An agency may require that negotiations with an employee organization granted exclusive recognition take place on employees' time. No internal employee organization business should be conducted on official time If authorized by Congress, voluntary dues withholding may be granted to an employee organization, provided the cost is paid for by the organization.

I Grievances

Employee organizations should have a recognized role in grievance systems Advisory arbitration may be provided by agreement between an agency and an employee organization granted exclusive recognition.

J Appeals

A more uniform system of appeals of adverse actions should be established by government agencies Veterans and nonveterans should have identical rights to appeal adverse actions to the Civil Service Commission

K Union Membership

The union shop and the closed shop are inappropriate to the federal service

L. Technical Services for the Federal Employee-Management Relations Program

Technical services required to implement the proposals contained in this report should be provided by the Civil Service Commission and the Department of Labor Upon request, the Secretary of Labor shall choose a person or persons to make advisory determinations on appropriate units for exclusive recognition and to perform similar services The Department of Labor and the Civil Service Commission jointly should prepare recommendations for standards of conduct for employee organizations and a code of fair labor practices for the federal service

In conclusion, I would like to note that it is the opinion of the Task Force that all of the measures proposed by us may be accomplished by Executive Order, with the exception of the provision for the withholding of employee organization dues which will require authorization by the Congress

Respectfully,

ARTHUR J GOLDBERG
Chairman
Secretary of Labor

Copy of the Statement by the President Approving the Task Force Report

The Task Force on Employee-Management Relations in the Federal Service which I appointed last June has submitted a report recommending a constructive, forward-looking program of employee-management relations within the federal establishment keyed to current needs The task force has done an excellent job in a difficult and complicated field

While preserving the public interest as the paramount consideration in the administration of employee-management relations in the federal service and retaining appropriate management responsibilities, the task force report recognizes the right of federal employees and employee organizations to participate in developing improved personnel policies and working conditions In recommending that employee organizations be consulted and that under specified conditions agreements with such organizations may be entered into, the task force has urged a proper course of action that should result in increased governmental efficiency as well as improved relations with federal employees

The report clearly recognizes that federal employees do not have the right to strike, that both the union shop and the closed shop are inappropriate to the federal government, that where salaries and other conditions of employment are fixed by the Congress these matters are not subject to negotiation, and that all agreements must be consistent with merit system principles

Additional recommendations of the task force call for regularizing arbitration procedures in handling individual employee grievances, extending to nonveterans appeal rights already held by veterans, requesting legislation to authorize voluntary withholding of employee organization dues by the federal government, at the expense of the

organization, and appointment by the Secretary of Labor, when necessary, of panels of expert arbitrators to make advisory recommendations as to what constitutes appropriate units for negotiating purposes and to supervise elections by employees.

The task force reached its conclusions after holding public hearings in cities throughout the country, and after consulting the heads of federal departments and agencies Its recommendations will provide an effective system for developing improved employee-management relations As an employer of more than 2,300,000 civilian employees, the federal government has long had an obligation to undertake the reappraisal which has now been made so well by the task force

I have directed that an executive order giving effect to the task force recommendations be prepared for issuance by the end of the year

APPENDIX D

Analysis and comparison of the provisions of Assembly Bill No. 1966 of the 1961 Regular Session as it would read in the form considered by the Assembly Interim Committee on Civil Service and State Personnel at a committee hearing held in Sacramento on November 19 and 20, 1962; Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code (A.B. 2375; Ch. 1964, Stats. 1961); and Presidential Executive Order 10988 (F.R. Doc. 62-700)

Assembly Bill 1966

Assembly Bill 1966 as it would read in the form considered by the Assembly Interim Committee on Civil Service and State Personnel at the committee hearing held in Sacramento on November 19 and 20, 1962,* would add a Chapter 10 (commencing with Section 3500) to Division 4 of Title 1 of the Government Code (Sec 2 of the bill) The proposed act, which would be entitled "Public Employee Formal Representation Act" (Sec 3500),† would do all of the following

Declare the Legislature's purpose to be to provide for the establishment of the best possible employment relationships between the management and employees of the various public agencies in California through a system of formal representation based upon the following principles (1) Identifiable management and identifiable employee representatives in employer-employee relations in

Chapter 1964, Statutes 1961

Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code does all of the following.‡

Declares the Legislature's purpose to be to promote the improvement of personnel management and employer-employee relations within the various public agencies in the State of California by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and be represented by such organizations in their employment relationships with public agencies Provides nothing contained therein shall be deemed to supersede the provisions of existing state law and the charters, ordinances and rules of local public agencies which establish and regulate a merit or civil service system or which provide for other methods of administering employer-employee relations Provides that it is intended, instead, to strengthen merit, civil service and

Presidential Executive Order 10988

The executive order declares and provides as follows (1) Participation of employees in the formulation and implementation of personnel policies affecting them contributes to effective conduct of public business, (2) the efficient administration of the government and the wellbeing of employees require that orderly and constructive relationships be maintained between employee organizations and management officials, (3) subject to law and the paramount requirements of the public service, employee-management relations within the federal service should be improved by providing employees an opportunity for greater participation in the formulation and implementation of policies and procedures affecting the conditions of their employment, and (4) effective employee-management co-operation in the public service requires a clear statement of the respective rights and obligations of employee organiza-

* Including certain amendments proposed at the hearing

† Sections referred to are those which A B 1966 would add to the Government Code, as the bill would read in the form considered by the Assembly Interim Committee on Civil Service and State Personnel at the committee hearing held in Sacramento on Nov 19 and 20, 1962

‡ Sections referred to are in the Government Code

Assembly Bill 1968	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
public service, (2) preservation of the rights of individual employees, (3) preservation of existing orderly processes of governmental operations, (4) recognition that the public interest and processes of good government require the establishment of a formal system of representation different in some respects from that existing in private enterprise, (5) recognition of the right and responsibility of each public agency to make final decisions regarding employment matters and employer-employee relationships, except in those instances where the decision has been submitted to arbitration, (6) participation of the people in the personnel processes of public agencies through their elected representatives, (7) good faith negotiation between management in public agencies and recognized employee organizations, (8) impartial arbitration or mediation of unresolved differences, (9) preservation of orderly government through the elimination of work stoppages, layoffs, and lockouts in public employment, (10) promotion of efficiency, consistency, harmony and economy in public employment, and (11) preservation and extension of merit systems in the public agencies of California so that the people of the State will be assured of able and competent employees, so that adequate standards of service can be established and so that all of the people will continue to have an	other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the public agencies by which they are employed (Sec 3500)	tions and agency management (Whereas clauses 1-4) §

§ Clauses and sections referred to are in Presidential Executive Order 10988, dated Jan. 17, 1962, F R Doc 62-700.

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
adequate opportunity to compete for selection to positions in public employment (Sec 3501). Provide that the provisions of the act shall be liberally construed, shall be severable, and shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public employees (Sec. 3505).[1]		
Define "public agency" as the State, any city, county, city and county, district, or any other political subdivision of the State, whether incorporated or not and whether chartered or not (Sec 3520(g)) However, the Division of Public Employment Relations, created by the act, would be authorized to determine that a portion of a public agency having a personnel system clearly distinguishable and different from that of the agency as a whole constitutes a separate public agency for the purposes of the act, and in addition may determine that a separate department of a public agency also con-	Defines "public agency" as the State of California, every governmental subdivision, every district, every public and quasi-public corporation, and every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not, and whether chartered or not (Sec 3501(b))	Applies to "officers and agencies of the executive branch of the government," other than the Federal Bureau of Investigation, the Central Intelligence Agency and other agencies primarily performing intelligence investigative or security functions if the head of the agency determines that the provisions of the order cannot be applied consistent with national security Such agencies are not excepted, however, from the provisions of the order relating to veterans' preference (directive clause and Sec 16)

[1] Section 923 of the Labor Code provides, in part
"Therefore, it is necessary that the individual workman have full freedom of association, self-organization, and designation of representatives of his own choosing, to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection"

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
statutes a separate public agency if the division determines that such would effectuate the purposes of the act (Sec 3520(g)).		
Exclude from the coverage of the act public agencies engaged in governmental as distinguished from proprietary activities and employing 15 or less full-time employees, the Los Angeles Metropolitan Transit Authority and certain other specified transit districts, and public school districts (Sec 3503). It has been proposed that firefighters be included under the act (Firefighter Alternative 2) and, alternatively, that firefighters employed by counties, cities, cities and counties, districts, and other political subdivisions of the State be excluded from the act (Firefighter Alternative 1)	Excludes employees subject to Chapter 4 (commencing with Section 1960) of Part 7 of Division 2 of the Labor Code, relating to firefighters, from provision authorizing the limiting or prohibiting of labor organization membership by law enforcement employees (Sec 3508)	
Define "public employee" to mean every officer and employee of a public agency (Sec. 3520(b))	Defines "public employee" as any person employed by any public agency, excepting those persons elected by popular vote or appointed to office by the Governor (Sec 3501(c))	
Define "employee organization" to mean any employee organization which has as one of its primary purposes representing its members in employment matters and employer-employee relations, but not including any organization which discriminates with regard to the terms or conditions of membership because of race, color, creed, or national origin (Sec 3520(c)).	Defines "employee organization" as any organization which includes employees of a public agency and which has as one of its primary purposes representing such employees in their relations with that public agency (Sec 3501(a)).	Defines "employee organization" as any lawful association, labor organization, federation, council or brotherhood (other than those which (1) assert the right to strike against government of the United States or to assist or participate in such strikes, (2) advocate the overthrow of the constitutional form of government of the United States, or (3) discriminate as to membership because of race, color, creed or national origin) having as a primary purpose the improvement

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
Define "representation" to mean the processes of good faith negotiation, consultation, hearing, and other related processes concerning employment matters and employer-employee relations (Sec. 3520(n))	Declares that, except as otherwise provided by the Legislature, public employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing, for the purpose of representation on all matters of employer-employee relations Authorizes them to also refuse to so do (Sec. 3502)	of working conditions among federal employees, or any craft, trade or industrial union whose membership includes both federal employees and employees of private organizations (Sec. 2).
In addition, the proposed act would specially define the terms "merit system," "managerial position," "confidential position," "governing board," "advisory or administrative board or commission," "recognized employee organization," "employee organization council," "professional organization," "strike," "division," "chief of the division," and "commission" (Sec 3520).		
Declare that, except as otherwise provided in the act, every public employee shall have the right to form, join, and participate in the activities of an employee organization of his choice However, employees would be prohibited from knowingly joining or participating in an employee organization which advocates the violent overthrow of the government of the United States or of this State (Sec 3530(a)(b)).		Declares that employees of the federal government shall have and shall be protected in the exercise of the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity Provides that such right to assist any employee organization extends to participation in the management of the organization and acting for the organization in the capacity of a representative, including the presentation of the organizations' views to officials of the executive branch, the Congress or other appropriate authority, unless such participation or action

Assembly Bill 1968	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
Authorize employee organizations to provide reasonable restrictions regarding membership and dismissal of individuals from membership in employee organizations (Sec 3530(c)).	Authorizes employee organizations to provide reasonable restrictions regarding membership and dismissal of individuals from membership in employee organizations (Sec 3503).	
Authorize public agencies upon request of an employee organization to make payroll deductions of dues and to require the employee organization to pay the additional cost involved or to pay such cost itself (Sec 3530(d)).		
Exclude public officers elected by the people, members of the governing board of public agencies, members of administrative boards and commissions, with certain specified exceptions, and certain designated persons in confidential and managerial positions from, and prohibit their participation in, the activities of employee organizations (Sec. 3531) other than with respect to honorary, associate, affiliate, or other similar memberships not entitling them to vote, hold office, or participate in policy determinations of the employee organization (Sec. 3532).		
It has been proposed that in lieu of the foregoing provisions excluding certain persons from participation in the activities of employee organizations, that public officers, members of governing boards, and members of administrative and advisory boards and		would result in a conflict of interest or otherwise be incompatible with law or the official duties of an employee (Sec 1)

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
commissions, and certain designated persons in confidential and managerial positions be prohibited from representing employee organizations in negotiations, consultations, and hearings concerning employment matters and employer-employee relations involving employees of their agencies and further prohibiting these persons from participation in policy determinations of employee organizations with respect to their public agencies (Employee Organization Membership of Management Representatives, Alternative 1) Alternatively, it has been proposed that such persons merely be prohibited from representing employee organizations in relation to any negotiation, consultation, hearing, or other related process concerning employment matters and other employer-employee relations relating to their public agency (Employee Organization Membership of Management Representatives, Alternative 2)		
Authorize public agencies to designate certain specified confidential positions and, with the approval of the Division of Public Employment Relations and the recognized employee organization, managerial positions (Secs 3331(d), 3592).	Authorizes the governing body of a public agency to, in accordance with reasonable standards, designate positions or classes of positions which have duties, consisting primarily of the enforcement of state laws or local ordinances and, after hearing and where it is in the public interest to do so, limit or prohibit the right of such employees to form, join, or participate in employee organizations Prohibits a public agency from restricting employees rights on any other grounds Provides that these provisions are not applicable to firefighting employees	Authorizes the heads of agencies to exclude any office, bureau or entity within the agency from the provisions of the order if they determine that the provisions cannot be applied consistent with national security. Further, the provisions of the order may be suspended by any agency with respect to installations or activities outside of the United States (Sec 16)

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
Prohibit public officers, members of governing boards of public agencies, members of advisory boards and commissions, and persons in managerial and confidential positions from performing or attempting to perform any of the following acts: (1) requiring or influencing employees to join specific employee organizations; (2) discouraging employees from joining any employee organization; (3) favoring or discriminating against employees for forming, joining, or participating in an employee organization; or (4) interfering in the internal affairs or influencing the determination of the policy of an employee organization (Sec. 3551) Make violation a reason for disciplinary action and, further, a misdemeanor and basis for the granting of injunctive relief (Sec. 3552).	covered by Chapter 4 (commencing with Section 1960) of Part 7 of Division 2 of the Labor Code (Sec. 3508).	
Prohibit public agencies and employee organizations from taking any action which would in any way unlawfully compromise the effectiveness of the merit system in that agency (Sec 3550).	Prohibits public agencies and employee organizations from interfering with, intimidating, restraining, coercing or discriminating against public employees because of their exercise of their rights to form, join and participate in the activities of employee organizations or to refuse to do so (Sec. 3506).	Requires heads of executive departments and agencies to take such action consistent with law as may be required in order to assure that employees are apprised of their rights and that no interference, restraint, coercion or discrimination is practiced within the agency to encourage or discourage membership in any employee organization (Sec. 1a).
Prohibit public agencies from enforcing their position in negotiations of employment relations matters by dismissal or layoff or discipline of employees or by discriminating against employees or by threats or coercion (Sec 3554).		

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
Provide that public employees shall not have the right to strike against any public agency nor refuse to perform any duties because of a strike or other concerted action by an employee organization, and that public agencies are authorized to take appropriate disciplinary action in accordance with the applicable law for violations of these provisions (Sec. 3553).	Declares that its enactment shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public employees (Sec 3509)	Excludes from the rights granted by the order employee organizations which assert the right to strike against the government of the United States or to assist or participate in such strikes or which impose a duty or obligation to conduct, assist or participate in any such strike (Sec. 2(1)).
Authorize public agencies to recognize employee organizations for the purpose of representing the employees of that agency in employment matters and employer-employee relations. Such recognition would be upon certification by the Public Employment Relations Control Commission, created by the act, that the organization has met specified conditions and indicated its representative status through an election or payroll deduction records (Sec 3570).	Authorizes employee organizations to represent their members in their relations with public agencies (Sec 3503).	Authorizes agencies to accord informal, formal or exclusive recognition to employee organizations which request recognition as provided in the order, except precludes recognition from being accorded to any employee organization which the head of the agency considers to be so subject to corrupt influence or influences opposed to basic democratic principles that recognition would be inconsistent with the objectives of the order (Sec. 3a)

Assembly Bill 1966

Permit employee organizations to petition the Division of Public Employment Relations for recognition as the representative of employees in a public agency or in an occupational group in that public agency Such a petition could be to represent employees in a particular occupational group if that group constituted certain specified percentages of the employees of the whole public agency or it is determined by the division that the employee organization has had a substantial history of representation of employees employed by the public agency or other employers if the employees are in the same class, series of occupationally related classes or occupation as the employees in the occupational group petitioned for Petitions would have to include reasonable evidence that a substantial portion of the employees desired representation (Sec 3571)

Require that the Division of Public Employment Relations, within a reasonable time after the receipt of a petition for recognition, conduct a secret ballot election Specify certain proportions of the vote which, if obtained by an employee organization, would entitle that organization to be certified as the representative of the employees involved These specified proportions include a provision that if one or more employee organizations petition, and one organization which has petitioned for all employees within a public agency receives a two-thirds majority

Chapter 1964, Statutes 1961

Authorizes public agencies to adopt reasonable regulations for the administration of employer-employee relations including verifying that an organization does in fact represent employees of the public agency and that persons claiming official status are officers and representatives of employee organizations (Secs 3507(a) and 3507(b))

Presidential Executive Order 10988

Authorizes agencies to accord informal recognition to employee organizations which do not qualify for exclusive or formal recognition without regard to whether or not any other organization has been accorded formal or exclusive recognition (Sec 4a)

Authorizes agencies to accord formal recognition to employee organizations when (1) no other employee organization is qualified for exclusive recognition as representative of employees in the unit, (2) it is determined by the agency that the employee organization has a substantial and stable membership of no less than 10 per centum of the employees in the unit, and (3) the employee organization has submitted to the agency a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of objectives Authorizes agencies to formally recognize employee organizations at a national level also (Sec 5a)

Authorizes agencies to recognize employee organizations as the exclusive representative of employees in an appropriate unit when the organization is eligible for formal recognition and has been designated or selected as their representative by a majority of the employees of such unit Provides that units may be established on certain specified bases and, except where required by practice, prior agreement, or special circumstances, that units shall not include (1) managerial executives, (2) persons engaged in personnel work other than clericals, (3) both super-

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
of all votes, that organization shall be the only organization recognized, except that if the organization petitioning for a designated occupational group receives a two-thirds majority within that group, it shall be the organization recognized for that group (Secs 3572, 3573)		visors who evaluate performance of employees and the employees whom they supervise, or (4) both professional and nonprofessional employees, unless a majority of the professional employees so desire (Sec 6a) Provides that each agency shall be responsible for determining whether a unit is appropriate for purposes of exclusive recognition and by election or other appropriate means whether an employee organization represents a majority of the employees in the unit (Sec 11) Authorizes the Secretary of Labor on request to nominate from the National Panel of Arbitrators maintained by the Federal Mediation and Conciliation Service one or more qualified arbitrators who may investigate and issue advisory decisions as to appropriateness of the unit and related issues and to conduct or supervise an election or determine by appropriate means on a supervisory basis whether an employee represents a majority of the employees (Sec 11) Authorizes the Secretary of Labor to render such assistance as may be appropriate in connection with advisory decisions and determinations but provides that necessary costs of such assistance shall be paid by the agency involved Provides that in the event such questions concerning unit or majority status arise in the Department of Labor, these duties, otherwise the responsibility of the Secretary of Labor, shall be performed by the Civil Service Commission (Sec 11)

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
Require that certifications remain in effect for at least two years, and require that thereafter when there is reasonable evidence that the employees involved desire to be represented by another employee organization or by no employee organization, that the Division of Public Employment Relations conduct another election (Sec 3573).		Provides that recognition of an employee organization shall continue so long as the organization satisfies the criteria of the order, but that agencies are not required to determine whether an organization shall be or continue to be recognized as exclusive representative of employees within 12 months after a prior determination in this respect pursuant to the order (Sec 3(b))
Require that costs of elections be assessed against employee organizations petitioning therefor (Sec 3574).		Requires that costs of elections and determinations with respect to appropriate units be assessed against agencies involved (Sec 11)
Require, when more than one employee organization is recognized within a public agency, that an employee organization council be organized consisting of representatives from each employee organization in numbers proportionate to the number of employees which each organization represents Provide that where employee organization councils exist, these councils shall act for their constituent organizations in employment matters insofar as these matters are of common interest to all employees represented, and each organization shall have a vote in the council proportionate to the number of employees it is recognized to represent However, insofar as matters are of concern only to employees represented by a particular organization or only to individual employees represented by an organization, that organization shall independently represent such employees (Sec 3575)		
It has been proposed that the foregoing provisions relating to petitions and elections		

to establish representation of public employees be altered as follows.

Appropriate Unit, Alternative 1: Reduce the specified percentages required to entitle an employee organization to petition to represent employees in a particular occupational group in a public agency and to require that a petition for recognition include a showing that not less than 30 percent of the employees desire to be represented by the petitioning organization and to provide that such showing may be by petition or payroll deduction records [The remaining provisions of the bill relating to recognition of employee organizations would be as set forth heretofore]

Appropriate Unit, Alternative 2: Authorize public agencies to recognize employee organizations for the purpose of representing an appropriate unit of employees of that agency in employment matters and employer-employee relations Provide that an appropriate unit shall be deemed to be all employees of the agency involved, providing that when a petition is timely filed by 30 percent or more of the employees in any public agency or in any craft, classification, department or division thereof, stating that they desire to be represented by any employee organization in a unit composed of all eligible employees of such agency, craft, classification, department or division,

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
the Division of Public Employment Relations shall make an investigation to determine whether or not a question of representation exists, taking into consideration the timeliness of filing of the petition and whether or not there is the required showing of interest [The remaining provisions of the bill relating to recognition of employee organizations would be as set forth heretofore]		
Appropriate Unit, Alternative 3: Authorize public agencies to recognize employee organizations for the purpose of representing the employees of that agency in employment matters and employer-employee relations Such recognition would be upon certification by the Public Employment Relations Control Commission that the organization has met specified conditions and indicated its representative status through election (Sec 3570)		
Permit employee organizations to petition the Division of Public Employment Relations for recognition as the representative of employees in a public agency or in an occupational group in that public agency		
Require that the Division of Public Employment Relations, within a reasonable time after receipt of a petition for recognition, conduct a secret ballot election, and certify that organization to the public agency as the representative of		

the employees involved (Secs 3572, 3573)

Require that certifications remain in effect for at least two years, and require that thereafter when there is reasonable evidence that the employees involved desire to be represented by another employee organization or by no employee organization, that the Division of Public Employment Relations conduct another election (Sec 3573)

Provide that, when more than one employee organization is recognized within a public agency, that an employee organization council may be organized consisting of representatives from each employee organization in numbers proportionate to the number of employees which each organization represents Provide that where employee organization councils exist, these councils may act for their constituent organizations in employment matters insofar as these matters are of common interest to all employees represented, and each organization shall have a vote in the council proportionate to the number of employees it is recognized to represent However, insofar as matters are of concern only to employees represented by a particular organization or only to individual employees represented by an organization, that organization may independently represent such employees (Sec. 3575)

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
Require public agencies to designate a management representative or management council to act for the agency in employment matters and employer-employee relations (Secs 3590, 3591)	Authorizes public agencies to adopt reasonable rules and regulations for the administration of employer-employee relations (Sec 3507).	
Require that a management council be established for state agencies, exclusive of the University of California, and specify the manner of selection of such members Require that the State Management Council after consultation with the state department designate managerial and confidential positions in state employment (Sec 3592)		
Provide that management representatives and councils shall be chosen from among persons authorized to represent their agency and who are excluded from the coverage of the act (Sec 3593).		
Require employee organizations or employee councils, or their representatives, to meet promptly, and in all events not later than 10 days after request, with management representatives, to discuss matters within the scope of representation and to negotiate in good faith on all matters under consideration and to attempt to reach agreement (Sec 3613).	Authorizes employee organizations to represent their members in their relations with public agencies (Sec. 3503).	Requires agencies to accord informal, formal or exclusive recognition to employee organizations upon request in conformity with the requirements specified (Sec 3a).
Include within the scope of representation all matters relating to employment conditions and employer-employee relations, including, but not limited to, salaries, hours of work, working conditions, grievances, and retirement (Sec 3610).	Provides that scope of representation includes all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment (Sec 3504)	

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
Grant employee organizations the right to be informed and consulted on all matters affecting employment status and conditions of the employees they represent and to be given notice to appear and to be heard concerning such matters and require public agencies to make decisions and supply answers to specific requests within a reasonable period of time Provide that the parties shall agree upon what constitutes a reasonable period of time (Secs 3611, 3612)	Authorizes public agencies to adopt reasonable rules and regulations relating to furnishing of nonconfidential information pertaining to employment relations to employee organizations (Sec 3507(e))	
Make violation of certain of the foregoing provisions a misdemeanor or subject to writ of mandate (Sec 3611, 3612).		
Provide that when agreement is reached on matters regarding which the management representative or council has authority to act, the agreed upon decision shall be placed in effect Require, if the management representative or council does not have authority to act, that the agreed upon decision be presented to the appropriate officer, board, commission, or other public body, as a joint management-employee recommendation (Sec. 3614)	Requires governing body of a public agency, or such boards, commissions, administrative officers, or other representatives as may be properly designated, to meet and confer with representatives of employee organizations upon request and to consider as fully as the agency, board, commission, administrative officer, or representative deems reasonable, such presentations as are made on behalf of its members prior to arriving at a determination of policy or course of action (Sec 3505).	Provides, with respect to informal recognition, that an employee organization so recognized shall, to the extent consistent with the efficient and orderly conduct of the public business, be permitted to present to appropriate officials its views on matters of concern to its members, other than with respect to the formulation of personnel or other policies with respect to such matters (Sec 4(b))
If either party determines that agreement is not possible and the negotiations concern a matter upon which the management representative or council has the authority to act, authorize that party to refer the matter to arbitration and require all parties to submit to arbitration Make decision of the arbitrator final and binding and require the man-		Provides, with respect to formal recognition, that an employee organization so recognized shall be entitled to consult with agencies from time to time in the formulation and implementation of personnel policies and practices and matters affecting working conditions that are of concern to the organization's members, except as to matters which, if the organization were one entitled to exclusive recognition, would not be included

Assembly Bill 1966

agement representative or council to put it into effect (Sec 3615). If the management representative or council does *not* have authority to act upon the matter under negotiation and either party determines that agreement is not possible, authorize that party to refer the matter to mediation and require all parties to submit to mediation. Require that the decision of the mediator be presented to the appropriate officer, board, commission, or public body in lieu of a joint management-employee recommendation (Sec 3616)

Provides for appointment of arbitrators and mediators by the State Judicial Council (Sec 3617), and provide that costs, including fees charged by arbitrators and mediators, may be assessed against either the employee organization or council, the management representative or council, depending upon the arbitrator's or mediator's determinations with respect to the good faith, reasonableness and necessity of the party's action Provide that if assessment of costs against one or both parties is not appropriate, costs shall be borne equally by the parties Provide that arbitrators and mediators may be required to serve without charge or for fees recommended by the division pursuant to division rules (Sec 3618)

Chapter 1964, Statutes 1961

Presidential Executive Order 10988

within the obligation to meet and confer as provided for with respect to such organizations (Sec. 5(b)).

Provides, with respect to exclusive recognition, that an employee organization so recognized shall be entitled to act for and to negotiate agreements covering all employees in the appropriate unit Requires that employee organization represent all employees without discrimination or regard to employee organization membership Authorizes such organizations to be represented at discussions between management and employees or employee representatives concerning grievances, personnel policies and practices, or other matters affecting general working conditions of employees Requires that agencies and employee organizations meet at reasonable times and confer with respect to personnel policy and practices and matters affecting working conditions including the negotiation of agreements or any questions arising thereunder, the determination of appropriate techniques to assist in negotiation, and the execution of written agreements (Sec 6(b)).

Requires that agencies, in exercising their authority to make rules and regulations, have due regard for obligation to meet and confer with employee organizations, but provides that such obligation shall not extend to such areas of discretion and policy as mission of an agency, or its budget, organization, assignment of personnel or technology of performing its work (Sec 6(b))

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
		Requires that agreements between agencies and the exclusive representative of their employees be approved by the heads of agencies and provides that such agreements shall be subject to the following requirements (1) That agreements shall at all times be subject to all laws, regulations and policies (2) That management officials of the agency retain the right to (a) direct employee, (b) hire, promote, transfer, assign and retain employees, (c) suspend, demote, discharge or take other disciplinary action, (d) relieve employees from duties because of lack of work or other reasons, (e) maintain the efficiency of government operations, (f) determine methods, means and personnel by which operations are conducted, and (g) take action necessary to carry out mission of the agency in emergencies (Sec 7(2))
		Provides that agreements between agencies and employee organizations, which are the exclusive representatives of employees, may contain grievance procedures which shall conform to standards of the Civil Service Commission and not diminish or impair any rights of an employee in the absence of such agreement Authorizes such grievance procedures to include arbitration which shall be (1) advisory only and subject to the approval of the agency head, (2) extend only to the interpretation or application of agreements or agency policy and not to changes in agreements or agency policy; and (3) invoked only with the approval of employees concerned (Sec 8)

Assembly Bill 1956	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
		Provides that recognition of employee organizations shall not preclude agencies from consulting and dealing with (1) veterans organizations concerning matters of particular interest to employees with veterans' preference; and (2) religious, social, fraternal, or other lawful associations, not employee organizations, with respect to matters or policies involving the organizations or their members when such consultations and dealings do not amount to formal consultation on general employee management policy or result in discrimination against or injury to other employees (Sec 3(c)(2), (3)
Authorize public employees to represent themselves in individual employment matters or to be represented by counsel or by an employee or professional organization when appearing before public officers, public agencies, boards and commissions, and the courts Authorize employee organizations to represent their members either individually or collectively and provide that such organizations shall have standing to sue in the courts of this State. (Sec 3553)	Authorizes individual employees to appear in their own behalf and represent themselves individually, in their employment relations with public agencies (Secs 3502 and 3503)	Provides that recognition of an employee organization shall not preclude employees, regardless of employee organization membership, from bringing matters of personal concern to the attention of appropriate officials in accordance with law or established policy and may choose their own representative in a grievance or appellate action (Sec 3(c)(1))

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
Establish a new division in the Department of Industrial Relations, the Division of Public Employment Relations, administered by a Public Employment Relations Control Commission and prescribe the composition and procedure of the commission (Secs 3630, 3634, 3635, 3636)		
Require the Division of Public Employment Relations to administer the proposed "Public Employee Formal Representation Act" and grant to the division the following powers and duties (1) prescribing, amending and repealing rules for the administration and enforcement of the proposed act; (2) approving designations of managerial and confidential positions, (3) identifying "public agencies" when such constitute a portion of a larger public agency; (4) taking appropriate action to enforce the provisions relating to prohibited activities by public agencies; (5) supervising the formal recognition of employee organizations; (6) hearing appeals from actions taken by the chief of the division or by a public agency relating to matters within the scope of the provisions of the act; and (7) such other powers and duties necessary for the proper enforcement of the provisions of the act (Sec. 3631).	Authorizes public agencies to adopt reasonable rules and regulations for the administration of employer-employee relations, including access of officers and representatives of employee organizations to work locations, bulletin boards and other means of communication and such other matters as are necessary to carry out the purposes of the chapter (Secs. 3507(c), (d), and (f)). Provides that in the case of employees in State Civil Service such rules and regulations may be adopted by the State Personnel Board (Sec 3507).	Requires heads of agencies to issue no later than July 1, 1962, after consultation insofar as practicable with representatives of employee organizations, appropriate policies, rules and regulations implementing the order, including rights of employees, policies and procedures respecting recognition, appropriate units, consultation with representatives organizations and employees, and the use of agency facilities by employee organizations (Sec 10)
Authorize the appointment of a chief of the Division of Public Employment Relations and designate his duties (Sec. 3632).		Requires that solicitation of membership, dues, or other internal employee organization business shall be conducted during nonduty hours, that officially requested or approved consultations and meetings between management officials and representatives of recognized employee organizations shall, whenever practicable, be conducted on official time, except as to negotiations with employee organizations accorded exclusive recognition which shall be conducted during the nonduty hours of representatives involved (Sec. 9)
Require the division to make an annual report to the Legislature and to hold public		

Assembly Bill 1960	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
hearings at which public agencies and employee organizations may present their views and recommendations (Sec. 3633).		
Require all officers and employees of the State and of any public agency to aid in all proper ways in carrying into effect the provisions of the act and rules adopted by the division and public agencies pursuant thereto (Sec 3637).		
Provide that the act shall not be construed as having the effect of divesting any public agency or board, commission, or other public body of the authority to take any action currently required by law regarding salaries, working conditions, or other similar matters (Sec 3619).		
Amend and renumber Chapter 10 (commencing with Sec. 3500) of Division 4 of Title 1 of the Government Code to provide that the provisions of that chapter shall be applicable to all employee organizations, public agencies, and public employees except those to which the provisions of the proposed "Public Employee Formal Representation Act" apply (Sec. 1 of the bill)		
Appropriate $62,000 for payment of salaries, wages, and other costs of the Division of Public Employment Relations (Sec. 3 of the bill).		
		Authorizes the Civil Service Commission to establish and maintain a program to assist in carrying out the objectives of the

order, including certain specified activities on the part of the commission (Sec 12).

Requires that the Civil Service Commission and Department of Labor jointly prepare proposed standards of conduct for employee organizations and a code of fair labor practices in employee management relations in the federal service (Sec. 13a).

Establishes the President's Temporary Committee on the Implementation of the Federal Employee-Management Relations Program Authorizes the committee to: (1) undertake such matters relating to implementation of the order as may be referred to it, (2) advise the President with respect to problems arising; and (3) to receive and report to the President concerning the proposed standards of conduct and code of fair labor practices Requires departments and agencies represented on the committee to furnish assistance to the committee (Sec 13(b))

Requires heads of agencies to extend to all employees in the competitive civil service rights identical to certain rights granted by the Veterans' Preference Act of 1944 as amended (Sec. 14).

Provides that order shall not be construed to annul, modify or preclude the removal or continuation of any lawful agreement heretofore entered into by any agency and a representative of its employees and that

Assembly Bill 1966	*Chapter 1964, Statutes 1961*	*Presidential Executive Order 10988*
		agencies may continue to consult or deal with any representative or organization with which they so consulted or dealt with prior to the time that the status and rights of such representative are determined in conformity with the order (Sec. 15).

APPENDIX E

proposed legislation providing for temporary hiring of retired state employees under certain conditions

LEGISLATIVE COUNSEL'S DIGEST

Relative to State Employees' Retirement System

Adds Secs 20750 13, 20750 23, 20750 33, 20750 43, 21251 6 and 21258 3, Gov C

Provides that retirement allowances of members who retired on or before December 31, 1961, shall, in addition to any other increases authorized at the 1963 Regular Session, be increased by amounts ranging from 2-10 percent based on date of retirement Provides that no increase shall exceed $50 in the aggregate

Provides proportionate increases for those, otherwise included, who have exercised options for benefits other than the receipt of a lifetime allowance, as well as proportionate increase in death benefit on account of industrial death of member prior to December 31, 1961

Permits waiver of increase in benefits by member

Provides a minimum service retirement allowance of $900 per year to members who retire at age 60 with 10 years of service with $90 a year increases for each additional year up to 20 years of service where the minimum is increased from the present $1,200 per year to $1,800 per year Makes such increases applicable to members who retired prior to the effective date of the section The minimum for those credited with prior service is $1,200 but increases are calculated as above

Makes sections applicable to contracting agencies only on amendment of their contracts with the board to so provide

Specifies that no member shall be entitled to both increases, but shall receive only whichever is the greater of the two

Increases State's contribution to the retirement fund 0 12 percent as to state miscellaneous members, 0 57 percent as to state patrol members, 0 14 percent as to forestry and warden members

An act to add Sections 20750 13, 20750 23, 20750 33, 20750 43, 21251 6 and 21258 3 to the Government Code, relating to State Employees' Retirement System

The people of the State of California do enact as follows:

SECTION 1 Section 20750 13 is added to the Government Code, to read:

20750 13 The State's contribution to the retirement fund in respect to state miscellaneous members provided by any and all other provisions of this chapter is increased by a sum equal to twelve hundredths (0.12) of 1 percent of the compensation paid state miscellaneous members

SEC 2 Section 20750 23 is added to said code, to read·

20750 23 The State's contribution to the retirement fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to fifty-seven hundredths (0.57) of 1 percent of the compensation paid state patrol members.

SEC 3 Section 20750 33 is added to said code, to read:

20750 33. The State's contribution to the retirement fund in respect to forestry members provided by any and all other provisions of this chapter is increased by a sum equal to fourteen hundredths (0 14) of 1 percent of the compensation paid forestry members

SEC 4 Section 20750 43 is added to said code, to read:

20750 43 The State's contribution to the retirement fund in respect to warden members provided by any and all other provisions of this chapter is increased by a sum equal to fourteen hundredths (0.14) of 1 percent of the compensation paid warden members

SEC. 5. Section 21251 6 is added to said code, to read:

21251 6 (a) Every retirement allowance exclusive of that portion purchased by the member's accumulated additional contributions payable for time commencing on the effective date of this section to or on account of any member who has retired on or prior to December 31, 1961, is hereby increased by a monthly amount which, when added to

any other increases in such retirement allowance made by the Legislature at its 1963 Regular Session, equals the percentage increase set forth in the following table opposite the period during which the member's retirement became effective

Period during which retirement became effective	Percentage of increase
On or prior to July 1, 1958	10
Twelve months ended July 1, 1959	8
Twelve months ended July 1, 1960	6
Twelve months ended July 1, 1961	4
Twelve months ended July 1, 1962	2

No increase under this section shall exceed in the aggregate the sum of fifty dollars ($50) per month

Where a member to or on account of whom an increased retirement allowance is payable under this section has elected pursuant to Article 4 of Chapter 9 of this part to have his retirement allowance modified in accordance with an optional settlement provided in Section 21333, Section 21334, or Section 21335, if both the retired member and his beneficiary are living on the effective date of this section, the increase provided by this section shall be modified under the optional settlement so elected, on the basis of ages on the most recent retirement date, and current mortality tables and interest rate; but if either such retired member or his beneficiary is not living on said effective date, then the increase shall be made in the allowance payable to the survivor, in the same manner that increases are made in retirement allowances to persons who did not elect such an optional settlement If such member has chosen to have the actuarial equivalent of his allowance paid as provided in Section 21338, the percentage increase provided herein shall be applied to the amount of the unmodified allowance and the life annuity portion of his allowance shall be increased in that amount

The increase in each retirement allowance provided by this section shall be apportioned between the current service pension and the prior service pension of the retired member in the same proportions that the current service and the prior service with which the member is credited, bears to the total state service with which he is credited, and shall be derived from the same source as such pensions

(b) Every special death benefit payable for time commencing on the effective date of this section on account of the industrial death of any member who died on or prior to December 31, 1962, is hereby increased by a monthly amount which, when added to any other increases in such death benefit made by the Legislature at its 1963 Regular Session, equals the percentages of increase set forth in the table in subdivision (a) above, opposite the period during which the member's death occurred.

(c) This section does not authorize any decrease in any retirement allowance or special death benefit, nor does this section give any retired member, or his successors in interest, or his beneficiary, or any payee of any special death benefit in respect to a deceased member any claim against the State for any increase in any retirement allowance or special death benefit paid or payable for time prior to its effective date

(d) It is the intention of the Legislature that the increases in retirement allowances provided by this section shall not be cumulative

with the increases provided by Section 21258 3. This section shall be applicable only to the extent that the increased amount payable pursuant to it exceed the increased amounts payable pursuant to Section 21258 3

(e) This section shall not apply to any contracting agency, nor to retirement allowances or special death benefits payable to or in respect to the retired or deceased employees of any contracting agency, unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461 5, except that an election among the employees is not required, or by express provision in its contract with the board.

Any increase in allowances provided by this section shall not take effect prior to the date the contract is amended to subject the contracting agency to the provisions of this section

(f) Any person receiving an allowance subject to the increase provided for herein may elect to waive such increase and continue to receive their allowance unmodified by the provisions of this section.

(g) The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the State so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section.

SEC. 6 Section 21258 3 is added to said code, to read:

21258 3. (a) The retirement allowance referred to in this section excludes that portion of a member's service retirement annuity which was purchased by his accumulated additional contributions.

(b) If a member is entitled to be credited with 10 or more years of state service and retires after attaining age 60 and his retirement allowance is less than the minimum prescribed herein for the number of years of state service credited to him, his prior or current service pension, as the case may be, shall be increased so as to cause his total retirement allowance from this system and from the pension and retiring annuities system of the university, if any, to amount to said minimum or his final compensation, whichever is less The minimum allowance for 10 years of service credit shall be nine hundred dollars ($900) per year Said minimum shall be increased in the amount of ninety dollars ($90) per year for each full year of service credit in excess of 10 years, up to 20 years The minimum allowance for 20 or more years of service credit shall be one thousand eight hundred dollars ($1,800) per year. If the member is entitled to credit for prior service and retires after attaining the compulsory age for service retirement applicable to him, the minimum shall be one thousand two hundred dollars ($1,200) or the amount as determined in the preceding sentences, whichever is greater.

(c) Every current service pension and every prior service pension payable for time commencing on the effective date of this section to any member who retired prior to such effective date is hereby increased to the amount it would be if the provisions of subdivision (b), as they exist on the effective date, had been in effect on the date of the actual retirement of the member; but this section does not authorize any decrease in any pension, nor does it give any retired member, or his successors in interest, any claim against the State for any increase in

any pension paid or payable for time prior to its effective date Calculations of pensions under this section shall be made on the basis of current interest rate and mortality tables

(d) Subdivisions (b) and (c) of this section apply to state members and also to local members if the contract between the board and the employing-contracting agency so provides, or if the employing-contracting agency elects to subject itself and its employees to the provisions of subdivisions (b) and (c) by amendment to its contract with the board, made as provided in Section 20461 5.

If a local member to whom this section applies is employed by more than one contracting agency, his aggregate retirement allowances shall be taken into account irrespective of the employer.

SEC. 7 This act shall become operative on October 1, 1963

APPENDIX F

Proposed legislation providing for temporary hiring of retired state employees under certain conditions

LEGISLATIVE COUNSEL'S DIGEST

Relative to state employees' retirement.

Amends Sec 21153, Gov C.

Changes from a director of a state department to the appointing power of a state agency the authority to appoint employees retired under the State Employees' Retirement System to certain nonsalaried positions

Authorizes the appointing power of a state agency, with approval of the State Personnel Board, to hire such retired employees during emergencies or when their special skills are required, for periods not to exceed 30 days, to a maximum of 60 days in any calendar year

An act to amend Section 21153 of the Government Code, relating to state employees' retirement.

The people of the State of California do enact as follows:

SECTION 1. Section 21153 of the Government Code is amended to read:

21153. ~~The Governor or the director of a state department may appoint any~~ *Any* person who has been retired under this part *(a) may be appointed by the Governor or by the appointing power of a state agency* as a member of any nonsalaried board, commission, or advisory committee, *or (b) may be appointed by the appointing power of a state agency and be paid a salary for a period of not to exceed 30 working days either during an actual emergency to prevent the stoppage of public business or because the retired employee has skills needed in performing work of limited duration Such appointments with salary shall not exceed 60 working days in any calendar year and the rate of pay shall not exceed that paid by the state agency to other employees performing comparable duties Appointments made under this section shall be* without reinstatement from retirement or loss or interruption of benefits under this part.

Appointment under the provisions of *subdivision (a) of* this section shall not be deemed employment within the meaning of Divisions 4 and 4½ of the Labor Code, and shall not provide a basis for the payment of workmen's compensation to a retired state employee or to his dependents. *Appointments under the provisions of subdivision (b) of this section shall be subject to approval by the State Personnel Board.*

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ASSEMBLY INTERIM COMMITTEE REPORTS

1961-1963

VOLUME 2 NUMBER 6

FINAL REPORT OF THE

ASSEMBLY INTERIM COMMITTEE ON INDUSTRIAL RELATIONS

House Resolution No. 361

MEMBERS OF THE COMMITTEE

EDWARD E. ELLIOTT, *Chairman*
GEORGE E. BROWN, JR., *Vice Chairman*

LOU CUSANOVICH
EDWARD M GAFFNEY
AUGUSTUS F. HAWKINS
W. A. "JIMMIE" HICKS (Deceased)
JOHN T. KNOX
ROBERT L. LEGGETT
HAROLD K. LEVERING
JAMES R. MILLS
BRUCE V. REAGAN
JOSEPH C. SHELL

WILLIAM J. WILLIAMS, *Consultant*
FRANCES W. MORTON, *Secretary*

Published by the
ASSEMBLY
OF THE STATE OF CALIFORNIA
January 1963

HON. JESSE M. UNRUH
Speaker

HON. CARLOS BEE
Speaker pro Tempore

HON. JEROME R. WALDIE
Majority Floor Leader

HON. JOSEPH C. SHELL
Minority Floor Leader

ARTHUR A. OHNIMUS
Chief Clerk

IN MEMORIAM TO

HONORABLE W. A. "JIMMIE" HICKS

Member of the Assembly, 8th District
California Legislature

One of the most beloved and popular members of the Assembly of the State Legislature, Assemblyman W. A. "Jimmie" Hicks, passed away on December 29, 1961.

"Jimmie," as he was known to his many friends and co-workers, was an outstanding Member of the State Legislature and of the Assembly Interim Committee on Industrial Relations. He served with dedication, loyalty, integrity and intelligence. He made a positive and indelible imprint on the work of the committee.

We are grateful for having had an intimate, social and working relationship with this colleague. We mourn his passing and know that his many good deeds and dedicated public service will be a lasting monument to his memory.

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON
INDUSTRIAL RELATIONS
January 7, 1963

HON. JESSE M. UNRUH
Speaker of the Assembly; and
HON. MEMBERS OF THE ASSEMBLY
State Capitol, Sacramento, California

GENTLEMEN:

Your Assembly Interim Committee on Industrial Relations, established by House Resolution No. 361, 1961 Regular Session, submits the final report of its activities.

This report contains the committee's findings in the fields of unemployment, training, economic development, working hours, wages and labor relations. Unabridged statements relative to these subjects may be obtained from the committee upon request.

Respectfully submitted,

EDWARD E. ELLIOTT, *Chairman*
GEORGE E. BROWN, JR., *Vice Chairman*

LOU CUSANOVICH
EDWARD M. GAFFNEY
AUGUSTUS F. HAWKINS
W. A. "JIMMIE" HICKS (Deceased)
JOHN T. KNOX
ROBERT L. LEGGETT
HAROLD K. LEVERING
JAMES R. MILLS
BRUCE V. REAGAN
JOSEPH C. SHELL

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SCOPE, AREAS OF INVESTIGATION AND SUBJECTS REFERRED TO COMMITTEE

The general scope of the areas of investigation authorized by H R 361 is as follows: "The Labor Code, uncodified laws relating to industrial relations and other matters relating to industrial relations."

The following matters were referred to the committee by the Assembly Rules Committee in 1961: H R 136 (Knox) persistent unemployment in the State; H.R 245 (Knox) employment opportunities for handicapped persons; H.R. 304 (Elliott) worker training and employment; A B. 3006 (Kilpatrick) retraining programs; A B. 2529 (Wolfrum) relating to firefighters; H R 216 (Knox) hours of labor of firefighters; A.B 2515 (Leggett) payment of wages; A B. 2516 (Leggett) state employees' wages; A.B 1016 (Cusanovich) proposal to allow aggrieved parties involved in employment agency transactions to initiate action in a proper court; A.B. 403 (Hicks) jurisdictional strikes; A B 404 (Hicks) wage statement, A B. 406 (Hicks) jurisdictional strikes, A B. 2062 (Bane) wage deductions; A B 2371 (Hicks) welder certification, A.B 2474 (Burton) employee gratuities; A B 3098 (Meyers) bridge and highway districts; H R. 28 (Z'berg) relates to the payment of prevailing wages to state craftsmen; H R 23 (Bane) (1962 session) which sought to suspend the eight-hour workday for women working in defense industries was canceled at the request of the author and by mutual consent of all who expressed an interest in this matter

Hearings were held on H R. 136 (Knox); H R. 245 (Knox); H R 304 (Elliott); A B 3006 (Kilpatrick); H R. 216 (Knox); A B. 2515 and A B 2516 (Leggett); A B. 1016 (Cusanovich); and H.R. 28 (Z'berg).

In 1962, a Special Subcommittee on Economic Development and Automation was created Hon August F. Hawkins was appointed chairman of this special subcommittee The following Assemblymen were appointed members of the committee: George E Brown, Jr., Lou Cusanovich, Edward E Elliott and James R Mills This committee held three hearings It will file a separate report. In many instances the report of the subcommittee and the parent committee will overlap, but for the most part individuality in these reports will exist

House Resolution 228 adopted at the 1961 session of the Legislature provided for the creation of a Subcommittee on Industrial Safety consisting of five members of the Interim Committee on Industrial Relations to be appointed by the chairman thereof Hon. Edward M Gaffney was appointed chairman of this committee. The following Assemblymen were appointed to the committee: George E Brown, Jr, Lou Cusanovich, John T Knox and W A "Jimmie" Hicks. Assemblyman Hicks passed away in December of 1961. He was replaced in March of 1962 by Assemblyman James R Mills

The Subcommittee on Industrial Safety held four hearings It will file a separate report

CHAPTER I

EMPLOYMENT TRAINING AND ECONOMIC DEVELOPMENT

Four hearings were held under the general heading of "Employment Training and Economic Development." The following matters referred to the committee by the 1961 Legislative Session were studied in this connection:

H.R. 136, Assemblyman John Knox and others
(persistent unemployment)
H.R. 245, Assemblyman John Knox and others
(employment opportunities for the handicapped)
H.R. 304, Assemblyman Elliott and others
(worker training and employment)
A B. 3006, Assemblyman Vernon Kilpatrick and others
(retraining loans to individuals)

Hearings were held on these subjects but were not confined to these areas of interest It was found that these studies inevitably involved automation and technological developments, their economic and sociological effects and the responsibilities devolving upon government, labor and management

Hearings in these fields were held in San Francisco on September 21, 1961, Richmond, September 22, 1961; Los Angeles, October 17 and 18, 1961, and Sacramento, December 6 and 7, 1961 The following members presided as acting chairmen while Chairman Elliott sat as a member at all of the hearings on employment training and economic development:

September 21, 1961, Honorable George E. Brown, Jr.
September 22, 1961, Honorable John T. Knox
October 17 and 18, 1961, Honorable George E Brown, Jr.
December 6 and 7, 1961, Honorable W A. "Jimmie" Hicks (deceased)

WITNESSES APPEARING AT HEARINGS ON EMPLOYMENT TRAINING AND ECONOMIC DEVELOPMENT

Richard R. Abramson, Administrator, Joint Electrical Industry Training
B. T Anderson, Minister, Easterhill Methodist Church
Mrs Evelyn Armstead, Certified Dental Assistant
William Bell, East Bay Supervisor, Oakland Urban League
Arthur J Bradford, Industrial Relations Director, Bay Area Urban League
Frank O Bregnard, Auto Mechanics Institute
Cleophus Brown, Laborers Union
Russel Buford, Neighborhood House
Victor Carbone, Chairman, Governor's Committee, Employment of Handicapped
Donovan F. Cartwright, President, CASSA
Bruce Craver, General Manager, Sacramento City-County Chamber of Commerce
Joseph Cryden, Director of Training, Litton Industries
Charles Devereaux, Assistant to Chief of Social Services, State Department of Mental Hygiene

WITNESSES APPEARING AT HEARINGS ON EMPLOYMENT TRAINING AND ECONOMIC DEVELOPMENT—Continued

A C Ettinger, Standard Oil Company
Marvin Feldman, Vice President, Cogswell Polytechnical College
Jean S Felton, M D, Professor, Industrial Medicine, UCLA
E J. Franklin, International Representative, UAWA, Region 6, AFL-CIO
Z L Gulledge, Special Project Supervisor, State Department of Education
Charles F. Hanna, Chief, Division of Apprentice Standards, Department of Industrial Relations
S. G. Hanson, General Manager, California State Employees Association
Thomas L Harris, Social Insurance Analyst, California Teamsters Legislative Council
Floyd R Honn, Principal, Manual Arts High School
Dr Keith A Hunsaker, Director of Special Education, Southwest Los Angeles County School District
E J Hyde, Standard Oil Company
John Inderrieden, Representative, California Epileptic Society
Justin Johnson, Hughes Aircraft Corporation
Nels LaValley, Manager, Van Nuys, Chamber of Commerce
Paul Little, Chief, Technical Services, State Department of Employment
Henry Lohman, Executive Secretary, Friends Committee on Legislation
Andrew Marrin, Chief, Vocational Rehabilitation, State Department of Education
Mrs Ruth Miller, Public Relations, Garment Workers Union, AFL-CIO
Dr Nathan Nelson, Consultant, Vocational Rehabilitation, State Department of Education
Dr. E P. O'Reilly, Assistant Superintendent, Sacramento City High School, College Adult Education
L. A Parker, Business Representative, Los Angeles Building and Construction Trade Council
Irving H Perluss, Director, State Department of Employment
Mrs June Peterson, Counselor, Manual Arts High School
T. Z Pezman, Executive Director, Community Rehabilitation Industries
Ralph Preston, General Manager, Western Trade Schools
James H Reed, United Steel Workers, AFL-CIO
Donald H Roney, Chief, Staff Services, State Department of Employment
Robert Schieb, California Conference of Employer Associations
Walter Simetch, Research Economist, AFL-CIO
Richard Smith, Assistant Superintendent, Los Angeles City Schools
Wesley P Smith, Director, Vocational Education, State Department of Education
George A Stead, Assistant Chief, Division of Apprenticeship Standards
Edward Stephenson, Neighborhood House
J H Stephenson, Dean of Technical Education, San Diego City College
Mrs Ola Stutt, President, West Coast Trade Schools
Mrs Pat Sweeney, Western Trade Schools
Preston L Taylor, Los Angeles Urban League
John B Vanderburgh, Interior Labor Market Analyst, State Department of Education
Don Vial, Administrative Assistant, AFL-CIO
R C Van Wagenen, Chief, Bureau of Business Education, State Department of Education
Norman E Watson, Vice President, Orange Coast College
J M Wedemeyer, Director, State Department of Social Welfare
Ted Weems, Vice President, Adult Education, Sacramento City College
David A Williams, Richmond School Administration
Robert Wursing, Acting Secretary, California Trade School Association
Carl Zachrisson, Commissioner, Economic Development, State Department of Finance

SECTION A—AUTOMATION AND TECHNOLOGICAL CHANGE

This section on automation and technological change in general is designed to give some background on the overall problem Statements are extracted from testimony of various witnesses in order to supply background on the effects of and possible solutions to the problem of automation. Consequently, labor, management and government representatives are quoted

A STATEMENT BY DON VIAL, CALIFORNIA FEDERATION OF LABOR

The State is dealing with programs that should be considered in light of investment in our human resources Essentially, the problem to be faced in the United States is this· In the next decade, the addition of about 24 million to our labor force can be expected However, of course, some will be retiring, some will be leaving the labor market, so that a net increase of around 14 million in the next 10 years can be expected. At the same time, there are increases in our technology and if it is accelerated, there will be technological advancement of about 2½ percent annually, this means in the next 10 years about 15 to 18 million workers in the 10-year period will be displaced Reduce it to weekly figures, this means that 56,000 new jobs a week in the United States must be provided

In California, the economy must find about 4½ to 5 million jobs in the decade ahead The Department of Industrial Relations, Division of Labor Statistics and Research, estimates that some 250,000 jobs a year on a net basis must be provided The national figures indicate that skill requirements will come primarily from the following four sources Our youngest workers, those who have passed their 45th birthday, and the 3 million women expected to re-enter the labor market by 1970, and also from minority groups In comparison with the 19 percent growth of the labor force of the entire nation by 1970, California's labor force is expected to expand by 44 percent, more than twice the nation's rate of expansion In terms of age, the Division of Labor Statistics and Research anticipates that the largest gain in the labor force of California as in the nation, will be among those under 25 However, a marked difference is looked for in the 35- to 44-year age group distributions California expects a rise of about 22 percent for this age group by 1970, as compared to a 3 percent decline nationally. The result of these changes during this 10-year period will be that California will have a younger work force than the rest of the nation

In comparison with the United States, a larger proportion of California's labor force will be in the 20- to 44-year age group, and a small proportion in all of the other categories. With the onrush of technology, of course, the premium is going to be on skilled jobs For the nation as a whole, the Department of Labor estimates a need of 5 million skilled jobs in the 1960's In California, because we have a heavy investment in the space age, technologies will probably even be greater, proportionately

The State has maintained its preferential position in attracting new plants and industries, despite the efforts of competing regions to lure industries into their areas to subsidize migration, featuring low tax rates and plenty of cheap labor. The State has rightly rejected this

kind of interregional competition and has staked the future in California, instead, on a high standard of living economy based on the skill and high productivity workers, but California's natural advantages in the way of resources, location, and climate, are themselves not enough to maintain this position While it is true that these advantages have enhanced the ability to meet industry's skill requirements by the attraction of skilled workers from other states, continued heavy reliance upon this source of supply in the future would constitute a serious gamble with the State's future

Areas in this State, especially those in the south, with an overbalance of defense industry, understand how close the ties between national and local economies can be Their efforts, especially in areas like San Diego, to obtain a better balance between defense and nondefense industries, has served to alert the rest of the State regarding the importance of manpower development and training program Among the leading sources of maladjustments in the economy today are the variety of technological changes which are commonly lumped together under automation.

It is very clear that the word, automation, these days is being used rather loosely to include all kinds of technological advancement Probably this is a desirable thing because it is a meaningful description of what is going on. However, automation itself, is that function that relates to the self-regulation of machinery where you combine self-regulation with mechanization for the true automated situation This advance form of production to automation runs itself to utilization in almost every sector of the economy The process has been expedited by computer technology, the use of punchcards, tapes, and the like, in code form, instructing a machine to do the job. In brief, where mechanization provided man with more muscle with which to do his work, automation moves in the direction of eliminating human judgment and in the process, the jobs formerly held by such tenders of the machine.

There are those who will argue that the dislocations caused by automation are of a momentary nature, and indistinguishable from those associated with the industrial revolution The argument is that matters will right themselves of their own accord and that the fruits of this technology will shortly be shared in an equitable manner by all of our population However, the steady increase in hard-core unemployment over the last eight years lends little comfort to the objective observer. Beyond this immediate evidence, it must be remembered that the industrial revolution occurred at a time when the nation was expanding its borders and our people were moving into new and virtually unoccupied lands There was never enough work for our rapidly growing population, and there was an ample market for the products of our industry.

Under the special circumstances that prevailed in America at that time, there was a shortage, rather than a surplus, of both manpower and industrial capacity The picture today appears to be vastly different A basic industrial capacity is possessed which in recent years has demonstrated itself to be substantially in excess of private purchasing power at the market place Today, despite the rapid pickup in production in steel, for example, steel is still operating at only 72 percent capacity These conditions threaten to become severely aggravated by the unprecedented expansion in working age population anticipated

during the coming decades Even if there were no laborsaving changes in the offing, there would be an annual net influx of over 1 4 million into the labor force which necessitates the creation of about 27,000 new jobs. But then added to this, the displacement effect of increased technology, there is a need to provide for those 56,000 jobs a week.

Some effects of automation have been observed in the House Subcommittee on Unemployment report by Chairman Elmer Holland In steel, for example, 250,000 workers today are doing the work of 500,000 12 years ago, and last June, General Electric announced that a push-button steel mill was on its way. In oil, for example, a small group of men run a $40 million plant by remote control and so it is with auto, coal, radio, telephone, textiles, sheet metal works, stores, banks, government, cities and manufacturing Office Employees' International Union President, Howard Coughlin, indicated some 10,000 computers would be installed during 1961 in business offices and would displace 350,000 of the 1 4 million clerical workers employed in these establishments. Coughlin observed, "We are continuing to train students at our high schools and business colleges for occupations which will cease to exist in the next five years" Maintenance of Way Employees' President, H. C. Crotty, told of the 59.4 percent decline in the number of railway road maintenance workers between 1946 and 1960, largely as a result of mechanization He declared, "We, in the Brotherhood, realize that there will be technological changes We have co-operated for the good of the industry, but unfortunately, we have not shared in the fruits of technological progress.

Patrick E Gorman, Secretary-treasurer of the Meatcutters and Butcher Workmen, told of the decline by 7,000 jobs a year during the past five years despite the fact that production in the meat industry rose significantly. "This is only the beginning," he warned, as he went on to describe machines ready for installation which will displace entire departments The study undertaken by Armour's Joint Labor-Management Committee found that of 2,411 workers losing their jobs when the company closed three plants, 55 percent were still unemployed one year later, particularly the older workers, women and workers facing color bars. Gorman testified, "These automation severances had been close to economic death sentences"

From industry's point of view, some of the training implications of automation have also been pointed up in an article by University of Colorado Professor of Management, Otis Lipstrau, in the June 1960 issue of Training Directors. Dr. Lipstrau polled the top operating executives in the United States concerning their experience with automatic work in industry. They reveal a number of constructive attitudes toward the problem on the part of management However, this is not always the case and too often industry has preferred to compete for skilled personnel already employed in other firms, instead of pursuing a training program of its own, or preferably one involving all segments of the community

Turning to organized labor, there is considerable variation in the performance of unions and dealing with the problem of updating the skills of their members and of developing trained manpower in sufficient numbers to meet needs Labor is obviously hampered in doing a fully effective job, in that it can do little with regard to those workers

not covered by collective bargaining contract Similarly, it is limited in taking the initiative with young workers who have not as yet found a place in the labor force, as well as those who have lost their jobs due to obsolescence of skills in a shrinking job market Nevertheless, there are a number of areas in which the initiative of organized labor has been quite successful and should be of value as guidelines to future programs The essence of these programs is, however, that they are primarily trying to do the job of keeping their craftsmen abreast with the changing times. More and more journeymen need continuous training or else suffer the consequences of seeing their skills become obsolete, and this is what these programs are essentially aimed at

It is possible, of course, to make retraining available for a lot of the people that will be given a crack at the new jobs, even though there may be a shrinking number of jobs, but even here there are problems For example, in steel, you might have a new process that comes in and it will displace out of a unit of 200, 100 people. This means these people have been out of school 15 years and now out of 200 jobs, 100 are left They have to pick the people that are going to be trained for these new jobs These people, because of the nature of the jobs, require different skills than what they have been performing generally They must take aptitude tests, and lots of times the people that are on the job cannot qualify for the aptitude test for the retraining So it is important not only to give them the opportunity to retrain if there is going to be a job for retraining but it is important to do it sufficiently in advance so that they can go back and pick up the skills necessary to qualify for the aptitude test to enter retraining

Where massive changes are wrought by automation, there are collective bargaining precedents which were used in somewhat analogous situations as long ago as 1936 For example, the Washington Agreement between a group of railroad companies and unions sought to cope with the changes incidental to a railroad merger. The agreement called for (1) displacement allowances based on seniority; (2) job protection against downgrading of wages and working conditions for five years for employees retrained; and (3) provision of reimbursements for transferred employees covering cost of moving, family living expenses while relocating and losses resulting from forced sale of homes More recently, the fund approach to automation and technological change has developed in a wide variety of forms Retraining and early retirement are generally among the most prominent features of such approaches to the problem

There are negotiated retraining agreements which apply rules of seniority and ability to provide training opportunities to fill the reduced number of jobs that may remain in an automated plant In a few instances, collective bargaining agreements are under responsibility for the retraining of displaced workers who have no reasonable hope of regaining employment in their industry Of course, when this latter type of program is gone into, there is the problem of how far and how much can one expect from industry to carry the burden of this displacement Some would say that they have an obligation to retrain all of those they do not need any longer, even though they may never work in the same industry The assumption there is that they must train for another industry Industry people do not feel this way. There

have been agreements where industry itself has agreed to do this but even there, as in the Armour Agreement, the results have not been entirely satisfactory

The performance of unions must be viewed in the light of the limitations under which they operate, some of which have already been cited But the most important factor at work is a lack of early warning systems through which labor organizations may learn in good time the skills to be demanded by technological changes definitely being contemplated by employers Such changes are usually in the planning stage from three to five years and longer before they are implemented. Yet, generally speaking, the advance notice given to unions is considerably less and usually too short to effectively develop negotiated labor-management solutions to training, retraining and job displacement problems which inevitably arise out of the contemplated changes

Perhaps this situation could be alleviated somewhat if labor organizations gave greater priority to the need for the development of effective early warning systems Perhaps the functioning of such systems on a full-time basis should be elevated to the level of priority that is now given wages, fringe benefits and other conditions of employment in the collective bargaining process Many experts on collective bargaining agree that the time has come to broaden the scope of collective bargaining along these lines, recognizing that the pace of technological advancements requires that unions familiarize themselves with the details of changing skill requirements in given industries and occupations Unions assume this broader role in the California Labor Federation, however, there will be a great reluctance of many employers to inform unions of projected developments because of fear of giving away their competitive position, or their competitive secrets Undoubtedly, this fear has placed a very real limitation on the ability of unions to obtain information on contemplated changes sufficiently in advance so that the transition of interim adjustment problems may be handled in an orderly fashion

It was precisely this major problem of projecting skill needs in a practical and meaningful way or manner which emerged as the dominant concern of rank and file labor leaders who participated in the two weekend conferences on the problems of "job displacement, retraining and skill development" sponsored by the California Labor Federation in November 1962, in San Francisco and Los Angeles The purpose of these conferences was to better acquaint union leadership with the "tools" currently available to help meet the challenge of skill development and job training

The objective was to indicate how our present tools may be more effectively utilized, and also to gain a better understanding of what additional tools may be needed to come to grips with the problem of structural unemployment The conference participants, with the aid of resource experts in each of the areas that have mentioned activity, discussed their problems in workshops organized in various industrial and occupational categories As indicated earlier, inevitably, all of the workshops ran into the problem of projecting skill needs in a practical and meaningful way It was noted that a great deal of general information on major trends in job opportunities is available along with scattered bits of information on specific skill needs Conference participants

learned that more studies are in the offing It was recognized, however, by all these participants, that before any specific programs can be developed it is necessary to accurately identify skill needs and projected job opportunities There is a need to know the quantity in which the specific skills are likely to be needed, and also know this in time to develop well planned training programs rather than resorting to crash programs

The same issue cropped up in a discussion of all approaches to the job training challenge—in relation to better utilization of the U I retraining program, in planning vocational training programs in the schools, in developing new approaches to on-the-job training and retraining of journeymen whose skills are being rendered obsolete by changing technology As indicated earlier, to the extent that unions have a role to play in developing usable information, this role really must be assumed But as indicated earlier also, there are limits to what can be done through labor-management co-operation Vast sectors of the labor force are unorganized In a declining industry, interim adjustment solutions for displaced workers do not eliminate the structural unemployment problem when jobs are lost through skill obsolescence and new jobs are created, often in different sectors of the economy

The fact of the matter is that job displacement is only a part of the total skill development problem facing the State and the nation Its total solution requires training to make sure that new entrants into the labor market have employable skills as it involves the retraining of the displaced workers Further, efforts in skill development or manpower utilization cannot be conducted in a vacuum, apart from planning for industrial development of our State Planning for skill development and industrial development, in our opinion, go hand in hand, and by the same token, a total solution to the structural unemployment problem requires a community approach extending beyond what may be accomplished through labor-management co-operation

A co-ordinated state approach was outlined by Max Kossoris, Regional Director of the U S Bureau of Labor Statistics, as the summary speaker of the recent skill development conferences It was advanced again by Mr Kossoris before the Governor's recent Automation Conference in Los Angeles Mr Kossoris pointed out that it was the logical answer to what we had learned in our own conferences in the federation The program breaks down into the following four points, which we call to your attention for appropriate consideration and action First, is the establishment of a State Manpower Development Commission representative of labor, management educators and agencies with job training functions to assume responsibilities for co-ordinating California's efforts in skill development As Mr Kossoris noted, "The State Manpower Development Commission should have the authority to propose changes in our apprenticeship system and our school curriculum, and to suggest additional activities as they find these necessary It should have the necessary operating authority, staff and financing A problem as important as this certainly should have the support of all segments of the State"

Secondly, the planned conferences under this commission's co ordination in each of the State's labor market areas should focus attention on the magnitude of the manpower utilization and development problem

and get employers to discuss their projected skill needs In connection with this second phase, Mr Kossoris observed, "To these discussions should be brought the educators in the area, the labor leaders, the leaders of management The problem at this stage is not to determine finally what the needs of the community are for additional skills 5 or 10 years from now We won't be able to do this through these conferences but what we will do is to focus attention on the problem, arouse interest by raising a lot of questions, and start people thinking We would want participants to assess their needs insofar as they can, to make the people involved in the various activities more responsive to the needs of the community, to point out to management that it is not doing its job adequately, that labor is not doing its job adequately, and that the schools are not doing their jobs in the light of what we know and know will come" This second phase would be followed up with co-ordinated studies in each of these labor market areas by professional economists and manpower experts to reduce generalities to specifics The emphasis would be on projecting requirements in terms of skills, rather than occupations, and on the quantity needed and when

In elaborating on this point, Kossoris pointed out, "We should be concerned not so much with the names of the jobs or the occupational titles but with the question of what workers will have to be able to do five or ten years from now in the light of changes that we know are coming" Mr Kossoris felt that performance of this function through the co-operation of commission and industrial personnel would "permit the people who will finally gather the information to put it through one common sieve—to apply the same job of judgment, delineation, singling out and combining the various elements in a uniform way so as to come up with one meaningful answer to the whole problem. In doing it in this way, through a governmental agency, it should be possible to convince management that the information gathered will not be used against the individual establishment of its competitors, that it will not be used against them by a union, and that the informaconnection, there is no reason why associations of employers cannot tion is important not only for labor but equally for industry In this connection, there is no reason why associations of employers cannot be utilized Individual industries are affiliated in various associations and there is no reason why the commission should not at least attempt to persuade these associations that one of the services they ought to extend to their members is to work out a program which will spell out that industry's future needs insofar as they now can be anticipated"

Now, of course, the fourth step in this program would be the development of training programs, their expansion, their revamping, as may be necessary to meet the projections on a planned basis Once the projected skill requirements are analyzed, Mr Kossoris pointed out, the vastly superior vantage point from which the entire community would evaluate what it is that we need in terms of curriculum in the schools, is training programs, apprenticeship programs, or other approaches that may be necessary in order to bring out the kind of skills that industry needs and will require

"Perhaps then," continuing with Mr Kossoris' statement, "after we have gone through this, we can develop techniques in our schools to guide our high school students into the kinds of courses that will do

them the most good We should perhaps interest them in possible job opportunities earlier so that they can gear themselves to the kind of training that will help them the most Those who can make the grade and have the interest and the desire to do so, should be encouraged to go to college But those who cannot, or for any reason do not want to go to college or attend classes beyond the high school level, should be given the opportunity to take basic courses on which skill training can be built—either through apprenticeship, through other types of industry training, through the junior colleges or any other technical schools that may be set up for this particular purpose "

"The apprenticeship program," Mr Kossoris pointed out, "needs to be restudied and expanded Perhaps this, too, can be done, and perhaps we can expand the apprenticeship program not only for additional skills, many of which are not now covered, but also to semiskilled and unskilled occupations for which practically nothing is being done today

"Perhaps under this kind of a proposal, and with this kind of guidance and leadership, we can convince industry that out of self-protection, it must supply the information which this kind of program needs There is only one way to find out about the changes being contemplated by industry, and that is to have industry tell us "

This problem of job skills and development of skills for the changing technology is as much of interest to industry as it is to labor or anybody else, and all have a vital stake in this and must do something about it

Implementation in California of this program recommended by the California Labor Federation, may well serve as a guide to subsequent activities in other states and, for that matter, at the federal level

In summarizing and developing the final points, it is vital that we see the challenge in its broadest perspective, both in terms of (1) the skill needs of industry and the community, and (2) the creation of opportunities for work, including the availability of training facilities to individuals so that they may acquire the skills needed by industry If labor and management fail to recognize that these are but two sides of the same coin, there is a danger that communication barriers will develop and traditional antagonisms will flourish to the detriment of the public

The need is for frankness in this connection There exists a tendency among industrialists and management groups, quite naturally, to think of manpower problems more in terms of satisfying their own skill requirements as best they can rather than in terms of the individual's job needs or the problems which society itself faces generally in developing the skill potential of individuals By the same token, labor organizations focus on the job needs of their members with less attention to the changing patterns of industry's skill needs While the actual picture is neither as black nor as white as this, labor and management should be mature enough to recognize in this age of rapid technological change that the development of communication barriers on this issue of manpower development and utilization will court economic disaster

One need not be an economist to read the handwriting on the wall The persistence of a high level of hard-core unemployment through the upswing of business cycles, as pointed out, is merely symptomatic

of the overall problem we face Its existence is not something one can sweep under the rug by accepting new norms for what some may consider acceptable levels of unemployment On the contrary, its presence should serve as a warning of the kind of trouble that lurks on the economic horizon, threatening a period of prolonged economic turmoil and unrest

Every displaced worker, every production worker as well as those who are entering the labor force for the first time, must be made to understand that the biggest growth in job opportunities during the sixties will be in these expanding areas of employment and in other skilled occupations where the premium will be attached to education and training Likewise, in the unskilled and many of the semiskilled job categories, unions must recognize that the decade ahead will see little or no expansion of employment opportunities

All of these simple truths and economic projections can be impressed upon the displaced production worker

It is apparent in the testimony presented to this committee that the problems of job displacement and skill obsolescence are largely social problems of an advanced industrial society There is much that labor and management together can do at the collective bargaining table There is much the individual must do for himself Beyond this, however, there is a large area of responsibility that is community in nature, the problems of displacement and retraining are only part of the much broader challenge to face in the development of human resources

The fact that the American worker has been receptive to technological advancements in the past is no assurance that the same attitude will carry forward to the second "industrial revolution" arising out of automation Unless the American worker is given reasonable assurance that the promised benefits of the new technology will indeed accrue to all of society, unless he is given evidence which demonstrates that he and his family will not be forced to shoulder the entire burden of economic displacement and interim adjustment, there can be no assurance whatsoever that the American worker will not adopt a course of outright resistance to automation Such resistance, reflecting the kind of irrational behavior which almost inevitably takes hold when a person is confronted with economic extinction, would be a social tragedy of immeasurable proportions Yet no labor representative can give you any assurance that this will not happen if policies of drift and indecision are followed

The potential tragedy, of course, lies in the absurdity that there should exist huge surpluses of labor with skill potentials largely untouched, while hundreds of thousands of skilled jobs go begging

A STATEMENT BY DONALD H RONEY, STATE DEPARTMENT OF EMPLOYMENT

Mr Chairman and members of the committee Your consultant has suggested that I limit my comments to you to the area of automation and its impact on our work force and our social and economic institutions I should perhaps present my defense at the earliest opportunity I am not an expert in the technology of automation, nor perhaps in the many social and economic areas on which it will have a hard impact My claim to knowledge in this field, such as I have, must be

based on the fact that over the last two years, I have reviewed much of the literature in the field and have intermittently attempted to identify those programs of government here in California which may need reappraisal in the light of the changing conditions which automation and other developing technologies may forecast I should also say that any opinions or conclusions I may have reached are substantially my own and do not necessarily reflect any official position of the Department of Employment, except as they may coincide by chance

Your concern, as I understand it, is upon the effects of an automating economy on the present and future work force of our State, not on the technology of automation itself Nevertheless, a few comments on the concepts involved may be in order

The term "automation" was coined a short decade ago by Mr John Diebold, whose name is still almost synonymous with the concept But the work itself has been glamorized by some and downgraded by others The first have insisted that it is a startling new technology in itself, the second have viewed it as merely an extension of mechanization—something just a little more complicated than what we have had. Both are perhaps partly correct But it does introduce an essentially new concept of the self-regulating, self-controlling process Mechanization, as a technique, substituted machine power for animal power; automation tends to substitute machine judgment for human judgment, at least in areas where the rules for exercising judgment can be fed to the machine

This concept is of more than just academic interest because it tends to forecast where, in our economy and upon what kinds of people, automation may have its greatest impact, upon the semiskilled and perhaps even skilled workers whose occupation represented perhaps a combination of both manual skills and judgment These might include the bank bookkeepers, the reservation clerks, the skilled machine operators and even persons associated with management of technical activities as well as the elevator operators, the assemblers and the clerks performing routine, repetitive tasks

Frankly, we do not know at this moment just how much actual displacement of workers is actually going on, either here in California, or in the nation as a whole We do know of isolated instances, many of them involving significant numbers of workers The canneries, for example, are planning to introduce new equipment next season which may reduce their manpower needs by as much as a third Essentially, however, this is an increase in mechanization (as we now understand their plan) rather than through automation in its more technical sense

But there are other effects on the labor force in addition to the overt layoffs brought by automation It is here that the picture gets even more confused One—and certainly an important one—is the failure of a firm to *hire* the additional workers which its increase in production would otherwise require Those who may be laid off by automation are the obvious victims and they can be identified and counted The ones which are *not hired* are impossible to identify

Most firms which have introduced automated equipment have as a matter of good public relations tried to avoid actual layoffs, usually by a transfer of workers to other work, or by slowing down or halting

entirely the replacement of workers leaving for other reasons In fact in the Department of Employment a few years ago when we introduced electronic tape equipment to replace IBM card systems, we did exactly that—and for the same reasons

Another effect of automation is somewhat more obscure at this time, but it is inevitable that the modernization of equipment, engineering, production concepts and production methods will improve the competitiveness of one plant as against another—just as mechanization has done in the past Most people seem to visualize an automated plant as dealing only in mass production methods and not readily adaptable to short run or to custom work Experience is showing that this is not necessarily so Because of the speed and flexibility which many types of automated processes involve, particularly machine tools controlled by programmed tapes, equipment can be adapted to short runs (and even to custom work) faster and to closer tolerances than by the traditional craft methods The result may well be that automation in one establishment can produce layoffs in another establishment which has thereby been made obsolete What I am perhaps saying is that our attention thus far has been directed toward the persons who have been the clear victims of automation—the ones who have lost a particular job to a particular machine or technique But persons who have studied the problem seem to be in agreement that it is difficult, if not impossible, to identify clearly the unemployment and other distress due directly to automation from that due to other sources, such as obsolescence of plants and methods, competitive factors, changes in consumer demand, and a host of other elements Perhaps to the individual worker, the reason may be only academic It may be like trying to identify which tooth on the saw finally cut off the finger The result to the individual is the same, regardless of the reason

This line of reasoning suggests a danger in approaching the problem of unemployment solely attributable to automation. It will likely become increasingly difficult to identify it clearly or to treat it as a separate class of unemployment The obsolescent plant which has to close because of competition for an automated plant or a new technological process is a victim of automation and so are its workers The acetylene welder who is finding it harder to get a job because of the introduction of helial-arc welding techniques may equally be a victim of our advancing technology The boring machine operator on a Detroit engine block line who has been replaced by an automatic machine, or the cannery worker in Modesto, or the longshoreman on the San Francisco waterfront, or the elevator operator displaced from a downtown office or hotel, or the young girl trained as a bookkeeper looking for a job in a field rapidly being taken over by machines—all have one element in common the skills they have are not so readily marketable as they once were Essentially, they are faced with one of three choices: upgrade their skill to a more competitive level, or acquire an entirely new skill more in demand, or revert to a lesser skill with lesser pay or, at best, a stationary position in the competitive labor market

In many quarters, it has become popular to avoid the basic issue by relying on the platitude that technical advance (and automation is certainly that) always in the long run creates more new jobs than the ones it displaces. Possibly that is true, but the figures are not clear

It is clear, however, that the beneficiaries of these new jobs are not necessarily the same persons who are the victims To take a simple example, the elevator operator who is displaced may not be the person who can be trained to become the maintenance man for the electronic equipment that displaced him

In essence, the jobs which are being created by automation and technological advancement are different from those which are displaced They require a different kind and a different level of skill As more and more of the repetitive, semiskilled and unskilled jobs disappear, unemployment may mount in those groups at the same time demands are going unmet in many of the new jobs and occupations which are emerging

The available statistics both nationally and here in California show clearly that our labor market is undergoing some radical and broad changes Unskilled workers are in surplus supply almost everywhere, in many areas with heavy concentrations of manufacturing there are many semiskilled production workers without jobs, older workers with many of the traditional skills of a generation ago are having difficulty finding jobs, and perhaps most disturbing of all, young workers with only a high school education or less and without specific occupational training are facing a discouraging prospect in the job market

A STATEMENT BY ROBERT SCHLEH, CALIFORNIA CONFERENCE OF EMPLOYEES ASSOCIATION

We appreciate being asked to appear before you and present views and ideas concerning the subject referred to interim study by the various house resolutions

The symptom that has been the basis of these hearings is the growth of what is commonly termed the "hard-core" unemployment segment of our complex economic and social structure House Resolution No 136 by Assemblymen Knox, Elliott, Unruh and Waldie states the problem that

"WHEREAS, These persons are 'unemployable' not only because jobs which they might fill have been eliminated because of automation but also because the number of jobs for unskilled persons is rapidly dimishing in relation to the number of jobs requiring skills or training of some kind; and

"WHEREAS, Many persons presently limited to unemployable status require public assistance of some kind and represent a now untapped resource of manpower, that may be source, utilization of which would add to the wealth and welfare of the State, and

"WHEREAS, The entire problem of 'persistently unemployed' persons should be thoroughly studied to determine the social and economic effects and the most appropriate and effective means for alleviating it " and it goes on, of course

It is with the same concern for the symptom of "hard-core" unemployment that causes us to bring in evidence today Because of this symptom, it is understandable that this problem has been referred to the Industrial Relations Committee

As in the solution of any problem that confronts us, the cause of the problem must be ascertained before we can proceed in the solution. The facts that show those who are "persistently" unemployed must be

ascertained so that the cause can be known. When the cause is known, the necessary, proper and efficient steps can then be taken to solve the problem which is before us

The cause of the persistently unemployed people is an insufficient basic education which leaves the individual unprepared for training and, therefore, gainful employment

Before going further, the terms "education" and "training" must be defined in order to prevent any confusion I will admit that these are our definitions for purposes which we hope we can get across here

Training is the teaching of specific skills that enables an employee to satisfactorily perform a specific job

Education is a process of imparting knowledge which prepares the mind for acquiring a specific job skill It, then, provides the mental foundation necessary before training can begin

In order for employers to remain competitive, the training function is being performed by industry Jobs with greater skill requirements are arising because of new products and new production methods which have proven to be more efficient through constant research and development These jobs must be filled

Industry trains thousands and thousands of employees who have sufficient education to qualify for training Those who do not qualify because of inadequate education must either (1) keep their present job, or (2) take a new job where they have adequate education to qualify or seek, free, the education they lack

This process of turnover may take many days or weeks or months, I might add The facilities of the Department of Vocational Education and the Department of Employment are available and being used by those who have the desire These people are not the "persistently" unemployed Who are the people of the "hard core"? (1) A Richmond labor union testified that the unskilled and uneducated members of the organization are the ones who are "persistently" unemployed (2) The aircraft and automobile unions stated that the unskilled members of their unions are the ones being laid off (3) The oil industry testified that they hire only those whom they feel can be retrained or transferred if the production changes cause an elimination of a particular job, and therefore, they hired persons who have adequate education, who can be trained at a later date, if needed (4) The electronic industry testified that only those who were unable to accept more training because of a lack of basic education were being laid off (5) The Department of Employment reported that in the Bay area the vast majority of the "hard core" unemployed are unskilled and uneducated (6) A high school educator has testified that high school students who drop out of school have the greatest difficulty finding a job The Richmond Neighborhood House, a community organization, has testified to these same facts (7) The Bureau of Labor Statistics has figures which show that the unskilled are the major portion of the "hard core" unemployed The *Monthly Labor Review* has further statistics on the education of the "hard core" and shows that uneducated are a major portion thereof

To go on further, after having completed the written portion, I would just like to quote from the Structural Labor Force report, No

17, that was once a part of the *Monthly Labor Review* put out by the Bureau of Labor Statistics in the United States federal government The article is "Long-Term Unemployment in the United States," and the author is Jane Meredith, who is of the Division of Manpower Unemployment Statistics of the bureau She states "Findings from special surveys on the educational attainment of workers shows a greater tendency toward long-term joblessness among the less educated Data for 1959 showed that persons with less than a high school education represented three-fourths of those out of work 15 weeks or more, tending towards the hard core, but only one-half of the civilian labor force Young high school dropouts were especially concentrated in semiskilled operative and unskilled labor jobs, where long-term unemployment is typically greatest"

These figures were from the article in *Monthly Labor Review*, in 1959 It is the "Educational Attainment of Workers in 1959" and I was very, very surprised and interested when we heard people who testified previously before this committee about the large number of dropouts and I was unwilling, really, to believe it But I found this federal survey showed 18 percent of the people in our working labor force have had less than 8 years of education and 33 percent did not successfully complete a high school education This totals 51 percent These are my approximations It is around 50 percent of the working force who have not completed 4 years of high school These are broad figures but I think that the Bureau of Labor Statistics has further statistics and perhaps someone, a consultant, can go to work on it

A further check into this very same chart shows that 40 percent of the unskilled and semiskilled workers have less than a complete elementary education, the same less than 8 years of education This is where the hard-core unemployment is and I am trying to show the relationship between the hard core and this education Seventy-three percent of the same workers, those semiskilled and unskilled, laborers, semiskilled operatives, have less than a complete high school education Of course, this includes the 40 percent and added to that is 33 percent who have completed 8 years of elementary school but have not completed 4 years of high school

A STATEMENT BY MR. NILS LA VALLEY, VAN NUYS CHAMBER OF COMMERCE

Mr Chairman and members of the committee Your last witness just raised a number of questions for which, he said, he was unable to provide many of the answers. I hope that perhaps in a few minutes I can help you at least think through some of these I did not bring a prepared statement but I brought a book which I think might help in this particular case I would like to read one paragraph from it which might answer Mr Gaffney's question of a few minutes ago as to whether we are just interested in industry or are we interested in all people Living as we are in the midst of one of the most advanced areas of technological development in the entire nation, each of us has a real concern that our children have an awareness of the demands, the basic requirements, the challenges and the opportunities of tomorrow's careers Beset by breakthroughs and knowledge, the establishment of higher standards of performance and increasing competition, we now

realize the scientist, the businessman, the professional man, the artist, all require the development of the maximum talents of the individual Maintaining of engineering and technical competence in our industries has been the inspiration for this technical manpower study conducted with frankness and accuracy, sponsored and financed by the Van Nuys Chamber of Commerce, the Los Angeles City Board of Education and the State Department of Education This report should prove invaluable in acquainting students and parents with today's and tomorrow's need for industrial skills A supplementation in high school, adult school, and junior college courses of vocational value should increase the earning power of our youth and assist our community in maintaining full employment. This is a study which required some 15 months to complete It cost $28,000, of which $8,600 was paid by the local community industries, approximately $6,000 by the Board of Education and the State matched this with about $14,000

As we look ahead as to what skills are going to be needed in the future in manufacturing industry in this age of automation, space, missile industry and this type of thing, it is a very frank evaluation, a very objective evaluation, that is critical of some of the present practices of industry in their training programs It is critical of some of the practices of schools It is one of the few studies that we know of that was made as an objective and a basis When the director of the survey went to industry, he said, "I am representing the Chamber of Commerce " When he went to schools, he said, "I am representing the Board of Education " He came up with some very practical recommendations which are in the process of being implemented in our valley industry I might give you a little background that we have been very much concerned with out there in this rapidly growing area—what might be called the co-ordination of the community resources In other words, we look at this problem from the overall It is not just a problem of industry, it is the problem of individuals, of manpower Every company, every successful business has had this problem for many long years It is a problem, in government, in recruiting good and efficient people who will do a job We have been very much concerned with this

We worked with apprenticeship just in the past 30 days We were instrumental in getting an apprenticeship course going for a machine shop in the valley and 35 people enrolled. This was at the small plants' level, not from the major defense contractors The smaller companies were more concerned with precision than the larger companies are, because the larger companies can either build competence into a machine or, if they come up against a problem and it is real tough, they can subcontract that and demand certain delivery date

We have that apprenticeship course going We also have helped institute one in the field of metal finishing—so far as I know, there has not been any apprenticeship course in the State in that particular field —and this was at the request of small companies Half a dozen of them got together and underwrote the apprenticeship program, wrote the standards for the course and it is in effect at the present time These 400 people who took this training course came from various fields—aircraft subassemblies, bus drivers, carhops, file clerks, general clerks, laundry workers, hotel maids, pantry girls, radio assemblers, sales clerks, shop clerks, toy assemblers and waitresses

A STATEMENT BY IRVING H. PERLUSS, DIRECTOR, STATE DEPARTMENT OF EMPLOYMENT

I think one thing that is necessary is to put the picture into perspective By this I mean that in California, as of August 1961, our total civilian employment is 6,230,000 which is the largest civilian employment we have ever had In August, too, we had 419,000 unemployed, and the percent of our labor force unemployed is 6 3 But I would invite the committee's attention to the figure for July 1961, which was 6 9 The trend is going down, and I think it is reasonable to expect that very soon we will be below 6 percent and I believe actually below 5 percent

I might add that we in the Department of Employment are very proud to say that in August we made 63,000 nonagricultural placements, which is the highest month in the history of the Department of Employment for placing people in work

I think this has to be tempered by this thought which Mr Roney expressed this morning, that it is a fact, with the problems of growth that we have in California, we anticipate the need for 250,000 new jobs a year to take care of our expanding population, which in August is estimated to be 16,443,000 people A statistician told me that sometime in 1963, California is going to be the largest state in the United States So we do have a problem and I think the committee's investigation at this time is most appropriate There is one other comment that I would like to make at this time, with respect to the characteristics of the unemployed You are going to hear more about this tomorrow from the real experts By the way, I'm not an expert I just happen to be sitting up in that ivory tower that I occupy But it is a fact that, if you look at the characteristics of the unemployed, we find that the majority of the people who are unemployed are unskilled and semiskilled We find, also, that the minority groups have a large proportion of the unemployed and we find, too, that the older worker, a person over 45, represents a larger proportion of the unemployed

I think that training and retraining is a most important solution to the problem of 250,000 jobs a year, the problem of the unskilled and the semiskilled worker I think and believe through the co-operative efforts of industry—and this is most important, because industry has taken a most co-operative attitude with respect to retraining, and with the co-operation of labor, and labor has taken a most co-operative attitude, and with government, we think we are going to be able to accomplish something We are going to be able to implement what you gentlemen have set down as a policy of the State of California

I want to make one more comment with respect to a question asked Mr Roney and this was regarding the establishment of more trade schools I think one of the problems you are going to have to deal with is that a college education today becomes a question of status You ask a person, "Are your boys going to go to trade school or go to college?" I would say automatically, they are going to college and I think this is the attitude of most people Therefore, apart from establishing the trade school, we are going to have to establish a status insofar as the trades are concerned This has to be a desirable thing Not everyone can become an astronautical engineer but there are many important, desirable jobs that can be performed There has to be a change in public opinion towards the necessity of every child receiving a college education.

SECTION B—UNEMPLOYMENT

This section deals specifically with the unemployment problem as it relates to automation and technological change in general

The available statistics both nationally and here in California show clearly that our labor market is undergoing some radical and broad changes Unskilled workers are in surplus supply almost everywhere, in many cases with heavy concentration on manufacturing there are many semiskilled production workers without jobs Older workers with many of the traditional skills of a generation ago are having difficulty finding jobs and perhaps most disturbing of all, young workers with only a high school education or less and without specific occupational training are facing a discouraging prospect at the very time they need a satisfying work experience the most

Of course, automation is only one of the factors which may be generating these trends But there is increasing evidence that the demands for skills which are still in short supply and this mounting hard-core of unemployment, more and more reflects a permanent imbalance between available skills and the demands of the job market The disturbing prospect is that our technology, our engineering and management pressures, and our growing demands for new methods will outstrip our ability to match these jobs with our work force There is an old saying in the manpower business that it takes longer to make a metallurgist than it does to build a steel mill

All of this seems to suggest that we should give much closer scrutiny to the steps we are taking as a government, as a society, and as an economic system toward seeing that we shape a labor force able to keep up with our advancing technology, rather than lag further behind The magnitude of this task is almost staggering To illustrate from a New York study completed less than a year ago, while admittedly based on inadequate statistical data the forecasts are for a total increase in jobs between 1957 and 1970 amounting to 18 7 percent White collar jobs were expected to increase half again as fast, or 27 percent Within the white collar group, professional and technical jobs would increase by more than 45 percent, or two and one-half times as fast Manual occupations, on the other hand, would group by only 9 2 percent, while industrial laborer jobs were expected to actually decline by 10 percent and farm workers to decline by almost 18 percent Projections made by the U S Department of Labor for the decade of the 1960's show substantially the same forecasts for the nation as a whole Certainly the economy of California, with our rapidly growing electronic and space technology industries, our pressures of population and industrial growth will find that these forecasts will be an understatement of our problem as compared with the national average, as stated below

1 Unemployment among laborers and semiskilled workers accounts for two out of every five jobless workers
2 One-fifth of all the unemployed are Negroes This is twice their proportion in the labor force
3 Among men 25 to 44, the rate of unemployment is three times as high for Negroes as for white workers

4 One out of every five Negro men and one out of every four Negro women are looking for jobs

5 Seventeen percent of all Negro workers are nonfarm laborers—the occupation with the highest rate of unemployment Only 5 percent of all white workers are in this occupation On the other hand, only 13 percent of all Negro workers are in the white collar jobs, where unemployment rates are low

It is evident that Negroes as a group, and unskilled workers generally, are particularly disadvantageous with regard to employment Another severely disadvantaged category are the youth—young men under 25 years of age In the two years between August 1957 and August 1959 the increase in unemployment was 20 percent but the proportion of young people experiencing extended unemployment in that period was 50 percent greater, according to *Persistent Unemployment*, U S Labor Department, October 1959

The situation has not improved in the past two years, according to *The Insured Unemployed*, U S Labor Department, June 1961 "Despite declines (in unemployment) in May and June, long term insured joblessness (15 weeks or more) continued at a markedly higher level than a year earlier"

In June of 1961, the semiskilled and unskilled comprised 56 percent of the total insured unemployed

As of April 1961, one-third (33 percent) of all the unemployed in the United States were young men under 25 years of age In June of this year, 65 percent of the workers who had exhausted their unemployment insurance benefits were unskilled or semiskilled We know that a significant number of men have not worked in jobs covered by unemployment insurance and hence are not counted in the figures above In the State of California in June of this year, 63 percent of the workers receiving unemployment insurance had been out of work over five weeks and nearly a quarter of them (23 5 percent) had been out of work over 15 weeks

In other words, we can say that the persistently unemployed include large groups of young workers, the unskilled and the semiskilled, and the nonwhite.

SECTION C—ECONOMIC DEVELOPMENT

Economic development is very important in meeting the labor problem incidental to technological change

During the first year of the Economic Development Agency, contracts had been entered into for a number of economic research projects having to do with California industry These included studies of California's Tax Treatment of Manufacturing Industry, Markets for California Products (the first output study of the state's economy), The Textile and Apparel Industry, Food Processing (canned and frozen), Selected Metalworking and Machinery

As of January, only one research project had been completed Since such studies are only the first step in preparing the cold selling facts to replace some economic guesses and fancies, the agency obviously had a great deal of work ahead of it in digesting these studies, appraising their findings and in preparing for their publication and their use This work has occupied a good part of the staff during 1961 The California Tax Study, the California Markets Study and the California Statistical Abstract, 1961 have been published

The studies recently received or still in the field will occupy the economists on the staff for the balance of the year

It was for these reasons, the economies effected by physical moves, and the status of the research projects which suggested that no more be contracted for the 1961-62, with the co-operation of the Director of Finance and the office of the Legislative Analyst 1961-62 budget was reduced by $90 thousand to approximately $145 thousand

This, quite obviously provided for only a small agency Its total employment as of today is 11

With that, representatives cannot be sent over the nation soliciting new business locations in California, nor should they There are already hundreds of experienced men in the field doing just that. They are on the payrolls of chambers of commerce, industrial development boards, industrial realtors, utilities, transportation companies, banks, etc

The field staff, on request, assists cities and counties to make plans to develop their economic potential and broaden their economic base Economic resource inventories under EDA guidance are completed or under way in 23 cities and counties Special situations have been given staff help in another half dozen places

The field staff's responsibilities have been increased in recent months by federal legislation establishing the Area Redevelopment Administration, which provides that the State Economic Development Agencies shall, practically, do most of the field work for the federal agency

Although the EDA has no advertising program and has not, to date, been effectively publicized, it receives inquiries from business and industry interested in locating in California Such inquiries must be treated in confidence

The EDA was encouraged, however, when four of six major prospects, replying to a followup letter from the Governor, revealed in confidence that specific plans for expansion into California had been completed Encouraging, too, was the survey of executives of manufacturing industries, representing all sections of the United States, made by a respected business publication which reported that, in an-

swer to the request to "Please list the specific states you would consider if your company were going to select a site for a new plant," 35 percent preferred California, putting it solidly in first place.

Simply stated, the continuing objective of the Economic Development Agency is to do everything that it can do to insure the kind of California business climate in which industry can profitably grow.

The increasing requests by cities and counties for assistance from our field staff and the increasing time required to bring the full benefits of such federal programs as those of the Area Redevelopment Administration and the Small Business Administration into play for the benefit of local communities suggests a small expansion of the field staff

SECTION D—TRAINING AND SCHOOL

Training and schools will play an integral part in finding a solution to the automation problem

The Legislature passed Assembly Bill 2171, authored by Assemblymen Hawkins, Kennick, Elliott and Nisbet California is the first state to have such legislation This is a permissive bill, enabling the Department of Industrial Relations, Division of Apprenticeship Standards, to work as requested with unions and employers in the development of two types of on-the-job training programs One is for journeymen and the other is in the nonapprenticeable trades, where workers entering the labor force for the first time are workers who may need retraining This bill took effect in September The budget appropriation is intended to extend from October 1st through 12th of the fiscal year

In the interim, the Apprenticeship Standards Division has been busy The most important thing that has happened is high level conferences, summit conferences with the directors of Industrial Relations, Education, Employment and the U S Department of Labor This bill required co-operation of all agencies At this summit meeting, the role of each agency was somewhat defined and it was agreed that there would be an exchange of information and application so all of the agencies could work together on this In the interim there have also been meetings with employer groups interested, and union groups interested These conferences are being continued

To assist the community to correct the training problem, local employment offices have worked with educators, employers, trade associations, unions and civic leaders and others to organize special training programs which will provide specific training to the worker prior to his entry on the job For example, in the food industry at the present time, we are operating such programs in seven of our communities in California for grocery checkers and cashiers Briefly, this is the manner in which these programs operate (1) Through analysis of local manpower problems, we identify recruitment and turnover problems which appear to be caused by use of workers who are not properly trained, (2) These problems are verified through discussions with employers and unions, (3) There is encouraged the formation of a community action group composed of representatives from schools, business, industry labor and government who seek to organize a specific training course, (4) Trainees are recruited and through job tests and job interviews, attempt to assess their aptitudes for the occupation in question, (5) The trainee is placed in the type of job he has been trained for at the conclusion of the training Such programs are active in almost 50 communities in California and that training is now being given in such occupations as dry cleaner, silk finisher, sewing machine operator, presser and garment examiner in the service and apparel industries For example, mechanical assembler, solderer and wirer and plastics technician in manufacturing, wrapper and packer grocery checker, cashier and sales clerk in retail trade, stenographer and typist in business machine operators for business offices, and other miscellaneous occupations, such as camp counselors, X-ray technicians, vocational nurses waitresses, hotel and catering maids and maintenance gardeners

It seems appropriate to observe that legally, officially and morally, the public schools have a very vital responsibility whenever people are not employable because they lack skills and knowledges necessary for employment

Furthermore, it seems reasonable to expect that this responsibility must be assumed at all stages in the educational span—from kindergarten through the 14th grade of junior college and in all aspects of adult education offerings

Involved, basically, is the need for keeping young people in school as long as possible—at least through high school graduation High school graduation is almost a universal requirement for job entry and job success Involved, too, is the constant need for vocational guidance for all young people

Equally essential is a systematic program of instruction keyed to the job entry needs of young people who will seek employment prior to or immediately following high school graduation That such instruction requires some degree of skill training is evident by the hiring practices of employers throughout the State

To be most effective in resolving the plight of the unemployed, training programs must be directed toward these potentially problem areas, the so-called older worker and the school dropout There are many programs presently under consideration to elevate the job horizons for the school dropouts and to improve the skills of the older worker and help him keep abreast of technological change More challenging, however, but equally deserving of attention, is the development of skills in the older group where limited or no skills now exists

Particular emphasis should be placed on some of the new laws that have been suggested One is the proposal of Assemblyman Kilpatrick, A B 3006, which would set up a type of training loan for persons on public assistance

SECTION E—EMPLOYMENT OF THE HANDICAPPED

GENERAL

The extent of the problem of handicapped persons in California is probably greater than many people believe No comprehensive statistics are available since machinery has not been created to report and keep current information concerning people who suffer disabilities as a result of illness, accident or congenital conditions The best data indicates that there are probably at least 150,000 people available out of our 16,000,000 residents in California who have a disability which is sufficiently handicapping as to cause them difficulty in securing and holding employment. Many of these 150,000 are so severely handicapped as to make it improbable that with present skills and techniques they can be restored to employment Many could be helped if additional staff and funds were available in present programs Others are making an adjustment of sorts on their own by working at marginal jobs where they are often the first to be laid off in case of reduction in force

Briefly, the vocational rehabilitation program was founded on the premise that financial and other assistance given to a handicapped individual at the proper time through the provision of proper services can serve as an equalizing force which will permit him to compete on relatively equal terms with his nonhandicapped fellow. The agency maintains offices in 30 cities throughout the State staffed by vocational rehabilitation counselors These are employees who have been specially trained in the techniques of providing assistance to physically and mentally handicapped persons with the specific objectives of restoring them to employment The only services offered directly by the agency are vocational counseling, medical consultation, and psychological testing All other services are purchased from a wide variety of venders including physicians, psychiatrists, hospitals, artificial appliance firms, and vocational schools

The last fiscal year almost 2,500 disabled adults in California were restored to employment through the provisions of counseling, training and in many instances, corrective medical care or surgery to remove or lessen a disability Of this number, exactly 707 were families who had been on relief for extended periods of time The savings in taxpayers money from restoring these 707 families to self-supporting status more than equals the cost of rendering the rehabilitation services which were necessary

At the present time, the agency is not staffed to meet the needs of all persons who make application This, incidentally, is universally true throughout the nation It is estimated that only about one out of four persons who actually apply for service can be accepted with existing staff and funds This program is jointly financed through federal and state funds on approximately a fifty-fifty basis, according to testimony. Federal funds have increased disproportionately to the appropriation of state funds As an example, the fiscal year 1960-61, there was appropriated to California $660,000 in federal funds which could not be used because of lack of state funds to match The fiscal year 1961-62, the unmatched federal funds amount to more than one and a half million dollars The forecast for 1962-63 is that there will be over $3 million dollars in federal funds unmatched by state funds.

SPECIAL PROBLEMS

Some of the obstacles towards greater utilization of handicapped persons are these First, the belief on the part of many employers that hiring a person with a physical defect in some fashion or other may increase the workmen's compensation costs Of course, this is far from the truth Workmen's compensation rates are based upon the hazards of a particular industry and its accident experience Until such time as hiring disabled people demonstrably increases the accident rates of a firm, such hiring has no effect upon workmen's compensation costs Some well-meaning people, believing that workmen's compensation is the major cause of unemployment among the handicapped, have advocated a change in the law which would permit a disabled applicant for a job to waive his rights to workmen's compensation in case of an injury

Second, another barrier of more significance is the health insurance programs carried by many employers Here there is no law which states that the insurance carrier providing the coverage for the employees in a given industry may not set up any artificial standards they wish It is quite possible that many handicapped people are being denied employment because the employers' health insurance is such that a person with a history of a heart defect, arrested tuberculosis, or some other chronic disease is barred under the terms of their private insurance policies

Third, one of the problems encountered in attempting to utilize the public vocational school for the older workers, is the slow pace With considerable success and a great deal of discrimination, a wide variety of private trade schools, business colleges have been used One of the advantages of the private trade schools is that they tend to have an accelerated program They tend not to be bound by school years, semesters, units, and so forth, and it is somewhat easier to get a program tailored to the needs of a particular individual who has to have a rapid and accelerated course

Fourth, the resources for the patients handicapped by mental illness are more limited than for the retarded in respect to sheltered workshops Workshop programs have grown sporadically under a variety of sponsorship, both public and private They lack a well-formulated and co-ordinated statewide operation A means needs to be provided to help extend and co-ordinate these programs so that they may be available to serve a wider range and greater number of the handicapped patients

REHABILITATION WORKSHOPS

There is an increasing need for more rehabilitation workshops in more communities and the need to upgrade and stabilize the rehabilitation services of these work programs by providing some means of state assistance

Workshops cannot be entirely self-supporting Most workshops can support the production aspects of their program from the income derived from their work But if workshops are in the business of rehabilitation—and not in the rehabilitation of a business with cheap labor—there are costs which must be met from subsidy sources if clients are to be served and protected

At Community Rehabilitation Industries, the determined cost is approximately $2,500 to graduate a tax-producing, self-supporting citizen The client himself, through the product of his work, earns or pays for $2,000 The remaining $500 is what must be subsidized by community, state or federal support

In the last legislative session there were several bills introduced to give minimal aid to workshops In A B 1764 and S B 944 (1961 session), the Legislature was asked to authorize the State Department of Education, Vocational Rehabilitation Service to set aside $75,000 so that it could be matched with available federal funds—to purchase evaluative vocational training and other services from workshops This bill was passed by the Assembly Education Committee and died in the Assembly Ways and Means Committee

A B 1864 and S B 945 (1961 session) requested that $100,000 be set aside, also to be matched by available federal funds so that workshop services to the severely handicapped could be expanded This bill was referred for interim study to the Social Welfare Committee

S B 751 (1961 session) authorized the Department of Education to allocate to certified workshops $300 per client for the first year, $200 for the second, $100 for the third, on an average daily attendance basis, a total request of $265,000 This bill is assigned to the Senate Education Committee for interim study S B 919 and A B 1910 (1961 session) appropriates $200,000 for the training of handicapped minors in qualified workshops This bill is also referred for study

The State Department of Education approved the two items of $75,000 for purchased services and $100,000 for expansion of services to be doubled by federal funds but they have been turned down by the Department of Finance

INJURED WORKERS

For many years the California Legislature has, at each of its biennial sessions, considered bills designed to provide vocational rehabilitation for industrially injured workers covered by workmen's compensation laws As a result of a study by a Senate interim committee chaired by Senator James McBride, Senate Bill No 1144 (1961 session) was introduced in 1955 This bill would have provided funds for the vocational rehabilitation of industrially injured workers through an increase of 0 4 percent in the rate of the in lieu tax paid on workmen's compensation insurance premiums

This bill was opposed by the insurance industry on the grounds that the exact number of workers who would require vocational rehabilitation was not known or what the cost would be The bill was amended to provide $25,000 for a study of this problem The study was jointly sponsored by the Federal Office of Vocational Rehabilitation and was conducted by the Vocational Rehabilitation Service, California Department of Education The Legislature extended the study to June 30, 1960

The findings of this study are now available and contain answers to the questions posed in 1955

Briefly, the findings are as follows

For each 1,000 workers who suffer work-loss injuries

104 will be disabled for 49 days or more,
80 will receive a rating of a permanent disability,
63 will receive a compromise and release settlement of $500 or more,
62 individuals will be found to be in need and will accept vocational rehabilitation services

If the rate of 62 is applied to the number of work-loss injuries in California, it will be found that approximately 1,000 workers will need vocational rehabilitation each year This is a comparatively small number when compared with total number of disabled persons, the total number of industrial injuries, or the total number of workers employed However, they, together with their families, constitute an important group in the economy in that they are people who, prior to their injury, were employed, self-supporting, and contributing to the economy Following their injury they have not been able to find their way back into the labor market although they could benefit from vocational rehabilitation services

During the 1959-60 fiscal year, the State Vocational Rehabilitation Service reported 313 persons rehabilitated whose disability originated with an industrial injury This was the highest year on record This number constitutes about one-third of those estimated by the study to be in need of, and able to benefit from vocational rehabilitation services It should be pointed out that the number of industrially injured workers in need of rehabilitation is accumulative, these workers having an average of over 20 years work expectancy, their average age at the time of disablement being 42 years

There are a few additional facts concerning industrially injured workers that may help to place in perspective the number of workers who require vocational rehabilitation As previously stated, for each 1,000 work-loss injuries, 104 workers remain unemployed for 49 days or more It seems reasonable to assume that the vast majority of the remaining 896 either returned or were able to return to work In other words, approximately 90 percent of all workers who suffer work-loss injuries return to work within 49 days

Of those who remain unemployed for 49 days

36 percent are still unemployed 6 to 9 months after injury,
55 percent return to employment 6 to 9 months after injury, this is 55 percent of the 10 percent that were unemployed 49 days or more, and
9 percent were found to have left the community, joined the armed forces, or were deceased This group included a number of Mexican nationals who returned to Mexico

Of those who were employed,

69 percent returned to the same employer, and
31 percent had returned to a different employer,

71 percent returned to the same work, and
29 percent returned to a different kind of work

65 percent received the same pay,
16 percent received more pay, and
19 percent received less pay.

These figures suggest that of the 10 percent most seriously injured workers approximately half of them returned to employment between six and nine months after injury, while slightly over one-third are known to remain unemployed While most of those who were re-employed returned to the same employer, the same kind of work, and the same pay, a substantial number did not return to the same employer, did not return to the same work and received less pay In a followup of those that had been re-employed six to nine months after injury, it was found that 16 percent had lost their jobs and were unemployed 18 to 24 months after injury In other words, immediate re-employment may not always pay. Very often, these—as a matter of fact, 5 percent of them—were found ultimately to be in need of and accepted vocational rehabilitation services

At the present time a disabled worker is entitled to vocational rehabilitation services from the State Vocational Rehabilitation Service, Department of Education, where the cost of rehabilitation is paid from appropriations from the State General Fund and federal matching funds To date the funds appropriated for these services have not been sufficient to provide services to all industrially injured workers who might need them without curtailing services to other groups

SECTION F—BRIEF SUMMARY OF FINDINGS

The committee's investigations in the fields of employment training and economic development have necessarily ranged over a variety of subjects, all of vital public concern These include unemployment, retraining of workers, the youth employment problem, school dropouts, relationship of unemployment to delinquency, minority group problems relating to employment training and unemployment, public school employment training facilities, private employment training institutions, the physically and mentally handicapped and their employment problems, and the technological displacement of workers and automation

The committee has found that federal appropriations for vocational rehabilitation have increased at an accelerated rate while state appropriations have increased at a slower rate In 1961, approximately $1,860,000 in federal funds was available to California but could not be matched In 1962, the figure is $3,100,000 with the prospects of a further increase in the year 1963 To match the money would require approximately 49 percent state matching

A major concern of the committee has been automation and technological change in general, their economic and social impact, and their relationship to legislative and general government responsibilities Automation may be leading mankind toward a golden age, but without proper safeguards, it could produce serious social and economic disturbances in the process

A B 2171 (1961 session), the Hawkins On-the-job Training Bill, received some favorable comments, but it was too soon for witnesses to determine how effective the bill had been The Subcommittee on Economic Development and Automation held hearings on apprenticeship training, therefore, will make in depth, recommendations in this area

It is essential that we be cognizant of the fact that the problem of automation and unemployment is a national problem but we must do everything possible on the state level to deal with the situation

In view of certain testimony given to the committee, it appears that in the very near future, the State, local government, labor and management will be unable to avoid serious consideration to the shorter workweek

SECTION G—RECOMMENDATIONS

In a preliminary report of March 12, 1962, six recommendations were made, among these were two proposals One concerned the establishment of an Assembly Automation Subcommittee and the other had to do with a joint resolution that would memorialize Congress to enact legislation providing funds to the State for the Manpower Development and Training Act of 1961 The Special Subcommittee on Economic Development and Automation was created with the permission of the Rules Committee as the result of this recommendation Honorable Augustus F Hawkins was appointed chairman of this committee along with the following four members Assemblymen George E Brown, Jr, Lou Cusanovich, Edward E Elliott, and James R. Mills. The final report of this special subcommittee is being filed in a separate document This report supplements the findings and recommendations of the full committee in regard to these particular subjects The following four preliminary recommendations are included in this final report

1 Legislation to make possible the utilization of unmatched federal funds in the vocational rehabilitation budget for the purpose of providing vocational rehabilitation services to young and handicapped adults in special classes in public schools

2 That consideration be given to providing additional matching funds for federal funds for the vocational rehabilitation of handicapped persons

3 Legislation permitting the State to use Short-Doyle Act moneys received from counties to match federal funds available to the State but not being used at the present time, for the vocational rehabilitation of mentally handicapped persons

4 That S B. 20 of the 1961 Regular Session be broadened to extend its exemptions to persons certified by the Bureau of Vocational Rehabilitation of the Department of Education during the processing prior to their actually receiving vocational training

The committee makes the following additional recommendations

5 An increase in apprenticeship training is sorely needed Presently, there are 21,000 registered apprentices in state apprenticeship programs, which is a small percentage of those required to fill currently developing vacancies Precise figures on minority group apprentices are not now available, but it is known that the number of Negro apprentices is negligible The State Division of Apprenticeship Standards is aware of this situation and indicates its readiness to persuade local joint apprenticeship committees to accept more minority group applicants Because many young people do not know about apprenticeship possibilities and therefore do not apply, it would be helpful to establish regional apprenticeship information offices to disseminate information on the range and opportunities of apprenticeable trades, qualifications, etc

6 Apprenticeship training should be made a mandatory condition of all state public works projects, undertaken directly or by contract, with a specific ratio of apprentices to journeymen. The State

should also use its influence with the federal government to insure similar apprenticeship provisions in all national defense contracts let out within the State

7 All contractors doing business with the State should be required to observe fair employment contract compliance in the same manner as that now required of federal contractors Over and beyond the present effect of the Fair Employment Practices Commission, this would have a salutary effect on employers and labor unions

8 The National Youth Administration during the great depression of the thirties performed yeoman service in helping young people to remain in school and equip themselves for careers which were not to begin in many instances until we emerged from the depression California might well consider instituting a similar program under a state youth administration related to the Department of Education, designed to supplement the Federal Manpower Training and Development Act, the state scholarship program and other state measures, under which needy and deserving young people can be given financial aid to remain in school while pursuing courses, planned with the help of counselors, which would enable them eventually to become self-supporting

Under the same state youth administration, inservice training could be provided in selected public agencies or private industries not otherwise able to afford the extra services This would enable many young people to receive training and experience which would help shape work attitudes essential to their later gainful employment

9 As a supplement to No 8, especially as economic development and employment relates to the school dropout, it is believed that a conservation project similar to the CCC would also be helpful in developing and preserving our natural resources while developing good work habits and contributing financially to needy young people An essential feature of any such program, however, should be a provision for vocational training which would equip the young person to enter a competitive job market

There is a need for increased financial assistance from the State to community development programs under A B 1670, 1961 legislative session, passed at the recent session This bill, which is now a law of the State, relates to the administration of public assistance It sets up a State Department of Social Welfare, the agency through which state and federal funds will be made available to counties to encourage experimental projects designed to reduce dependency in the total cost of public welfare services by restorative and preventative measures This program will materially aid communities where the incidence of delinquency, school dropouts, unemployment and public assistance is high It will utilize a self-help community oriented approach, working from within the community itself It will involve leaders and neighborhood forces from within in removing the antisocial and the rebellious attitudes resulting from the frustrations of economic insecurity and all types of discrimination It will, if it is fully developed, be the means of arousing community activity, involving persons within the community somewhat along the line, as implied in one of the questions by

Assemblyman Levering, of helping the people to help themselves in the field of employment. For example, one project was designed to help individuals when they sought employment by helping them with their dress, their attitudes and general approach The budgeted amount for this program at the present time is $800,000

Both 8 and 9 above are designed to supplement where the state scholarship program, the Manpower Development and Training Act and other measures fall short

10 The final recommendation is for the Legislature at the earliest possible date to enact legislation establishing a commission on Automation, Technological Developments and Human Resources This commission would coordinate State activities in the realm of research, administration programs, and projects that relate to automation It would not only coordinate, but perform substantially in the areas of economic development and automation The following concrete legislation is proposed

SECTION 1 Division 1 5 (commencing with Section 160) is added to the Labor Code, to read

DIVISION 1 5 COMMISSION ON AUTOMATION, TECHNOLOGICAL DEVELOPMENTS AND HUMAN RESOURCES

160 The Legislature hereby finds and declares that experience has shown that automation and other forms of rapid technological change can cause industrial displacement and unemployment which seriously depresses the morale and productive capacity of the work force of the State, that many of these displaced or not hired because of such developments find that there is no longer a market, or a very limited market, for their skills, that such developments generate demands for new and different skills and capabilities from those possessed by the work force; that current and prospective manpower surpluses and shortages generated by rapid technological change should be identified and appropriate steps be taken to plan for their amelioration, that advance knowledge of impending changes in work processes and their consequent manpower requirements be secured as a basis for the planning of corrective measures, that the effectiveness of public and private training and educational resources should be reappraised continuously to evaluate their capacity to produce the skills needed in a changing technology, that the steps being taken by labor and management to adjust to these changes should be identified and made known, and that it is in the interest of the State of California that such appraisals of the impact of automation and technological development on the skills required in the work force and the job opportunities available to them be made and continuously reappraised, and that the information and knowledge so gained be made available to labor, to management, and to the public agencies as a basis for the planning of programs and actions to develop the skills of our work force for a changing technology, to deal more effectively with the problems of unemployment and to further the economic growth and development of the State and the well-being of its people

161 The Commission on Automation, Technological Developments and Human Resources is hereby created

162 The commission shall consist of 3 members of the Senate appointed by the Senate Committee on Rules, 3 members of the Assembly appointed by the Speaker, 13 members appointed by the Governor, and 5 ex officio members In appointing the 13 members by the Governor, the Governor shall appoint 5 who represent management, 5 who represent labor, and 3 who represent the general public The ex officio members are the Commissioner of the Economic Development Agency and the directors of the following state departments Industrial Relations, Employment, Education and Social Welfare

163 The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that such participation is not incompatible with their respective positions as Members of the Legislature For the purposes of this division, the Members of the Legislature appointed to the commission shall constitute a joint legislative investigating committee on the subject of this division and as such shall have all powers and duties conferred and imposed upon such committees by the Joint Rules of the Senate and Assembly

164 Each member of the commission appointed by the Governor, shall hold office for a term of four years and until the appointment and qualification of his successor

165 Vacancies shall be filled by the appointing power Vacancies in the terms of members appointed by the Governor shall be filled for the remainder of the unexpired term

166. The members of the commission shall serve without compensation but shall be reimbursed in accordance with law for any actual and necessary expenses incurred in connection with the performance of their duties.

167. The Governor shall designate one of the members of the commission as the chairman of the commission The chairman of the commission shall have the powers conferred upon heads of state departments by Section 11181 of the Government Code

168 The commission shall meet on the call of the chairman and at such other times as the commission may, by rule, determine

169 The commission may employ and fix the compensation, in accordance with law, of an executive secretary and such other clerical and technical assistants as may be necessary

170 The commission may make recommendations to any department, board, agency, or officer of the State Government for the purpose of implementing the studies of the commission

171 Every department, board, agency, officer and employee of the state government shall give and furnish to the commission upon its request such information, records, and documents, including information, records, and documents required by law to be kept confidential, as the commission deems necessary or proper for the achievement of purposes of this division If the commission obtains confidential information, records, or documents, pursuant to this section, the commission shall treat such information, records, and documents as confidential and shall not make them available for public inspection

The State Department of Industrial Relations, Employment, and Education shall assign staff, conduct studies, make surveys and perform similar functions within the structure of the respective departments

for the purposes of this division as requested by the commission, and subject to the direction of the commission

The commission may utilize personnel of the government of the United States to the extent permissible by law

172 The commission shall

(a) Survey and study the introduction of modern production and distribution techniques in California to determine the impact of automated processes and other technological advancements on employment opportunities, the skill requirements of industry, business, and government, the displacement of employees, and the obsolescence of skills among members of the labor force

(b) Study and analyze the processes of adjustment to automation and other technological advancements in the State's economy

(c) Conduct surveys of current public and private programs in the field of job training, retraining, and skill developments generally to evaluate their effectiveness in providing employable skills in reference to both the changing composition of the State's labor force and the changing skill requirements of industry

(d) Undertake co-ordinated surveys in the various labor markets of the State to project as best possible the basic skill requirements of industry, business, and government sufficiently in advance of need, and in the approximate quantity needed, to the end that such projections shall provide a body of usable information for the development of sound job training, retraining, and skill development programs by labor and management and responsible government agencies

(e) Encourage labor and management to undertake jointly similar surveys and projections within their respective industries and occupations to maintain a high level of private initiative in meeting the skill development requirements of both employees and employers

173 The commission, with the approval of the Director of Finance, may accept grants of funds from the government of the United States, from any department or agency of the State of California, or from any person or private agency

174 The information received from any group, firm, or individual in response to the commission's request shall be for the confidential information of the commission insofar as it relates to planning, manning, personnel, union membership and related matters Except as otherwise provided by law, the records of the commission shall be open to inspection by the public during regular office hours All meetings of the commission shall be open and public

175 The commission may enter agreements with the United States or any agency thereof, or with any state or agency therof, engaged in functions comparable to those performed by the commission for the exchange of information, studies, and surveys

176 The commission shall submit annually to the Governor and the Legislature its findings and recommendations not later than December 31st of each calendar year

SECTION 2 There is appropriated out of the General Fund to the Commission on Automation, Technological Development and Human Resources, created by this act, the sum of one hundred fifty thousand dollars ($150,000) to be used in carrying out the functions of the commission, including the expenses of the Joint Legislative Investigating Committee created by this act, during the 1963-1964 fiscal year

CHAPTER II

MISCELLANEOUS HEARINGS ON LABOR, WORKING HOURS AND SALARIES

HOUSE RESOLUTION 216, KNOX—Working hours of firefighters,

ASSEMBLY BILLS 2515 AND 2516, LEGGETT—Scheduling of salary payments to state employees,

ASSEMBLY BILL 1016, CUSANOVICH—Proposal to allow disputing parties in employment agency matters to initiate action in court of proper jurisdiction,

HOUSE RESOLUTION 28, ZBERG—Proposal to pay state craftsmen prevailing wages

Chairman Elliott presided at all hearings except on House Resolution 28 Assemblyman Mills was acting chairman for that hearing while Chairman Elliott sat as a member

Section A

LIST OF WITNESSES ON H R. 216—WORKING HOURS OF FIREFIGHTERS

E L Albrecht, Secretary, California State Firemens' Association

Robert Callahan, Secretary, International Association of Firefighters

Richard Carpenter, Executive Director and General Counsel, League of California Cities

Kenneth Larsen, Legislative Representative, California Federation of Firefighters

Frances McLaughlin, Legislative Advocate, Los Angeles County Board of Supervisors

Chester Moller, Chief, Berkeley Fire Department

Lewis Moran, Chief Deputy, California State Department of Conservation

Thomas A Nolder, Director of Field Operations, County Supervisors Association of California

John Phillips, City Manager, City of Berkeley (Did not appear but submitted written testimony)

Herbert Slafter, Representative, Los Angeles Police and Fire Protective League

John Swanson, Personnel Officer, California State Department of Conservation

Robert C Weber, President, Los Angeles Firefighters' Association

William Wheatley, President, Professional Firefighters, Inc

Leo Yarnell, Secretary, Firefighters Local No 188, Richmond

1961 Regular (General) Session

By Mr Knox.

House Resolution No. 216

Relative to hours of labor of firefighters

WHEREAS, There are approximately 950 individual and separate fire departments in the State of California, and

WHEREAS, Due to the terrific growth of the population in California there has been a comparable increase in paid fire departments, and

WHEREAS, The fire departments have adopted and are in unanimous agreement in the acceptance of the 24-hour shift as the normal work day for firefighters in California, and

WHEREAS, The maximum work week for firefighters is 120 hours per week with a yearly total of 6,200 hours per year, the minimum work week is 56 hours per week with a yearly total 2,912 hours per year, and

WHEREAS, The average work week of 40 hours per week for other public employees represents a total of 2,080 hours per year, and

WHEREAS, The inequities existing in this State are not consistent with the progressive policies of this State; now, therefore, be it

Resolved by the Assembly of the State of California, That the subject matter of the hours of labor of firefighters and, in particular, the extent of the problem presented by the excessive hours firefighters are required to work and the possibility of an appropriate legislative solution to such problem, is assigned to the Committee on Rules for reassignment by it to an appropriate interim committee, which committee shall report thereon to the Assembly not later than the fifth calendar day of the 1963 Regular Session of the Legislature, including in its report its recommendation for appropriate legislation

WORKING HOURS OF FIREFIGHTERS

FINDINGS

A Those who oppose a reduction of hours believe:

1 That it should be accompanied by a realistic program that would be based on ability to pay.
2 That moneys would be diverted from other worthwhile areas
3 That there is distinction between *duty week* and *workweek* and that much of the sympathy is engendered by the firemen on the duty week and the firemen are paid more than other citizens—the duty week of firemen should not be compared with the workweek of other employees
4 The State should leave it to local jurisdiction because of area differences and needs and uphold the principle of home rule If the Legislature cannot levy a tax for a local purpose, neither should it impose a burden which requires the levy of a tax for a local purpose
5 The State would be setting a dangerous precedent by dictating the working hours of local employees
6 Action by the State Legislature would overburden the local districts taxwise.
7 If you say hours are uniform then you insist that wages must be uniform.

B Those in favor of reduction in hours:

1 Believe there should be a 56-hour maximum workweek
2 Insist that the duty week is 168 hours, since they are always on call
3 Revealed that when San Francisco went to the 56-hour week the taxes were not increased Later on, men were laid off and services remained high.
4 Conclude that there is a morale problem when one city works less hours than another in close proximity
5 Indicate that firefighters throughout the United States have had to look toward the state legislature for relief from these long hours, and only by state law can uniform working hours be accomplished
6 The West Coast seems to be lagging on the reduction of working hours.
7 Point out that a distinction should not be made between duty and a workweek. It is a distinction without a difference

8. Re-emphasized that firefighter is restricted in the process of collective bargaining, forbidden to withhold his labor. His quest for a decent workweek is therefore at the mercy of the manager, board or council.
9. Made clear that working or duty hours vary from 56 to 120 hours whenever the jurisdiction decides.
10. State workers are being discriminated against in structural fire work. They work along with local officials. The local firefighter works at 24-hour shifts and receives relief; 100 are on duty for 104 hours per week Of the 180 assistant rangers, about 30 are expected to be on call during a five-day week for the entire year.
11. In the State during the forest fire season, all forces are on duty for 104-hour week during the winter season, it is an eight-hour day and those who are on structural fire protection stay on 104 hours and receive a 10-percent premium.

RECOMMENDATIONS

It is hereby recommended that the State Legislature give consideration to limiting the working hours of firefighters to a 56-hour maximum Legislation of this nature would not preclude the jurisdiction from passing ordinances and laws establishing the ceiling lower than 56 hours Such legislation should also apply to state firemen assigned to structural work.

Section B

LIST OF WITNESSES ON A.B. 2515 AND A.B. 2516 SCHEDULING OF STATE SALARY PAYMENTS

James Begley, California State Employee

Kenneth W. Blankenburg, Chief, Organization and Cost Control, California Department of Finance

Richard Braden, Chief, Division of Disbursements, California State Controller's Office

Lawrence J. Ford, Member of the Executive Board, American Federation of State, County and Municipal Employees

Thomas Hardwick, Regional Director, Union of State Employees, Local 411

Wallace D. Henderson, Chief Legislative Representative, California State Employees' Association

Dr. Richard Liebes, Research Director, Building Services International Union

E. Ralph Moore, Representative, Maintenance Employees' Association

Perry Stauffer, Assistant Deputy, California State Controller's Office

CALIFORNIA LEGISLATURE, 1961 REGULAR (GENERAL) SESSION

ASSEMBLY BILL No. 2515

Introduced by Messrs. Leggett, George E. Brown, Burton, and Meyers

April 6, 1961

REFERRED TO COMMITTEE ON INDUSTRIAL RELATIONS

An act to add Section 18861 to the Government Code, relating to payment of wages.

The people of the State of California do enact as follows:

SECTION 1 Section 18861 is added to the Government Code, to read:

18861. The salaries of all persons in each class of position in state civil service and all persons employed on an hourly or per diem basis shall be paid twice a month.

LEGISLATIVE COUNSEL'S DIGEST

A.B. 2515, as introduced, Leggett (Ind R.). Payment of salaries to state employees

Adds Sec 18861, Gov C

Provides that salaries of all state civil service employees and persons employed on an hourly or per diem basis shall be paid twice a month

CALIFORNIA LEGISLATURE, 1961 REGULAR (GENERAL) SESSION

ASSEMBLY BILL No. 2516

Introduced by Messrs. Leggett, George E. Brown, Burton, and Meyers

April 6, 1961

REFERRED TO COMMITTEE ON INDUSTRIAL RELATIONS

An act to add Section 18862 to the Government Code, relating to state employees' wages.

The people of the State of California do enact as follows:

SECTION 1. Section 18862 is added to the Government Code, to read:

18862 Whenever the last day of the month falls on either a Saturday or a Sunday, the salaries and wages of all state officers and employees shall be paid on the preceding Friday.

LEGISLATIVE COUNSEL'S DIGEST

A B. 2516, as introduced, Leggett (Ind R). State employees' salaries and wages. Adds Sec. 18862, Gov C

Provides that when the last day of the month falls on a Saturday or Sunday, state officers and employees shall be paid on the preceding Friday.

SCHEDULING OF SALARIES FOR STATE EMPLOYEES

FINDINGS

A.B. 2515

1 Since 1919, a law relating to payment of wages, has been on the statute books—the State was excluded—it is Section 204 of the Labor Code

2 Similar legislation has been submitted since 1937

3 Cost, time of payment and language of the bill

a Cost.

(1) The estimate is that about 1,100,000 additional warrants would be issued annually at a total of about 36 cents each. The estimates indicate that twice-a-month pay would increase costs in 1963-1964 by approximately $370,000 In 1964-1965 through 1967-1968, costs would be increased a little over $400,000 annually In 1968-1969 and thereafter, when payment of the costs of expanded computer capacity would be completed, the added annual costs would decline and be about $279,000, i e , about 25 cents per warrant

(2) A lag payment might mean a net gain of money for the State, thereby offsetting the cost of paying twice a month.

b. Language of the bill
   (1) A.B. 2515 as introduced in the 1961 session would apply to all persons in civil service positions and all persons employed on an hourly or per diem basis, whether or not they are in a civil service or an exempt position.
   (2) Technically, the language of the bill would apparently exclude from the twice-a-month pay, all constitutional and statutory officers and employees, as well as all persons in positions exempt from civil service who are employed on either a monthly rate or annual salary basis In the excluded group there would be, among others, several thousand employees of state colleges, the California Maritime Academy and the Disaster Office, who in the past have been paid in the same manner as civil service employees.

4. The Department of Finance and the Controller agree with A B. 2515.
5. Twice-a-month pay would be accomplished, beginning January 1964.

A.B. 2516

1 The Controller's Office and the Department of Finance agree with A B 2516, provided the employee has completed all work required of him in the pay period and except when a positive report of the time worked intermittently at varying rates by the employee has to be reported to the Controller's Office before the employee's pay can be computed
2 The Department of Finance has indicated that it would amend the State Administrative Manual to require all departments to deliver warrants to employees at the time contemplated in A B 2516
3. The bill would apply to constitutional officers who are not on a work pay basis This would present technical problems Finally, the bill would require officers and employees whose shifts would end Saturday or Sunday to be paid on Friday. The bill requires similar payment to hourly or per diem workers Appropriate amendments would eliminate such problems The reference in line 3 of the bill to the "last day of the month" apparently refers to the last day of the pay period, but the last day of a pay period may not fall on the last day of the month in the State's present pay plan This could be remedied by deleting "month" from line 3 and substituting "pay period"

RECOMMENDATIONS

1. The committee recommends that:
   (a) The provision for twice-a-month pay apply to all state offices and employees unless the Constitution provides otherwise.
   (b) An operation date no earlier than January 1, 1964, be specified in order that there will be sufficient time subsequent to enactment to develop necessary procedures and acquire necessary equipment and personnel to accomplish the purpose of the bill.
   (c) The pay schedule would embrace 24 equal payments—the cutoff being the 8th and pay on the 15th; cutoff on the 23d and pay the end of the pay period.

Section C

LIST OF WITNESSES ON H.R. 28
PAYMENT OF PREVAILING WAGES TO CRAFTSMEN WORKING FOR THE STATE

Al Caples, Representative, Sacramento-Yolo Building and Construction Trades Councils

Bryan P Deavers, President, Building and Construction Trades Councils

Walter J DeBrunner, Business Manager, Building and Construction Trades Councils

Frank J Farias, Operations Division, California State Employees' Association

William M Francis, Business Manager, Plumbers and Fitters, Local 447

Otto Hahn, International Representative, American Federation of State, County and Municipal Employees

Harry J. Harkleroad, Representative, California State Council of Carpenters

Wallace D Henderson, Chief Legislative Representative, California State Employees' Association

Samuel Hunegs, International Representative, American Federation of State, County and Municipal Employees

Edward Koger, Business Representative, Local Union 340 of the Electrical Workers

James Lee, Business Representative, Building and Construction Trades Councils

E Ralph Moore, Chairman of the California Maintenance Employees' Association

David Novogrodsky, Associate Research Director for Civil Service Union

Lester A Parker, Staff Representative, Los Angeles Building and Construction Trades Council

Francis Stanton, Legislative Co-ordinator for California State Employees' Association

Roy W Stephens, Assistant Secretary of the State Personnel Board

HOUSE RESOLUTION NO. 28
(Assemblyman Edwin L Z'berg—1962 Budget Session)

Relating to an interim study on the employment of craftsmen by the State

WHEREAS, Prior to 1956 electricians, plumbers, carpenters, painters, and other craftsmen employed by the State were paid the prevailing wages paid to persons employed in like work in private industry; and

WHEREAS, As a result, the State was able to obtain the services of the best craftsmen, the morale of those craftsmen was high, and due to their efficiency, the State saved many thousands of dollars in connection with its construction program, and

WHEREAS, In 1956 the State Personnel Board downgraded state craftsmen, and since that time those craftsmen have received a monthly salary substantially lower than wages paid in private industry and substantially lower than those paid to craftsmen employed by many counties and cities, which pay their employees at the prevailing rate; and

WHEREAS, Because of this decision, the great majority of fine craftsmen left state service for other, better paying work, and the State is no longer able to attract the best craftsmen in the State to work for it, and

WHEREAS, Bills, including Assembly Bill No 318 of the 1959 Regular Session, have been introduced in the Legislature to correct this situation, and to require that prevailing rates be paid to craftsmen employed by the State, but the bills were defeated, and

WHEREAS, It is essential that the Legislature correct this intolerable situation, and that a study immediately be undertaken to determine how this may be best done, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is requested to assign for study to the Assembly Interim Committee on Industrial Relations the subject matter of Assembly Bill No 318 of 1959 and of this resolution, and is requested to direct such interim committee to report its findings, evidence, and recommendations to the Assembly no later than the fifth calendar day of the 1963 Regular Session of the Legislature

PAYMENT OF PREVAILING WAGES TO CRAFTSMEN WORKING FOR THE STATE

FINDINGS

A. *The State Personnel Board*

1. The policy laid down by the Legislature for the Personnel Board is in Government Code, Section 18850, and it provides.
   a. The State shall look to pay of other employers and compare with the pay of other employers for prevailing rates for comparable service in other public employment and private jurisdictions
   b The State shall look within our own service internally to keep like salaries for like work.
2. After the war, there were many complaints because of the fact that some permanent full-time crafts and trades employees received substantially higher pay than others doing the same type of work. The Personnel Board acted in 1956 to correct these inequities by returning some 400 employees who had assured year-round employment (about 25 percent of all full-time permanent trades employees) from hourly to a monthly rate of pay No employee's salary was reduced as a result of this action. Employees receiving above maximum salaries were held at that salary until increases in the monthly salary ranges caught up with them
3 Two prevailing rates for crafts and trades classes.
   a. Construction trade rates

      The construction industry negotiates an hourly rate of pay for its casual employees None of these employers guaranteed his employees continuous employment Breaks in employment between jobs and during jobs, because of bad weather, are typical The location of the work changes frequently.
   b. Other than construction rates.

      A large number of building tradesmen are employed in industries that are not engaged primarily in construction These industries negotiate rates of pay with unions for their skilled building craftsmen who are assured year-round employment. These rates are usually lower than the construction rates. Their employees receive the benefits that other permanent employees receive
   c. The Personnel Board found that both types of employment existed within state service. It, therefore, established two classes for each building trade, a casual class for temporary and intermittent employment (less than six months continuous work) and a regular class for those who are assured continuous year-round employment The casual class is paid at the construction industry rate The regular class is paid at the prevailing rate for craftsmen who are regularly employed on permanent crews in a variety of industries. The latter wages are determined by the State's wage survey.
4. Section 18853 of the Government Code states: "The minimum and maximum salary limits for laborers, workmen and mechanics employed on an hourly or per diem basis need not be uniform throughout the State . . ."

B. *Other Testimony*

1. The State fails to distinguish between an industrial maintenance man and a skilled craftsman Many of the so-called maintenance men hired by factories or plants covered by industrial agreements do not perform the work of journeymen Manufacturing establishments have developed the practice of using relatively low-paid industrial maintenance men to do routine maintenance work However, when repairs requiring more than the most rudimentary skill are needed, the manufacturing or service firm frequently contracts its work out to general contractors who do employ journeymen.
2. The code requires that they make actual surveys to determine the rates paid in the private sector for comparable work To conform to this mandate they should compare the State specifications, which describe job tasks of journeymen craftsmen rather than industrial maintenance men, with their accurate counterpart in the private sector.
3. The staff of the Personnel Board has made a distinction between casual and permanent employment on the assumption that few, if any, of the employees in the construction industry enjoy year-round employment The United States census of population for California has some detailed characteristics which should be of interest to the committee Preliminary table 124, page 6001, from the 1960 census indicates that a considerable number of building trades people enjoy 50 to 52 weeks of employment

   On a statewide basis it was found that the following percentages of persons in the enumerated trades enjoyed a working year of 50 to 52 weeks during the census year The tabulation is as follows:

Carpenters	40 9%
Electricians	68 3%
Masons, tile setters and stonecutters	41 7%
Painters (construction)	44 2%
Plumbers and pipefitters	60 1%
Other crafts and kindred	61.0%

4. Since 1956, when the Red Circle rate was first applied, there has been a steady trend toward destruction of building trades classifications in state service The Red Circle action wiped out the differential that has been recognized for so many years by building trade groups, that there is a difference in the importance of craft skills. The State Personnel Board completely wiped out this recognized difference and substituted equal pay for all
5 Survey of the State Personnel Board on September 13, 1962, showed a statewide total of 42 resigned carpenters, electricians, painters, and plumbers since 1956, with 37 of the 42 from Sacramento Prior to the Red Circling in 1956, the turnover of painters, carpenters, electricians, and plumbers for the State of California was practically nil.

   For the same period, the Board of Education in the City of Sacramento, and the City of Sacramento had no resignations

   The distinction between construction and maintenance employees is an arbitrary and artificial one; instead, a continuity of employment is not a valid criterion, but even if that is used, it should be

pointed out that extensive jobs covering the most recent 5-year period shows that construction employees have consistently averaged about 37 hours a week, year round.

6. The state-employed electricians at the University of California campus earn a minimum gross monthly salary of $790 and the state employee doing the same job, but whose salary is set by the State Personnel Board, receives a maximum of $590, a difference of $200 per month.
7. All of the trades have pension funds except bricklayers, gunite workers, marble setters, roofers and terrazzo workers.
8. The private contractors have health and welfare plans, vacation with pay, pensions, so the 11 percent as a fringe benefit diversion is no longer a valid point
9. It was discovered in the Los Angeles Board of Education and the City of Los Angeles that they could work with less people when the wages were in line with industry because this enabled them to attract higher caliber craftsmen and more efficiency resulted.
Certain sections of the Labor Code specifically state that the prevailing wage rate shall be paid to construction people One cannot arrive at a fair and just wage classification by going outside the building and construction industry in the State of California and utilizing other people engaged in entirely different types of work. The San Francisco situation should be studied.

RECOMMENDATIONS

A. The State Personnel Board be instructed to include construction rates in their annual survey.

B. A distinction be made by the State Personnel Board between various crafts within the trades industry when a salary survey is being made; i e, an electrician should be distinguished from a plumber, etc.

C The State Legislature should consider the feasibility of empowering the State Personnel Board to assume responsibility for nonteaching and administrative salaries at the California state universities.

D. It is further recommended that the legislative proposal of Assemblyman Z'berg be redrafted to incorporate all of the above and make a more definite statement on what ingredients constitute the prevailing wage for crafts

E For the craftsmen employed in the Buildings and Grounds Division of the Department of Finance, the committee recommends that the State Personnel Board instruct the Department of Finance to apply a formula of the Associated General Contractors' scale, less 11 percent in determining salaries.

Section D

LIST OF WITNESSES ON A.B. 1016
DISPUTES INVOLVING PRIVATE EMPLOYMENT AGENCIES

Sigmund Arywitz, Commissioner, Division of Labor Law Enforcement
Kenneth Buck, Executive Secretary, California Employment Agencies Association
Don Glover, Assistant Chief, Division of Labor Law Enforcement
Donald Vial, Administrative Assistant, State Federation of Labor

AMENDED IN ASSEMBLY APRIL 17, 1961

CALIFORNIA LEGISLATURE, 1961 REGULAR (GENERAL) SESSION

ASSEMBLY BILL No. 1016

Introduced by Mr. Cusanovich

January 30, 1961

REFERRED TO COMMITTEE ON INDUSTRIAL RELATIONS

An act to repeal Section 1647 of, and to add Section 1647 to, the Labor Code, relating to private employment agencies.

The people of the State of California do enact as follows:

SECTION 1 Section 1647 of the Labor Code is repealed.

SEC 2 Section 1647 is added to said code, to read:

1647 In case of any controversy arising under this chapter, any party may bring an action in a court having jurisdiction of the subject matter, except that if any party has referred the controversy to the Labor Commissioner prior to commencement of such action, the action shall be stayed until the Labor Commissioner has made his determination After the Labor Commissioner has made his determination, any party not approving of the determination may request a court having jurisdiction of the subject matter of the controversy to hear the matter The matter shall be heard de novo by the court.

In the event an action is commenced by any party in a court having jurisdiction of the subject matter before the matter has been referred to the Labor Commissioner, then any party wishing the matter to be heard by the Labor Commissioner before hearing in the court, may file, at the time an

~~appearance is due, an affidavit with the court wherein the action has been filed, stating that there are facts constituting a controversy that involves more than merely a failure of an applicant to pay an employment agency fee and setting forth the facts constituting the controversy.~~ Upon the ~~filing of such~~ *sioner before hearing in the court, may file, with the court wherein the action has been filed and at the time an appearance is due, two copies of a statement in substantially the following form:*

I _____ hereby state that a controversy exists between myself and _____, and I wish the court to transfer all proceedings relating to this controversy to the Labor Commissioner for determination

Upon the filing of such ~~an affidavit~~ *a statement*, all proceedings in the court where the action has been commenced shall be stayed, and the court shall within five days file a copy of the ~~affidavit~~ *statement*, the complaint and other papers with the office of the Labor Commissioner nearest to where the matter is pending The Labor Commissioner shall then proceed to hear the matter as provided by this code and the rules and regulations of the Labor Commissioner and make his determination The determination of the Labor Commissioner shall be final, and he shall file his determination with the court having jurisdiction of the matter If any party is not satisfied with the determination of the Labor Commissioner, the party may, within 10 days following the filing of the determination of the Labor Commissioner in the court, appeal the determination to the court. The court shall then proceed to hear the matter de novo. If no appeal is made by any party within 10 days, the determination of the Labor Commissioner shall be final and shall be the judgment of the court and may be enforced as any other judgment rendered by the court Any affidavits filed with a court shall be filed in triplicate Any complaint or other papers filed by any party shall be filed in duplicate.

DISPUTES INVOLVING PRIVATE EMPLOYMENT AGENCIES

FINDINGS

Those for the bill contend:

1. That Section 1647 of the Labor Code has remained unchanged since 1913. The Legislature did adopt an amendment in 1953, stating that no controversy existed where the agency presented substantial evidence that the applicant acknowledged the fee to be due. The amendment was voided in *Bess* v. *Park* (144 C A 2d 798, 301 P 2d 978) and therefore the section remains substantially unchanged;
2. That a report prepared in 1890 by the United States Bureau of Labor indicates opposing forces to the bill are tied to a blemished history of the private employment agencies They used to operate in gambling casinos . . . in collusion with houses of prostitution . . . it is connected with the unconscionable practice of "Shanghaiing seamen";
3. That they oppose the present Section 1647 as it presently operates, that it abridges the fundamental right of all citizens to have matters of conflict determined by an impartial judicial body;
4. That the present procedure does not provide for an impartial hearing, the Labor Commissioner must be attuned to the interests of the employee and the courts are better qualified to protect the rights of the worker while extending an impartial hearing;
5. That the jobseeking public learns from others, who have secured positions through employment, the difficulty which employment agencies have in collecting fees This complicates the problem;
6. That this bill, A B. 1016, would make it easier for an agency to collect It would take care of only routine collection cases.
7. That most cases would go to small claims court with no cost to the defendant No attorneys need be present, and should the applicant, or his attorney, wish, the matter could be rendered to the Labor Commissioner by the filing of a statement with the court as provided for in A B 1016

   A large percentage of the cases are pure collection cases where there is no dispute as to the amount, but it is just an unpaid account A B 1016 would expedite the processing of routine collection cases while permitting any applicant to avail himself of the present controversy procedure, should he wish to do so

Those against the bill contend:

1 That the relationship of a private employment agency and individual is a very delicate one;
2 That there have been many judicial tests of this law The California Supreme Court in 1937, in the case of *Collier* v *Wallis, Ltd.,* v *Astor* 70 P. 2d 171. 9C 2n 202, in speaking of the controversy procedure stated· "The requirement in question is simply

an administrative measure due to the peculiar and unusual nature of the business carried on by private employment agencies . . ." In *Bess* v. *Park* 301 P 2d 978, 144 C A cd 798, touched on another aspect of the law, stating· "The purpose of the administrative proceedings herein involved is to save time for the agency, the applicant and the court, by having such controversies determined by a specialist, the Labor Commissioner";

3. That because an employment agency must refer controversies as to fee to the Labor Commissioner, it is effectively estopped from using harassing tactics in its effort to collect the fee it demands;
4. That the figures bear out the fact that employment agencies do not fare badly under the terms of the law as it exists today. In 1960, the agencies made 254,255 permanent and temporary placements (excluding babysitters) in California Of these, only 4,632 were controversy cases; the Division of Labor Law Enforcement disposed of 4,093 under Section 1647 In 1,576 of these the agencies were awarded full fee. In 520, they obtained a partial fee, while in 276 cases, it was found that no fee at all was due. Of the balance, the complaints were either withdrawn, deferred or dismissed;
5. That A B 1016 removes much of the existing protection of the law. It takes away the requirement that the controversy must be heard by the specialist The controversy would be thrown into the courts where there is little knowledge or experience with employment agency law,
6. That while it does leave an opportunity for a party so desiring it still to go to the Labor Commissioner, it places upon that party the burden of seeking the Labor Commissioner out Thus, in practical terms, the employment agency will go to court, the forum it apparently prefers The applicant may, if he knows his right to do so, go to the Labor Commissioner When the agency goes to court, the defendant may, if he knows that he can, transfer his case to the Labor Commissioner To do this, he must go into court and file an affidavit that a controversy with the employment agency exists and he wants the Labor Commissioner to determine it If he does not know that the Attorney General gave an opinion that refusal or failure to pay a fee by an applicant to an employment agency is, in itself, a controversy, he may not know that a controversy exists and he could be reluctant to sign an affidavit to that effect The mere fact that he is hauled into court where he may have to be represented by counsel and his fear of that unfamiliar situation could tip the balance in favor of his paying a fee, out of hand, which he sincerely may feel is not due But, regardless of whether the applicant has the knowledge and will to exercise his right, the removal of the Labor Commissioner as the mandatory administrative forum takes away from the applicant a very basic protection;
7. That the worker has a special status in the eyes of the law the law recognizes that the worker is the only source of support of the family and that income must be protected, and the employment agency is often at the crux of this whole relationship;

8. That every time an employment agency case goes to court someone from the Labor Commissioner's office usually has to appear as an expert, because the courts are not familiar with employment agency laws—small claims court in particular, especially when the commissioner has awarded a fee to the employment agency;
9. That frequently there are three or four agencies fighting for the same fee because the same applicant has gone to a number of agencies All of the agencies referred the person to the same job. This takes considerable experience, knowledge and ability to secure adequate information. This is an investigatory job, not a job with judicial determination

RECOMMENDATION

The committee does not feel it can make a recommendation on A B. 1016 at this time

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1961-1963

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FINAL REPORT OF THE SPECIAL ASSEMBLY SUBCOMMITTEE ON ECONOMIC DEVELOPMENT AND AUTOMATION

House Resolution No. 361

MEMBERS OF THE COMMITTEE

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SPECIAL ASSEMBLY SUBCOMMITTEE ON
ECONOMIC DEVELOPMENT AND AUTOMATION

January 7, 1963

HON. JESSE M. UNRUH,
Speaker of the Assembly; and
HON. MEMBERS OF THE ASSEMBLY,
State Capitol, Sacramento, California

GENTLEMEN Your Special Assembly Subcommittee on Economic Development and Automation of the Assembly Interim Committee on Industrial Relations created during the Regular Budget Session 1962, submits its final report.

The subcommittee has necessarily held hearings relating to a wide variety of topics. automation in general, plight of the semiskilled and unskilled, discrimination and the problem of automation, de facto school segregation, training, the role of the Fair Employment Practices Commission relative to automation, and facts and figures on employment and training

Unabridged statements relative to these subjects may be obtained from the subcommittee upon request

Respectfully submitted,

AUGUSTUS F HAWKINS, *Chairman*
GEORGE E BROWN, JR
LOU CUSANOVICH
EDWARD E ELLIOTT
JAMES R MILLS

CHAPTER I

INTRODUCTION

SCOPE OF HEARINGS

The Special Assembly Subcommittee on Economic Development and Automation created April 1962 has explored the social implications of automation in an effort to reach the problems of the semiskilled and unskilled categories

One factor aggravating the recent economic and technological change in the Southern California economy has been the perennial problem of segregated housing Negroes and other minorities do not live and go to schools in areas where these industries are located They will hire minorities if they can travel the distance Therefore, de facto segregation and housing discrimination become a major part of the acute unemployment problem. These hearings, because of the present climate in the State and also because of the all-embracing nature of the unemployment problem, were extended to include the overall problem of de facto segregation in education The problem of automation is aggravated by de facto segregation in schools, discrimination in jobs and in housing These factors extend eventually and decisively to the unskilled and semiskilled workers, the hard core of the unemployment problem It would serve us well to note also that skilled and professional workers suffer because of the above problems In the end, the State is handicapped because of underdeveloped potential and unused intellect In this era of technological advancement, emphasis is placed on training, retraining, apprenticeship training. education and skills Whether or not we are able to solve the problems of the semiskilled and unskilled and the school dropout will be determined somewhat by the extent to which minorities are able to take advantage of educational and training programs and the quality of that education and training

The committee is mindful of the suggestion that solving the problems of minorities, semiskilled and unskilled workers, is not solving the overall automation problem But we are very much aware that there has to be a beginning We can think of no better place to begin than at this point Conferences, discussion groups and committee hearings have most invariably excluded the hard core problem from consideration because of difficulties and expansiveness of the issue Therefore, the committee feels it is their duty to emphasize this neglected aspect

Threading throughout those hearings was the concept of training and retraining for the semiskilled and the unskilled, how minorities were being affected and the creation of job opportunities

A major objective of these hearings was to determine what the various political subdivisions were doing and how the State could better co-ordinate their activity There is a need for a state agency that would supervise these various jurisdictions, co-ordinate their activity in counseling, school dropout, employment, rehabilitation, discrimination and like areas The third of the series of hearings concentrated more deeply on the subject of discrimination due to revelations relative to the plight of the semiskilled and unskilled categories

In short, the subcommittee moved from the general to the specific. The many testimonies tended to reveal problems in the specific areas of apprenticeship training, de facto school segregation and discrimination among the semiskilled and unskilled.

CHAPTER II

OVERVIEW

A. WHAT IS AUTOMATION?

Automation has come to have a whole series of meanings, ranging from its original narrow technical meaning to its present meaning of a broad social problem.

Technical meaning The word "automation" was coined by Del Harder, Vice President, Manufacturing, Ford Motor Company, in 1947 and applied to "the automatic handling of discrete parts between progressive processing operations," such as the machining operations on engine blocks

The technical significance of the term "automation" has gradually been expanded until now the term can be applied to all kinds of automatic technology in industry and its effects are direct and indirect A frame of reference of this sort supplies the committee with a broad approach which enables it to study all dimensions of automation Quibbling about definition stifles action

The rapid advance in technology and productivity in recent years has had a far-reaching and permanent impact upon the American economy On the plus side, it has made possible a startling rise in the standard of living and in the leisure time available to the American people On the less optimistic side, however, it has created economic and social problems of great complexity and magnitude Much controversy has arisen over the effects of "automation" both in the long and the short run, on employment, on wages and hours, on levels of skill, on work satisfaction and on work rules

Concern over this issue is now widespread because of the vast changes in manpower utilization and the increasingly serious unemployment problem which has been associated with it The entire pattern of employment has been affected, in almost every segment of the economy, with the prospect of even more drastic shifts in the decade ahead The destruction of old jobs and creation of new inevitably generate problems of retraining and relocation, often accompanied by short-run frictional unemployment and by long-run chronic unemployment Increases in the duration of unemployment and in the under employment of many workers have caused particular anxiety Much interest has been focused on "automation" as an especially dramatic aspect of the technological revolution now occurring

The long-term unemployed include a relatively high proportion of persons with difficult employment problems—the older worker, nonwhites, the less skilled and less educated, and workers from declining occupations, industries, or areas These workers are at a disadvantage in the competition for jobs regardless of the level of economic activity

The effect of automation on the skill pattern remains somewhat unclear A widely held view is that the demand for skill increases as new techniques are introduced Forecasts of job trends in the 1960's would

seem to support this view. Opportunities are expected to increase fastest in those occupations requiring the most education—professional technical and skilled fields Studies of long-term unemployment undertaken by the Bureau of Labor Statistics demonstrate that unskilled and semiskilled workers suffer long periods of idleness to a much greater degree than do those at higher skill levels

At least one authority, however, questioned whether automation generally brings an upgrading of workers, citing case studies showing that the predominant effect is to shift men into jobs of the same or lower skill His ultimate conclusion is that the most probable long-run result will be an upgrading, as new and younger workers enter the labor force, but that older employees who feel the immediate impact of displacement will often find themselves downgraded Another authority also holds the view that the relationship of automation to skill levels is complex and not in any sense clear cut

B. DISCRIMINATION

1 In addition, the elimination of discrimination in hiring must be accomplished simultaneously with the introduction of any retraining program, or precisely those people who are most in need of help will be put in a relatively worse position as those who are already better off reap most of the benefits Many apprenticeship programs are segregated and bar nonwhites It will not assist the nonwhite if money is made available to train him for these trades when he is not admitted because of his color

2 The problem, however, is even more complex The elimination of overt discrimination against nonwhites and against older workers would provide at best only a part of the answer To the extent that technological change tends to raise general skill levels, untrained and unskilled workers find themselves in an even more marginal situation in the employment market Unless opportunities are made available for education and training in basic skills (reading, arithmetic, etc), particularly for nonwhites who are products of segregated and inferior schools, these workers will often be unable to compete effectively with others who have the advantage of superior education Even if job discrimination did not exist, many nonwhites would be limited to menial and unskilled work for these reasons

C. EDUCATION

One critical factor is the amount of education and training possessed by these workers affected by technological change In many instances, upgrading is limited, and perhaps made impossible, by lack of basic education

Vocational schools present another serious problem With the economy begging for marketable skills, many of the schools, especially those in economically disadvantaged districts, are still training students in skills, the demand for which has already begun to decline Another serious problem of the schools is the "dropout," the young boy or girl who does not get a diploma and because of a lack of basic education, is often doomed to a life of menial work The Department of Labor estimates 7,500,000 in the next decade will leave school before getting a diploma.

D. RELOCATION

1 The success of both relocation and retraining plans depends in large measure on the availability of reasonably accurate projections of economic and vocational trends by geographical area and by industry It is important that up-to-date information on present and future changes in the job structure be made available regularly to counselors in the public schools, in vocational training institutions and in industry Wide distribution of Department of Labor materials on employment trends would be helpful

2 One danger in any retraining and relocation program is that its benefits may flow primarily to the better educated and more skilled workers, who generally are least in need of this kind of assistance If training is restricted merely to specific job skills and requirements, without the opportunity for teaching of the necessary elementary subjects, large numbers of workers will fail to benefit in any meaningful way This danger is accentuated by the fact that many apprenticeship and training programs are under the control of agencies or organizations which either accept discriminatory practices or, in many cases, are directly responsible for them Again, even when discrimination on the basis of race, religion or age is not in effect, many workers may find themselves at a severe disadvantage because they lack essential skills and thus cannot qualify for desirable jobs or for membership in certain key organizations

But relocation plans, like retraining plans, can hardly hope to have optimum effect unless some provisions are made for a simultaneous attack upon discrimination A Negro or other darker skinned worker can hardly be expected to choose to follow a plant relocating from the North to the deep South Older workers are less benefited by relocation schemes by virtue of their lesser willingness and ability to take up new lives far away from traditional homesteads

E. THE ROLE OF GOVERNMENT

A number of proposals have been advanced which would expand the role of government in easing the adjustment of workers to the changes imposed by automation Advocates of such proposals regard governmental action as essential to the solution of broad social problems which extend beyond the scope of resources of private endeavor

There is general agreement that the most urgent need is for a better understanding of the size and seriousness of the problem The very newness of automation causes much of the apprehension which exists over it In the pursuit of more information on the problem as a whole, the Secretary of Labor has created an Office of Automation and Manpower within the U S Department of Labor In addition to gathering data on technological unemployment and proposed remedies, this new office will "develop programs for expanding and improving testing, counseling, training and placement of workers displaced by automation and other technological developments" and also of workers "entering or already in the labor force in the light of the changing demands resulting from automation and other technological developments"

F. WHAT GENERAL POSITIONS ARE RECOMMENDED TO MEET THE CHALLENGE OF AUTOMATION?

INTRODUCTION

1 The introduction of mechanization, automation, automatic control systems, computers and technological change in general should be supported The country needs the advanced technology and increased production which these developments bring with them They make possible our strong defense posture, the race to the moon, the scientific exploration of outer space, the extension of aid to undeveloped countries and other efforts to which we are deeply committed It may be more diplomatic in some situations, however, to refer to increasing productivity economic growth rate, additional gross national product, improving standard of living and other positive-sounding synonyms for technological change

2 A growth rate near the upper end of the achievable scale, 5 percent or 6 percent should be supported This level appears to be technically possible, though difficult to achieve by conventional economic measures

3 Measures to maintain full employment should be vigorously pushed since the economic problems resulting from automation can be solved under full employment but are impossible to solve in the presence of a lack of jobs

4 Capital investment should be encouraged at least up to a level of 12 percent to 14 percent of the gross national product We need a high level of private investment in new plants, equipment and machinery We need a high level of public investment in defense and space facilities, highways, schools, hospitals, facilities for the sick and aged, to name a few of a large number of needs

New methods of channeling funds from savers to investors are needed Two Swedish ideas tax-free investment reserves and flexible depreciation, are examples of social investments which are potentially applicable in the United States

In the United States variance of these ideas are found in the administration's proposal to grant a tax credit to business of 8 percent of the amount of new investment in productive equipment, and the Treasury's move to reduce its estimate of the "useful life" of equipment for depreciation purposes These plans enable business to retain more funds for private investment

State and local bond issues for public investment should be supported for the same reason The point to keep in mind is that we have to achieve massive levels of investment to offset the effects of automation

5 All measures for more effective education merit support, not only because education is a worthy human endeavor in itself, but because more thorough educational preparation is a necessity to the young person who wants to be employed in the future In particular, basic research is long overdue in this field

6 Federal and state support for retraining is recommended, and research in how to make retraining successful for the marginal worker should be started right away

G STATISTICS ON EMPLOYMENT

National

Figures on nonwhite vs white unemployment—nationally 2½ times the rate of white

Not only is the rate of unemployment among nonwhites significantly higher, but the gap is widening In other words, whites find re-employment at a faster rate

In January of 1961, the rate of unemployment for whites was 7 percent—nonwhites was 13 8 percent In January of 1962, it was 5 9 percent whites, 13 4 percent nonwhites

Nonwhites are concentrated in the unskilled categories which are most affected by automation and technological changes

CALIFORNIA

There were 117,000 fewer persons working in November of 1962 than in October of 1962, reported the Department of Employment and Industrial Relations Total employment, however, was 6,363,000, a record for the month

Unemployment rose to 367,000—5 5 percent of the labor force That is an increase from the 312 000 unemployed in October, still 25,000 less than were out of work in November 1961

Current and detailed knowledge concerning the specific problems of finding suitable employment for the "hard core unemployed" has not been available In a general sense, we know they reach this status through changes in the products required for defense, changes in products utilized in the civilian economy, improved manufacturing processes or automation which eliminates their jobs or reduces the number of new hires, changes in the skill and educational levels necessary, and decentralization of industry or production being curtailed by lessened demand, etc Of course not all reach this status through changes in business activity Some reach unemployment in large centers by migration from farm or other areas where they had marginal employment previously Some fail to keep pace with advancing work standards and are displaced Others are unemployed because of discrimination of one type or other Some fail steady employment because they are illiterate or lack a sufficient education level

The subcommittee is increasingly concerned that the "hard core" is fast becoming the forgotten men and women of this period and that no adequate solution by anyone in the community seems to be forthcoming to meet this problem

CHAPTER III

EDUCATION

FINDINGS

School discrimination was considered an integral part of these hearings because of the necessity for adequate training. Some witnesses took the position that systematic placement of teachers and de facto school segregation were in many ways the cause of inadequate training.

A. *De Facto Segregation and the Civic Life*

De facto segregation is, of course, related to other social conditions, the prior establishment of prejudicial and discriminatory climates, massive internal migrations, the conservative stance of the housing industry and competitive market conditions. That these conditions conspire to fall with unequal weight on many of the nation's minorities are no longer questioned. Customarily, however, unrestricted access to education and to the acquisition of basic skills has been the most important single device whereby disadvantaged minorities have achieved economic and social stability—that necessary state of productive well-being that has always brought about dramatic declines in rates of social disorganization, i.e., in family dislocation, crime and delinquency, economic insecurity and rootlessness.

De facto segregation threatens not only the established principle of equal access to education and training, but the entire social, economic, and political fabric of the community as well. Professor Morton Grodzins of the University of Chicago has published a distinguished monograph pointing out the deleterious social, educational, economic and political consequences of increasing racial segregation for the 16 largest metropolitan areas in the United States.

He points out, for example, that during the decade 1940-1950, the total population of the Los Angeles area increased 31 percent. However, the nonwhite population increased 116.2 percent as contrasted with an increase of 25.1 percent for the total white population. This statistic in conjunction with de facto segregation and discriminatory housing practices continues to force nonwhite populations into the predominantly nonwhite central city areas and, thus, racial segregation is increased. And since nonwhites do not generally have equal access to suburban housing, the racial schism between the central city and the suburbs widens. It is paradoxical that in a time when housing has become a public as well as a private concern, and when many states and municipalities have enacted legislation curbing discriminatory housing practices that nonetheless, we have an absolute increase in the amount of segregated housing in the nation's major urban centers.

While it may be true that the public schools are not responsible for adverse social and economic conditions, it is equally true that they are responsible for *providing the leadership and programs necessary for eliminating the deleterious impact of adversity on the educational process.*

The public schools move effectively to provide education for the physically handicapped, the blind, and the emotionally disturbed, and no one argues that they should not do so because they are not responsible for the unfortunate condition of these children There is no difference in principle in providing full educational opportunity for those children who are the unwitting victims of prejudicial and discriminatory practices—whatever the source

Meeting the educational needs of minorities does not, in most cases, call for extraordinary or special measures It does call for a constant attention to the assurance of equal educational opportunities for minorities and is related to the development and improvement of the educational system and in particular working conditions for the classroom teacher in order to enable him to achieve his maximum effectivity

B. Systematic Placement of Teachers

In reference to the systematic placement of minority teachers, most witnesses denied this to be a fact To substantiate this, one school principal in the Los Angeles area testified that 80 percent of his pupils were colored, and that there is a very definite policy among the majority principals (Los Angeles) to request that the superintendent's office assign teachers in the majority area not on the basis of pupil composition, but on about the same percentage basis that they have colored to other groups in the population at large

The question the committee has Is this true of all areas or is there a general trend to assign teachers according to racial composition of the schools"

Most of the Negro teachers employed in California are in or near the larger population centers of the State A few are employed in suburban areas and fewer still work in the rural areas It is interesting to note that when we think in terms of the number of districts that have employed members of certain minority groups, more districts have employed teachers of Oriental and Mexican origin Fewer districts, about 21 percent according to studies on the matter, have employed Negro teachers However, in terms of the total number employed, the number of Negro teachers employed are greater but concentrated in fewer districts Negro teachers are more carefully screened, initially, and are many times rejected for reasons that are very difficult to justify There is a stereotype that exists in the employment of Negro teachers For example, there is a widespread belief that teachers graduating from southern Negro colleges are automatically less qualified than those graduating from white institutions in the south It is undoubtedly true that a number of Negro colleges did not meet the standards that we require of teachers in California But there was no objective way of measuring this because for many years the Southern Association of Colleges and Secondary Schools, which is the principal regional accrediting agency in the South, would not admit any Negro college to membership to that accrediting association Four years ago, however, the association did change their rules and decided to admit any college that met their standards Today, then, it is a simple matter for a person employing teachers to check the list of the colleges that are accredited and their graduates certainly meet the standards of all other graduates of that region

C. *Dropout Rate*

The reasons for dropping out of school are many and complex, but it is certain that the "official" reasons given are of little or no value in explaining the actual processes at work

Local school administrators unhesitatingly confirm that a significant proportion of the so-called "dropouts" are either encouraged or invited to leave school In some schools, the number of pupils asked or required to drop out exceeds the number voluntarily quitting, despite the fact that the school records themselves list only one-half of one percent of the total dropouts as being "uneducable "

It should be emphasized that the pupil is technically not expelled from the schools in these cases Expulsion, in a formal sense, requires official action by the superintendent's office The principal, vice principal, or attendance officer, merely exercises his discretion to inform the student that he is no longer welcome at that school

The Negro youngster has a severely limited choice of schools which he may attend, the predominantly or exclusively white schools in Los Angeles will not accept him unless he moves into their zone—a difficult feat due to housing segregation and zoning boundaries Even if he is motivated to enter continuation school, he may find himself unwelcome there

Individual schools justify their treatment of the "kickouts" on the grounds that they are delinquents or truants, and that their presence on the campus or on the school rolls merely creates additional morale and administrative problems What constitutes "delinquency" or "misbehavior" is, of course, a matter of discretion with the school officials and teachers It is well known that behavior which would bring only a reprimand in one school will be the basis for suspension or transfer in another Undeniably, many of the pupils in minority group schools have special problems, but certainly the present school policies worsen rather than improve those problems The additional economic and social burdens carried by minorities in our society make necessary a special counseling and training program

The theory behind the "social adjustment" transfer, presumably, is that the student may be happier, and hence less of a disciplinary problem, in another school The reasons for this assumption are somewhat obscure, but it has been suggested that such transfers may serve the purpose of breaking up "gangs " There is little evidence to support this theory, indeed, there are strong indications that the transfer is used merely as a means of shifting responsibility for "problem" students and encouraging them to drop out when the legal age is reached The failure of the "social adjustment" transfer to attain its ostensible purpose is reflected in the high proportion of multiple and "cancel permit" transfers, some youngsters are transferred three or four times during a semester

It is clear, therefore, that the excessively high transiency rate in minority group schools is due largely to the role played by the adjustment transfer There is no evidence supporting the oft-held opinion that high transiency among schools reflects higher mobility in nonwhite areas While the figures on population mobility are inadequate, data from the 1960 census indicates that the *stability* rate of the non-

white population exceeds that of the population as a whole 38 percent of the metropolitan area population resided in the same house in 1960 as in 1955, compared with 45 percent of the residents in 37 tracts with 80 percent or more Negro population

Because of the continuing movement among minority group schools, due largely to the adjustment transfers, an unusual entry pattern is noticeable in high schools

D. Zoning

The establishment of school attendance zones is entirely within the discretion of the district school board The State Education Code merely required that every eligible youngster under 16 attend some public school or its equivalent, and the previous figures on transiency among schools in Los Angeles prove that the local boundary lines do not prevent substantial movement from one school to another The Board of Education devises its own policies with respect to zoning, and may draw boundaries according to whatever criteria it establishes The youngster normally is expected to attend the school in his zone, but he may have the option in some cases of attending either of two designated schools and, as we have seen, he may also be transferred out of his zone to an "open" school elsewhere

There is no doubt that housing segregation is responsible for much of the segregation evident in the schools The San Fernando valley (outside of Pacoima), West and Northeast Los Angeles, and other parts of the city contain so few minority group residents that there is little possibility of integrating the schools, unless Negroes are transported into the zones over a long distance This, obviously, is hardly an ideal solution to the problem, though a mutual exchange of students in specialized cultural programs, on various occasions during the school year, might introduce some opportunity for those of varying background to get acquainted

In a number of cases, schools close to or on the periphery of a minority group area might be successfully integrated to a greater degree than at present Among the presently all-white schools, Huntington Park, South Gate and Hamilton high schools, to name a few, are located close enough to the Negro community to make possible a genuine integration Among the presently all-Negro schools, Jordan and Jefferson are close to the eastern edge of the central Negro ghetto, indeed, Jordan is located directly on the eastern boundary of its zone and adjacent to a populous Anglo area

One point should be clear There is nothing sacred about the existing boundary lines or the methods by which they are drawn In pursuance of the goal of genuine integration, by which the children of many races and faiths can achieve a mutual understanding and appreciation of cultures other than their own, the school boards should specifically consider the ethnic pattern of the schools, and in those cases where a redrawing of lines can be useful in this respect, the value of integration should be weighed heavily in the decision (See Appendix A for methods on desegregation)

E Teacher Training

One of the great needs of teacher-education and administrator-education in California today is pre-service and in-service training in the area of intergroup problems and problems of lower socio-economic children Unfortunately, schools which do not meet the needs of nonverbal, nonacademic pupils themselves become responsible for truancy, dropout, and potential delinquency Teachers with middle-class thinking are in dire need of help in learning how to motivate culturally deprived children In a community as transitional as ours the teacher-training institutions of this State must make an all-out effort along these lines

F. Counseling and Guidance

What has been said of the need for larger and better teaching staffs in areas of de facto segregation also holds true, of course, for counseling and guidance personnel These professionals must have specialized training in the problems of children of outgroups in lower socio-economic areas *They must be given more clerical assistance so that they can spend less time with paper work and more time building up an intimate relationship with children* There must be more of them per 100 children and particularly in the deprived areas The success of the higher horizon type program is based partially on an increased number of highly skilled counselors Conant calls for a standard of one counselor per 300 children We have been told that there is only one high school district in Los Angeles County (Pasadena) that meets that standard

One of the chief handicaps at present lies in the so-called 55 percent bill which went into effect July 1962 Under the provisions of this state legislation, approximately 55 percent of the budget of a school district must be appropriated for instructional programs only, the rest is to be used for all the other multifarious services of the school, including counseling and guidance As a result of this law, many school districts have had to cut guidance services rather than give them the increase they need The trouble lies, of course, in the narrow definition which would separate instruction from guidance services Educationally and psychologically, it is impossible to separate guidance from instruction, it is an adjunct of it The child's emotional life is inseparable from his intellectual life Counseling and learning go hand in hand The budgetary limit for instruction should be increased and include the counseling and guidance services The State should also offer financial impetus to the large cities to encourage the development of higher horizon type programs which have proved so successful in the larger metropolitan centers of the East Indeed, in some cases, children's IQ test scores have dramatically risen from the 70's to the 130's

It must be admitted that the task of the school in areas of de facto segregation is immeasurably increased by the lack of job opportunities It is one thing to admit that schools in lower socio-economic areas must have larger and better trained teaching and counseling staffs than are now available, but it should also be realized that employment must be found for the youth from these schools as one major incentive to stay in school Otherwise, we perpetuate an infinite corridor of despair in which lack of opportunity leads to dropouts.

G. Adult Education

1 There is reason to believe that if present trends continue, a great increase and a great demand for educational services will be in the field of adult education

2 The enrollment in adult education increased by 8 percent last year No increased fees are being placed on courses where enrollment is curtailed

3 Four adult schools were invited to testify The four schools serve communities that have a high rate of transitory population, made up mostly of unskilled and semiskilled workers

4 These four schools awarded over one-fifth of all the high school diplomas given by the 27 adult schools They specialized in remedial courses more than the others did

RECOMMENDATIONS

1 There must be state assistance both in direct financial grants to local school districts, and in experimental research on the educational problems of the culturally deprived student

2 The human relations programs should be strengthened in public schools, with the assistance of the State Department of Education and trained specialists, aiding youngsters of diverse ethnic backgrounds to learn to respect the integrity of the individual, regardless of race or creed or social status Such a program should harness the help of the teacher training institutions, of human relations agencies and youth-serving agencies, and should focus on improving the quality of textbooks and other teaching aids which can assist in making democratic citizenship a prime program of public education.

3 The State Board of Education should encourage school districts to set up more work study programs in order that labor, industry and the community may become more involved in the educational process

4 The State Board of Education should continue to assume responsibility for exercising leadership in programs and services designed to eliminate, as well as counter, the deleterious impact of de facto segregation on public education in California Such programs and services should be publicized and made available to all school districts

5 The State Board of Education should create a committee or an office to have full responsibility for the above services and for advancing the program in integrated education

These and other consultative services have been successfully established by other state boards of education The establishment of such services by the State Board of Education to facilitate integrated education need not, of course, preclude municipal and county school systems from creating similar services, in fact, they should be urged to do so

Such systems should be encouraged to survey and report on the extent and character of de facto segregation within their jurisdictions as a necessary basis for planned remedial action

6 It is further recommended that the State Board of Education and local school boards assure that State and local teacher organizations participate in the formulation of plans to manage the problems posed by de facto segregation

7 The State Board of Education and California institutions of higher learning should assure that qualified minority students are not barred from participation in student practice-teaching programs by local school districts

8 Support for proposed legislation providing that the large cities be allocated on a per student capita basis (enrollment) rather than ADA (average daily attendance)

9 It is proposed that the State Legislature, in co-operation with the State Board of Education, make it mandatory to California school districts, including junior colleges, to make postemployment surveys to determine an official distribution pattern and that the official government bodies use these surveys in determining the necessary corrective actions Postemployment surveys are not in violation of California's Fair Employment Practices Act

10 Preparatory to the development of a state plan for effectuating a broader distribution of teachers it is recommended that the State Legislature, in co-operation with the State Board of Education, initiate a program to make mandatory the establishment of human relation courses in the teacher credential requirements within the public and private colleges and universities Such a training program requirement would enable teachers to perform more efficiently when assigned to integrated schools In substance, such a plan, if adopted, can make a major contribution to strengthening bonds of communications and understanding between ethnic groups

11 The State Board of Education should be empowered to mandate every school district to consider "present and possible future ethnic composition" in determining school attendance zones, for the purpose of eliminating de facto segregation

12 The State Legislature and the State Board of Education should each investigate the causes of the high dropout and transiency rates in certain of the large urban schools and ascertain the extent to which these schools attempt either to retain or to eject students identified as potential dropouts

13 Each school district should be required to report annually to the state board on the number, destination, and ethnic makeup of "adjustment" transferees among the various schools, numbers of multiple and "cancel permit" transfers, and any indication of effectiveness of such transfers in reducing delinquency or dropouts

14 With regard to the dropout problem the State Board should review the requirements for teaching and counseling credentials and make certain that each group receives *both* academic and practical training in meeting and understanding the particular problems of minority group youngsters

15 The State Board has been advised that there are some local superintendents and school boards which would like to do something about this problem They recognize the problem and would like to take action, but some of them feel that they are not really qualified to tackle the problem They would like to have help The committee would like to see the Legislature consider expanding the advisory committee service (Teachers' Placement) within the State Department of Education, to include all phases of de facto school segregation

16 There should be legislation establishing the following programs and permitting (on a voluntary basis) unemployed youth who have withdrawn from school to choose one of the following within a reasonable length of time

A state program similar to the Civilian Conservation Corps,

A youth services corps in metropolitan areas to perform many of the maintenance and improvement jobs so necessary in large cities

17 In some school districts in other states there have been "higher horizon" projects, which involve extra-curricular activities during after school hours, organized and conducted by private groups and persons other than teaching personnel, designed to develop and stimulate interest in culture on the part of culturally disadvantaged students in order to eliminate this disadvantage We recommend that such projects be encouraged in California and that an agency in the Department of Education be created for this purpose

Consideration should be given to a lowering of class sizes, for culturally disadvantaged students or dealing with them as a special education problem in order that a more concentrated effort can be made to bring them up to the classroom norm

18 An article suggesting the position of the administrators of the Fresno School District was brought to the committee consultant's attention, Sunday, December 9, 1962 Two quotes are taken from this article

1 In 1958, Superintendent Edwin C Kratt said, "I am forced to conclude that if the assignment of a Negro teacher (to a predominantly caucasian school) would cause such dissatisfaction among parents as to be reflective in the attitude, willingness to learn, discipline then I have not done what is best for the student

"This is a serious problem for humanity and one that must be solved but which will not be solved by hurried or unwise action"

2 The second quote is from the Assistant Superintendent Lawrence Toddhunter "It will be foolish to put them in situations in which they would not be accepted by the community"

These statements suggest a perpetuation of segregation in that school system In view of that, the Special Assembly Subcommittee on Economic Development and Automation, which has been investigating de facto school segregation throughout the State is recommending that Fresno be first on the list of districts to be investigated in 1963 It is further recommended that the subcommittee cover a representative number of districts throughout the State on this same subject

CHAPTER IV

PRIVATE TRADE SCHOOLS

FINDINGS

A. Clients

One witness complained about not being able to find a job after paying a private trade school $615 for a course in IBM tabulating He testified that he applied at North American, at Downey and El Segundo, General Motors in Downey and some other private organizations He also applied to the city, county, the federal and the State All organizations wanted experienced persons The committee could not determine whether the school was not performing its job or whether the job market was out of keeping with the reality of the situation

The student, however, was advised by the school upon taking the course that he would be placed by their placement service The complainant claims they reneged He stated that others were placed during this period and he thought discriminations existed—a kind that the trade school was not responsible for, but a kind they had to work with in order to "get along" with persons seeking applicants

One witness who attended a public trade school in printing was denied entrance in the trade He had gone to the union and printing plants but had been refused employment He taught students in this same school These students were placed but he was not The committee checked this student's record and found the student had achieved above average grades and was quite skilled He is now employed as a shipping clerk If this happens often, it simply means that the ranks of the semiskilled and unskilled are swelled, thereby preventing more unskilled or semiskilled persons from obtaining work while the job the person should be holding goes begging Consequently, he is unemployed Thus, chronic unemployment exists Therefore, plans to eliminate the unemployment problem will have to be accomplished by measures that prevent discrimination

A motion was unanimously adopted by the subcommittee to have the trade schools at the next hearing appear and testify again before the committee in view of the testimony given This portion of the hearing will be stayed off until 1963 This dialogue is contained on page 51 of the original transcript

A motion was also adopted to call the appropriate printing union before the committee This, too, was considered to be appropriate for action at the 1963 hearings

B. Officials

Without exception, the schools denied that they guaranteed placement and also that they did not entice persons to the schools on the assumption placement was assured

Without exception, the trade schools are ready to and interested in alleviating the unemployment problem if they are allowed to partici-

pate in the various programs provided for this purpose by the government and private agencies

Without exception, the trade schools appealed for regulations They would like the State to set up a regulatory body This body would accredit, license and regulate the morals and ethics of the trade schools

The private trade schools are of the opinion that the short course is very necessary and can be effective if taught correctly

Private trade schools feel that future legislation on training and retraining should include specific provisions relative to the role the private trade school should play

RECOMMENDATIONS

Minorities taking training and denied placement should be given an opportunity to present their case

The private trade schools should be taken from under the division of readjustment education and put under a separate board or commission for the purpose of regulation, in view of the fact that many of the legitimate private trade schools desire that charlatans be removed from the field, and in view of the fact that the private trade schools can only contribute their part to the elimination of the problem brought about by automation if their problems are understood and plans are adopted that would stabilize their activities

CHAPTER V

SERVICE INDUSTRY

FINDINGS

Even unskilled and semiskilled work is becoming automated, for example, companies are selling automated janitors, covermatic scrubs and vacuums 12,500 square feet of floor an hour—over eight times the area a man can clean

Automation is proceeding in the service industry The number of bowling alleys has increased, revenue has increased, but the number of workers remain the same

Practically all of the persons laid off in the Los Angeles City Refuse Department were minorities The witnesses suggested that these people be trained under the auspices of a well developed program

A. Restaurant and Hotel Industries

Discrimination among the unskilled and semiskilled was pinpointed The subsequent hearing on the restaurant industry was based on a documented statement by Mr Thomas Woodard Because it sets the stage for the subsequent hearing in this area, the facts and figures from that statement are quoted verbatim

"There are over 700 or 800 establishments in the City of Los Angeles This figure covers the hotels, restaurants and night clubs Most of these houses employ anywhere from 20 to 35 waiters in their various departments Under the jurisdiction of Waiters' Local 17 are most of your major hotels, restaurants and night clubs Following is a breakdown of the number of Negro waiters who are actually employed at these houses on a permanent basis

"(1) The Beverly Hilton Hotel—two Negro waiters employed, 1958 One Negro waiter employed, January 1962

"(2) The Ambassador Hotel—two Negro waiters employed, September 1961 and November 1961 This hotel employs over 35 permanent waiters

"(3) The Biltmore Hotel—three Negro waiters, all employed, October 1961 This hotel employs over 25 permanent waiters

"(4) The Statler-Hilton Hotel This hotel has not seen fit to hire any Negro waiters on a permanent payroll This hotel employs over 45 permanent waiters

"To my knowledge and from information gathered, there isn't a single restaurant in the entire City of Los Angeles that maintains an integrated crew of waiters if they are of nonwhite extraction

"Under the jurisdiction of Waiters Local 17 there are seven establishments that employ Negro waiters exclusively These houses are discriminating against white waiters, where here he is denied employment

"So that we may have a clear picture of the economic plight facing the Negro waiters within this industry and his limited possibility of

earning a stable income, I believe the following breakdown would point up this fact This was taken as of July 9, 1962
Restaurants in question

"Tail O' The Cock—employs 32 waiters They have 25 that are union members The other seven are non-union members
"The Bantam Cock—employs 14 waiters They have 12 that are union members, the other two are not
"The Oyster House—employs 16 Negro waiters They have all union waiters
"The Beefeater Restaurant—employs 14 Negro waiters They have all union members
"Lucy's Restaurant—employs 20 Negro waiters and 16 of these are union members
"Fairchild's Restaurant—employs 12 Negro waiters and 10 are union members
"Dublin's Restaurant—employs 22 Negro waiters and 18 of these are union members

"Total Negro waiters that are employed—Now I'd like you to understand this particular point that the total number of Negro waiters, 130, that can be actually employed at one time and that means 111 union members that are working Now I'll break this figure down for you a little closer We have a total membership of about 650 Negro members in the local union, so that means out of 650 you have 130 that can be employed at one time because they only have seven houses that employ Negro waiters exclusively Their only means of obtaining work is through these seven houses and when they run out of the seven houses, they either have to leave town or get out of the industry because there are *no other jobs available for them other than* "extra" work There are approximately 500 or 600 Negro members that are connected with the Waiter's Local 17 and if you will analyze the figures and the diagram I have given you, then you will see what a small percentage of these Negro waiters and members can be employed at one time Due to the lack of interest on the part of the union in trying to organize or encourage these many Negro waiters to take an active part in the union, and due to the union's failure to offer a constructive program whereby these men might find employment within the industry, it is safe to say that these many Negro waiters have become tools in a mass political corruption to further the aims and ambitions of some special interest groups We have held numerous meetings, conferences and debates with the union officers for these employees We have filed charges within the union against certain officials for discriminatory practices and in every stage of these oppressions we have petitioned administration for redress in the most humble terms but our repeated petitions have been answered only by continued injury Only recently at a meeting in the office of Mr C T McDonald, Trustee Officer of Waiters Local 17, we noted the month of May 1962, we questioned the wisdom and possible bad judgment on his part in renewing the very same uniform work contract with employees without his sincere effort to try to negotiate some constructive provision on behalf of the membership"

On the basis of this testimony, a subsequent hearing in this area was set for October 19, 1962 in Los Angeles The testimony was related to the overall problem of automation and the plight of the unskilled and semiskilled

The Subcommittee on Economic Development and Automation was able to pin point a pattern of discrimination in the restaurant and hotel industry in the Los Angeles areas It is particularly significant to note that the pattern in many cases immediately favored Negros and other minorities but eventually, it was the minority who suffered

Some mixing of the crews took place in the banquet and temporary work Therefore, the minorities are hard put to find permanent employment This pattern eventually irritates the hard core unemployment problem, thus aggravating the problem of automation

The employers and unions were subpoenaed in order to determine the validity of the charges

The restaurants, the hotels and their representatives testified that there was no correlation between them and the union But, whether this is true or not, it was clearly evidenced that the unions were not enforcing the contract properly A provision of the contract states that All work—temporary and permanent, would be dispatched from the union hall, but because of an informal agreement only temporary work is dispatched, leaving the obtaining of permanent jobs to the employers This eventually results in some type of discrimination

B. A Statement by Edward Howden, Chief, F.E P.C

"Very often, Mr Chairman, it is desirable and the assigned commissioner feels, there is much to attempt to accomplish in the course of the investigation You are not merely seeking to get the facts about one individual's situation, and to help him remedy or solve it, but you are attempting to correct some patterns and practices in an entire occupation Mrs Warschaw felt that very substantial progress had been made in the particular matter which Mr Woodard had referred with special emphasis on the extra waiter question, and she closed the subject to review it The files indicate that there were some problems remaining which she felt should become the subject of individual complaints This means that occasionally in order to take care of the individual who may have a very good case, who has come before you and who has a right to have it processed with all possible speed, it may be that the general investigation has to be shunted aside at times

"We have been before the Legislature in each budget session, each year, requesting what we thought were reasonable numbers of additional staff On one occasion, since the inception of the agency, we received, I think, an additional four members Originally, we had eight and we received an additional four to make our total statewide complement of consultants 12 in the field One additional consultant who has that job title serves as a kind of de facto research director We do not, in fact, have a research position we asked for in the beginning which we feel we needed very badly Staff shortages, heavy caseloads and some limited time here and there of the commissioners themselves meant that we have been really engulfed with the job to be done We are acutely aware of whole ranges of industry and community situations in which the patterns would seem to indicate and manifest dis-

crimination on which we would like to work Priorities have to be established and so far we have attempted to grapple

"(a) Those complaints that have come to us; and
"(b) Those requests for investigation that have come to us

"I have not, I should make clear, although the commission has, the power to initiate investigations It does not initiate them out of its own general precept It has so far followed the policy of doing so only upon request from responsible organizations, individuals or what have you, where there is evidence put before it of a problem to be dealt with If the commission had a larger capacity in terms of staff, time and budget, I think it would wish, in all likelihood, to reconsider that policy

"There were certain specific points made by Mr Woodard that I would like briefly to comment on, if I may, Mr Chairman I think he did make passing reference to progress in the extra waiter hiring matter procedures this morning and this, I think he will agree, was substantially a result of the FEPC investigation The question Mr Woodard raised in his testimony and his paper concerned the lack of power of FEPC to engage in a so-called class action or representative action Now it is true, as I have already said, enforcement powers may be invoked only with respect to individual complaints We can, however, do a great deal with the present powers even though we cannot carry Section 1421 to public hearing We find so many respondents with whom we can make progress on the basis of persuasion and conciliation that I would not be honest in saying to you that this was not so. However, it is quite clear that with the additional power to go to public hearing and to enforcement power as we may in individual complaints, on Section 1421 investigations will undoubtedly be not only more effective in general, but they could probably be done much more speedily The process would be more efficient because there would be less foot dragging on the part of the other parties if we went into a situation of that nature So we are not really in disagreement with Mr Woodard We think there would be some remedies which perhaps this committee would wish to consider among others

"Mr Woodard indicated that there was some sort of reluctance on the part of our commission to move strongly in a matter of effecting a union as respondent If I understood him correctly, we must most emphatically disagree with this We can cite you case after case in which the union respondent, or the union as a correspondent along with the employer, has been brought very sharply before the commission and has brought about very clearcut changes of this practice This would go emphatically to practices of dispatching any explicit or implicit collusion with employers who were placing discriminatory orders Again, whether those orders were simply understood or whether they were explicit and sometimes, incidentally, some very good unions have not been clear on this Some unions that have excellent makeup in their membership and very good records generally, but still not quite clear, they simply could not accept for process under this FEPC law, an order which specified race, religion or ancestry, either for or against any individual."

RECOMMENDATIONS

A recommendation pertaining to the service industry will be included in the overall recommendation at the end of the report.

CHAPTER VI

APPRENTICESHIP TRAINING

FINDINGS

A. Apprenticeship and Automation

Retraining of technicians and operators usually requires from six weeks to six months This group feels drastically the impact of automation and technological changes It is now generally known that many automated and electronic discoveries and problem-solving devices have been checked out and found acceptable Their arrival on the market and in the plants across the nation await the arrival of sufficient number of technicians to maintain and repair them Many of the spectacular advances, particularly electronic and other phases of automation, are produced in California It would appear then that we would be leading in producing the operators and technicians necessary to meet the need and make these discoveries applicable with regard to national security as well as marketable for the prosperity of our State We are not meeting the challenge It is to our credit that we have brought public education institutions to the door of urban communities to a greater degree than any state in the country It is to our discredit that we have not made these institutions meaningful to the practical application of the job market except in a few instances

Our vocational courses on the secondary level are obsolete and unrealistic A bill such as the Manpower Act, Public Law No 87-415 passed March 15, 1962, indicates the seriousness of the need to secure workers in areas that are meaningful today as well as to convert the skills of millions of people into productive occupations

In Northern California at the time of these hearings there are two classes in operation Twenty persons are improving their clerical skills, a critical area Less than that number are in a class learning hospital orderly work The above efforts are the total for all of Northern California The same was true for Southern California

What about S B 20? The entire State has 4,000 participating in this vital program which enables one who is receiving unemployment compensation to retrain or learn new techniques and skills The general public does not even know about the program Each day hundreds of citizens go to the offices of the California Department of Employment seeking work and are not even advised of this facility The provisions of S B 20 are well guarded

B Apprenticeship Training and Manpower Development

1 The Manpower Development and Training Act is primarily administered by the Department of Employment The role of the Department of Industrial Relations is still not clear The act does not provide for apprenticeship training to any great extent

2 Under A B 2171 there are approximately 200 men in training, expect to have 300 to 400 by the end of 1962

3 $50,000 would provide from 11 to 21 trainees per year under the Federal Manpower Development and Training Act, and 200 persons for apprenticeship training under A B 2171

4 One of the very significant portions of this law is contained in Section 204a dealing with on-the-job training It is not yet certain what agency will administer this section

The legislation will hit all skill levels Some skilled workers will be trained to become technicians, some semiskilled will be trained for skills, unskilled for semiskilled Most emphasis will be given on training individuals with virtually no skills

The job that must be done is to convince industry, primarily management, that the magnitude of this problem is to bring all the resources of government, both federal and state, to its assistance Apprenticeship and other on-the-job training is only part of the program intended under the Manpower Development and Training Act Much can be accomplished by classroom training alone in many fields to make people employable However, to meet the needs for craftsmen at least equal attention must be given to improving and extending apprentice training We must take a long look at what needs to be done to make apprenticeship training more attractive to industry

New approaches must be developed and money must be spent in promotion and assistance There must be subsidizing of the older worker placed on apprentice training to permit him to accept this opportunity without too great a loss of his earning capacity There ought to be payment to apprentices by the employer where federal and state money is being spent but where federal and state money is not invested, the federal and state government ought to subsidize the apprentices

An important key to apprenticeship is employment opportunity In the past 12 months, 50 of the local employment offices have received job openings for apprentices from joint apprenticeship committees and 20 of the local offices have been receiving such openings directly from employers under co-operative agreements with joint apprenticeship committees Many of the communities such as El Monte, Fresno, Lodi, Napa, Stockton, Sacramento, Hollywood, Van Nuys, Crescent City, Oakland Ukiah and Whittier, the employer relations staff had identified needs for apprenticeship through discussions with employers, sold the employer on the value of the program, and then turned this information over to the appropriate Division of Apprenticeship Standards' field representative for action

The State of California has adopted rules and laws, including the Shelley-Maloney Act, in which the State of California has indicated its public policy to be in favor of apprenticeship involving a private group of employers and employees It has also indicated that this program of apprenticeship training is of vital interest to the State itself In the Labor Code there is a provision that on public works contracted for by the State of California the apprenticeship program should be used as much as possible However, no one really has come to grips with the way to make this program more effective These laws have been on the books for sometime and we are looking at the program wondering just how to effectuate it We are impressed with the fact that in some communi-

ties we are able to get the knowledge of opportunities in apprenticeship training down to groups that did not have it before The Fresno program is a good example of this

C. *Apprenticeship Training and the Community*

1 There are over 600 joint apprenticeship committees
2 There are 14 statewide joint apprenticeship committees
3 There are about 30 general community committees
4 The development of the statewide committee for equal employment is comparatively new and has been recognized by the apprenticeship council

D *Semiskilled and Unskilled Workers*

1. The people who come into apprenticeship training are mostly youths

2 The provision of A B 2171 will help the semiskilled and unskilled It will provide unskilled persons the opportunity to learn other occupations

3 About 10 percent of a group of 700 were from various minorities and over 1½ percent were Negroes The recent survey we made of the persons who are active apprentices now shows that 20 percent are members of minority groups and close to 3 percent are Negroes Thus means that there has been progress in the last six years, almost a doubling of that group

4 The effectiveness of the apprenticeship program can be demonstrated by a survey of completed apprentices which shows that these men are in great demand. they are seldom unemployed and have a high earning capacity

5 We still face the main problem of developing more jobs for apprentices If all employers who are qualified would hire and train apprentices within the agreed ratios there would be a broadening opportunity for youth We would not be turning out more people than we need We need a lot more than we have now which is very evident in many trades

6 There are certain areas where something should be done to stimulate and develop the employers to accept apprenticeship training There have been proposals for reimbursement for cost of training as the Defense Department does in defense industry

7 Some have suggested tax abatement, reimbursement for cost of training, training allowances, and a number of other solutions to provide incentives

8 Agencies of government—the matter of job development for apprenticeship is subject for consideration Usually a job for an apprentice does not exist until someone goes to an employer and persuades him to hire one

9 A great deal of thought should be given to California's S B 20, the Manpower Development and Training Act, and any other act similar, to provide something to stimulate on-the-job training and to help in apprenticeship

E. Federal Program in California

The identity of the Federal Bureau of Apprenticeship is almost completely lost in its close association with the state agencies or the State Division of Apprenticeship Standards

The State of California has one of the most inexpensive programs in this nation If we are to encourage more employers on the value of training, particularly apprentices, then there has to be some arrangements made whereby training can be established through methods of reimbursement, subsistence or other methods where it can be obtained

The committee is hopeful that the implementation of 204a of the Manpower Development and Training Act will serve to supplement and strengthen the objectives of A B 2171

F. Apprenticeship and Minorities

1 The committee believes that in addition to putting the emphasis on the problem of discrimination, the development of new opportunities is a method for assisting minority persons

2 There is much to be said for setting up an information clearing house where there is one place a person can go to get the needed information and from where he can be referred to apprenticeship committees in which he is most interested

3 The local committee approach is very important It is a committee composed of business, labor and minority communities meeting regularly and concentrating on a very concrete job of bringing the representatives together with the joint apprenticeship committees

4 Many of the young people who are dropouts today in high school come from families in the South where education was not only segregated but very bad This background compounds the problem of apprenticeship availability, apprenticeship training and apprenticeship eligibility The degree to which housing segregation keeps people from being in close touch with the general community and the people who are working in many different kinds of trades, crafts and professions, also has a retarding impact on the development of minority groups' ability to take advantage, to a greater extent, of the opportunities which do exist The same level of ability certainly is needed for these young people as exists in the schools for the young people who are going to college The 75 percent, roughly, of high school graduates who do not go to college are not as well counselled in many areas on the problems and requirements of job training when they graduate as the students who are to attend college

5 There should be *greater emphasis in the teacher training institutions* on courses that would prepare teachers—teachers at all levels—not just high school counselors, but elementary school teachers and high school teachers to help the young people in developing an interest in a sense of dignity toward the skilled trades

6 In the area of problems, we need to recognize the lack of sufficient apprenticeships Within the framework of the collective bargaining agreements of the State of California, there should be an agreement between the employer and the union as to the number of apprentices in a given plant At the present time, there should be 100,000 apprentices

in this State, however, there are only 20,000 We must be able to do a job of creating more apprenticeship jobs every year

7 What about the people who do business with the state government? Don't they have some responsibility within the limitations of their collective bargaining agreements to make apprenticeships available? Isn't this an area, also, that could make it possible for us to meet the need for tomorrow's trained, skilled manpower? This point was emphasized by Eddy Feldman, Executive Director, Los Angeles Home Furnishings Mart, who stated

"We have touched on it yet we are somewhat afraid to pick it up and face it directly The subject is "What to do with this Apprenticeship Program to make it more effective" The State of California has adopted rules and laws, the Shelley Maloney Act is an illustration, in which the State of California has indicated its public policy to be in favor of apprenticeship It has also indicated that this program of apprenticeship training is of vital interest to the State itself

"In the Labor Code, there is a provision that on public works which are contracted for by the State of California apprentices should be used to the extent possible, but nobody really has come to grips with the way to make this program more effective Now these laws have been on the books for sometime and here we are somewhat looking at the program wondering just how to effectuate it We pride ourselves in the fact that in some communities we are able to get the knowledge of opportunities in apprenticeship training down to groups that didn't get it before This Fresno program that we have just heard about is a good example of a community program which is designed to let all members of the community including minority groups—especially minority groups—know that there are apprenticeship opportunities, but these things leave us with discontent because we know that persuasion and voluntariness hasn't quite worked out

"Now, if the State of California is so enthusiastic about apprenticeship training, providing apprenticeship programs for itself and setting up a large Division of Apprenticeship Standards with a budget which may or may not be adequate for the purposes, it would seem then that the State of California as an employer itself and as an entity which contracts for public works to be done on its behalf as well as its own political subdivision should get into the spirit of the thing and not treat it in quite the casual manner it is being treated Therefore, I am suggesting that there be introduced into the Labor Code some specific provisions which would make it mandatory upon the State in its own employment of people where trades and crafts which are apprenticable are employed and in those jobs or public works or contracts which it enters into with contractors where apprenticable occupations are utilized, insist in its contracts and its employment practices that apprentices be hired That is to say, make apprenticeship training mandatory"

The training allowances for on-the-job training would be a great aid for the development of higher levels of skills among minority workers Many of these people, perhaps, entered industry before there was an FEPC law, and at a time when they may have suffered discrimination Their present job level does not reflect their potential skill They certainly can be developed and should be aided to develop their optimum

skills If this means on-the-job allowances as a supplement to the wages that are possible, intraining would be heartily supported

The approach to the problem of minority opportunities is one which we have talked about in terms of persuasion and national purpose In the case of the Fair Employment Practices Commission Act, the State Legislature felt that persuasion was not adequate to implement that law It had to set up an agency to administer it Then, the approach to the solution of minority problems is perhaps a little more law but not, necessarily to insist that minorities be given opportunities, but through the technique provide more job opportunities and more apprenticeship openings Last year the committee did tremendous work in getting eventually what is now Labor Code provision 3093 into law— the non-apprenticeable job training amendments to the law The voluntary approach in 3093 is so built into it that any element of compulsion would be so contrary to its spirit that a whole attitude toward that series of retraining provisions would have to arise before it could be amended These remarks are directed at public works—out of 300 possible apprenticeable occupations, there may be 18, 20, 30 or 40 occupations which might be made available It would be a relatively small part of the economy but very excellent demonstration for the rest of our employers, labor unions and community to try to work with apprenticeship a little better by having a splendid example set by the State and its political subdivisions

Drastic overhauling of the whole process of the apprenticeship program is necessary if (1) the program is to become meaningful in producing the qualified artisans now needed, and (2) we are to provide Negro and other minority group youngsters equal opportunity in apprenticeship training

Some 76 Negro youngsters were interviewed by the San Francisco Urban League specifically seeking information and/or inclusion into some apprenticeship program—45 qualified as to age and other superficial requirements—19 needed immediate work and could not endure the red tape and long delay Not one apprentice was taken as a result of their efforts One youth was indentured as a machinist at American Can Company whose acceptance by the joint apprenticeship committee was the direct result of the activity of a Caucasian member of the machinists' local The Division of Apprenticeship Standards under the California Department of Industrial Relations is conscientious in efforts to break through significantly in this area However, their power is not sufficient This cumbersome machinery now in effect with the additional arbitrary powers of the joint apprenticeship committees is too great to become a meaningful instrument for vocational and industrial training for Negro youngsters in numbers commensurate with the population ratio It appears that the arbitrary authority of the joint apprenticeship committees cannot be entrusted to objectivity where Negro youths are concerned

Many Negro youths indicating good learning potential become school dropouts or finish high school in the lower range of their class These situations develop largely because of a low job aspiration held by such youths, an aspiration that grows out of limited or negative

self image Having no expectancy for the future, the present learning experience holds little or no meaning for these youths Many of them present serious problems for themselves, their families and ultimately their communities If Negro youth, or any youth for that matter, are to be motivated to more fully utilize their potential, they must be helped to see that the training relates to tomorrow's job opportunities No training program offers this combination of circumstances to a greater degree than apprenticeship training This combination of on-the-job training and related craftsman instruction presents to the trainee a clear need for learning achievement as the means for successful job placement and advancement However, Negro youth has made only a slight penetration into apprenticeship and training Very simply stated, apprenticeship training is a part of the mainstream of community life and Negroes traditionally have been isolated and separated from the mainstream Racial discrimination has expressed itself through isolation, although rejection of the Negro is no longer as rigid as it once was, nonetheless, its effects linger on and Negro youth, to a large extent, live in an atmosphere which produces low motivation and potential high school dropout

G. *Possible Causes of Non-participation by Negroes and Minorities*

1 The first cause allegedly is the failure of Negro youths to apply for apprenticeship training Many of the joint apprenticeship committees state that they have had no Negro applicants To some extent perhaps, this is due to lack of widespread knowledge in the Negro community about apprenticeship training, and the racial isolation of these persons from streams of community contact which feed into the apprenticeship field

The absence of Negro workers in the skilled trades and technical industry, as well as their absence from managerial positions reflect a lack of contact with Negro youth which works to their disadvantage as far as apprenticeship and training is concerned

Also, it is purported that many school counsellors believing the Negro youth will not be accepted in apprenticable trades fail to counsel these youth in a direction of apprenticeship and training

2 A second cause advanced to explain the small number of Negro youths in apprenticeship is the failure of many applicants to qualify It is reported that a few of the joint apprenticeship committees state that some Negro youths have applied, but failed to qualify for the entrance examination Or, on taking the examination, fail to make a passing grade To the extent that this is true, it may be an indictment of our public schools and other community environment, especially in those instances where the youth that failed has done so because of inadequate school performance rather than lack of native intelligence Thus, we are concerned with school curriculum, guidance and counseling as well as understanding and attitudes of adults who instruct and influence these youths

3 A third cause advanced for the absence of Negro apprentices is the practice of racial discrimination, consciously or unconsciously, by members of the joint apprenticeship committees Allegedly, certain

trades, crafts and industries refuse to remove racial barriers in hiring and upgrading of Negro workers. This perhaps is increasingly true to the extent that it exists. It is also reasonable to believe that the same trades, crafts and industries could exercise discriminatory practices in apprenticeship opportunities to the attitudes of their representatives or local joint apprenticeship committees.

Thus, the terrific absence of Negro youths in apprenticeship training presents at least three identifiable causes in areas for deeper diagnosis and treatment.

In view of these statements, the committee must be concerned with the effects of de facto segregated schools. They are educationally unsound on the following premises: (1) overcrowding, (2) mediocre administrators, (3) mediocre and complacent teaching staffs, (4) inadequate counseling and counseling staffs and (5) inadequate facilities.

RECOMMENDATIONS

1. Basic to making more money available to the program and more resources perhaps there is an attitude that ought to be taken into consideration particularly in matters of education at the present time. There is a need for a balanced curriculum in our public schools which would give equal time to those youngsters who are not going to college. For the welfare of society we need to have greater concern for the importance of the unskilled craftsman and the industrial worker.

There is a need for a community program designed to let all members of the community, especially minority groups, know that there are apprenticeship opportunities.

2. There should be introduced into the Labor Code some specific provisions which would make it mandatory for the State to employ apprentices. Also, in public works the State should insist that contractors and subcontractors employ apprentices.

A monetary penalty for failure to observe this provision should be imposed. A special fund should be established for this purpose. And the Labor Commissioner should be empowered to collect the moneys and assess the penalties.*

* *Mr. Eddy Feldman is primarily responsible for this recommendation. His background (academic and professional) qualifies him to make this proposal. He is a member of the California and Illinois bar; past secretary for Furniture Manufacturers Association of California, presently, Managing Director, Los Angeles Home Furnishings Mart, member of the Co-ordinating Council of the California Apprenticeship Conference, Vice President of the Furniture Trade Advisory Council of California Institution for Men.*

CHAPTER VII

FAIR EMPLOYMENT PRACTICES COMMISSION

FINDINGS

A. Background

In New York, the first commission established under an FEPC law, there is an independent commission with a strong chairman with four other fulltime appointed commissioners who make policy and administer the activities of that commission This resembles, in some ways, a strong mayor form of government The New York agency, now called the Commission on Human Rights, also has strong, well-qualified men acting as directors of the enforcement, educational and research divisions Today, they have a budget of well over a million dollars, including funds appropriated for public housing, public accommodation and employment; they have personnel resources of over 115 people Michigan's law was passed in 1955 and applies to FEPC only It is an independent commission form of government, much like the commission in California—something similar to a city manager form Directing the organization is a well-qualified, professionally trained expert in intergroup relations of national stature He recently left the Michigan commission to become President of the National Association of Inter-Group Relations Officials in Washington, D C The 1961-62 budget in Michigan was something over $159,000 They have 23 personnel including commissioners, professionals and nonprofessionals

New Jersey and Oregon presented a slightly different contrast. The New Jersey commission was established in 1945 and operates under the Department of Education An assistant commissioner of education acts as the executive director with a part-time advisory committee meeting three or four times each year to rubberstamp decisions Their budget for 1961-62 was approximately $134,000 and 26 employees

Finally, in 1949 Oregon established a commission under an FEPC law and has since expanded to include public accommodations and public housing operating under the labor commissioner An agency administrator and two professionals direct the activities in Oregon and they have a twelve man, non-salaried state advisory council composed of top Negro, Jewish, Protestant, Catholic, educational, and business and other persons They have a very small budget of $30,000 with a four-man office

B. Valid Indicators of Effectiveness

There is an immediate need to develop valid indicators of the effectiveness of FEPC agencies In one sense, the same problem applies to all governmental agencies but in the case of FEPC, the problem is even more critical It is said the number of complaints filed with the commission each year is a good indicator Suppose there is a 40 percent increase in the complaint load for a given year Does this mean the agency

is 40 percent more effective than the previous year? Or does it mean there is an information lag, the word is getting back to the members of minority groups and they are bringing their complaints to the commission? Does the increase, on the other hand, represent confidence in FEPC or just the efforts of a hardworking public relations man? Perhaps it represents the efforts of the minority group organizations who are now directing their people to the agency

Perhaps most important in this caseload analysis is that not all cases take the same amount of time to process In a leading case in New York, *Banks vs. the State of New York*, a Negro girl was denied employment as an airline hostess It is significant to note that this case was opened through a complaint in 1956 It was 1960 before it was completed and took a lot of time, administrative and legal talent, to close the case

The second most frequently mentioned indicator was the increase or decrease in annual appropriations by state legislatures There was a feeling by the administrators that they were doing a pretty good job when the legislature increased their appropriations, indicating their faith Here we have a circular argument because most legislatures base their vote for an appropriation increase on the basis of the increase in caseload Also, a clever public administrator need only alter his standards for accepting cases for investigation to manipulate the caseload On the other hand, increased appropriation may reflect nothing more than increased political activity by FEPC commissioners and the administrators who are not beyond exercising some lobbying techniques, along with minority pressure groups from large urban centers, for larger FEPC budgets

By contrast, in some states Republican legislatures have tried to discipline Democratic governors by cutting appropriations from a favored FEPC agency While we may have an index of political activity, these indicators hardly test the effectiveness of the civil rights agency Caseload is perhaps one of the poorest indicators a legislator can use to assess the effectiveness of an agency

A third frequently mentioned indicator is the infallible eye test "You didn't see any colored clerks in our department stores Now you see lots of Negroes in saleswork " It's a shortsighted businessman who does not place members of minority groups in display areas in his store to demonstrate the tolerance he has for the business of minority group members

More fruitful observations about employment patterns can be obtained by comparing local population characteristics with employment patterns in the local business organizations

Finally, officials recognize the need to discover the changing employment patterns in various industries throughout their states This information can be obtained today by scientific survey research methods now available through universities and some private research organizations

C. *Requirements*

There is a need for developing more active enforcement, public education and research programs generally In early days some thought we could eliminate employment discrimination by education alone Experience with state civil rights legislation points out that legislation with

enforcement provisions and an administrative agency to enforce the law is the best approach But there are at least two problems that have arisen in most enforcement divisions 1 Most states have a backlog of cases, making an unnecessary hardship delay on the complainants and, 2 Commissioners cannot use their initiatory power to open up investigation that would lead to formal hearings Nevertheless, agency commissioners can conduct what they call informal surveys through whole industries and have been very effective in getting these industries to comply with the suggestions of the commission

D. *Research*

Perhaps the key to the research shortcomings of most agencies, however, lies in the need to hire a competent research director who is trained in the social sciences, not public relations to supervise research co-ordination and contract work

Research shows that most FEPC officials are making policy on anti-discrimination measures without proper factual information Information about the social makeup of the communities in their states is secondhand and not based on factual materials Proper knowledge about the role of the private minority group organizations in this field is lacking Often, there is an entire group of private citizens working almost without the knowledge of the public The professional literature now being developed from research on prejudice and discrimination by psychologists, sociologists and political scientists, for the most part, is not known

The intergroup relations field is no longer at the experimental stage where case-by-case approach is the answer The committee feels that we should not look at the discrimination question from the viewpoint of the social worker In too many states, governors are still appointing commissioners and administrators who have backgrounds in social work or simple personnel classification techniques Our critical need is to focus attention on eliminating employment discrimination and obtaining information that will aid in developing programs for large-scale community change That information is available to us through the developing social sciences today

RECOMMENDATIONS

1 Research—A research director, with adequate clerical help and a modest budget, would be able to furnish necessary data on the extent to which Negroes, Mexican Americans, minority persons and educationally handicapped, who receive differential treatment under conditions of industrial change Another field for research effective in providing employment would be specialized training and retraining in industrial occupations

2 Two assistants to the present education officer, as requested by the commission for 1963-64, would widen the effect of the agency's information program, so that workers, job applicants, employers, unions and others would be fully aware of the application of the FEPC Law to the labor market in this period of technological change The result would be a wider use of the law by those affected, and more affirmative compliance by employers and unions.

3 Education—The enlarged education staff and two community relations representatives, as requested by the commission for 1963-64, would bring the message of equal opportunity and merit employment to all groups in the State's varied population centers Other objectives would create an improved educational atmosphere in which young people of every ethnic identification would seek maximum education and training for the jobs of the future

4 The FEPC should be empowered to conduct investigative hearings that would lead to formal hearings

5 An amendment should be made to the FEPC Act to include all training and educational facilities in the State within the FEPC jurisdiction At present, jurisdiction is asserted over a training school or institution only if it engages in placement functions

6 Spell out and clarify the power and duty of the commission with regard to education, research and compliance actions The FEPC has been challenged by the Legislative Analyst, among others, as to its proper authority to engage in these functions It would help if that could be spelled out very simply in an amendment

7 It would be helpful to have the power to receive complaints from responsible organizations speaking on behalf of an entire group At present, the complaints are received only from the Attorney General or an employer These are the only sources of formal complaints which FEPC may accept

8 Another factor would be to enlarge the commission to seven or possibly nine members A number of other state commissions have either seven or nine members

9 Another useful suggestion would be to authorize the Labor Commissioner, who has jurisdiction over private employment agencies to discipline or suspend a private employment agency upon findings of discrimination by the full FEPC That power presently does not exist

10 As a result of careful organizational study of the operation a greater degree of centralization and clarification of lines of authority would enable the FEPC to move a bit more efficiently in some situations

11 Legislation should be enacted in the field of housing The relationship of that to employment has been pointed out concretely in our findings Nine states, including most recently the State of Alaska, have legislation prohibiting discrimination in private housing, not just in publicly assisted housing Administration of the statute should be by either a Civil Rights or Human Rights Commission, or by the administrator of the FEPC laws

12 It is suggested that a minimum of perhaps five or six one-man offices be established These should be strategically placed outside the major metropolitan areas

CHAPTER VIII

SUMMARY OF RECOMMENDATIONS

A. APPRENTICESHIP AND TRAINING

1 There should be an investigation of training and apprenticeship programs now in effect to determine the extent to which nonwhites are participating in those programs, and if they are not participating, why not Surveys of race and national origin must be conducted in order to get at this kind of information

2 All governmental support should be withdrawn from training and apprenticeship programs found to be discriminatory There are several apprenticeship programs, particularly among certain of the craft unions which remain discriminatory against Negroes in particular, and still receive certain amounts of government support That support should be withdrawn

Also, a committee or commission under the direction of the State Board of Education to advise districts on matters relating to zoning, dropouts, transfers, teacher placement and the general problem of de facto school segregation should be established

3 The State should establish a student training program similar to the Federal Manpower Development Training Act, but, it should emphasize student loans similar to provisions in A B 3006 And, it should be implemented through a lending institution in conjunction with the state agency which is suggested in another recommendation herein

B GOVERNMENT CONTRACTS

There should be a stronger enforcement of nondiscrimination clauses in all kinds of government contracts.

C. EDUCATION

There should be a review of the educational and guidance programs in the public schools Closer contact among the schools, government, labor and industry, and the use of texts and materials in the classroom designing to motivate minority group youngsters to train for and to seek nontraditional jobs The schools of the communities have not done nearly enough work on motivation and the effective vocational guidance of minority group youngsters, even where discrimination has been lessened or even abolished

D. HOUSING

There must be an accompanying attack on housing segregation because the factor of housing segregation unnecessarily impedes the communication between the white and the nonwhite communities and it also leads to a lack of application by nonwhites in areas where they cannot live because of existing discrimination in housing

E. EMPLOYMENT

There must be a more concentrated effort to hit directly at the various vicious circles existing now in the employment of nonwhites. Discrimination has led to concentration of nonwhites in low skilled jobs, which in turn has impaired the motivation of youngsters to get training for higher skilled jobs, and then in turn employers say that nonwhites are employable only in menial jobs because they are not trained to qualify for any other kinds of jobs. There is a continual vicious circle which must be broken into at several levels, not just through legislation, but also through educational programs.

F. RECOMMENDATIONS FOR IMPLEMENTATION AND CONTINUOUS WORK

The establishment of a state agency, either in an existing department or the executive office, to correlate economic data, to co-ordinate efforts and to stimulate programs on economic development, maximum employment and discrimination.

Concurrent with the establishment of such a state agency, however, we should, on the state level create a special permanent Assembly Interim or Subcommittee on Employment and Economic Development. The work of the committee would embrace taxation, social welfare, education, labor, industry, etc. Such a committee or subcommittee might consist possibly of the chairmen of various committees, the chairman or representatives of the Industrial Relations Committee, the Revenue and Taxation Committee, the Finance and Insurance Committee, the Social Welfare Committee, and other committees involved in this problem. Co-ordinated effort in this field of study will create an atmosphere for following through on the legislative level.

If it is not feasible at this time to work out details relative to a high level committee of this type, then we recommend that the present Subcommittee on Economic Development and Automation be continued until some permanent idea is developed. If this is done, the committee recommends that the membership of this subcommittee be increased from five to seven members.

A state program bringing the community agencies together to work with the depressed family is necessary, and the overall problem of automation, if we are to help the chronically unemployed. It will be a kind of co-ordinative action involving housing, social welfare, the schools, cities, municipalities, counties and the problem of discrimination in general.

WITNESSES APPEARING BEFORE THE SPECIAL ASSEMBLY SUBCOMMITTEE ON ECONOMIC DEVELOPMENT AND AUTOMATION

HEARINGS HELD ON JULY 12 AND 13, 1962—LOS ANGELES

Donald H Roney, Chief, Staff Services, State Department of Employment
Paul Bullock, Research Associate, U C L A
Frances McLaughlin, Assistant Administrative Officer, County of Los Angeles
William Barr, Director, Los Angeles County Department of Charities
Joseph Hawthorne General Manager, Civil Service Commission
Louis D Gill, Commissioner of Public Works, City of Los Angeles
Lyman Goldsmith, Head Supervisor, Vocational Industrial Arts, Los Angeles City Schools
George Smith, Administrative Co-ordinator, Los Angeles High Schools
Walter Parker, Principal, Los Angeles Adult Schools
Walter Backstrom, Business Representative, Local No 347, Building Service Employees' International Union
Sidney Moore, General Manager, Local No 347, Building Service Employees' International Union
Arthur Greene, Business Representative, Local No 434, Building Service Employees' International Union
David Novogrodsky, Associate Research Director of Civil Service Unions
Mervyn Dymally, Democratic Nominee, 53d Assembly District
I Mandelbaum, Representative, Private Trade Schools and National Technical Schools
M Sherman, Representative, Private Trade Schools and National Technical Schools
Franklin Johnson, Dean, Los Angeles Trade Technical Junior College
Harrison Myers, Representative, Sawyer Schools
Paul R Jackson, Representative, Sawyer Schools
E L Pruitt, Director Pruitt College of Business
Art Wilson, Director, United School of Electronic Trades
Thomas Suitt, General Manager, West Coast Trade School
Jack Peart, Corporate Director of Training, North American Aircraft
William Smith, Executive Vice President, Federated Employers of the Bay Area
Wesley Brazier, Director, The Los Angeles Urban League
Thomas Woodard, Member, Southern California Waiters' Union, Local No 17
John Anson Ford, Chairman, The California Fair Employment Practices Commission
Charles Wilson, Counsel, The California Fair Employment Practices Commission
Dr Kent Lloyd Assistant Professor, School of Public Administration, U S C

HEARINGS HELD ON AUGUST 29, 1962—SAN FRANCISCO

Charles Hanna, Chief, Division of Apprenticeship Standards
Morris Skinner, State Supervisor, Federal Bureau of Apprenticeship and Training
B R Mathis, Regional Director, Federal Bureau of Apprenticeship and Training
C R Jaynes Consultant, Federal Bureau of Apprenticeship and Training
Ernest Kramer, Chief, Bureau of Industrial Education
Donald Page, Manpower Development Training Co-ordinator, State Department of Employment
Paul Lattie, Chief of Employment Service State Department of Employment
Ed Hibbert, Chairman, California Apprenticeship Council
William Becker, Secretary, Statewide Committee for Equal Opportunity in Apprenticeship and Training for Minorities
Henry Johnson, Director, Industrial Relations Division, Bay Area Urban
Douglas Stewart, Representative, Community Agencies on Apprenticeship Opportunities for Negro Youth
Aubrey Grossman, Attorney

HEARINGS HELD ON OCTOBER 18 AND 19, 1962—LOS ANGELES

Don J Hager, Professor and Chairman, Department of Sociology and Anthropology, Los Angeles State College
Dr Burton Henry, Professor of Education, Los Angeles State College
Joseph W Walker, Program Director, Job Development and Employment, Los Angeles Urban League
Helen Kerwin, Representative, California School Boards Association
Paul Bullock, Member, Research Staff of the Institute of Industrial Relations
Robert Singleton, Member, Research Staff of the Institute of Industrial Relations
Cecil Hardy, Student
Arthur Fernandez, Student
Mrs Georgiana Hardy, Chairman, Los Angeles City Board of Education
William A Norris, Member, State Board of Education
William B Brown, Associate Superintendent of Personnel, Los Angeles City Schools
Dr Zane Meckler, Associate Director of Jewish Community Relations Committee
Dr Robert McCaughan, Representing the Los Angeles County Superintendent of Schools' Office
Mrs Althea Simmons, Field Secretary, West Coast Region NAACP
Mrs LaRee Caughey Representing American Civil Liberties Union of Southern California
Thomas Woodard, Member, Southern California Waiters Alliance, Local No 17
C T McDonough, Trustee, Southern California Waiters Alliance, Local No 17
Milton Jeanney, Executive Director, Southern California Restaurant and Hotel Employers Council
Robert Giesick, Business Representative, Los Angeles Joint Executive Board of Hotel, Restaurant Employees and Bartenders Unions, AFL-CIO
Thomas Barrett, Resident Manager, Statler-Hilton Hotel
H Rod Carey, Personnel Manager, Statler-Hilton Hotel
Shelton McHenry, Owner, Tail o' the Cock Restaurant
Joseph Landemer, General Manager, Mike Lyman's Sixth Street Grill
Benjamin Benson, Maître, d', Mike Lyman's Sixth Street Grill
Edward Howden, Chief, Fair Employment Practices Commission
Lawrence Lucks, Area Supervisor, Fair Employment Practices Commission

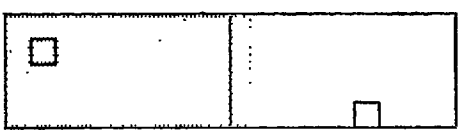
APPENDIX A

DESEGREGATION METHODS

Any plan must be adapted to a specific community, taking into consideration enrollment, capacity, distance, and other factors. But each of these basic plans can be used alone or in combination to help eliminate existing segregation.

1. Zoning

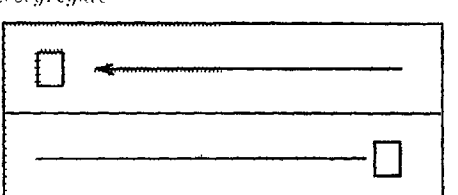
To segregate



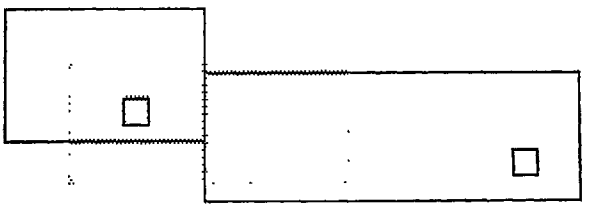
Zones are drawn around segregated residential areas following the color line in housing. Result—segregated schools.

A.

To desegregate

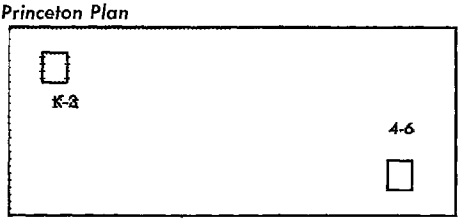


B.



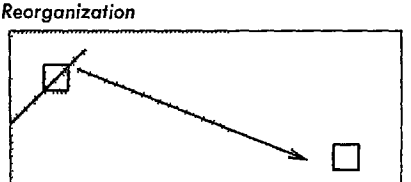
Here, zones divide the segregated residential area. The result—desegregated schools. The point is that zone lines are man-made and can be drawn to segregate or desegregate.

2. The Princeton Plan



Children are assigned to school on basis of grade. ALL children in the new zone attend grades kindergarten through three, then attend the other school for grades four through six. Any grade combination is possible. The result—desegregation despite housing segregation.

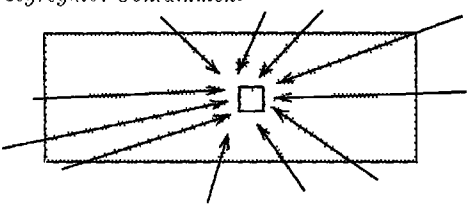
3. School Reorganization



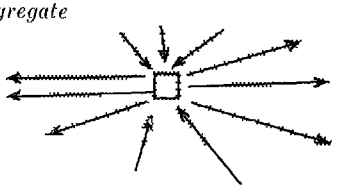
The segregated school may be converted to an administration building or a junior high school serving a larger area, reassigning pupils and teachers to existing elementary schools. Result—desegregation.

4. *Changing the Feeder Pattern of Elementary to Secondary Schools*

To segregate: Containment



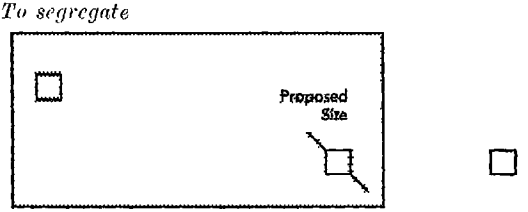
To desegregate



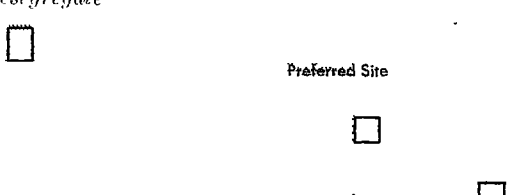
Result—greater desegregation.

5. *Site Selection and Building Additions*

To segregate



To desegregate



Site selection and additions to existing buildings should be planned to achieve desegregation.

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ASSEMBLY INTERIM COMMITTEE REPORTS
1961-1963

VOLUME 2 NUMBER 8

FINAL REPORT

of the

ASSEMBLY INTERIM SUBCOMMITTEE ON INDUSTRIAL SAFETY

House Resolution No. 228

MEMBERS OF THE SUBCOMMITTEE

EDWARD M. GAFFNEY, *Chairman*

GEORGE E. BROWN, JR. JOHN T. KNOX
LOU CUSANOVICH JAMES R. MILLS
W. A. "JIMMIE" HICKS (Deceased)

EMMY LOU STEVENSON, *Secretary*

Published by the
ASSEMBLY
OF THE STATE OF CALIFORNIA

January 1963

HON. JESSE M. UNRUH
Speaker

HON JOSEPH C. SHELL
Minority Floor Leader

HON JEROME R. WALDIE
Majority Floor Leader

HON. CARLOS BEE
Speaker pro Tempore

ARTHUR A OHNIMUS
Chief Clerk

IN MEMORIAM

HONORABLE W. A. "JIMMIE" HICKS
MEMBER OF THE ASSEMBLY, 8TH DISTRICT
CALIFORNIA LEGISLATURE

One of the most beloved and popular members of the Assembly of the State Legislature, Assemblyman W. A. "Jimmie" Hicks, passed away on December 29, 1961.

"Jimmie," as he was known to his many friends and coworkers, was an outstanding Member of the State Legislature and of the Assembly Interim Subcommittee on Industrial Safety. He served with dedication, loyalty, integrity and intelligence He made a positive and indelible imprint on the work of the subcommittee.

We are grateful for having had an intimate, social and working relationship with this colleague. We mourn his passing and know that his many good deeds and dedicated public service will be a lasting monument to his memory.

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM SUBCOMMITTEE ON INDUSTRIAL SAFETY

January 7, 1963

HON. JESSE M. UNRUH,
Speaker of the Assembly
HON. MEMBERS OF THE ASSEMBLY,
State Capitol, Sacramento, California

GENTLEMEN:

Your Assembly Interim Subcommittee on Industrial Safety, established by House Resolution No. 228, 1961 Regular Session, submits the final report of its activities.

This report contains the subcommittee's findings in the fields of maritime industrial safety, compensation of state safety engineers and general industrial safety. Unabridged statements relative to these subjects may be obtained from the subcommittee upon request.

Respectfully submitted,

EDWARD M. GAFFNEY, *Chairman*
GEORGE E. BROWN, JR.
LOU CUSANOVICH
JOHN T KNOX
JAMES R MILLS

INTRODUCTION

The Assembly Interim Subcommittee on Industrial Safety has been functioning under the chairmanship of Assemblyman Gaffney since the 1947 session with the exception of the 1952 session and has sponsored many safety measures over the years that have become statutory law and thereby advanced California to front rank in the field of accident prevention and industrial safety

(A) CREATION OF SUBCOMMITTEE

The Assembly Subcommittee on Industrial Safety of the Assembly Interim Committee on Industrial Relations was created by House Resolution No. 228 of the 1961 session of the State Legislature. This resolution describes the composition, authority and responsibility of the subcommittee. The full text of this resolution may be found in Section (b) of this introductory chapter.

Pursuant to the mandate of the resolution Assemblyman Edward E Elliott, Chairman of the Interim Committee on Industrial Relations, appointed Assemblyman Edward M Gaffney as chairman of the subcommittee The following Assemblymen were appointed as members: W. A. "Jimmie" Hicks, George E Brown, Jr, Lou Cusanovich, and John T. Knox. Assemblyman Hicks passed away in December of 1961. Assemblyman James R. Mills was appointed to take his place

The staff of the Industrial Relations Committee assisted the subcommittee.

The Assembly also adopted House Resolution 442 at the 1961 legislative session. The Assembly Rules Committee, in accordance with the provisions of this resolution, vested the powers and duties contained in it in the Subcommittee on Industrial Safety. The full text of this resolution may be found in Section (c) of this introductory chapter.

In addition to the general responsibilities, the following bills were referred to the subcommittee for study by the Assembly Rules Committee: Assembly Bill 564 (amending Section 6604 of the Labor Code), Assembly Bill 700 (adding Section 7114 1 to the Labor Code), Assembly Bill 1955 (increasing the statutory salary of the Chief of the Division of Industrial Safety), and Assembly Bill 2010 (relating to maritime industrial safety). House Resolution No. 294 was also referred to the subcommittee for study by the Assembly Rules Committee.

The subcommittee held hearings at the following times and places:

November 9, 1961, at Los Angeles, concerning A.B. 1955 and A.B 2010;

November 27, 1961, at San Francisco, concerning the same subject matter;

October 11, 1962, at Los Angeles, concerning A.B. 564, A.B. 2010 and the Loyola University Construction Accident;

October 17, 1962, at San Francisco, concerning A.B. 564 and A.B. 2010.

The subcommittee was unable to schedule hearings on Assembly Bill 700; and House Resolution No. 294 was not considered for study as the subject of elevator safety is adequately contained in A B 2755, which was signed by the Governor and is chaptered No 1928, Statutes of 1961.

A summary of the subcommittee's consideration of Assembly Bills 564 and 2010 is contained in Chapter II, entitled "Maritime Industrial Safety " The other matters are summarized in Chapters I and III.

(B) HOUSE RESOLUTION No. 228

By Mr Gaffney:

HOUSE RESOLUTION No. 228

Relative to the creation of the Assembly Interim Subcommittee on Industrial Safety

Resolved by the Assembly of the State of California as follows:

1. The Assembly Interim Subcommittee on Industrial Safety is hereby created and authorized and directed to ascertain, study and analyze all facts relating to industrial safety, including but not limited to the drastic economic and social hardship caused by industrial injuries, the need for undertaking concerted efforts to develop and improve means and methods for enhancing the effectiveness of safety measures against personal injury in all industrial or commercial establishments in the State, and the methods and procedures by which adequate industrial safety programs can be developed.

2 The subcommittee shall consist of five members who are also members of the Interim Committee on Industrial Relations. The chairman of the Interim Committee on Industrial Relations shall appoint the chairman and the other four members thereof. Further reference in this resolution to "committee" means the subcommittee created by this resolution

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1963 Regular Session, with authority to file its final report not later than the 10th legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members

5. The committee has the following additional powers and duties·

(a) To select a vice chairman from its membership;

(b) To contract with such other agencies, individuals, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(c) To co-operate with and secure the co-operation of county, city and county and other local law enforcement agencies in investigating any matters within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the county;

(d) To report its findings and recommendations to the Legislature and to the people from time to time, and at any time, not later than herein provided;

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution.

(C) HOUSE RESOLUTION No. 442

By Messrs Gaffney, Hawkins, Elliott and Thomas:

HOUSE RESOLUTION No. 442

Relating to a study on industrial safety

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to assign to the appropriate interim committee for study the subject matter of industrial safety, including the safety of persons engaged in loading or unloading ships or vessels with regard to handtrucks, handtools, storage of material, curbs or rails on docks, wharves or piers, inspection of equipment, dock plates, use of internal combustion engines and other equipment necessary for the safe operation of loading and unloading ships or vessels, and also the annual salary of the Chief of the Division of Industrial Safety, and to direct the committee to report its findings and recommendations thereon to the Legislature not later than the fifth calendar day of the 1963 Regular Session.

CHAPTER I

COMPENSATION OF SAFETY ENGINEERS

Assembly Bill 1955 was referred to the Subcommittee on Industrial Safety for further study by the Assembly Rules Committee after the adjournment of the 1961 legislative session This bill provided for an amendment to Section 11559 and to add Section 11556 5 to the Government Code so as to increase the annual statutory salary of the Chief of the Division of Industrial Safety to $15,160 in order to provide a salary more commensurate with the responsibilities of this office and to prevent compaction so that more adequate compensation could be provided for safety engineers of the Division of Industrial Safety of the Department of Industrial Relations within the framework of existing salary practices of the State.

A hearing was held on this matter in San Francisco on November 27, 1961 At this meeting the subcommittee voted unanimously to recommend enactment of the provisions of A B 1955 at the 1962 First Extraordinary Session The full Committee on Industrial Relations concurred in this recommendation at a meeting in Sacramento on December 6, 1961

Enactment of the provisions of this bill were recommended in the preliminary report of the committee submitted to the Assembly in March 1962 The provisions of this bill were contained in Assembly Bill 46 (1962 First Extraordinary Session) It passed and was signed into law by Governor Brown

CHAPTER II

MARITIME INDUSTRIAL SAFETY

In the field of maritime industrial safety the following two bills were studied:

AMENDED IN ASSEMBLY MARCH 29, 1961

CALIFORNIA LEGISLATURE, 1961 REGULAR (GENERAL) SESSION

ASSEMBLY BILL No. 564

Introduced by Messrs. Gaffney, Elliott, Hawkins, Hicks, Thomas, and Waldie

January 19, 1961

REFERRED TO COMMITTEE ON INDUSTRIAL RELATIONS

An act to amend Section 6604 of the Labor Code, relating to safety

The people of the State of California do enact as follows:

SECTION 1. Section 6604 of the Labor Code is amended to read:

6604. No employee shall be laid off or discharged for refusing to perform work in the performance of which this code or any safety order of the Division of Industrial Safety will be violated or where the place of employment, machine, device, apparatus, or equipment, or any part thereof, *to be used in his work* is in a dangerous condition or is not properly guarded or is dangerously placed. Any employee who is laid off or discharged for refusing to perform work in the performance of which this code or any safety order of the Division of Industrial Safety will be violated or where the place of employment, machine, device, apparatus, or equipment, or any part thereof, *to be used in his work* is in a dangerous condition or is not properly guarded or is dangerously placed, shall have a right of action for wages for the time such employee is without work as a result of such layoff or discharge, provided, that such employee files a claim with the Labor Commissioner within 30 days after being laid off or discharged.

CALIFORNIA LEGISLATURE, 1961 REGULAR (GENERAL) SESSION

ASSEMBLY BILL No. 2010

Introduced by Messrs. Gaffney, Thomas, Elliott, and Hawkins

March 1, 1961

REFERRED TO COMMITTEE ON INDUSTRIAL RELATIONS

An act to amend and renumber Section 7601 of, and to add Sections 7601, 7602, 7603, 7604, 7605, 7606, 7607, 7609 and 7611 to the Labor Code, relating to maritime industrial safety.

The people of the State of California do enact as follows:

SECTION 1 Section 7601 of the Labor Code is amended and renumbered to read:

~~7601~~ *7608* Any person who violates any provisions of this part is guilty of a misdemeanor

SEC 2 Section 7601 is added to said code, to read:

7601. Handtrucks shall be maintained in a safe condition by the employer Handles shall be maintained free of hazardous burrs, splinters, cracks or splits

SEC 3 Section 7602 is added to said code, to read:

7602 Handtools shall be kept in good condition and be safely stored by the employer Unsafe handtools shall not be used

SEC 4 Section 7603 is added to said code, to read:

7603 The maximum weight of materials stored on building floors or load carrying platforms, except those built directly on the ground, shall not exceed their safe carrying capacity

Material, when stored, shall be piled, stacked, or racked in a manner designed to prevent it from tipping, falling, collapsing, rolling or spreading Racks, bins, planks, sleepers, bars, strips, blocks, sheets, shall be used when necessary to make the piles stable

SEC 5 Section 7604 is added to said code, to read:

7604 Adequate and substantial bull rails, stringer rails or curbs shall be installed at the waterside of all flush aprons on such wharves, docks or piers as are in active service for movement of cargo therefrom to vessels

SEC 6 Section 7605 is added to said code, to read:

7605. The employer shall require that tools, machinery, gear and other equipment subject to wear be inspected at adequate intervals and unsafe conditions corrected If tools, machinery, gear or equipment are found to be defective or otherwise unsafe, employees shall report the same to the person in charge of work who shall have it discarded, marked and so placed that it cannot be used again until made safe.

SEC 7 Section 7606 is added to said code, to read

7606. Every dock plate shall be constructed and maintained with strength sufficient to support the load carried thereon.

Dock plates shall be secured in position when spanning the space between the dock or the unloading platform and the vehicle The dock plate, together with its securing devices, where used over spans of different lengths, shall be of such construction as will readily obtain rigid security over such spans.

The dock plates shall be so constructed and maintained that when they are secured in position the end edges of the plate shall be in substantial contact with dock or loading platform, and with the vehicle bed in such manner as to prevent rocking or sliding.

SEC 8 Section 7607 is added to said code, to read.

7607. Internal combustion engine-driven equipment shall be operated inside of buildings or enclosed structures only when such operation does not result in harmful exposure to concentration of dangerous gases or fumes in excess of maximum acceptable concentrations. Exhaust pipes shall be installed in such a manner that the exhaust products shall be discharged so as not to be a hazard to the operators

SEC 9 Section 7609 is added to said code, to read·

7609 The provisions of Sections 7601 to 7607, inclusive, shall be applicable to longshore and stevedore operations

SEC. 10 Section 7611 is added to said code, to read.

7611. Nothing in the foregoing sections of this part shall limit the authority of the division to prescribe or enforce general or special safety orders

Hearings were held on these two bills in San Francisco on November 27, 1961, and October 17, 1962, and in Los Angeles on November 9, 1961, and October 11, 1962 Witnesses who testified before the subcommittee at these hearings are as follows:

NOVEMBER 9, 1961, LOS ANGELES

Mr Nate DiBiasi, Representative, International Longshoremen's and Warehousemen's Union

Mr R M Griffith, Safety Engineer, Pacific Maritime Association

Mr William Hawkins, Representative, General Truck Drivers' Local 692, Long Beach Harbor

Mr Carl E Johnson, Assistant Chief, Division of Industrial Safety, Department of Industrial Relations

Mr. George Kuvakas, President, International Longshoremen's and Warehousemen's Union, Local 13

Mr. Francis Stanton, Legislative Coordinator, California State Employees' Association

Mr Charles Stiles, District Engineer, Division of Industrial Safety, Department of Industrial Relations

Mr. Chauncey Weisman, Chairman, Salary Committee, Los Angeles District Engineer's Office

NOVEMBER 27, 1961, SAN FRANCISCO

Mr Ed Brubaker, Supervisor of the Industrial Section, Division of Industrial Safety, Department of Industrial Relations

Mr Bernard J Caughlin, General Manager, Port of Los Angeles

Mr Carl E Johnson, Assistant Chief of the Division of Industrial Safety, Department of Industrial Relations

Mr William E Kendall, Personnel Officer, Department of Industrial Relations

Mr. John W McElheney, Representative, California State Employees' Association

Mr George Morris, Personnel and Safety Director, American Smelting and Refining Company

Mr Robert Rohatch, Representative, International Longshoremen's and Warehousemen's Union

Mr Andrew Schmidt, Chief Engineer, Bureau of Labor Standards of the United States

Mr. Calvin Sharp, Assistant Executive Officer, State Personnel Board

Mr Arthur Snyder, Chairman, Salary Committee, Society of Safety Engineers

Mr J. Robert Snyder, Director of the Accident Prevention Bureau, Pacific Maritime Association

Mr L L Whiteneck, Harbor Engineer, Port of Los Angeles

OCTOBER 11, 1962, LOS ANGELES

Mr Sigmund Arywitz, State Labor Commissioner

Mr Nate DiBiasi, Legislative Representative, International Longshoremen's and Warehousemen's Union

Mr. Richard B Goethals, Attorney, P. J Walker Construction Company

Mr Carl E Johnson, Assistant Chief, Division of Industrial Safety, Department of Industrial Relations

Mr Joe Jones, President, International Hod Carriers' Union, Local 300

Mr. Arlo R Peugh, Port of Long Beach

Mr. Inman S Reid, Safety Engineer, Division of Industrial Safety, Department of Industrial Relations

Mr. George A Sherman, Chief, Division of Industrial Safety, Department of Industrial Relations

Mr. Aaron V. Singleton, P. J. Walker Construction Company

OCTOBER 17, 1962, SAN FRANCISCO

Mr. George W. Baker, Business Representative, Operating Engineers, Local 3

Mr. A. G. Boardman, Director of Education and Research, California State Conference of Operating Engineers

Mr. Daniel F. Del Carlo, Secretary-Treasurer, San Francisco Building and Construction Trades Council

Lt. Thomas J Doyle, Fire Marshal, Port of San Francisco

Mr. Leon E. Gold, Attorney, Division of Labor Law Enforcement, Department of Industrial Relations

Mr. Richard J Hoss, California Labor Federation, AFL-CIO

Mr Michael Johnson, Legislative Representative, International Longshoremen's and Warehousemen's Union

Mr. Dale Marr, Safety Engineer, Operating Engineers, Local 3

Mr. George V. Morris, Personnel and Safety Director, American Smelting and Refining Company.

Mr Walter Nelson, President, Local 10, International Longshoremen's and Warehousemen's Union

Mr George A. Sherman, Chief, Division of Industrial Safety, Department of Industrial Relations.

The following are pertinent excerpts from testimony given at these hearings:

Nate DiBiasi, Representative, International Longshoremen's and Warehousemen's Union: This particular bill, A B 2010, has been on the agenda of the Legislature since 1951 I'm not going to say that we didn't gain anything by keeping it on the agenda because it was due to the action of the legislative branch and because of the introduction of the particular bill that we have better working conditions, better working areas, and because of this bill that we got additional safety engineers. The introduction of this bill, just the idea that perhaps it would become law, that perhaps some of these things would be put into the Labor Code, has moved our employers to do some of the things that they refused to do before

We still believe that the division is understaffed and certainly they cannot go to over 80,000 places of employment and investigate all of them. We believe that some of these things in Assembly Bill 2010 should be put into the Labor Code I don't believe that a working man has to beg for a safe condition. We still have car plates on the waterfront, yet the Industrial Safety Orders of the Division of Industrial Safety specify that they must be strong plates We could go down to the Long Beach-Los Angeles Harbor and show the division again some of the plates that don't come up to specification We've been screaming about these plates since 1951 on the record, and it certainly shouldn't take an employer well over 10 years to comply with the general industry safety orders.

Our type of operation is one in which the same thing goes on day after day after day: the same type of trucks have been coming in to span the low line docks, the same type of railroad cars come in to the low line side of the docks and are spanned by these plates—I am just using plates as an example—and certainly by this time we should have uniform plates, a uniform way of attaching them to the dock, of uniform weight, and with the weights stamped on them which they are able to carry.

I believe that the Division of Industrial Safety would have more time for other places and to inspect new facilities, if some of these things that we are asking for were put into the Labor Code

This was a very long bill when we first introduced it, what it now contains are the bare minimums that we consider that we must have in the Labor Code in order that we may have safer working conditions I certainly hope that the committee will again recommend this bill with a do-pass recommendation, and I also hope that this time we will be able to convince the Senate side that this is a good bill. I think that we have convinced the Assembly side that it is a good bill, and certainly this bill was not recommended by Republicans or Democrats I would like to read a list of the names of those who recommended this bill Some of them are with us in the Assembly now, some of them are not. Assemblyman Lester McMillan, Assemblyman Holmes, Assemblyman Backstrand (I believe he is a Senator now), Assemblyman Edward Elliott, Wallace D Henderson, Joseph Shell, Jesse Unruh, Vincent Thomas, and Philip Burton These are all former members of the committee I think that it is high time, after fighting for a bill and for safety conditions since 1951, for putting just a few items into the Labor Code We certainly hope that the committee will again see fit to give it a do-pass recommendation.

Walter Nelson, President, Local 10, International Longshoremen's and Warehousemen's Union: Our members do all the loading of ships and all the dock work in the Port of San Francisco, which takes in all the East Bay and San Francisco Bay area I would like to state that the organization I represent is fully in accord with this bill because it adds security and safety for our members working on the job.

My own experience on the waterfront goes back many years, about 37 or 38 years. I have been gang boss and walking boss, so I know what I am talking about when I talk about the maritime industry.

Taking the bill section by section, the first one, Section 7601 is good. On the docks and the ships the men at different times do get substantial loads on those handtrucks and they have to put quite a bit of physical effort into moving the handtruck around If the handle of the handtruck has a split or a burr, they can receive very serious injuries to their hands which would cost them loss of time on the job and expenses, which I don't believe they should be subjected to

Section 7602 is good because it would guarantee the members of my organization the safety of having proper handtools presented to them in a safe, workable condition when they start work

Section 7603 is also good because there have been times when the floors of some piers have been overloaded to the extent that the piers would collapse There was one time that Pier 46 had an excessive amount of weight stored in the area, and the floor of the pier collapsed. There was quite a loss in the commodity that was stored there; and in case any of our men had been present they would have been buried under some of this cargo that slipped into the Bay Luckily we were saved from that catastrophe On the piers in the Port of San Francisco there are times when the cargoes are stacked up quite a bit above the heads of the men working around those areas. If these piles are not

stacked or racked in a safe manner there is a possibility of them collapsing and tipping over and falling on some of the men working in the area, and that would result in serious injury to them

I would like to say, regarding Section 7604. It happens that in 1961 a longshoreman named Jack McDonald was operating a jitney on Pier 38. He went to the end of the dock and he and the jitney disappeared Later on, we went there and investigated to see where he had gone They couldn't find him or the jitney By investigating a little further, they saw a mark on the pier, on the floor, at the waterside, which suggested that something had gone over at that point Skindivers were sent down to investigate and they found the jitney, but they couldn't find the man

They retrieved the jitney from the Bay but they weren't able to save the man from drowning In the period of time that it requires for decomposition of the body—the body did rise from the bottom of the Bay and was brought into Pier 45 by the United States Coast Guard. I happened to be on a ship at that pier at that time I had the very sad duty to go down and identify Mr Jack McDonald inasmuch as I had known him for quite a few years

Section 7605 is a good part of the bill because it would guarantee that when a piece of equipment has been rejected due to the fact that it is defective it cannot be passed over to another man who doesn't know that it has been rejected, unless it has been properly reconditioned so that it is in a safe, workable condition

Due to improper securing of the plate, there have been times when our members on the waterfront would be given plates and spikes, 20-penny nails, let's say, and they would use them to try to secure the plates The weight of the loaded vehicle was such that when they would start it up they would have to add a little bit of acceleration and it would spin the wheels and kick the plate out There is a possibility that a man standing nearby would be hit in the leg with the plate, and the possibility of his losing a limb If this section were to be made part of the Labor Code, then we would have the guarantee that such a possibility could not happen

Section 7607 deals with internal combustion engine-driven equipment This also would be a guarantee to the members of my organization and to members of other organizations, such as teamsters and others, when they work on the docks in certain periods of the year and the fumes on these piers become so strong that it really affects the health and safety of the members involved

I wish that at some time in the future it will be possible for me to contact this committee and have you come down to some of these piers and see the heavy concentration of these gases that accumulate In case the committee should decide that it wishes to make an inspection, I will escort them around the area and offer any assistance I can in explaining and showing to your committee the problems that exist on the San Francisco Bay area waterfront

Michael Johnson, Legislative Representative, International Longshoremen's and Warehousemen's Union: This bill has been introduced on other occasions and in the past two sessions of the Legislature it has

passed the Assembly with a very high vote; and as in the case of the previous bill which was heard here today, it was killed in the Senate Labor Committee and never got to the floor

With respect to the statement of the Pacific Maritime Association which was just read, we have in our office communications from the employers, within the last month, expressing their concern about the increase in accidents on the docks and requesting a safety meeting of all our local officials and the PMA officials from up and down the coast. They're very much concerned about the high rate of accidents in the last two years

Mr Del Carlo was correct when he said that the Division of Industrial Safety just doesn't have the people to police the docks I have been on the waterfront for 36 years, and in my experience I have never seen one of them on the dock; and I work on the dock all the time, not on the ships They just don't have the staff, they need more safety engineers, and we need more co-operation from the people who own the docks. The Port of Oakland, the Port Commission and the people who own the private docks around the bay, they're not interested in safety; they're interested in tonnage and money. We're not interested in workmen's compensation at less than half the pay that the men make while they're working We want safety. We don't want people killed, as they have been killed around here in the past years.

Mr. Nelson referred to other people besides longshoremen, he referred to teamsters We've had two teamsters killed around the bay in the last two years, right on the dock, due to the faulty floors in the dock where trucks went through the dock One was across the bay in Oakland, and another one was in Richmond

The only time that we get these conditions corrected is when somebody gets hurt or somebody gets killed In my own craft, the checkers and supercargoes, we have a high rate of accidents on the docks because our people work on the dock all the time, none of them work on the ship; only the supercargo goes aboard the ship We've had lots of clerks hurt on the dock

The concern of the PMA over the great increase in accidents and deaths in this area and in the Portland area, which they've written to us about in the last month, requesting a meeting to get some action on it, proves that even the employers are concerned about it. I think that this committee has been very kind to us in the hearings that have been held in past years, and in recommending this legislation to the Assembly and getting it through the Assembly by a very high vote. We appreciate it very much

We don't want to be too critical of the division because they do the best they can with the small number of people they have. As I have said before, we need more safety engineers and we need more co-operation

I would say that everybody in my local and in my craft up and down the coast makes more money than the safety engineers make And most of the longshoremen make more money than the safety engineers make And we have plenty of people in our union who make $15,000 a year, and our opinion is that the Chief of the Division of Industrial Safety is not getting enough money.

Sigmund Arywitz, Labor Commissioner, Division of Labor Law Enforcement, Department of Industrial Relations: Assembly Bill 564 amends section 6604 of the Labor Code, which now provides that, first, no employee shall be laid off or discharged for refusing to work under unsafe conditions, and second, if he is so discharged or laid off that he can file a claim for the pay that he has lost as a result of such discharge or layoff, but he must first notify his employer that he is going to do so and then he must do it within 10 days from the time of the discharge

The new bill substantially makes two changes One, it eliminates the need for the employee to notify his employer that he intends to file the claim; and second, it extends the time he has to do it from 10 days to 30 days This section of the code, though it was first enacted in 1949, is a very little-known section and it isn't used a great deal because it's not known It has been our experience that this 10-day limitation has very effectively foreclosed people from filing claims because, if they don't learn about this section of the code within the 10 days, they are turned away when they come to us We cannot legally take a claim from them after 10 days from the date of discharge We feel that 30 days is a more reasonable time and it is in keeping with other wage provisions of the Labor Code I'm sure you are aware, gentlemen, that Section 203 of the Labor Code, which provides penalties for failure to pay wages in the event of discharge, also has a 30-day period in it So this would be consistent with Section 203 which has been enacted by the Legislature

Now, as to the question of whether or not the employee should notify his employer of his intention to file the claim. It is, I would imagine, a matter of social view as to whether the employee should have the freedom to go to a governmental agency to protect his rights without the obligation to tell anybody whether he is going to do it or not This is the only place in the Labor Code where there is a requirement that the employee notify the employer that he is going to file a claim; and Assembly Bill 564 does eliminate that provision

The division was not involved in its introduction, but it goes without saying that we support it and consider it a good bill

Daniel F. Del Carlo, Secretary-Treasurer, San Francisco Building and Construction Trades Council: We believe Assembly Bill 564 should be revived, we feel the reason there haven't been complaints is that even some of our representatives don't know of this measure We feel that if the time were extended from 10 to 30 days it is possible that more complaints would be filed

When I served two years as an Industrial Accident Commissioner of the State of California, I read many cases where injured workmen were hurt by working with defective machinery and working on highways under ledges where it was dangerous, and who were afraid to quit for fear they would lose their jobs, until this legislation was passed But even in these cases, sometimes their accidents weren't reported for 10 or 15 days, let alone the fact that they were working in a dangerous place We feel that for the sake of safety this bill should be revived and the change from 10 to 30 days should be approved.

In conclusion, I think the Division of Industrial Safety, with its very small force, does a terrific job It's an almost impossible task for these people to police all jobs and correct all scaffolds and machinery that is not safe Many of our union representatives are the people who do this police work and pass the information on, and we get almost immediate results from the Division of Industrial Safety , but the division, with the increased working population of California, should have more safety engineers and more people They don't have enough people to do the job

Dale Marr, Safety Engineer, Local 3, International Union of Operating Engineers: We represent the 46 northern counties in California We operate the heavy roadbuilding equipment, cats and shovels and all the heavy equipment We are very interested in Assembly Bill 564 As Mr Del Carlo said, much of our work is done in remote areas, many of our people live in trailers When they are discharged or laid off from a job, before they contact anyone they make arrangements to pull their trailers back a little closer to civilization, and the 10 days which is in the present law is gone before we ever hear of this dispute We realize that ours is rough work, the owners do not want faulty equipment on the job, but many times equipment will get into poor condition in a very short time So we have hazardous equipment on the job when no one wants it there, but it is there Disputes come up and our people are laid off By the time we hear about it, the 10 days have gone and our man is out of a job

We also have the problem of our members not being aware of what their rights are under the law, and very seldom do we catch a case in time to do anything about it Of course, one of our problems is that in the case of faulty equipment, by the time we hear about it and get out to look at it, why, they've sent the man home but they have also fixed the equipment We run into this quite often

We were talking about the Division of Industrial Safety We have been getting wonderful co-operation from them We call them and they send somebody just as soon as possible, normally within 24 hours We thoroughly appreciate this and would like to go on record as heartily recommending more appropriations for the Division of Industrial Safety We think that they are doing an almost impossible job Given a little more money, they could do even more, and we need it badly. And we wish to go on record as heartily favoring this extension of time to 30 days

Richard J. Hoss, California Labor Federation, AFL-CIO: Assembly Bill 564 was introduced during the 1961 General Session of the California Legislature for the purpose of providing workmen with a greater opportunity to protect themselves from industrial hazards It was an attempt to enlarge upon the present law, which gives workmen the right to refuse to work in a dangerous place or with dangerous implements only when such work would create a violation of a safety order and create a real or apparent hazard

The present law has been adequate in many cases to insure the safety of the employee However, we feel that an extension of the law is necessary to cover those cases where the Department of Industrial Safety is

unable to foresee all possible and potential hazards that may occur The spirit behind the bill was to enable the workman, with his greater knowledge of the actual conditions on hand, to act when he perceived dangers that the employer, who might be unfamiliar with the actual conditions, did not perceive

It is our contention that such an extension of decision making to the actual work site would not lead to capricious refusals to work Remedy against layoff or discharge for refusal to work is guaranteed only if it develops that the workman was correct in his appraisal of the danger involved

The bill also proposes an extension of the present 10-day time period in which a complaint, seeking action for wages for time lost due to refusal to work in an unsafe place, may be filed with the Labor Commissioner This was an attempt to remedy situations wherein the workman was not immediately aware of his rights or did not have immediate access to a labor commissioner and hence was unable to take immediate action, by granting him up to 30 days

Similarly, the bill contains a section eliminating the provision that the employee notify the employer of intention to file a claim with the Labor Commissioner This was designed to facilitate the quest for proper legal remedy by the workman

Another situation which the bill was designed to correct was a stipulation in Section 6604 of the Labor Code that "such violation would create a real and apparent hazard to the employee or his fellow employees " Alternative wording was suggested to require that a violation include a situation "where the place of employment, machine, device apparatus or equipment or any part thereof, is in a dangerous condition or is not properly guarded or is dangerously placed " We feel that such a stipulation in the code gives better protection to the workman than the present wording which requires that the violation create a real and apparent hazard to the employee or his fellow employees

After an amendment stipulating that the apparatus involved must be used in the work of the employee involved was inserted, the Assembly voted in favor of this bill by the overwhelming margin of 75-0

Unfortunately the bill then died in a Senate committee The California Labor Federation feels that the measure should be revived and recommends reintroduction in 1963 We hope that the Assembly Interim Subcommittee on Industrial Safety will develop sufficient evidence to enable it to recommend similar legislation at the next session of the Legislature

FINDINGS

The committee believes that the enactment of both Assembly Bill 564 and Assembly Bill 2010 would represent constructive steps in the protection of the safety and interests of industrial workers.

The testimony of the Labor Commissioner and other qualified witnesses before the committee sustains the need of the longer period of 30 days for filing claims upon discharge of a worker who refuses to perform a task that he reasonably feels will endanger his health, life or limb.

While there is validity in the opposition to writing into the statutes, which are intended usually to be of semipermanent character, safety orders comprising detailed, technical administrative regulations, Assembly Bill 2010 does not come into conflict with this principle Assembly Bill 2010 deals with safety matters of a permanent nature that are entitled to the dignity of statutory recognition

RECOMMENDATIONS

1 The enactment of a bill containing the provisions of Assembly Bill 564, 1961 Regular Session

2 The enactment of a bill containing the provisions of Assembly Bill 2010, 1961 Regular Session

3. An adequate increase in the staff of safety engineers in the Division of Industrial Safety, Department of Industrial Relations

CHAPTER III

LOYOLA UNIVERSITY CONSTRUCTION ACCIDENT

On September 5, 1962, a serious accident occurred on a construction project at Loyola University, Playa del Rey, in Los Angeles County. The employer and contractor was P J. Walker Construction Company. There was being used in their operation, for the purpose of moving concrete, a crane which was rented from Contractor's Crane and Rigging Company, 7746 E. Rosecrans Ave, Los Angeles Five employees were fatally injured in this accident At the request of Assemblyman Augustus F. Hawkins and Local 300 of the International Hod Carriers' Union, AFL-CIO, a hearing upon this matter was held on October 11, 1962, in the State Building, Los Angeles

The following witnesses testified at the hearing in this connection.

Mr Richard B. Goethals, Attorney for P. J. Walker Construction Company

Mr. Joe Jones, President, International Hod Carriers' Union, AFL-CIO, Local 300

Mr. Inman S. Reid, Safety Engineer, Division of Industrial Safety, Department of Industrial Relations

Mr. Aaron V. Singleton, P. J. Walker Construction Company.

The following are pertinent excerpts from the testimony received at the hearing:

Mr. Aaron V. Singleton, Foreman, P. J. Walker Construction Company: We start in the morning at 7 30 usually This was on the fifth of September. We had two cranes with 120-foot stick, which is the boom We got started and we poured about 70 yards, which was about 35 yards each crane. This one crane which I had set up in the morning—I am careful with those things myself because I have to work under them. So I checked the lines as usual. Everybody will check the line, the load line, the crane lines, and everything seemed to be in order. So we got started, and we made what we would estimate, about 35 trips with this crane And along about number 36 or 37, the crane swung out. I yelled, "headache," which is the word we use to let the men know who are working under it that the crane is coming over. I signalled him in, moved the load line down and the bucket which was carrying a full yard of concrete, which weighs about two tons.

I got it down and got my hand on it, and all at once the bucket began to spin. Well, I'm used to buckets spinning and never paid attention to what's going on up above And another guy who was on the other side of the crane looked up and said, "Look out, something's gone wrong with the boom!" So when I looked up, the boom was on its way down, which was about 20 feet above my head. There was one guy we lost, who was behind, I knew he was behind me, and when I was running back, I stuck my right hand out to catch him as I went back; but he had moved from directly behind me and he was off on one side. He had a vibrator in his hand. By the time I got out to the length of where I could pull the cord, pull him—the crane, the boom

had reached him, and it had struck him. It seemed to me that he wasn't struck too bad, but we found out later his back was broken, his ribs were driven through his lungs Two more of my men were killed instantly The boom fell to about five feet, and then the cable took ahold and that made it wobble from one side to the other, which covered about 8 or 10 feet each way from the center Then it hit the bucket and drove the bucket through the floor, which was something that I hope I never see again.

Mr. Joe Jones, President, Local 300, International Hod Carriers' Union, AFL-CIO: I have been in construction work as a laborer since 1945, and I became president of this organization a couple of years ago I have been an officer, this is my ninth year now

From what I could see out there, and what I see on most of our jobs, this crane that is swinging with the bucket over the heads of men, which weighs roughly about two tons (that's the bucket of concrete alone), this is always dangerous I was on the General Petroleum Parking Garage as a laborer in 1948, and we operated differently. We had a chute, where they would set a chute up on the first floor and this bucket would lift up to the chute; and from the chute the bucket was allowed to go under and dump the concrete and then pull from the runways I was also on a job in 1950, Tishman's job, at Mariposa and Wilshire, and we used a hopper where the trucks would back up and dump the concrete into the hopper, and then they had something like a lift, a skip—a skip would bring it up to the hopper (I worked as high as the sixth floor on that particular job) and dump it into the hopper and then the bucket was allowed to run out This eliminated swinging that crane over the men's heads all day with a bucket of more than two tons swinging over

I am hoping that there is some way that on all jobs this crane-swinging hazard can be eliminated, and I think if this is looked into, in any way possible, that we would eliminate a lot of deaths and accidents that are caused by having the bucket swinging overhead. Something of this sort happened over on either Union Oil or Texaco, around Sixth and Bixell, some six years ago A bucket fell over there; I think that was when a cable broke, and the bucket fell and we lost a laborer in that accident

I think that these jobs can be set up in a way that may take a little longer; but it may save many lives if the pouring of the concrete and handling of these buckets is done differently I don't think it was exactly a full crew on this job at the time; as a rule, if I can remember correctly, in pouring you would have a couple of men to shovel and men to spread and you would have men bringing it there with buckets But with the bucket swinging overhead, as a rule there would have been more men under this crane and boom than there were at that time

Inman S. Reid, Safety Engineer, Division of Industrial Safety, Department of Industrial Relations: Our construction safety orders are already in the process of being revised, and we have proposed several revisions that might affect circumstances similar to this One of the

things in the mill is more direct drive for the boom cable draw. In other words, that would be more nearly automatic rather than controlled by levers. And another possibility would be an effort to keep men out from under the boom until after the concrete has been dumped and the boom turned back in the opposite direction, or in another direction.

FINDINGS

The immediate cause of the accident was the breaking of the drive chain on the crane that drove the boom cable draw The operator set the brake or allowed the brake to set itself (it was a spring-loaded brake) and then the boom cable broke

There are methods of moving concrete in similar types of construction jobs that are safer and at the same time practical

The equipment used in this project was rented

While the direct cause of this accident was a mechanical failure, it appears that there might be safeguards taken to avoid or minimize the seriousness of this type of industrial accident

RECOMMENDATIONS

1 It should be provided by administrative regulation that no employee be permitted to work beneath or in close proximity to the area directly beneath the boom of a crane while the crane is in operation except for employees needed to trip the lever of a bucket for the dumping of the substance being moved by the crane

2. It should be required that there be an inspection and certification by a qualified safety engineer of cranes or similar types of construction equipment before such equipment is placed in operation on a project.

3 Construction contractors should be encouraged to find safer methods of moving concrete in the kind of project involved in the Loyola University accident Two such methods are described in the statement of President Jones of Local 300, Hod Carriers' Union, AFL-CIO.

CHAPTER IV

GENERAL FINDINGS AND RECOMMENDATIONS

The committee wishes to reaffirm the tacit finding that has resulted from its previous work during the many years of its existence as an interim subcommittee of the Industrial Relations Committee of the Assembly of the State Legislature This is that there is a continuing need for this kind of committee In addition to its function of proposing legislation or administrative regulations to protect working people against injury and accident, it performs a service as a sort of watchdog agency We, therefore, recommend the continuation of the committee by the Assembly.

Among the other recommendations made to the committee we believe worthy of consideration is the proposal that there be an exploration of the feasibility of provisions requiring two way radio equipment on the automobiles of safety engineers used in the field

APPENDIX

STATEMENT OF GEORGE SHERMAN, CHIEF OF THE DIVISION OF INDUSTRIAL SAFETY OF THE DEPARTMENT OF INDUSTRIAL RELATIONS ON THE FUNCTIONS OF THE DIVISION (LOS ANGELES, OCTOBER 11, 1962)

The Division of Industrial Safety is one of 10 divisions in the Department of Industrial Relations which has the power, jurisdiction and supervision over safety in all employments and places of employment in California. It operates through the complete spectrum of industrial accident prevention, ranging from inspection, safety engineering, consultation, over to the law enforcement end The Division has about 150 field safety engineers, and about 50 other people who serve in staff capacities or as supervisors, all fully competent in this field. With this staff, our workload is responsible for maintaining a degree of surveillance over 85,000 places of employment which are in general industry, 30,000 prime contractors and about an equal number of subcontractors, and then has to maintain an inspection program by law over all elevators, escalators, manlifts and tramways, and also to maintain an inspection program over all pressure vessels The division is also in charge of the responsibility of enforcing the electrical safety orders.

With this staff of 150 people, with the workload I have outlined here, the broad general policy is to exercise every effort to create as many stimuli as possible to have labor in its unorganized or organized state, and management in its organized or unorganized state, do as much of the work as possible themselves It's physically impossible to spread 150 fieldmen over 156,000 square miles and expect a detailed inspection program to be effective

In 1960 these 150 people made 104,000 original inspections. They made 40,000 reinspections and followups; they had 187,000 unsafe conditions found and corrected, they investigated 2,300 accidents Incidentally, out of 160,000 lost-time injuries and accidents, with this small staff we are hard pressed to investigate much more than 2,000 accidents We answered 31,000 special calls, investigated 4,200 complaints, we issued almost 1,500 show-causes, 300 tag or special orders which closed down operations And we have almost continuously in the courts about two cases under prosecution. Our men represent all of the various disciplines in the technical fields, ranging from the engineering profession in all of its branches to the most recent classifications of health physicists We have three health physicists and two industrial hygiene engineers. We have one labor liaison officer.

I mentioned the word enforcement—the division has several books of safety orders and operates with the provisions of the Labor Code. It uses both of these books, simultaneously many times, by using the safety order sections augmented with general provisions in the enabling act of the Labor Code

That, I think, is a general statement to show what the division does and how it does it and about how much it does.

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ASSEMBLY INTERIM COMMITTEE REPORTS
1961-1963

VOLUME 3 NUMBER 9

FINAL REPORT

of the

ASSEMBLY INTERIM COMMITTEE ON TRANSPORTATION AND COMMERCE

(House Resolution 361.22, 1961)

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ARTHUR A. OHNIMUS
Chief Clerk

January 7, 1963

* Resigned from the Assembly September 1, 1962

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON
TRANSPORTATION AND COMMERCE
January 7, 1963

HON JESSE M UNRUH
Speaker of the Assembly; and

HON. MEMBERS OF THE ASSEMBLY
State Capitol, Sacramento, California

GENTLEMEN: In accordance with the provisions of House Resolution No 361 of the 1961 General Session, your committee has investigated various aspects of transportation and commerce in California and herewith submits the final report of its activities during the interim following the close of the 1961 session

Contained herein are narratives of the committee's hearings, reviews of testimony received at those hearings and committee findings and recommendations

Respectfully submitted,

JACK A. BEAVER, *Chairman*
EDWARD M GAFFNEY, *Vice Chairman*

TOM BANE
FRANK P. BELOTTI
TOM C. CARRELL
CHARLES EDWARD CHAPEL
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CHARLES W. MEYERS
JAMES R MILLS
W BYRON RUMFORD
CHET WOLFRUM

(Assembly Journal, June 9, 1961, page 5195)

HOUSE RESOLUTION No. 361

Relative to constituting certain standing committees of the Assembly as interim committees

Resolved by the Assembly of the State of California, as follows:

1 The following standing committees of the Assembly are hereby constituted Assembly interim committees and are authorized and directed to ascertain, study and analyze all facts relating to (1) the subjects and matters assigned to them by this resolution, (2) any subjects or matters referred to them by the Assembly, (3) any subjects or matters related to (1) or (2) which the Committee on Rules shall assign to them upon request of the Assembly or upon its own initiative

(v) The Committee on Transportation and Commerce is assigned the subject matter of the Vehicle Code, the Streets and Highways Code, uncodified laws relating thereto, and other matters relating to transportation and commerce

2 Each of the above committees shall consist of the Members of the Assembly standing committee on the same subject for the 1961 Regular Session The chairman and vice chairman shall be the chairman and vice chairman of the standing committee Vacancies occurring in the membership of the committee shall be filled by the appointing power The Speaker may increase or reduce the size of the committees at any time during the interim between sessions

3 Each committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1963 Regular Session, with authority to file its final report not later than the fifth calendar day of that session All reports shall be printed out of the funds allocated to said committee and shall be in the form prescribed by the Rules of the Assembly and the Committee on Rules

4 Each committee and its members shall have and exercise all the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members

5 Each committee has the following additional powers and duties

(a) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created

(b) To co-operate with and secure the co-operation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution

6 No subcommittee chairman shall be appointed by the chairman of any interim committee or otherwise except upon prior written consent of the Committee on Rules or the Speaker

7 No consultants, staff members, or other employees may be employed by any interim committee except upon prior written approval of the Committee on Rules or the Speaker

8 No contracts for goods or services or otherwise may be negotiated or entered into by any interim committee without the prior written approval of the Committee on Rules

9. No committee or any member or employee thereof may travel outside the State on committee business without the prior written consent of the Committee on Rules or the Speaker in each case

10 Within 30 days after the adoption of this resolution, each interim committee shall file with the Rules Committee a proposed work schedule program report setting forth the specific matters it is contemplated the committee shall study and report upon, which program may be supplemented from time to time, and which report shall also contain the personnel or staff needed for said committee and the estimated expenses of said committee for the period June 16, 1961, to June 16, 1962

11. In order to prevent duplication and overlapping of interim studies between the various interim committees herein created, no committee shall commence the study of any subject or matter not specifically authorized herein or assigned to it unless and until prior written approval thereof has been obtained from the Committee on Rules or the Speaker

12. Each interim committee shall file with the Assembly a brief general preliminary or progress report of its activities on or before the 20th calendar day of the 1962 Budget Session of the Legislature

13. Each interim committee shall file its final report with the Assembly on or before the fifth calendar day of the 1963 Regular Session of the Legislature

PREFACE

During the 1961-1963 interim, the committee undertook a program of investigation designed to provide a sound basis for legislative proposals for the continued improvement of various aspects of California's motor vehicle problems.

To this end, the committee held eight days of hearings on subject matters covered in this report and on one additional subject covered in a report issued as a separate document.

The subject matter of statewide compulsory periodic motor vehicle inspection has been issued as Volume 3, Number 10, in this committee's report series. Under the provisions of House Resolution No. 277 (1961) the Assembly Interim Subcommittee on Transportation Safety functioned during the interim as a separate entity although utilizing staff assistance provided by the main committee The subcommittee's report on its activities has been issued as Volume 3, Number 11

In the course of its hearings and staff research, the committee received an abundance of useful testimony and many helpful suggestions on a wide range of subjects. What follows in the text of this report are excerpts of testimony presented at those hearings and the committee findings and recommendations

The committee chairman, who will retire from the California Legislature at the close of the 1961-1963 interim, wishes to express his thanks to the members of the committee for their diligence and active participation in committee deliberations and studies, and for their helpful contributions to a productive interim program.

And, the committee wishes to express its sincere appreciation to Patricia A. Haag for her competent secretarial and administrative assistance and to William F. Scheuermann, Jr, not only for his able work during the interim but for an excellent job of compiling and writing the committee reports.

PART I

SUBJECTS OF INVESTIGATIONS AND FINDINGS

A. PROPOSED LICENSING OF MOTOR VEHICLE REPAIR SHOPS

In the last two California legislative sessions, measures have been introduced to provide for the licensing of motor vehicle repair shops in the State. On the last day for unrestricted bill introduction in the 1959 session, Assembly Bill 2898 was put across the desk by Assemblyman Charles W. Meyers of San Francisco Following a hearing by the Transportation and Commerce Committee, the bill was referred to interim study, and since the measure contained provisions for licensing the appliance repair industry as well, the Assembly Rules Committee assigned its study to the Interim Committee on Governmental Efficiency and Economy That committee heard the subject matter on October 7, 1960, in Los Angeles, and made no recommendation on the motor vehicle repair shop licensing portions of the bill in its final report to the 1961 Legislature *

On the next to last day for unrestricted bill introduction in the 1961 session, Assemblyman Meyers introduced Assembly Bill 2796, identical to those portions of the 1959 bill providing for the licensing of motor vehicle repair shops and the certification of mechanics in such shops Following two session hearings, the measure was also referred to interim study and was subsequently the subject of this interim committee's September 14, 1961, San Francisco hearing

According to supporters of the bill, its purpose is to alleviate problems confronting the legitimate car repair industry in California and to provide increased protection for California's motoring public

The California Conference of Machinists' contention is that, although almost all established general repair shops and franchised auto dealers maintain modern equipment necessary to repair today's complex automobiles properly, an estimated 50 percent of repair shops specializing in such work as torque convertors, transmission. carburetors and braking systems do not have the most basic and fundamental equipment or knowledge enabling them to perform proper automotive overhauling

Proponents of the licensing measure feel that the majority of repair shops are operated by capable and honest businessmen, many so-called "back-alley shops" and "fly-by-night" operations spring up overnight and disappear when this slipshod work becomes apparent The machinists' organization is also of the opinion that there are practically no restraining or qualifying conditions that must be met before an individual can ply the trade of an auto mechanic. To cure these two situations and to provide protection for the public, this organization proposes the licensing of repair shops by a state agency. They feel that a solution is not in self-discipline by the industry, but through a regulatory measure.

* Volume 8, Number 6, Assembly Interim Committee Reports, 1959-1961, p 21

During the committee hearing on the bill, objections to the measure's vagueness, uncertainty and paucity of definitions were raised by motor vehicle equipment manufacturers, wholesalers, independent garagemen, car dealers and committee members Most opponents to the bill pointed out that although it ostensibly was designed to license motor vehicle repair shops, it contained no precise definition of a repair shop. For example, even the bill's proponents agreed that some automotive specialty shops should not be included in the licensing program, yet the measure does not specify which shops would be included

It was further suggested that the bill's requirement of a four-year training period prior to certification of a repair shop employee may not be necessary or applicable with respect to such areas of the repair business as muffler replacement, front-end specialists and brake shops

The proponents agreed to such amendments excluding some types of shops from certification, and the author of the legislation agreed to furnish the committee with the amendments prior to the time this final report was to have been written. A precise definition of what constitutes a repair shop appears in a local San Francisco ordinance adopted in 1939, and although proponents of the licensing program pointed to the adequacy of this ordinance, neither the 1959 or 1961 versions of the legislation contained the precise language.

Another objection was raised to the first section of the bill that stated the operation of any motor vehicle repair shop could not violate local fire, sanitary and safety ordinances In this connection, opponents pointed out that not all such local requirements are uniform throughout the State, and if uniformity of repair shops was one desired effect of the bill, then minimum requirements should be written into the proposed legislation.

The point was also made that under the bill's provisions, a nonlicensed service station attendant could not replace a fan belt, windshield wipers or spark plugs, since "mechanical repairs" was not defined Proponents agreed to exclude service stations from any redraft of the proposal, but industry representatives stated this would be discriminatory and unrealistic since research indicated that service stations account for 21 percent of brake adjustments, 21 percent of wheel balancing and 26 percent of cooling system repair work, for example

The bill before the committee states that the licensing agency "shall prescribe rules and regulations requiring minimum facilities" for every California repair shop Results of industry research presented at the San Francisco hearing shows that the average repair shop maintains $26,000 worth of 72 pieces of equipment ranging from air compressors to wheel straighteners and that axle, chassis and transmission work requires 7 additional pieces, brakes 15, wheel and tire 22, and body and fender 10 Opponents stated that it would be difficult to designate and prescribe types and sizes of equipment and that the fees of $25 for an original license and $15 for a renewal mentioned in the bill were unrealistic since administrative costs for the thousands of repair shops in California would exceed the income from the licensing program.

It was further pointed out that there currently are 86 local ordinances licensing and controlling the operation of the three categories of the automotive repair industry (general repairs, body and specialty shops) and that the proposed licensing measure provides for no industry representation in its administration as is the case in most licensing laws

Committee members questioned whether a license from the State would tend to upgrade repair work quality and lessen the accident rate as contended by some proponents of the bill, and expressed concern over the bill's lack of any provision for training or familiarization with newly developed equipment and techniques once a repair shop is licensed and its employees certificated

On the subject of revocation of license, the bill's proponents agreed to the presumption that, according to provisions of the bill, a one-man repair shop or any repair shop for that matter could employ no person unless he held a certificate of completion of an apprenticeship program or had been employed as a trainee or apprentice under a union program.

During the committee hearing, it was readily apparent that the proponents and opponents of this particular measure were so far apart on their current philosophies that some attempt should be made at reaching a compromise prior to the 1963 session of the Legislature, if, indeed, the bill is to be reintroduced Toward this end, Assemblyman Meyers agreed to Chairman Beaver's suggestion to arrange a meeting of all interested persons and report back to the committee.

On December 5, 1962, Assemblyman Meyers forwarded to the committee office a draft copy of a new 14-page bill proposed by the Northern California Automotive Machinists Council and designed to meet the objections raised to previous versions of a motor vehicle repair shop licensing bill Interim committee members regret that agreement on the new proposal was not reached in sufficient time to allow review in adequate detail to make definite recommendations in this report on the content of the newly submitted proposal

The committee appreciates the fact that some of the objections previously raised have apparently been met, but notes others remain unanswered by the new proposal The committee earnestly recommends, therefore, that every attempt be made to resolve all inherent objections in order to preclude another term of repetitious testimony

B. COMMERCIAL VEHICLE WEIGHT CONSIDERATIONS

(1) COMMERCIAL VEHICLE WEIGHT LIMITS

At the time minimum limitations on the issuance of commercial vehicle license plates were enacted into California Vehicle Code Section 9400, the registration fee schedule undoubtedly reflected then existing commercial vehicle weights and a vast majority of eligible vehicles could meet the 3,000-pound statutory requirement With the development and production of several small or "compact" pickup truck models by American and European manufacturers, however, it has become increasingly clear to many authorities in the field that current provisions of Section 9400 are not adequately serving the needs of the motoring public in their use of those smaller vehicles for business and occupational purposes

During the 1961 session of the California Legislature, Assemblyman Paul J Lunardi attempted to secure statutory revision not only to provide more equitable application of commercial vehicle weight fees, but to assist in executive enforcement and judicial interpretation of pertinent code sections To accomplish these ends, Mr. Lunardi introduced Assembly Bill No. 1805 on February 21, 1961. No arguments were presented against the bill during the Assembly Standing Committee on Transportation and Commerce's hearing on the measure, and it was passed unanimously by the Assembly [1] When this seemingly noncontroversial measure was scheduled for hearing in the Senate Standing Committee on Transportation, however, the committee chairman summarily despatched it, and the subject matter was not again considered during the 1961 session until the Assembly Rules Committee referred House Resolution No. 291 to this interim committee for study during the 1961-1963 interim

During this committee's March 20, 1962, Sacramento hearing, again no opposition to the proposal was expressed, but several problem areas were delineated To begin with, an unreasonable and unpopular enforcement situation exists since certain eligible "commercial-type" vehicles are exempt from weight fee payments if used exclusively to transport passengers without remuneration. Through interpretation, it is permissible for those vehicles to carry items "incidental to carrying of passengers" without being subject to citation.[2] Although use of these "commercial-type" vehicles in many cases is identical to use of passenger cars, they cannot carry identical items without fear of citation for commercial operation without commercial license plates and correlative weight fees Such admittedly absurd examples as hauling furniture and grass clippings have been suggested, but warnings have been issued by enforcement personnel in some cases. Through strict interpretation, noncommercially licensed station wagons and com-

[1] *Assembly Journal*, May 24, 1961, p 4158, rollcall: ayes, 80, noes, none
[2] 27 Ops Cal Atty Gen 156

pact pickup trucks may legitimately carry items normally associated with passengers, but once they carry a sack of sand, a bale of hay or firewood, they are subject to citations

Some sportsmen towing boats or trailers have also been cited for not displaying commercial plates on pickups, since according to one interpretation a vehicle designed primarily for transporting property loses exemption from payment of vehicle weight fees under our Code Section 9400 when that vehicle is used to tow a trailer carrying a load [3] If such vehicle is licensed commercially, however, it cannot enter state parks, for example, without running afoul of the prohibition against operating a commercial vehicle in the parks The sportsmen, therefore, are caught between conflicting regulations enforced by two state agencies

Many small vehicle owners have informed the committee of their willingness to pay additional fees to secure attendant parking privileges. Parking laws prohibit the use of commercial loading zones by vehicles without commercial plates and, while parking regulations are not directly related to the subject matter of Section 9400, an ancillary problem has arisen that is of importance to the metropolitan areas of the State A Los Angeles ordinance, for example, prohibits parking a commercially licensed vehicle on city streets for more than five hours. If a Los Angeleno is required to register his boat-towing pickup as a commercial vehicle to avoid possible citation, he then could not legally park the vehicle in front of his own house overnight

The National Association of Fleet Administrators points out an existing inequity when an owner of a 2,800-pound vehicle is unable to secure commercial registration but an owner of a 3,000-pound vehicle used for the same purpose is allowed to secure commercial plates. Vehicle manufacturers have been selling compact commercial vehicles for use in California, yet, under existing California law, these vehicles are not classified as commercial California is the largest commercial vehicle market in the nation, yet the published weight of many models with all options included cannot attain the current 3,000-pound commercial weight minimum

From time to time in California, a gross weight law has been considered, and this approach was suggested during the 1962 committee hearing. Indications are that many of the problems outlined above would be solved if California would adopt a commercial vehicle fee schedule according to maximum loads to be carried, rather than unladen weight limitations

Committee Findings

Statutory weight fee categories must be meaningful

Section 9400 of the Vehicle Code does not justly or accurately reflect actual current commercial vehicle weight categories. Assembly Bill No. 1805 (1961) would have solved many problems in this area by permitting a discretionary payment of fees for smaller vehicles.

By denying owners the right to pay weight fees and to obtain a commercial license plate, the operation of Section 9400 is discouraging the most effective use of small commercial vehicles and is working a hardship on many owners

[3] 59 Ops Cal Atty Gen 188

The committee is impressed with the possibility of instituting a gross weight program in California to equate fees with use and potential damage to highways

Committee Recommendation

This committee strongly urges reintroduction at the 1963 session of the provisions of Assembly Bill No 1805 (1961) and favorable consideration by both houses of the Legislature to insure application with justice and enforcement with reasonableness

The committee also recommends a comprehensive 1963-1965 interim study of the feasibility and necessity of supplanting California's current unladen weight fee provisions with gross weight considerations In the 1963 session, this committee will sponsor a resolution detailing the scope of such investigation

(2) UNLADEN WEIGHT DEFINITION AND APPLICATION

During the last part of the 1961-1963 interim, this committee received a number of complaints from several different types of carriers protesting a Department of Motor Vehicles determination of equipment to be included in the unladen weight of a vehicle Because different interpretations had been applied to unladen weight considerations, the department issued two memos in May and July 1962 in an attempt to provide uniformity of application in all department offices throughout the State For guidance, the department included in its memos several examples of attachments and equipment to be included in an excluded from computations of unladen weight, as that term is currently defined in California Vehicle Code Section 660

From the time Section 660 was first enacted,[4] succeeding Legislatures have been asked to exclude from unladen weight considerations such machinery and mechanical apparatus as wood saws, well-drilling machines, spray apparatus, tow car cranes, equipment used for loading, compacting, or unloading refuse, grinding equipment, and transit-mix cement equipment or temporary equipment used to contain or support loads [5] Current controversy centers around the interpretation of legislative intent in setting forth these exclusions

One interpretation is that the list contains examples of what should be excluded, another interpretation holds that only those items listed in Section 660 should be excluded from unladen weight calculations Since there had been apparent confusion through error or misunderstanding, different officers of the Department of Motor Vehicles had applied different interpretations of the code section in allowing credit for certain equipment The departmental memos cited above were issued to correct this situation The memos construe the statute as meaning that only the items of equipment expressly enumerated are exceptions to the statutory definition of "unladen weight"

In essence, the net effect of the implementation of departmental policy enunciated in the memos was to require some commercial vehicle

[4] Section 660 is derived from Section 50 of the 1935 Vehicle Code, which was repealed and replaced by Stats 1959 Ch 3, the current code

[5] Enumerated list expanded by Stats 1949, Ch 1468, Stats 1957, Ch 1676, and Stats 1961, Ch 1576

owners to pay weight fees they had not previously been subject to, whether rightly or wrongly, by some departmental offices In some instances, the department waived the additional fees requested but informed shippers that the fees would be due for future renewals and registrations

Committee Findings and Recommendations

The committee believes that unless a general redefinition and clarification of the exempt provisions of Section 660 is enacted, the 1963 Legislature will be faced with innumerable requests to expend the enumerated list of equipment in the section The committee members appreciate and endorse the philosophy of not coming to the Legislature for additional exemptions each time a new piece of equipment is placed in service or seems to qualify for exemption

Testimony presented to the committee at its October 26, 1962, Los Angeles hearing indicates that the Department of Motor Vehicles appears to have been somewhat arbitrary in making decisions interpreting Section 660, whereas testimony from highway users makes clarification mandatory by legislative action

The committee feels it is incumbent upon the department to sponsor such clarifying legislation at the 1963 session

C. EMERGENCY CALLING AID STATIONS

(1) LOS ANGELES FREEWAY PILOT PROJECT

Development of the Los Angeles freeway system has engendered a number of operational problems Experience indicates that in addition to the normal enforcement problems encountered on surface streets, freeways have demanded additional police services to provide efficient operation, including direction of traffic at the scene of accidents and of disabled vehicles, removal of vehicles from the roadway and providing service for stranded motorists The last-named function not only requires identification of the problem but the transmittal of information to the appropriate agency so that the necessary service may be secured

Experience further indicated that approximately 1½ officers per mile of freeway are required to provide not only the normal enforcement attention but this additional service Such level of service has been found necessary on all four freeways connected with the four-level interchange where traffic volumes are in excess of 100,000 vehicles per day on each freeway On a basis of an approximate cost of $10,000 per man per year this is a direct annual cost of $15,000 per year for each mile of freeway In order to identify further the areas of the metropolitan freeway demanding the greatest amount of service as well as the type of service required and the type of message required to be dispatched, two surveys were made by the Los Angeles Police Department The initial survey was for a period of seven days between 6 a m and 10 p m , and covered all services rendered by motorcycle officers during these hours Data was accumulated for each quarter-mile length of freeway with attention given as to whether the assist was on the outbound or inbound section of the freeway

The following is a summarization of the data gathered by the survey

Freeway	*Mileage*	*Day*	*Assists, p m*	*Total*	*Assists per mile of Freeway*
Harbor, interchange to 190th Street	15 0	205	266	471	31
Hollywood interchange to Ventura Freeway	10 1	259	189	448	44
Pasadena interchange to South Pasadena city limits	6 4	43	65	108	17
Santa Ana, interchange to Indiana Street	5 0	146	125	271	54
San Bernardino, Santa Ana to Los Angeles city limits	2 0	48	57	105	53
	38 5			1,403	36¼

In connection with the foregoing study a determination was made of the 10 miles having the highest frequency of need It was found that the following sections of freeway required the greatest service:

Freeway	*Mileage*	*Day*	*Assists, p m*	*Total*	*Assists per mile of Freeway*
Harbor, interchange to Olympic Boulevard	1 5	58	31	89	60
Hollywood, interchange to Highland Avenue	6 25	183	157	340	55
Santa Ana, interchange to San Bernardino Interchange	1 40	87	88	175	125
San Bernardino, Santa Ana Interchange to Golden State Interchange	25	26	27	53	70
	9 90			657	66

A second seven-day study was made as to the type of radio message transmitted by our motorcycle units This information covered the day and night periods only and was identified by the type of service requested as well as the specific freeway where the service was needed:

Total requests		310
Inoperative vehicles		190
Mechanical trouble	94	
Flat tire	29	
Out of gas	21	
Traffic accident	11	
Unknown trouble	35	
Request for assistance		120
Code 4—no further aid	41	
Motorcycle unit to meet	16	
Traffic unit	27	
Ambulance	6	
Fire	2	
Miscellaneous	28	

SERVICES REQUESTED FOR INOPERATIVE VEHICLES

Inoperative vehicles		190
Police impound garage	81	
Auto Club Southern California	62	
National Auto Club	18	
Randall Auto Club	2	
Miscellaneous	27	

REQUESTS FOR SERVICE BY FREEWAY

Freeway	*Inoperative vehicle*	*Request for assistance*	*Total*
Harbor	54	29	83
Hollywood	61	38	99
Pasadena	21	14	35
Santa Ana	44	22	66
San Bernardino	9	13	22
Golden State	1	4	5
	190	120	310

On the basis of information gathered during these two service requirement studies, the Los Angeles City Subcommittee of the Coordinating Committee on Freeway Operational Problems concluded that disabled vehicles on sections of the three high-volume freeways connecting to the four-level downtown interchange present the greatest service demand and problem, not only by their number but by the very defined structural characteristics making it difficult for motorists to leave the freeway and secure assistance The subcommittee suggested that an alerting system might significantly reduce the annual police freeway supervision cost, and that the City of Los Angeles and the State Division of Highways co-operate in a pilot experiment

At its August 24, 1962, hearing in San Francisco, this committee received a progress report on the pilot program and testimony on the general subject of emergency calling aid stations on state highways, as directed by House Resolution No 20 (Waldie—1962 1st Ex). To date, 80 units mounted on existing light standards have been installed at quarter-mile intervals on each side of four Los Angeles area freeways, 50 on the Hollywood Freeway, 14 on the Santa Ana Freeway, 12 on the Harbor Freeway, and four on the San Bernardino Freeway. The installation cost of approximately $91,600 was borne by the State Division of Highways ($78,500) and the City of Los Angeles ($13,100).

Each unit of the radio-operated, solar-powered, one-way call system contains six wet cells capable of 500-plus transmissions without any charging, since each call requires five minutes of sunlight to replace energy. When a motorist pushes the call button, the call is transmitted to Mt Lee, Los Angeles' main receiving headquarters, then over the existing microwave system to the police department All information on the time of the call, direction and number of the call box is fed through a computer that digests and translates the codings onto tape. The responding officer unlocks a cover on the lower portion of the callbox and is then able to flick a switch to any combination of 14 positions indicating particular messages or codes in further description of the accident or disabling circumstance

(2) NEW JERSEY FIELD TEST

One radio station atop a central New Jersey hill talks to Europe via Telstar Another, set up in the fall of 1962, had a more immediate mission on earth—spotting flat tires and overheated engines on the nearby Garden State Parkway In a 56-day field test, completed in mid-September, 10 bright red and white roadway units were spaced about a mile apart on the right berm of the parkway in each direction of travel along a five-mile stretch between the Sayreville-South Amboy interchange and the Raritan Toll Plaza, near the Parkway Acton Building at Woodbridge

Patterned after the World War II "Mae West" lifeboat radio outfit that automatically broadcast an SOS signal when the crank was turned, the experimental system consists of a $350 radiofrequency transmitter unit in a completely weatherproof roadside box Both power and modulation signals are provided by the motorist operating a hand crank activating microswitches that identify the particular station location and type of assistance requested on a signal sent directly to a central

headquarters console receiver costing $5,170 and consisting of a decoder, recording tape, visual panel to indicate type of help requested, and an electric timer

Selection of the test area was based on its heavy traffic and past experience showing a comparatively high number of aid requests and accident services Through press releases and large signs on the highway, the July 25 to September 19 experiment was given considerable publicity in order to determine whether a supplemental emergency communications system would reduce distressed motorists' waiting time and the time other drivers might be subjected to accident hazards and traffic delays caused by emergency stops During the test period, 434 motorists were assisted, 63 of them reported by the turn callboxes A total of 76 signals emanated from the callboxes, including 13 unfounded calls wherein the responding state trooper failed to find a motorist at the call scene There were also 484 false signals apparently set off by electronic interference, making a real evaluation of the system very difficult

Parkway police records on the test area show a 16 minute average time interval between receipt of a call and arrival of a trooper and another 14 minutes before arrival of a wrecker The emergency service log for the entire parkway during July shows just under 30 minutes' average time lapse between reporting a vehicle breakdown and wrecker arrival Parkway officials thus conclude that the turn call system did not expedite service in the test area during the experiment And the fact that 371 motorists were rendered service without use of the system indicates to officials the limitations of fixed-position callboxes Additionally, prompt reporting of breakdowns by fellow motorists at toll plazas on barrier type roads like the Garden State Parkway, as well as the frequency and regularity of patrols, proved to be disadvantages in making a fair appraisal of this roadside emergency aid calling system experiment

Garden State Parkway executives feel this equipment experiment was conducted under adverse conditions affording rather limited use by the traveling public At the end of the test period, the units were dismantled and returned to the manufacturer's factory where modifications were to be made

Committee Findings

The committee notes that a variety of emergency aid calling systems and several proposals are under study, including a Detroit experiment with closed circuit television for expressway control and several cases of airborne surveillance as a means of directing traffic, reporting traffic conditions and rendering and directing aid to disabled vehicles The committee has also been apprised of experimental work on the feasibility of a voice type communication system similar to the telephonic system and successfully used for years on the San Francisco-Oakland Bay Bridge

The committee believes continued research and development will increase the practical usage of these devices in promoting driving safety and convenience Upon completion of the Los Angeles area pilot project, an analysis should be submitted to the committee, including a feasibility and cost report on telephone type facilities for freeways

D. DRIVER LICENSING PROCEDURES[1]

(1) MINIMUM AGE FOR ISSUING DRIVERS' LICENSES

Current California statutes allow any person between 16 and 21 years of age, and who has fulfilled certain driver education and civil liability requirements, to obtain a driver's license,[2] with the exception that junior permits may be issued to any person between 14 and 16 when school or other transportation facilities are inadequate for regular school attendance, or in circumstances of family illness and inadequate transportation, or when inadequate transportation facilities make operation of a motor vehicle essential to an applicant's employment[3]

On March 17, 1961, Assemblyman Clark Bradley of San Jose introduced Assembly Bill Number 2264, which would have retained the requirements and exceptions noted, but would have raised the minimum age to 17 years. At the conclusion of this committee's May 8, 1961, session hearing, the bill was refused passage by a vote of three ayes and 10 noes, and the subject matter was subsequently referred to interim study During this committee's September 15, 1961, Redwood City hearing, the author of the proposal indicated that raising the minimum driver's license age to 17 years was necessary to alleviate some of the economic, social, educational and traffic accident problems confronting present day society by licensing teenage automobile drivers

Among those suggested problems are such assumptions as pressures and demands from teenagers are creating two-car families, in some schools a stigma is attached to teenagers without cars, operation of automobiles by teenagers detracts from scholastic activities, teenagers have a relatively higher traffic accident rate than other age groups, and insurance premiums for the 16-25 group are higher than for other brackets

Other witnesses doubted whether the 17 years age limit would have the desired effect of more devotion to scholastic efforts or whether 16-year-olds would merely devote more time to some other extracurricular activity Regarding insurance premiums, some insurance companies charge increased premiums only for male drivers under 25, and perhaps requiring a 17-year age minimum would not in itself reduce premiums for the 18-25 group

Driver education personnel are concerned lest the proposed change adversely affect secondary school programs by possible overloading certain grades Driver education is an outstanding example of influencing driver attitudes especially in teenagers whose judgment is no match for their keen vision and superior reaction ability Some studies, for example, underscore the fact that driver education students experience 40-66 percent fewer violations than youngsters taught elsewhere

[1] For additional suggestions on amending pertinent California statutes, see "Driver License Compact," Section II-B(1) of this report
[2] *California Vehicle Code*, Sections 12507 and 12512
[3] *Ibid*, Section 12513

Some statistics offered the committee seemed to indicate a high teenager accident and violation rate, but members of the committee were cautioned against too ready acceptance of such statistics There was no way of determining exposure, or the amount of driving individuals included in the random sample had done, and the sampling was not conducted during a sufficiently lengthy period, since legislation requiring all juvenile violations to be reported to the Department of Motor Vehicles has been effective only since September 1959 [4]

Committee Findings

The committee notes that the Department of Motor Vehicles is currently attempting accumulation of data that will reflect a more accurate and reliable measure of the 16- and 17-year-old drivers' status To date, however, insufficient data forces the committee to conclude that there should be no lowering of age limits for drivers' licenses. There *may* be reasons for increasing the minimum age, with reasonable exceptions, but the committee cannot at this time so recommend

The committee also doubts whether an increase in the age limit would really be effective on those teenagers most in need of improvement, since those currently least responsible might well continue in their irresponsible way even with a 17-year minimum

The committee feels that any possible adverse effect on the valuable driver education programs in secondary schools must be carefully considered prior to altering the minimum drivers' license age

Finally, the committee believes that any possible cure of the various personal, social, economic and educational problems enunciated above should not be sought through state action in raising the minimum driver license age, but rather should be sought through stricter parental control and increased teenage self-discipline.

(2) ISSUANCE OF DRIVERS' LICENSES TO PERSONS WITH POOR OR FAILING EYESIGHT

On the evening of April 24, 1961, a fatal traffic accident on the Oakland-Stockton highway occurred, involving a driver who possessed a valid driver's license issued by the California Department of Motor Vehicles and who was receiving aid to the blind from the California Department of Social Welfare

The individual's driver's license was issued on December 9, 1959, at which time he was found to have practically normal vision, it being 20/22 for both eyes and 20/25 for each eye individually In August of 1960, that person applied for Aid to the Needy Blind and was granted such aid effective September 1960 His aid application stated that he had been blind since June 1960

Results of an eye examination of August 17, 1960, indicated the individual's right eye as having light perception only and the left eye having 20/800 central visual acuity Eye pathology primarily responsible for impaired vision was given as optic neuritis retrobulbar for each eye The optic nerve was described as white atrophic color, and the State Ophthalmologist believes that blindness from optic atrophy due to neuritis can occur within a matter of days

[4] *Ibid*, Section 1816.

From available evidence, it seems probable that when the applicant took his eye test for a driver's license, he had good vision in each eye, that his sight rather suddenly and completely failed seven months later, and that he was apparently almost totally blind when the fatal accident occurred still two months later

Upon learning of the accident, the Assembly Standing Committee on Transportation and Commerce immediately launched an inquiry into the facts of the case and the need for appropriate legislation to preclude a repetition of the unfortunate accident A subcommittee met with representatives of the administrative agencies concerned and reported that the Department of Motor Vehicles' action was proper in issuing a driver's license in this case, since the eyesight problem became acute some six or seven months later The subcommittee recommended that, since its preliminary studies indicated a potential need for legislation in this field, an interim committee might appropriately further investigate the subject.

Implementing this recommendation, Assemblyman Walter Dahl, who served as chairman of the subcommittee, introduced House Resolution No 313, directing such interim study,[5] and this interim committee undertook investigation following the close of the 1961 session.

Subsequent reports from both departments indicate that on December 12, 1951, the Department of Social Welfare initiated a voluntary referral procedure with the Department of Motor Vehicles encompassing all cases of Aid to the Blind recipients reported driving a motor vehicle or having a driver's license, together with the latest eye examination on file Social Welfare felt that this referral procedure could be strengthened by requiring county welfare departments to refer to DMV every applicant for or recipient of Aid to the Blind who had a driver's license, even though there was no evidence that the person had driven a car since losing his sight

Accordingly, on August 2, 1961, all counties in the State were advised that the Application for Aid to the Blind and the Recipient's Affirmation of Eligibility forms were revised to include a statement as to whether the applicant or recipient possessed a driver's license. An affirmative answer means immediate referral to DMV This procedure serves a double purpose of providing a clue as to possible ineligibility for blind aid and protecting the public from drivers with poor eyesight This application revision was a result of this committee's preliminary studies during the 1961 session

Since Social Welfare began making referrals to DMV, a total of 90 persons has been included in the reports Eight were referred twice as they apparently continued to operate vehicles Five were referred to Social Welfare from DMV A breakdown of results is as follows:

License revoked or suspended	30
No driver's license	15
Restricted or special license	9
License expired	15
No report in DMV	9
Aid to Blind discontinued	4
Probable revocation of license	1
Ceased driving	4
Voluntarily surrendered license	2
Referred for new license examination	1

[5] *Assembly Journal*, May 24, 1961, pp 4115-4116.

Each referral currently is made on Form DL 62, accompanied by a letter from the county welfare department and a photostatic copy of the current eye examination report for the individual During the 10-year period of the referral agreement, an average of about 9 referrals have been made each year However, in the 6-month period following revision of the Aid to the Blind application, there have been some 27 referrals

In efforts to strengthen this referral program and to reinforce its eye examination procedures, the Department of Motor Vehicles has recently reinstituted certain more detailed eye examinations that were curtailed as economy measures under a former department director and has revised Chapter 16 of its Driver's License Examiners Manual on eye test standards Constant attention to the nature of vision problems cannot be overemphasized since experience and logic both indicate that vision is the most important physical sense involved in the operation of a motor vehicle Almost all of the information which a driver receives and which he must interpret and react to, comes to him through his eyes

A person with good vision is more at ease when driving and he is normally able to observe and evaluate traffic situations sufficiently far in advance to drive defensively Poor vision, on the other hand, tends to intensify the element of fatigue and to reduce the range of awareness of traffic hazards, in addition to other obvious disadvantages Research has demonstrated that a person with good vision can manipulate a car through hazards with fewer errors than a person with poor vision It is believed that good and properly administered vision tests will result in the elimination or restriction of drivers with poor vision, and a significant reduction in accidents

While most physical qualifications are readily observable, the condition of an individual's vision can usually be determined only from tests Visual efficiency, meaning general seeing ability, is made up of many factors in addition to visual acuity. A deficiency in visual acuity does not necessarily signify a decline in other visual factors, such as peripheral vision, color vision, glare resistance, night vision, depth perception, etc Research indicates that a 20/40 visual acuity rating should be interpreted to mean 84 5 percent visual efficiency The usual method of rating sometimes leads to the erroneous impression that 20/40 is a fraction meaning 20/40ths of normal vision, which is not true This fact must be given consideration when fixing test standards

Speaking generally, 20/40 vision is acceptable for driving Conditions of driving, however, are important in determining a visual standard Driving at night under conditions of poor illumination requires better vision than driving in daylight Also, the adaptability of a person's eyes to different light conditions varies considerably with the age of the person The ability to adapt to light conditions decreases greatly as a person grows older and is a factor which deserves definite attention

Aside from visual acuity, the most important factor in vision is the ability to see under night driving conditions, if night driving is to be done There appear to be three distinct measurable factors relating to night driving· (1) the ability to see against glare, (2) the speed of recovery after facing glare, and (3) the ability to see under conditions of very low illumination.

Two other visual factors are important. fields of vision and depth perception (or ability to judge distance) The test used to measure the horizontal field of vision is one of the more simple tests to administer, and one for which a reasonably accurate standard can be used Because of time-expense considerations, this test is not given by regular DMV examiners in routine vision tests A field of vision under 75 degrees in each eye constitutes a definite hazard, but usually intelligent drivers can compensate for this condition by training themselves to look from side to side

Applicants for drivers' licenses are now measured for visual acuity on a Snellen chart, and each eye is measured individually If applicants do not have minimum visual acuity of 20/40 in both eyes and 20/40 in each eye individually, they are then tested on an Ortho-Rater. If there they do not meet a minimum standard of 20/40 in both eyes, 20/40 in the best eye, and 20/67 in the worst eye, they are referred to a vision specialist to have a complete vision test The department hopes to refine this procedure further in the future

In conjunction with the Institute of Transportation and Traffic Engineering of the University of California, DMV began in February 1962 a study of dynamic visual acuity [6] This study will be continued for three years, and the final results will not be available before that period. During the testing time, approximately 20,000 to 25,000 applicants will be tested at semipermanent installations set up in six large departmental office locations throughout the State and in a trailer able to move to various small field offices It is probable that the results of this study will bring about further changes in testing procedures and substance.

Conclusions

This interim committee feels that the present referral procedure between the Department of Social Welfare and the Department of Motor Vehicles of cases wherein applicants and recipients of Aid to the Blind have been reported to possess drivers' licenses is working satisfactorily The committee is also pleased to note that administrative changes on application forms initiated partially as a result of this committee's preliminary investigations during the 1961 legislative session have resulted in a strengthened referral program.

Although no procedure that could be devised would be proof against an irresponsible individual trying to operate a motor vehicle when he has insufficient eyesight to do so safely, both departments are to be congratulated for pursuing this successful program on an administrative level during the past 11 years

[6] A detailed, technical presentation of this subject can be found in "A preliminary study of dynamic visual acuity and its effects in motorists' vision," by Hulburt, Burg, Knoll and Mathewson, in *Journal of the American Optometric Association*, January 1958, pp 359-364.

E. SAFETY GLASS IN AUTOMOBILES

INTRODUCTION

The single most controversial subject studied by this committee during the 1961-63 interim concerned the use of laminated and tempered safety glass in motor vehicles The controversy has developed primarily between auto makers and glass dealers and in recent years has rapidly widened to include Congress, state legislatures, labor unions, and some trade associations Because of conflicting stories reported in the press and conflicting testimony before this committee at its November 17, 1961, hearing at Palm Springs, it is extremely difficult to sift fact from fiction and present an impartial analysis of developments in the safety glass controversy With this preamble and understanding, this committee's attempt at doing just that is presented here

The safety glass first to appear on the United States scene, made of fine steel wires embedded in very thick glass, was used in Stutz cars in the late 1920's Laminated glass then followed, and, as its use became more widespread in automobile manufacturing, various state laws were enacted requiring its use, and each state developed its own technical standards and specifications Out of this chaos of differing definitions developed a desire for a nationally accepted specification Accordingly, the National Bureau of Casualty and Surety Companies in 1932 asked the American Standards Association to develop standards for safety glass, and the National Bureau of Standards agreed to cosponsor the project [1] The safety glazing materials code was approved on a tentative basis in 1935, and revised in 1938 and 1950 as a full American Standard The Uniform Vehicle Code and all states where safety glazing must be approved have adopted this standard, either by administrative authority or by specific statutory reference, such as California's Vehicle Code Section 26704

CHARACTERISTICS, USE AND REVIEW OF EACH TYPE OF SAFETY GLASS

Of the two standards established by the code, laminated safety glass meets standard AS-1, and both laminated and tempered safety glass meet standard AS-2 Laminated safety glass consists of two or more sheets of glass held together by an intervening layer or layers of plastic material It will crack and break under sufficient impact, but the glass pieces tend to adhere to the plastic and not fly. If a hole is produced, the edges are likely to be jagged

[1] The American Standards Association was organized in 1918 to serve as a clearing house for industrial, technical and governmental groups to co-ordinate their standardization program Incorporated in 1948, the ASA is a federation of approximately 121 national organizations and some 1,990 company members Details of its history and operations are contained in *The Organization and Work of Sectional Committees operating under the Constitution, Bylaws and Procedure of the ASA* American Standards Association PR27, April 5, 1960, 6th Ed , 31 pp , 5 charts

Tempered glass consists of a single sheet suddenly cooled to create tension within the glass and to produce a very hard strong "skin" on surfaces of the glass It cannot be cut, drilled or polished after heat treatment Tempered glass seems to be three to five times as strong as laminated glass when hit by dull, round objects but has a low tolerance for blows from hard, sharp objects Car occupants are less likely to be thrown through tempered glass than through laminated, but tempered glass is hard enough to fracture a skull under some circumstances

Once the hard "skin" is breached at any point, the entire piece of tempered glass immediately disintegrates into innumerable small granular pieces of about one-sixteenth of an inch on a side, usually with no large, jagged edges The pieces either remain in place in the frame to give a jig-saw puzzle fragmented appearance, or fly out with considerable force, giving the disturbing impression of an explosion "While capable of inflicting scratches or small cuts, the granules are unlikely to do so, and are certainly less lethal than the razor-edged shards of broken laminated glass" [2]

Laminated glass is accepted for use in all states for all windows and the windshield, while tempered glass is permitted in all windows but not the windshield In Europe, tempered glass may be used in windshields Tempered glass has not been permitted for windsheld use in this country because of the possibility that sharp roadway objects could cause fractures and resultant sudden loss of visibility in the windshield, such loss being relatively and comparatively less important in sidelights (side windows) There is no argument that laminated glass should be used in all windshields

First manufactured in France in 1932, tempered glass was first used in the United States in 1936 when a large percentage of Chrysler Corporation cars had it in all openings except the windshield In 1937, Chrysler used tempered glass for all its rear windows and for side rear-quarter lights on some models, and Chevrolet, Pontiac and Hudson automobiles carried tempered glass in their rear windows Chrysler Corporation used tempered glass in the side windows of all its 1958 models, American Motors followed suit a little later Ford Motor Company and General Motors Corporation did not use tempered glass extensively until the introduction of their 1960 compact models, and by 1961 all major United States makes except Cadillac were so equipped. Tempered glass was used for the side windows of all the 1962 models

Why the change? What effect does it have on the motoring public? Answers to these and related questions have generated much of the heat in the current safety glass controversy During the 1961 session, this committee heard and referred to interim study Assembly Bill 641 (Dahl) which, in effect, would have prescribed the use of laminated glass in the side windows of all new automobiles sold in California and in all future replacement of such windows Similar legislation has been introduced in 13 other states since 1957, but none has been enacted Congress has also been asked to act upon this proposal as part of an overall auto safety bill under consideration for some time

The ASA glazing code itself has been reviewed from time to time since its last major revision In 1955, the committee formulating the

[2] "The Glass Controversy," *Consumers' Report*, April 1961, p 186

code unanimously reaffirmed it without change In accordance with ASA procedures and rules, the committee was again asked to review the standard and when a reaffirmation consensus could not be reached, the main code committee was reactivated, and in 1960 a technical subcommittee began a $240,000 review of existing Standard Z26 1-1950. The subcommittee has charged six task force groups with an objective evaluation of the history of the standard and updating it if necessary.

The study phases include (1) injury areas in vehicles, by accumulating all information on glass-caused injuries, relating the cause to a specific glass area and comparing the performance of the two types of safety glass in accidents, (2) fracture characteristics of glazing materials on impact, by studying both types of glass under impact of a variety of objects under differing conditions, (3) visibility properties of glazing, (4) energy absorption of glazing materials, to establish whether one type of glass will absorb more energy when a passenger is thrown against it and the resultant injuries, (5) egress through glazing materials, and (6) durability of glazings, by investigating quality control procedures and built-in safety property retention

COMMITTEE HEARINGS

At this committee's hearings on the subject matter of A B. 641, the controversy again erupted between proponents and opponents. For instance, the auto makers claimed that because the small fragmented pieces of tempered glass have no sharp edges they are less dangerous than the large jagged pieces into which laminated glass divides when broken The glass dealers dispute this, saying in addition that tempered glass's greater toughness against blunt objects greatly increases the danger of head injuries to auto passengers and does not allow them to break through side windows in case of entrapment following an accident. Critics of tempered glass state that it loses much of its strength with aging; the other side states that tempered glass's greater hardness means less replacement for auto owners.

A considerable amount of testimony concerned the economics of manufacturers' original cost versus glass installers' inventory and repair costs for laminated and tempered glass in side windows Indications are that by 1970 nearly four out of five cars on American roads will have tempered sidelights Despite the predicted increase in automobile registrations, it is probable that laminated safety glass replacement in side windows in 1970 will be only 44 2 percent of the 1959 replacement business This supposition has been given tacit support by glass companies, one of which sent a "demonstration kit" to sellers and installers of auto glass Designed to show the safety features of both types of glass, the brochure was labeled "Important . . because if all cars were completely equipped with tempered glass, there would be practically no replacement business "[3]

Manufacturers of the plastic inner layer required in laminated safety glass would also be affected by any decrease in the use of such material.

[3] Tempered or Case Hardened Glass Demonstration Kit, Shatterproof Glass Corporation, Detroit 10, Michigan.

And, in its 1960 annual report, a major producer of both types of safety glass blamed lower sales in part on the growing use of tempered glass.[4] It is also apparently true that the use of tempered glass results in substantial savings in manufacturing costs It was further indicated that repercussions would occur in the manufacturing, distribution and consumer purchase of automobiles in the event a special order situation were created wherein some 700,000 autos destined for sale in such a state as California had to be specially manufactured or equipped with glass specified by a statutory minimum more restrictive than that suggested by the ASA code.

And, while the statement was made that it would not be possible to assemble all motor vehicles on special order for such a market, other information was submitted to the committee which indicates that such an order was filled for a metropolitan police department that specified laminated safety glass for its vehicles' side windows The cost of this special order factory installation was cited by the manufacturers as an average of about $25 per car, yet, pictorial evidence of equipment list posted on a 1962 car shows the laminated safety glass option price as $10 80.

Since tempered safety glass cannot be cut once heat treated, local glass replacement companies cannot carry a stock of flat glass and cut it to size as they do with laminated safety glass. Instead, either they or parts warehouses must carry a huge stock of ready-cut tempered glass for each window of each make and model Additionally, it is difficult to substitute laminated sidelights for damaged tempered ones because raising-and-lowering mechanisms are so designed that the two glass types are not exactly interchangeable This would seem to increase replacement costs.

Committee Findings

1. Regardless of economic considerations involved in the original installation and replacement of automobile side window glass, this committee feels the more important aspect of the auto safety glass controversy relates to the motoring public's safety

2 On the basis of conflicting testimony, demonstrations and motion pictures presented during hearings on the subject, members of this committee are in no position to recommend the relative safety merits of the two types of safety glass An answer to which type glass is safer in which type accident can be derived only from a very large-scale statistical and engineering study of any accidents involving cars with both kinds of glass.

3 While committee members are not technically competent to judge the merits or demerits of standards tests set forth in the ASA Z26 1-1950 Code, they must agree with Section 2 2 of that code that "one safety glazing material may be superior for protection against one type of hazard while another may be superior against another type, and that since accident conditions are not standardized, no one type of safety glazing material can be shown to possess the maximum degree of safety under all conditions, against all conceivable hazards"

[4] "Auto Makers' Switch of Car Window Glass Touches Off a Feud," by Jack Hamcke, *Wall Street Journal*, April 7, 1961 (S)

The committee also feels that if California drivers could pick the kind of accident they are going to have they could pick the kind of glass needed for protection.

4 Noting that the referenced code is currently the subject of a rather intensive, highly technical review by the American Standards Association, the committee is of the opinion that any proposed amendment to California Vehicle Code Section 26704 should await the findings of that scientific evaluation The committee then would entertain an amendment if necessary

ITTE REPORT

Because of the conflicting testimony cited above and this committee's desire to obtain additional factual information unvarnished by emotion or economics, Chairman Beaver introduced House Resolution No. 15 on the opening day of the 1962 Regular Session [5] The resolution requested the Institute of Transportation and Traffic Engineering at the University of California to compile an impartial factual report summarizing currently available information on studies of traffic accidents involving motor vehicles equipped with both types of safety glass On March 21, 1962, this committee asked ITTE to expand that factual report to include an annotated compilation of engineering studies and tests of laminated and tempered safety glass conducted by private and public research agencies in this country and abroad On November 20, 1962, ITTE submitted its report, and an excerpt from pages vii-viii follows [6]

Summary of Findings and Overall Appraisal

1. Considerable research has gone into selected aspects of safety glass, particularly: (a) nature of glass and plastics, structural strength, wear resistance, reduction of fragmentation, and development of tempered and laminated glasses, all by glass and plastics manufacturers; (b) performance in experimental upsets and collisions by automobile manufacturers in the United States and by the University of California, Institute of Transportation and Traffic Engineering, Los Angeles; (c) visibility, fragmentation, and other performance aspects of tempered glass windshields by investigators in Germany; (d) experiments concerning the aspects just mentioned together with studies of actual accidents by the Road Research Laboratory of Great Britain; (e) experiments concerning the head injury potential of tempered and laminated glasses by Wayne State University in co-operation with the Ford Motor Company; and (f) collection of accident statistics and the conduct of related research concerning collisions by Cornell University

2 Available information permits the appraisal, with varying degrees of certainty, of the relative merits of laminated and tempered glass with respect to most major hazards *taken singly*. Such appraisal is summarized in Table 1

[5] *Assembly Journal*, February 5, 1962, p 43, adopted February 6, 1962, pp 119, 134-135

[6] The full report, titled "A Review of the State of Knowledge and Research Concerning Laminated and Tempered Safety Glass in Motor Vehicles," is available from the University of California Institute of Transportation and Traffic Engineering, Richmond, California

3. The present state of knowledge does not permit an overall appraisal of the relative merits of laminated and tempered glass This situation is due principally to gaps in knowledge as to the physical-medical effects of different events that occur in accident situations and to insufficient information as to the relative importance of different hazards in actual accidents This last is relevant because a particular glass quality may decrease one hazard but increase another

4 The major possibilities for improvement in safety glazing appear to lie not in a possibly fruitless effort to arrive at an overall judgment concerning the superiority of one of the glasses now in use but rather in research aimed first at determining the desired end-performance characteristics and then at developing information which would provide a better basis for designing glazings that would achieve the desired performance. Improvements might be effected by changes in the thicknesses or other properties of the glasses now in use or by the introduction of new types of safety glazing Thinner tempered glass, laminated glass with a thicker plastic interlayer, plastic with extra-thin glass-surface laminations and laminated-tempered glass appear to warrant special attention

5. In addition to work being done by the industry, research and study now underway in the United States which should significantly improve understanding of the safety glazing problems in the near future (several months to a few years) includes· (a) the amassing of accident statistics and associated analysis and research by Cornell University; (b) study of the frequency and characteristics of glass breakage, and of impact and related medical effects in the collision research program of the Institute of Transportation and Traffic Engineering, UCLA, and (c) analysis and reappraisal of the safety glazing problem by the American Standards Association In this last effort, six ASA task groups are undertaking comprehensive studies of different aspects of safety glazing including a compilation of all studies on the subject to date Some of the bibliographies developed in the ASA project so far were helpful in the present study

6 Principal lines of research which hold promise of filling present gaps in knowledge appear to be (a) analysis of accident statistics to provide a better indication of how glass figures as an injury producer in accidents and the order of importance of the hazards that it may pose; (b) force systems involved in head injuries, frequency of glass breakage, and comparative performance of different glasses; and (c) research drawing on findings under (a) and (b) aimed at setting up the desired end-performance criteria of glazing materials and the design of a glazing material which best meets the criteria thus established.

7 There are many aspects of traffic safety vehicle design, facilities design, safety devices, education and licensing of drivers, control of traffic on the road With respect to safety glazing, it is concluded that the research now under way or which might be undertaken along the lines indicated in the preceding paragraph is worth while; but it is believed that the scale of research in this area should be related to that of all research concerning traffic safety, to the end that resources for research may be utilized so as to obtain the greatest return as measured by injuries prevented and lives saved.

TABLE 1

APPROXIMATE RELATIVE PERFORMANCE OF SAFETY GLASSES

Estimates based on available information and glasses in use in United States motor vehicles in 1962

Hazard [1]	*Glass which minimizes hazard in most situations*	
	Tempered	*Laminated*
Head injury low impact [2]	--	X
Head injury high impact [3]	X	--
Imprisonment of occupants	--	X
Laceration	X	--
Collapse of vehicle roof	X	--
Vulnerability to sharp flying objects	--	X
Glass safety performance adversely affected by temperature	X	--
Noncontainment of occupants	"	"
Eye intrusion	--	X
ALL	Unknown	

[1] Neither the relative seriousness of hazards nor the frequency of occurrence is well established, and a glass property that decreases one hazard may increase another

[2] Below impact level at which head would cause tempered glass to fracture

[3] Above impact level at which head would cause tempered glass to fracture

F. RECURRING INTERIM STUDIES

(1) IMPLEMENTS OF HUSBANDRY CLASSIFICATIONS

During the 1959-1961 interim, this committee undertook an investigation of the exemption from registration of implements of husbandry and related vehicles used in agriculture and industry One of the committee recommendations following that study was a needed clarification and recodification of the existing 15 sections of the California Vehicle Code dealing with implements of husbandry exemptions from registration [1] Pursuant to this recommendation, Assemblyman Chet Wolfrum introduced House Resolution No 286 [2] and this committee conducted a hearing on the subject in Sacramento on March 20, 1962.

The committee is hopeful that the 1963 Legislature will pass clarifying legislation drafted by all interested persons at committee request The proposal will make no substantive change in current statutory exemptions or classifications, but will attempt to diminish difficulties encountered in the application, administration and enforcement of existing code sections

(2) CREDITING TO COUNTIES OF UNEXPENDED CONSTRUCTION MONEYS

Since the subject matter of Assembly Bills 2901 (Meyers-1959) and 2549 (Meyers-1961) is identical, and since this committee devoted part of its June 29, 1960, San Francisco hearing to the subject, background information on the application and expiration of the Mayo Formula can be found in this committee's final report to the 1961 Legislature [3] During the committee's August 24, 1961, San Francisco hearing on the same subject, no substantially new testimony was presented Suffice it to say, a problem peculiar to San Francisco exists wherein it will be impossible to obligate the balance of unexpended construction funds by the June 30, 1963, expiration of the last five-year period of the Mayo Formula application

The committee notes that Section 188 5 of the California Streets and Highways Code, as amended by the 1961 Legislature, provides for redistribution of any unexpended, unobligated funds to other Group I counties, such redistribution to be allocated by the Highway Commission after consideration of the San Francisco state highway needs Based on testimony received during both interims, and considering the historic examples of San Francisco not being able to make up its collective mind of where highway money should go, the committee is of the opinion that members of the San Francisco County Board of

[1] Assembly Interim Committee Reports, 1959-1961, Vol 3, No 8, January 2, 1961, pp 13-16
[2] *Assembly Journal*, May 16, 1961, p 3174
[3] Assembly Interim Committee Reports, 1959-1961, Vol 3, No 8, January 2, 1961, pp 17-19.

Supervisors probably will not be able to agree among themselves by June 30, 1963, on the obligation of construction moneys and that procedures outlined in Section 188 5 will then be followed, unless legislation postponing the effective date of that redistribution is successful in the 1963 session

The committee expresses sympathy with the peculiar San Francisco inability to obligate funds within specified periods as other counties have The committee notes that pursuant to Section 188.5 of the Streets and Highways Code, the Highway Commission has budgeted and the Department of Public Works has either expended or obligated in other northern counties the money previously and continuously unobligated in San Francisco

(3) HEARING PROCEDURES ON ADOPTION OF FREEWAY LOCATIONS

Although this subject was studied by this committee during the 1959-1961 interim and recorded in its final report to the 1961 Legislature [4] and although Section 210 of the Streets and Highways Code was amended during the 1961 session to provide an outline of procedures to be followed by the Division of Highways in freeway location hearings, legislation detailing exact hearing procedures was introduced by Assemblyman Charles W Meyers, Sr , on April 21, 1961, the last day for unrestricted bill introduction in the 1961 session This subject matter was considered during the committee's June 28, 1960, San Francisco hearing on Assembly Bill 2572 (Meyers-1959) and its August 24, 1962, San Francisco hearing on Assembly Bill 3047 (Meyers-1961)

The committee is cognizant of the fact that both the League of California Cities and the California Board of Supervisors Association have by resolution commended the State Highway Commission for its strict adherence to lawful and co-operative hearing procedures and have opposed measures that would diminish the commission's authority and responsibility in this area These organizations deem it a serious tragedy should the present sound system of route selection be jeopardized or should needed progress be delayed because of the objections of vociferous minorities whose viewpoints have not prevailed in the necessarily controversial freeway route selection through their local neighborhood

Both organizations expressed displeasure at route selection procedures followed in the late 1940's and early 1950's, but agree that necessary reforms and perfections have occurred to the extent that where possible local rights are now protected Additionally, the author of the proposed restrictive legislation stated during the 1962 interim hearing that the Highway Commission's prevailing attitude of fairness and co-operation has improved considerably during recent years.

In view of these sentiments, and especially inasmuch as no substantially new testimony has been presented since the committee last reviewed this subject, *the committee must reiterate its previous findings against freezing detailed freeway route hearing procedures into statute and for the continued flexibility and ease of modification within the general guidelines established by the 1961 Legislature.*

[4] Assembly Interim Committee Reports, 1959-1961, Vol. 3, No. 8, January 2, 1961; pp. 38-39

(4) LEGISLATIVE BUDGET REVIEW OF STATE HIGHWAY FUND APPROPRIATIONS

For at least the past 15 years, various proposals affecting the continuing appropriation of money in the State Highway Fund have been considered by the California Legislature Existing law [5] requires that the annual State Budget include a report by the Highway Commission and the Department of Public Works listing actual revenues, expenditures, and obligations of the State Highway Fund for construction, improvement and maintenance purposes Although this information is not included in the Budget Bill acted upon by the Legislature, the budget as submitted by the Governor includes it under several headings and subheadings.[6]

During the 1961 session, two bills were introduced providing either full or partial legislative control over state highway budgeting. One bill [7] would have deleted the entire continuing appropriation of State Highway Fund money and made those expenditures subject to the same budgetary and fiscal controls as expenditures from other state funds This bill, the third to last Assembly Bill introduced in that session, was referred to interim study The other bill [8] would have subjected to legislative control and eliminated continuing appropriations for administration, contingencies and capital expenditures other than highway construction, improvements, maintenance and acquisition of rights-of-way. This measure passed the Assembly but died in the Senate Finance Committee

This interim committee devoted a small portion of its August 24, 1962, San Francisco hearing to the subject matter and the Assembly Interim Committee on Ways and Means held a full day's hearing on both bills in Sacramento August 27, 1962 During this committee's brief consideration, practically every witness indicated that eliminating all continuing appropriations was far too drastic a step Indeed, the author withdrew his previous advocacy of this approach, agreed to discourage future introduction of such a bill, and supported the plan of partial legislative budget review and control

Although this committee feels that some of the suggested proposals should be given careful consideration, especially those presented by Legislative Analyst Alan Post, insufficient information and material was presented to permit substantive recommendations for 1963 legislative action

This is essentially a financial and budgetary problem, although highway users are involved. The committee therefore recommends an exhaustive 1963-1965 interim study by a joint subcommittee of the Ways and Means and Transportation and Commerce Committees This committee will introduce an enabling resolution to that effect and urges approval by the Assembly Rules Committee

[5] Sections 143 1 and 143 2, Streets and Highways Code
[6] See *State of California Budget*, for the Fiscal Year July 1, 1962 to June 30, 1963, February 5, 1962, pp 556-563, 941-999, and *Budget Supplement, Salaries and Wages* contained in the 1962-1963 Budget, February 5, 1962, pp 379-388
[7] Assembly Bill 3148, Meyers
[8] Assembly Bill 1868, Rees

(5) VEHICLE WEIGHT LIMITS ON CITY STREETS

Another subject referred to this committee during the last two interims is the specific case of local ordinances restricting maximum allowable weight limits of vehicles using city streets A continuing argument exists between the city's obligation to protect its citizens and their property, and the movement of commercial traffic As noted in this committee's final report to the 1961 Legislature[9] a solution to this problem is not easily obtained

Based on its hearing in the 1961-1963 interim, the committee believes that amelioration of the particular situation on the San Mateo Peninsula will occur upon completion of planned new freeways and connectors in the area, providing a means of traversing the rather congested restricted residential areas of all upper peninsula cities In the meantime, the power of a city to regulate traffic on its own streets must not be restricted The committee urges all cities concerned to continue to plan together on a master system of through streets to insure the orderly, unrestricted and economic flow of necessary commercial vehicular travel and to provide adequate safeguards for persons and property within the cities

[9] Assembly Interim Committee Reports, 1959-1961, Vol 3, No 8, January 2, 1961, pp 28-29

G. INTERIM ASSIGNMENTS DEFERRED BY REQUEST

Several matters referred to this committee for interim study following the 1961 and 1962 sessions are not contained in this report since they were not subjects of committee investigation or staff research The committee feels some explanation of these omissions is necessary

Those subjects not studied included House Resolution No 349 (1961) by Assemblyman Vincent Thomas, relating to the *desirability and feasibility of establishing a joint port authority for the operation of the Los Angeles and Long Beach Harbors,* and House Resolution No 394 (1961) by Assemblyman Tom Carrell relating to the *adequacy of enforcement of laws regulating motor vehicle dealers, salesmen and sales practices* Each of these resolutions directs an interim study, each was the proposed subject matter of a regularly scheduled interim committee hearing, and each hearing was canceled at the request of the respective author Because of these requests, the committee did not complete the preliminary investigative work started on each subject, and, therefore, no findings or recommendations appear in this report

During the 1961 session hearings on proposed legislation introduced by Assemblyman Nicholas Petris and relating to a *safety zone and speed control plan*, Chairman Beaver requested the Advisory Committee on Motor Vehicle Legislation to assist in the interim study of this subject (Assembly Bills 1733, 1734, and 1735) The advisory committee's technical subcommittee subsequently undertook this investigation and during several meetings the proponent of the plan presented a detailed explanation and demonstration of the system envisioned. The plan would establish roadway surface speed markings of different colored luminous paint related to different speed groupings and a light bank control panel of the same colors in every registered motor vehicle in California On July 17, 1962, the technical subcommittee recommended disapproval of this plan and the full Advisory Committee on Motor Vehicle Legislation adopted this recommendation Reasons for disapproval were in line with the advisory committee's policy that no further extension of lighting equipment requirements should currently be considered, and were partially based on the subcommittee's opinion that the proposed speed control plan does not provide uniformity, would cause confusion on the motorists' part, and would be too costly to implement, especially in view of the serious current deficiency in county road and city street maintenance and development

During the 1962 session, a heated discussion erupted over the *powers of the State Highway Commission* and the design and routing of several freeways throughout the State A group known as the California Citizens Freeway Association requested Assemblyman Alan Pattee to introduce a resolution calling for a moratorium on construction in several trouble spots along the freeway development plan Action by the Assembly Rules Committee deleted mention of any moratorium

from the resolution,[1] which was subsequently adopted by the Assembly and referred to this interim committee for a study of the powers of cities and counties with respect to proposed state highways Inasmuch as the committee had not contemplated this study, the chairman submitted a request for additional funds to the Rules Committee Members of the Rules Committee retained this request under advisement and did not act on the matter during the interim

Because of the magnitude and importance of this chronic problem of misunderstanding between California's taxpayers and the California Highway Commission, this committee strongly recommends a full-scale detailed future study of this subject The committee further recommends appointment of a statewide citizens' advisory committee not to exceed 21 members to assist the 1963-1965 Transportation and Commerce Interim Committee in such study

This committee will sponsor a resolution in the 1963 session directing and detailing the scope of the study and providing for the creation of the advisory committee The committee urges favorable consideration by the 1963 Assembly Rules Committee and adequate financing for the study

[1] House Resolution No 86, *Assembly Journal*, April 2, 1962, p 528

PART II

WESTERN INTERSTATE COMMITTEE ON HIGHWAY POLICY PROBLEMS

A. INTRODUCTION

The Western Interstate Committee on Highway Policy Problems, created in 1949 by the Western Conference of the Council of State Governments to deal with the many complex intergovernmental problems involved in highway finance, construction and regulation, is one of the oldest and most active committees of the Conference. During the 1961-63 interim, representatives of the Assembly interim committee, including Chairman Beaver, Assemblyman Mills and Consultant Scheuermann, participated in several meetings of the interstate committee, particularly those where proposed legislation likely to be presented to the 1963 California Legislature was discussed.

At the July 19, 1961, meeting of the interstate committee, the western office of the Council of State Governments was asked to prepare a review of that committee's experience and activities during its 13-year existence. The Assembly interim committee feels that publication of those activities is desirable and necessary to inform other California legislators and interested persons of the interstate committee's accomplishments, and to present some background information on proposed legislation emanating from the interstate committee's work. To that end, the following summary is included here.

B. SCOPE AND WORK OF THE COMMITTEE

(1) REGIONAL INTERSTATE CO-OPERATION

An outstanding feature of the committee has been its success in initiating programs that have required a high degree of co-operation among legislators and administrative officials of the western states. One was the establishment and conduct of the WASHO road test, another the formulation of the Uniform Vehicle Registration Proration and Reciprocity Agreement, popularly known as the "Uniform Compact" And, more recently, the committee has played a key role in the development of the Driver License Compact and the Vehicle Equipment Safety Compact, both intended as instruments for improving interstate co-operation for traffic safety not only within the western region, but throughout the nation

WASHO ROAD TEST

One of the prime incentives for the creation of the interstate committee was the increasingly acute problems related to the construction and maintenance of adequate highway facilities, and the advantages that might be gained by a regional approach to those problems. Shortly after it was founded, the committee recommended the establishment of a test road project in the west to determine the effect of various axle loads on certain designs of flexible pavements under the range of climatic conditions prevalent in the region, and encouraged each of the western states to support and participate in the project

In June 1951, the Western Association of State Highway Officials, many of whose members participated regularly in the meetings of the committee, agreed that the test road project should be undertaken A site was selected in southeastern Idaho, the tests began in November 1952, and were completed in May 1954 The project's cost, which ultimately totaled $890,000, was underwritten by agencies of the federal government, private companies, 10 of the western states, Texas and the then Territory of Alaska The states contributed $486,000 of the cost, plus various kinds of equipment and professional services

During the course of the project, the committee and the participating states were kept fully informed The results of the test provided state highway departments with valuable data for determining roadway and pavement specifications in the construction of highways suited to varying traffic volumes and climatic conditions

UNIFORM VEHICLE REGISTRATION PRORATION AND RECIPROCITY AGREEMENT

Another matter to which the committee early gave its attention was the problem raised by the variety of registration, fuel and third-structure taxes levied by the states on interstate commercial vehicles The

principle of reciprocity, under which a state permits the free movement on its highways of motor vehicles properly registered in another state was applied universally to private passenger automobiles, but in the case of commercial vehicles, difficult problems arose Interstate trucking fleets, particularly in the west, tend to be based in population centers of a few states, although much of the fleet travel may be across other states These "bridge" states felt that the income they derived from a limited number of registrations and from fuel taxes did not compensate them adequately for the use of their highways by out-of-state vehicles

To find a solution for these problems, the committee in 1951 established a Subcommittee on Reciprocity During the next three years, the subcommittee studied various proposals, sought the views of the motor carrier industry, and requested special surveys and studies of the western situation by the Institute of Transportation and Traffic Engineering of the University of California and the California Legislative Counsel The findings of the subcommittee were submitted to a meeting of the full committee at Gearhart, Oregon, in 1954, which agreed on a set of principles that became known as the "Gearhart Statement" It read in part that (1) each state is entitled to collect fuel taxes on fuel consumed within that state; (2) each state which has a mileage tax or a gross receipts tax is entitled to collect that tax from all operations within the state, and that (3) annual taxes or other taxes of the fixed fee type, which are not imposed on a basis which reflects highway use, should be apportioned among the states, within limits of practicability, on the basis of vehicle miles traveled within each of the states

Subsequent meetings of the committee were held with motor vehicle administrators, state tax officials and other interested persons to devise ways of implementing the "proration" proposal suggested in point 3 of the Gearhart Statement Two alternative means for accomplishing proration were worked out by the committee, and in the 1955 legislative sessions, five western states and one state outside the region, Kansas, modified their statutes to permit participation in the plan along with three other western states whose statutes already permitted prorating of fixed fees Through these efforts, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oregon and Washington were able to enter a final agreement before the end of 1955.

After the agreement went into effect, the responsibilities for its operation were assumed by the administrators of the member states, but the committee has received periodic reports on subsequent developments under the agreement It has proved advantageous to both the states and the industry One measure of its success is that the original party states have remained members of the agreement, and its membership has increased to a total of 14 states and one Canadian province Present participants are California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Washington and British Columbia

JOINT AUDIT AND UNIFORM BONDING OF COMMERCIAL MOTOR VEHICLE OPERATORS

A new area for interstate co-operative action was outlined for consideration by the committee at its July 1961 session Assemblyman James C Bailey of Nevada presented a request from the Nevada Legislature that the committee look into the possibilities for joint interstate audit of taxes on multistate commercial motor vehicle operators and for uniform procedures on the bonding required of them by most states Current independent auditing and bonding practices by the states and even by separate agencies within each state impose an unnecessary economic burden on the states as well as on the trucking industry

In response to the Nevada request, a motion was approved that the committee undertake a study of the situation and examine the possibilities for its solution through interstate co-operation Studies have been initiated along these lines, and a report on the preliminary findings was presented in late August 1962 at the committee's Seattle meeting, held in conjunction with the annual Western Conference of the Council of State Governments. Following the report and further discussion, a resolution was adopted by the conference urging the various state legislatures to enact enabling legislation providing for joint, co-operative interstate auditing of commercial motor vehicle taxes It is thus reasonable to assume that the 1963 session of the California Legislature will be asked to consider such legislation

The Seattle conference recommended further study on uniform bonding procedures

MULTIPLICITY OF IDENTIFICATION REQUIREMENTS

Another new problem, also considered at the Seattle meeting, is the multiplicity of identification certificates and other credentials which the various states require commercial vehicles to carry. A special subcommittee was established to draft recommendations for consolidating and simplifying state identification requirements, and reported to the conference on its progress A partial solution to this complex problem was suggested, including such steps as the establishment of a uniform consolidated application covering all internal applications, uniform application submission dates, identical time periods for internal identification devices and uniform enforcement deadlines

The interstate committee felt this suggested plan merited further investigation and, although there were some indications that attempts at correction through 1963 legislative action may be made in some states including California, the Seattle conference adopted a resolution recommending further study of this problem

NOTE Further reports and recommendations on these two subjects were to be presented to a Western Interstate Committee meeting in San Francisco on December 14, 1962

TRAFFIC SAFETY COMPACTS [1]

(a) *Introduction*

For the past two years, the interstate committee has been concentrating a major share of its attention on the development of the Driver License Compact and the Vehicle Equipment Safety Compact Both have been put into final form, endorsed by a number of national organizations of state officials and safety representatives and, in a few instances, enacted into law

As the volume of traffic on the nation's highways increases day by day, the problems of traffic safety grow in magnitude and complexity For many years, governmental officials and other interested groups and individuals have worked to improve state motor vehicle codes to encourage the development of effective programs of regulation and enforcement, to achieve uniformity where such uniformity is desirable, and to strengthen the programs of individual states through co-operation among the states Much progress has been made along these lines, but it is clear that more must be accomplished if the states are to meet fully their responsibilities in this field

With the interstate character of motor vehicle travel increasing constantly, the attention of government officials and the public has been called more and more insistently to the need for strengthening co-operation among the states in regulating the use of the highways It seems highly likely that unless the states find suitable remedies for the problems of traffic safety, the federal government will become more and more deeply involved in this field which traditionally has been primarily a responsibility of the states

Indications of congressional interest and concern are readily apparent In 1958, Congress adopted the Beamer resolution, signed into Public Law 85-684 by the President on August 20, 1958 This statute grants congressional consent in advance to interstate compacts whose purpose is to promote safety on the highways In effect, Congress at that time reaffirmed the principle that primary responsibility for traffic safety rests with the state and suggested the use of compacts as a way of achieving more effective interstate co-operation

In 1960, Congress enacted Public Law 86-660, which established a "Driver License Register" within the Department of Commerce. The register serves as a clearing house for identifying drivers whose licenses have been revoked for driving while intoxicated or a traffic violation resulting in loss of life And in 1961, Congress broadened the federal register law to cover suspensions as well as revocations Congressional interest continues Now pending before Congress are a dozen or more other proposals, among them measures setting standards for motor vehicle safety equipment, establishing a uniform system of motor vehicle registration, and requiring federal approval of state driver license laws

[1] Much of the following material, plus texts of both compacts, suggested enabling acts and explanatory memoranda can be found in the basic source document, *The Driver License Compact and the Vehicle Equipment Safety Compact*, Council of State Governments, 47 pp., January 1962, and in "Interstate Compacts for Traffic Safety," by Elton K McQuery, *State Government* Vol 35, No 2, pp 112-117 The excerpted material is included in this final report to provide a ready reference for California legislators and interested persons

In the past, the states have demonstrated time and again that many interstate problems can be met and solved by interstate co-operation without recourse to federal action Co-operative arrangements among the states take a variety of forms They include innumerable informal consultations and exchanges of information, a multitude of administrative agreements, and a wide variety of uniform laws and reciprocal statutes as well as interstate compacts And these devices for interstate co-operation presently are in use in virtually every area of state activity

The interstate compact is the most formal, binding and stable kind of arrangement for co-operative action by the states A compact must be ratified by state legislative action and is a contract among the signatory states The compact agreement is legally binding, may be enforced in the courts, and remains in force for a ratifying state until the party state formally withdraws Compacts now in effect cover such varied matters as settlement of boundary disputes, allocation of water from interstate streams, conservation of oil and gas, supervision of adult and juvenile parolees and probationers, regulation of water pollution, construction and operation of terminal facilities for air, ground and water transportation, control of forest fires, joint use of higher education and correctional facilities, mutual aid in natural disasters and civil defense, care of the mentally ill, and others Although the compact device is in no sense a panacea, it may, because of its formal, stable nature, assure effective interstate co-operation when less formal, less stable means are ineffective

Efforts to strengthen state traffic safety programs through the use of interstate compacts are relatively recent developments Following the adoption of the Beamer resolution, interest began to jell At its May 1960 meeting in Sacramento, the interstate committee followed recommendations of a special workshop on driver licensing and endorsed in principle the development of highway safety compacts dealing with such problems as the interchange of driver-licensing records, uniform driver licensing standards and procedures, and uniform standards and approval of motor vehicle equipment

The interstate committee, the western regional organization of the American Association of Motor Vehicle Administrators, and the Western Governors' Conference by resolution asked the Council of State Governments in 1960 to co-operate with other interested groups in developing interstate compacts in the field of traffic safety Since then, a number of other regional and national organizations have joined in support of this effort The resolutions asked that immediate attention be focused on two problems first, the need to protect the driving public from the unsafe or poor risk driver who accumulates convictions in a number of states, and second, the need for finding better ways to secure prompt adoption of uniform standards for new or improved safety equipment

Initial drafts were drawn of two compacts One, the Driver License Compact, provided a formal means for interchange of information among the states on traffic violation convictions and license suspensions or revocations The other compact, now entitled the Vehicle Equipment Safety Compact, was directed at reducing the delay in the installation on new vehicles of new or improved safety equipment after its

value and effectiveness have been clearly demonstrated. Both drafts were circulated nationally to state administrative and legislative officials and to representatives of safety organizations Their suggestions led to revision of both compacts, and they were revised further through section-by-section analyses of their content and wording at meetings of the committee with representatives of the western governors The compacts were endorsed in final form by a joint meeting of both groups with legislative and administrative representatives of states outside the western region late in 1961 Four states already have acted on the compacts· Nevada in 1961 ratified an early version of the Driver License Compact and Mississippi adopted it in its revised form in 1962; New York in 1962 became the first state to ratify the Vehicle Equipment Safety Compact and a Louisiana resolution endorses the equipment compact principle, asking that the governor participate in efforts to establish such a compact and recommend appropriate forms to the legislature

The 1961 session of the California Legislature was asked to consider enactment of the Drivers' License Compact in the form of Senate Bill 1089, which passed the Senate but failed to be recommended favorably by the Assembly Standing Committee on Transportation and Commerce It should be noted that some of the objections raised at that time seem to have been met by redrafting the compact The Assembly interim committee has participated in the redrafting sessions, not only to attempt correction of some of the faults contained in the 1961 compact and in the Senate bill, but to acquaint legislators and administrators of other states with the substance of the objections raised to the compact in California in 1961

Since nearly all western states will hold regular legislative sessions in 1963, many of them are expected to consider both compacts at that time Based on discussions at the interstate committee meetings, this interim committee knows a concerted effort will be made in the various legislatures to have them adopt the compacts in 1963, and California with its large number of licensed drivers and motor vehicle registrations certainly will not be excluded from this effort

Because of this expected effort, and because lack of background information was one reason the California Assembly failed to act favorably on the 1961 Senate bill encompassing the driver license compact, this interim committee presents here a detailed analysis of both compacts as finally redrafted and adopted at the December 1961 interstate committee meeting in Las Vegas, a meeting attended by approximately 100 delegates representing 19 states, one territory and the District of Columbia

(b) *The Driver License Compact*

Unsafe or poor risk drivers are a serious threat to traffic safety Many of them culminate a history of negligent driving by causing accidents which result in death or serious injury To cope with the problem, states have established procedures for limiting or withdrawing the driving privileges of persons whose records indicate that they are a menace to themselves and to others. But if all drivers are to be

accorded equal treatment, it is necessary that the driver's entire record —including convictions outside his home state—be considered. At present, a person may have his driving privilege suspended or revoked in another state without his home state being notified Or he may pile up violations in a number of states that would have caused his license to be withdrawn if they all had been committed in a single state. Or, again, a person may have valid licenses from two states at one time and may retain one license even though the other is revoked for a serious violation

Three instances of this kind which resulted in tragic accidents were cited by Congressman John J Rhodes of Arizona, author of last year's federal legislation establishing the Federal Register of revoked licenses He reported an Arizona accident in which a cattle truck passing other traffic crashed head on into a bus, killing 9 persons; the driver had been convicted of at least a half-dozen traffic violations in another state Two months earlier, in New Jersey, an oil truck rammed into the rear of a bus, killing 12 and injuring 19. The truck driver had a record of 8 moving violations in 3 states In another New Jersey accident, a truck collided head on with a passenger car killing 10 persons The truck driver was operating under a Pennsylvania license after having been denied a New Jersey license because of an earlier head-on collision while passing traffic

The Federal Register is at best a partial remedy but it covers only about 25 percent of all revocations, in those resulting from drunk driving convictions and involvement in fatal accidents And it does not deal at all with the driver who commits lesser offenses in several states, which taken all together would be grounds for suspension or revocation Moreover, since participation by the states is voluntary, there may be serious gaps in the listings Many state officials fear that Congress, aware of these weaknesses, will broaden and modify the present act, and that this in turn may lead to eventual federal preemption of motor vehicle regulation and enforcement

Similarly, administrative agreements among small groups of states have not proved to be a fully satisfactory solution A number of such agreements presently are in effect in the West, as well as in other regions Where they exist, they provide a measure of interstate cooperation and represent a desirable step in the right direction These arrangements vary widely, however, and their effectiveness may be limited significantly by differences in authorizing statutes and administrative policy They lack the stability and uniform applicability which an interstate compact affords The purpose of the proposed Driver License Compact is to set up stable, uniform interstate procedures to correct this situation

The proposed Driver License Compact does not create an interstate agency, nor does it establish any new state office Its provisions are consistent with parallel provisions of the Uniform Vehicle Code, which has been developed over the past 35 years by the National Committee on Uniform Traffic Laws and Ordinances as a guide for state legislatures in dealing with motor vehicle and related matters Basically, the compact provides that a driver's *entire* record will be known to his home state.

Four specific offenses are generally considered the most serious of all motor vehicle offenses: (1) manslaughter or negligent homicide; (2) driving while under the influence of liquor or drugs; (3) a felony in which a motor vehicle is used; and (4) hit-run driving resulting in injury or death. Conviction for these offenses results in mandatory revocation of license in virtually all states, and the compact provides that the conduct leading to an out-of-state conviction of any of these four offenses will be treated as though the conduct had occurred in the driver's home state.[2] For other out-of-state convictions, the home state may give effect to the conduct or not as its laws provide.[3]

The compact further defines "conviction" to exclude such minor offenses as parking tickets by providing that only convictions or constructive admissions of guilt which local officials must report to their central state licensing agency are to be transmitted to the driver's home state.[4] Further compact language requires that the conviction "report shall clearly identify the violator, describe the violation specifying the section of the statute, code or ordinance violated . . . and shall include any special findings" made in connection with the violation and conviction.[5]

The use of the word "conduct" also should be emphasized. The compact does not require the home state to follow another state's laws; there is no relinquishment of authority by one party state to another. The conduct on which an out-of-state conviction is based is treated as if it had occurred in the home state. Under the home state's laws, the conduct may constitute a less serious offense, a more serious offense, or no offense at all. In any event, only the laws of the home state apply for purposes of suspension, revocation, or limitation of the driver's license. Under the compact, all drivers licensed by a state are accorded equal treatment under that state's laws regardless of where their violations may occur.

In addition to the provisions outlined above, the compact incorporates the "one license" principle to the issuance of new licenses to applicants from another party state. This is aimed at eradicating among party states the abuse of licensure produced when an individual obtains two or more driver's licenses so he might continue to drive on one or more of them, even after one has been revoked or suspended for good cause. In other words, a person who holds a valid license in one party state must turn it in when he applies for a license in another party state.[6] This provision does not apply to new applicants who hold licenses from nonmember states only. The compact also sets up safeguards against the issuance of a license to an applicant whose driving privilege has been withdrawn in another party state until the period of suspension or revocation has terminated, or until one year after the date of revocation.[7]

One potential problem related to the "one-license" concept should be noted if the California Legislature is asked to consider this com-

[2] *The Driver License Compact and the Vehicle Equipment Safety Compact*, Council of State Governments, January 1962, p. 19, Article IV(a)
[3] *Ibid.*, p. 20, Article IV(b)
[4] *Ibid.*, p. 18, Article II(b)
[5] *Ibid.*, pp. 18-19, Article III
[6] *Ibid.*, p. 21, Article V(3).
[7] *Loc. cit.*, Article V(2)

pact in 1963 and acts favorably on the measure, especially since our border state of Nevada has already ratified the compact A person may reside in California and be gainfully employed in Nevada, or vice versa, and if California becomes a compact party state, that person may not hold licenses from both states at the same time Since California and Nevada requires residents *and* gainfully employed persons to be licensed, such statutes would have to be amended to avoid conflicts with this provision of the compact The latest version of the compact contains these amendments

(c) *Vehicle Equipment Safety Compact*

The second subject upon which the interstate committee has concentrated a major share of its attention for the past two years is the development of a Vehicle Equipment Safety Compact It has now been put into final form, endorsed by a number of national organizations of state officials and safety representatives and has been ratified by New York

Under present procedures, substantial delays may occur between the time when new or improved safety equipment is developed and its effectiveness clearly established, and the time when it may be put into actual use Three examples involving automobile lighting will illustrate the problem Over the two decades following the introduction of sealed beam headlamps, substantial changes occurred in the nation's driving habits In heavily populated areas, the use of the upper beam became increasingly restricted, and it was apparent that improved sight distance was needed on the lower beam To meet the need, an improved sealed beam headlamp was developed in 1953 It was found that the laws of 30 states had to be changed before the improved headlamps could be installed and used legally In all, four years (1953-1956 inclusive) were required to secure the necessary amendments so that the better, safer headlamps could be used

The introduction of dual headlights offers a second example Prior to 1956, lighting research established the fact that dual headlights produced a beam pattern with superior distribution of light intensity Statutes of 28 states barred the use of dual headlamps Two years were required to secure the necessary statutory changes, and another year of "lead time" was needed for the automobile manufacturers to make the necessary design changes This resulted in a total delay of three years

The third example involves turn signals and parking lights Extensive research and testing revealed that amber colored turn signals are more visible than white or colorless signals in both sunlight and darkness All manufacturers combine the front turn signal with the parking light, and laws of 25 states specified white parking lights Three years (1959-1961 inclusive) were required to secure the changes in law, and the need for "lead time" for design changes added to the delay.

Automobiles are mass produced, and for the most part, safety equipment is standardized and built in during manufacture. After the automobile is purchased, the owner expects to be able to operate his vehicle legally in any state In effect, then, the states which are slowest to act

set the pace at which new or improved safety equipment may be put into actual use And with traffic density constantly growing, the importance of achieving uniformity of standards and of reducing the time lag becomes increasingly critical

As indicated previously, measures now pending before Congress propose to meet this problem by federal action And here again, many state officials are seriously concerned The Vehicle Equipment Safety Compact offers an interstate solution to a problem which has important interstate aspects · A solution which retains for the states the authority and responsibility they presently hold. In its present form, the compact would set up interstate machinery for the joint formulation of uniform equipment standards and would provide alternative methods for their adoption by the party states As in the case of the driver license proposal, work on the equipment compact began in the spring of 1960 and has proceeded under the same auspices However, it presented a more difficult drafting problem, and consequently, has progressed more slowly.

The compact does not in itself contain standards for safety equipment Rather, it sets up the procedures and machinery for interstate co-operation in the formulation of such standards The compact would establish an interstate agency, the "Vehicle Equipment Safety Commission," consisting of one member designated by each party state The commission would be empowered to recommend "rules, regulations, or codes embodying performance requirements or restrictions"[8] for items of motor vehicle equipment.

The compact outlines the steps for the commission to follow in developing its recommendations First, it would study the need for establishing or changing performance requirements for an item of safety equipment The study must take into account research and test data available from any source For this purpose, the commission may "collect, correlate, analyze and evaluate"[9] research and tests carried on by other agencies, public and private This point was argued at length at two of the drafting meetings with the result that authority for the commission to conduct research on its own was eliminated, except for "library-type" research As finally approved, Article IV(c) authorizes the commission to contract for research and testing, but only upon request by a state or governmental agency and then only if the requestor provides the necessary funds The commission may not accept private funds for any purpose[10]

Following its study of need, the commission must publish a report and hold public hearings After the hearings, "and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations, or codes embodying performance requirements or restrictions,"[11] on

[8] *Ibid*, p 35, Article I(a)(2)
[9] *Ibid*, p 40, Article IV(a)
[10] The regular operating funds for the commission would come entirely from appropriations by the party states with the budget prepared "apportioned among the party states as follows one-third in equal shares, and the remainder in proportion to the number of motor vehicles registered in each party state" (Article VI(b))
[11] *The Driver License Compact and the Vehicle Equipment Safety Compact*, Council of State Governments, January, 1962; p 41, Article V(b)

any equipment items covered in its report Party states are obligated to consider such rules, regulations or codes *but are not obligated to* accept them.

However, since the major purpose of the compact is to establish machinery to encourage the prompt adoption of uniform standards, it provides alternative methods of adoption aimed at achieving one or both of the dual goals of uniformity and speedy acceptance One alternative method requires affirmative legislative action, and the other administrative action If a party state chooses the second alternative, its motor vehicle agency must adopt the rule, regulation or code within six months The administrative agency may decline to adopt but only after public hearing, a specific finding that a variation from the commission's recommendation "is necessary to the public safety," and a recital of the reasons on which the finding is based [12]

In either case, the compact should result in a much higher degree of uniformity in safety equipment standards All party states would participate through their officially designated commission members in the development of the rules, regulations or codes. Differences could be ironed out in the process, and hopefully the end result would reflect the best judgment of the official representatives of all participating states based on an analysis of available research and test data and a familiarity with the recommendations of qualified professional and technical groups

Similarly, the compact should result in speedier adoptions. If a state authorized adoption by the motor vehicle agency, action would be taken within six months after the commission recommendation is received. If a state chooses to require approval by the legislature of each commission recommendation, action may take somewhat longer But even here, the fact that the rule, regulation or code was developed by a legally established interstate agency in which that state participates as an active member may lead to speedier action by the legislature than otherwise might be the case

Unlike the Driver License Compact, the Vehicle Equipment Safety Compact does establish an official interstate agency and gives it certain duties and responsibilities. An official body of this sort appears to be a necessary part of the machinery required to achieve the purposes of the compact. An unofficial organization or association seeking to accomplish the same purposes would face a number of serious obstacles. Chief among these would be the difficulty of securing operating funds Constitutional provisions of some states probably would prohibit the appropriation of state funds to an unofficial group And if it secured funds from private sources, doubt might be cast on the objectivity of its work and the unbiased nature of its recommendations Moreover, an unofficial body might lack stability and continuity; and an important asset of an interstate agency in this field would be its accumulated knowledge and experience. Finally, although ratification of the compact would not carry with it an obligation for a party state to accept the recommendations of the interstate agency, a party state officially affirms its intention to co-operate with other party states to the end that the compact's twin goals—the development of uniform

[12] *Ibid*, p 43, Article V(g).

standards and their prompt adoption—may be achieved This "predisposition to co-operate" might be lacking if the machinery of co-operation were less formal, less stable and less binding

(d) *Conclusion*

The development of these two traffic safety compacts represents a new application of an old device for interstate co-operation In many other fields, compacts seem to have proven their worth They offer a means by which states may supplement and strengthen their individual efforts through joint action

(2) STIMULATION OF STATE ACTION

In addition to initiating regional programs of continuing interstate co-operation, the Interstate Committee has served to point out critical areas of need in highway and motor vehicle matters and to stimulate action for solving them in each of the western states At times, the committee's role in this regard has been to agree on common standards and to urge the states to work toward them At other times, the committee has pointed up problems common to each of the western states and explored means and suggested ways for their solution by the states working individually

Highway Finance

One of the first proposals of the committee was that the western states jointly undertake a long-range program of technical studies to supply the facts about highway use, benefits, engineering criteria, cost assignment and other pertinent subjects A subcommittee on research was appointed to guide the program, and the University of California's Institute of Transportation and Traffic Engineering was requested to make a report on needed areas of research and the means for undertaking it

On October 23, 1950, the committee received a report from the subcommittee on *Regional Research Activities*, which contained as an appendix a report from ITTE on "Studies Relating to Highway Finance Problems" In addition to making recommendations regarding the establishment of a test road, the subcommittee called for the initiation of specified studies by the western states and the establishment of a regional staff to help them in planning the collection of data, to co-ordinate regional and national activities and to undertake, or contract for, studies on the allocation of highway costs among user and nonuser beneficiaries from highway construction and among various classes of motor vehicles The states, the subcommittee suggested, were better fitted to make studies on highway needs, use, finances, pavement design, overloading and accidents

After the decision was made in 1951 to initiate the WASHO road tests, the subcommittee turned its attention to implementing its suggestion for state and regional studies In early 1952, ITTE drew up a brief memorandum on the need for, and uses of, highway transportation cost information Much more detailed suggestions on research activities relating to highway finance problems were contained in a

report on *Highway Transportation Economics* by ITTE that was transmitted to the subcommittee at the same time A few months later, the institute made definitive "Suggestions on Research Activities for 1952-53 "

The latter report was approved by the committee, which accepted the offer by the institute to make, and the State of California to finance, an inventory and appraisal of existing information and methods of data collection in the western states The committee requested the western highway departments to co-operate in furnishing data to the institute on the lines suggested, and a number of states complied But even with supplemental field work by the institute, it found that the data that could be compiled under each of the categories in which information was sought varied widely from state to state ITTE finally concluded that this approach would not produce results that could be justified in terms of time and cost

A more fruitful course, the institute suggested, would be to concentrate attention on the nature, accomplishments and shortcomings of highway finance studies completed by the states in the postwar period Accordingly, in November 1953, the institute submitted to the Subcommittee on Research a "Preliminary Appraisal of State Finance Studies "

Passage of the Federal-aid Highway Act of 1956 redirected the concern of the states and the committee with the general problem of highway finances to the more immediate and pressing problem of meeting the additional costs of the accelerated interstate system construction provided by the act The whole host of problems examined by the committee in connection with the interstate highway system are noted under that title in a later section of this report

Allocation of Highway Costs

One of the basic features of highway financing to which the committee gave considerable attention was the fair allocation of highway costs among various types of vehicles and among users generally and other segments of society receiving direct and indirect benefits from the improvement and location of highways, regardless of the use made of them by these groups In addition to ITTE's analyses of this problem, a number of the western states implemented committee recommendations that highway cost allocation studies be undertaken by the individual legislative interim highway committees Between 1953 and 1955, the committee heard reports from a number of states on their approach to the highway cost allocation problem and on their findings.

Several of the states have reorganized their highway tax programs as a result of these studies, but this type of study, as with the general problem of highway financing, was redirected by passage of the 1956 Federal-aid Highway Act Among its provisions was authorization for an overall study and investigation of the whole problem of highway cost allocation among nonusers as well as users Much of the essential data for the study has been supplied by the states at the request of the Bureau of Public Roads

Progress reports on this study have been issued annually by the Secretary of Commerce, and some of the findings and implications of

the study have been called to the attention of the committee periodically. A partial final report was published in 1961, but a key section on the allocation of tax support among various types and weights of vehicles awaits completion of analysis of the results of the AASHO road test

Vehicle Dimensions and Weights

The problem of maximum sizes and weights of vehicles has been of concern to the committee as a part of, and apart from, the whole subject of highway financing Axle spacings, dimensions and weights of vehicles have a direct effect on the costs of highway, bridge and tunnel construction and maintenance But aside from the cost allocation factor, the weights and dimensions of vehicles are of importance to the states in establishing uniform maximum limits so that interstate movement of commercial vehicles will not be impeded

In general, the western states have adhered to the maximum dimensions and weights adopted by the American Association of State Highway Officials in 1946 Committee study and recommendations on this subject contributed to the general hold-the-line policy followed by the western states in the early 1950's Conformity was reinforced further by passage of the Federal-aid Highway Act of 1956, which applied the 1946 AASHO weight and dimension limitations to vehicles using the interstate system, thereby encouraging similar limitations on state highways

But in adopting the AASHO criteria, the act also provided for expediting construction of the test road long sought by AASHO to analyze the effects of vehicle weights and dimensions on various kinds of pavement as a means not only for assessing the allocation of highway costs among different types of users, but also for establishing new criteria on maximum weights and sizes Some of the initial findings of this test and their implications for the western states were presented to the committee at its 1962 Seattle meeting Following discussion of the report, conference members approved a resolution endorsing the recommendation of the Western Association of State Highway Officials and other organizations that the federal government retire immediately from the field of regulation of motor vehicle sizes and weights, and that Congress restore to the individual states the authority in this field The conference also suggested that the states re-examine their size and weight policies.

Uniform Laws

Another continuing interest of the committee has been in encouraging the states toward greater uniformity in their traffic laws. One of the first decisions of the committee was to develop an action program for the 1951 legislative sessions with the intent of achieving greater uniformity among the western states in designated key areas of their traffic codes Results of the program were reviewed following the 1951 and 1952 sessions. As a result of the latter review, the committee slightly

modified 9 of the original 10 recommendations and urged that they be given further consideration at the 1953 sessions of the western state legislatures.

In addition to the traffic code changes, the committee also approved a generalized seven-point program late in 1952 The first four points called on each of the western states to (1) adopt the Uniform Vehicle Code with as few deviations as possible, (2) bring local ordinances into conformity with state laws, (3) develop a model traffic ordinance in as close conformity as possible with the Model Traffic Ordinance approved by the National Committee on Uniform State Laws; and (4) authorize adoption of the Model Traffic Ordinance by reference.

When the committee intensified its effort to obtain uniform traffic laws in 1956, a Subcommittee on Legislative Problems of Highway Operations was appointed to work on the problem The first action of the subcommittee was to determine that the Uniform Vehicle Code should serve as a basic reference, and that the immediate need was to concentrate on Chapter 11, "Rules of the Road," particularly Articles 3 to 6 At the request of the subcommittee, the California Legislative Counsel's Office prepared a "Working Draft of Selected Uniform Traffic Laws for the Western States " It compared the provisions of the Uniform Code with the laws of the western states in each of the designated areas At subsequent subcommittee meetings, the working draft was used as a guide for state-by-state review of pertinent statutes and in the development of Selected Uniform Traffic Laws for the Western States, published by the Western Office of the Council of State Governments and submitted to the western state legislatures for their consideration in January, 1957

In the initial stages of considering the need and possibilities for interstate compacts in the traffic safety field, the committee again took note of the need for uniform laws in critical areas of driver and traffic regulation. The special workshop in April, 1960, where consideration of traffic safety compacts was initiated, also enumerated specific areas in which the western states should be in conformity with the Uniform Vehicle Code. Further, the workshop recommended, and the committee at its meeting the following month adopted the following set of principles representing the intent of the committee with regard to the regulation of motor vehicles and their operators· (1) The responsibility and authority for the safety and control of motor vehicle operations on the highways rest primarily with the states (2) The movement of highway traffic should not be impeded by interstate barriers, either physical barriers or barriers growing out of conflicting rules of administration (3) Each of the states in the application of equitable treatment to all operators of motor vehicles, regardless of state of origin or current residence, needs to have available essential and pertinent information on the record of all persons operating motor vehicles within the state (4) For the accomplishment of the responsibility and procedure involved, uniformity of rules and regulations is needed to the greatest extent that is practicable

Training of Motor Vehicle Personnel

Another project initiated by the Subcommittee on Legislative Problems of Highway Operations was directed at the improvement of motor vehicle administrative personnel A special group was established by the subcommittee in late 1956 to study the situation and make recommendations to the subcommittee on needed action

In mid-1957, the special Subcommittee on Training of Motor Vehicle Personnel reported to the interstate committee, and its report concluded that effective recommendations could not be offered concerning the training problem without review and appraisal in more detail than then was available of the status of motor vehicle administration in the western states

Long-range Study of Highway Functions

The subcommittee's findings led the full committee at its mid-1958 meeting to explore not only the need for more information on motor vehicle administration, but also for a comprehensive, overall study by each state of every function relating to the regulation of motor vehicles and their use Three speakers from the Automotive Safety Foundation described the main features of a program for a thorough re-evaluation of the laws and administrative functions governing the operation of motor vehicles in each state and for formulating a long-range improvement program to bring the regulation of highway use abreast of advances made in highway engineering and construction

Discussion of the need for state action in this area resulted in the committee's adoption of a resolution calling the problem to the attention of the western states and urging the legislatures to examine the situation in their respective states with a view to undertaking corrective measures Further consideration of the need for this approach was given by the committee at its joint meeting with the Midwestern Committee on Highways and Highway Safety Problems in September, 1959. Emphasis at these sessions was directed toward the tools and assistance available to the states in assessing and improving regulation of motor vehicle operation; the experience of two states, one of them California, in undertaking this kind of study; the role of the legislature in effecting safer and more efficient use of the highways; and the impending crisis facing the states with the rising volume of traffic in the next 10 to 20 years if remedial action is delayed

The first phase of this factual study of ownership, operation and use of motor vehicles has been completed in California and appears in published form as Vol 3, No 7 of the Assembly Interim Committee's 1959-61 report series The second stage—a detailed analysis of each activity covered in the initial fact gathering—is now underway in California through a grant of funds from the United States Bureau of Public Roads This so-called "HR 381 Study" was conceived and implemented by Assemblyman (now Senator) Lee Backstrand, who served as chairman of the Assembly interim committee prior to the 1961 session.

Nonresident Vehicle License Plates

The attention of the committee at its November 1955 meeting was called to the wide disparity among the western states in their requirements for relicensing of vehicles belonging to nonresidents It was pointed out that California and Nevada with six other states outside the West gave full recognition to out-of-state licenses until their date of expiration in the state where issued All other western states recognized nonresident license plates for tourist purposes, but most states placed limits on the time a nonresident could retain his tourist status and, with few exceptions, required purchase of an in-state license if the nonresident accepted employment within the state

The wide range of nonresident vehicle licensing requirements was delineated more fully by a questionnaire, authorized by the committee and sent to licensing officials of the western states After considering a report based on the questionnaire, the committee at its June 1956 meeting appointed a special subcommittee to consider the matter further. The subcommittee reported to the committee's next meeting in September 1956, recommending that all the western states adopt the California and Nevada plan permitting the use on private passenger cars of out-of-state plates until the date of expiration in the issuing state In 1957, Oregon revised its vehicle registration requirements along the lines suggested by the subcommittee, and in 1960 the Committee on Suggested State Legislation of the Council of State Governments took note of the western highway group's action and recommended that all states consider making similar changes in their laws relating to vehicle licensing

Interstate Reporting of Financial Responsibility Accidents

Another area in which the interstate committee has been instrumental in stimulating state action is in the interstate reporting of accidents in which the financial responsibility of persons involved is a matter for concern At the committee's September 1952 meeting, attention was called to the lack of two-way reciprocity in reporting accidents involving financial responsibility in all but three of the western states The committee adopted a resolution urging the nonreciprocating states to adopt provisions in their financial responsibility laws permitting the motor vehicle administrator to transmit reports of such accidents involving nonresidents to their home states and authorizing the home state to take appropriate action

The subject of interstate co-operation in the enforcement of motor vehicle financial responsibility laws was taken up by the Board of Managers of the Council of State Governments at its 1955 meeting Through the board's initiative, the problem was explored extensively by the American Association of Motor Vehicle Administrators, the National Committee on Uniform Traffic Laws and Ordinances, and the National Committee on Suggested State Legislation All agreed that interstate comity would be served best by each state's enactment of

Section 7-213 of the Uniform Vehicle Code The states were urged to enact legislation to this end, and the AAMVA was requested to draft a suggested uniform certificate of suspension notice and other forms deemed desirable in promoting reciprocity. By 1960, the western regional meeting of AAMVA could report that all but two of the western states had a reciprocity provision identical or comparable to Section 7-213 of the Uniform Vehicle Code.

(3) CONTINUING PROBLEMS

In addition to exploring areas of need and stimulating action by the states in the highway and motor vehicle field where the remedy depends on co-operative or uniform state action, the interstate committee has served as a medium for exchange of information among the states and between them and the federal government on highway and motor vehicle problems One of the important contributions of the committee in this latter respect has been in regard to the numerous problems stemming from the acceleration of highway construction under the Federal-aid Highway Act of 1956, its amendment in 1958, and subsequent developments since then

Interstate Highway System

Even before Congress passed the act accelerating the construction of the interstate highway system, the committee was anticipating and forewarning the states of the problems that might arise for them if the highway bills then before Congress were passed A special meeting was called to consider these problems in May 1955, and they were explored further at the committee's regular meeting the following July and at nearly all committee meetings since

Initially, the committee was most concerned with the immediate problems of states financing their share of the interstate highway costs, expanding highway departments and developing timesaving survey and construction methods to meet the extra burden of the interstate system while maintaining pace with the building of state highways.

By 1957, the committee's attention was turning to new problems and uncertainties concerning the interstate program The social and economic effects of controlled access on the new system and of the realignment of existing highways to bypass towns along their route were early subjects of concern. At later meetings, the implications of state reimbursement for the relocation of utility facilities and the control of billboards along the interstate system were explored In addition, since the inception of the accelerated interstate construction program, reports have been received by the committee at frequent intervals from the Bureau of Public Roads on progress being made under the interstate program and on changes in federal financing of the highway fund and in allocations to the states

Questionable Practices in Commercial Motor Vehicle Operations

One of the more recent concerns of the interstate committee has been the questionable practices developing in commercial trucking that threaten the orderly operation of the common carrier industry in the public interest At the committee's November 1957 and November 1958 meetings, attention was called to questionable leasing practices that enable uncertificated carriers to operate virtually as common carriers but without the regulation and service requirements to which the latter are subject Legislative and legal remedies were possible, the 1958 session concluded, but to be successful they would have to be preceded by an education program to acquaint state officials and the public with the magnitude of questionable leasing practices and their adverse effect on the public interest in the maintenance of a healthy common carrier industry These and other questionable practices that are undermining the common carrier industry were discussed further at the committee's August 1962 meeting in Seattle

C. CONCLUSION

The Assembly Interim Committee feels that the interstate committee has performed a valuable service for the western region in providing a ready means of communication among the states and between state legislative and administrative officials, and that the interstate committee has demonstrated its ability to initiate concrete programs through which the states by joint action can supplement and strengthen their individual efforts With the interstate aspects of highway problems becoming more and more significant, and with the apparent growth of Congressional interest in these matters, the need for the states to exercise leadership in finding solutions to emerging interstate problems is increasingly critical.

The interim committee appreciates the opportunity to work with the interstate committee in recent years, and is happy to present the foregoing summary of the committee's record of achievement, a record that places the interstate committee in the forefront of groups to which the western region and the nation may look for guidance in meeting the challenge of interstate co-operation in the highway field.

PART III

STUDY REPORTS PRESENTED TO THE ASSEMBLY INTERIM COMMITTEE ON TRANSPORTATION AND COMMERCE

A. HIGHWAY USERS TAX REVENUE

Although the subject of taxes on California motorists and a possible change in current formulae for the disposition of highway users tax revenues have been considered and approved by the California Assembly frequently in past sessions, the northern-dominated State Senate has refused passage of such legislation altering the disposition of state highway funds between Northern and Southern California county groups. On the basis of this consistent refusal and in order to gather substantive facts and figures, action was taken by the Assembly during the 1962 First Extraordinary Session to assemble, summarize and review facts and figures pertaining to current fund distributions

Pursuant to House Resolution No. 78, introduced by Assemblyman, now Senator, Rees, the Legislative Analyst was directed to furnish a tabulation indicating apportionments for various facets of highway construction and the Department of Public Works was directed to furnish an estimate of highway deficiencies in the two county groups which would exist if the expressways similar to those recommended by the Metropolitan Transportation Engineering Board of Southern California had been included in the California Freeway and Expressway System.

The Department of Public Works report does not cover any additions to the state highway system in any other part of the State, and is as follows:

	Miles	*Cost*
Los Angeles County	366 3	$395,517,000
Orange County	25.1	8,032,000
Ventura County	110 0	152,350,000
	501.4	$555,899,000

	North (1,000)	*South (1,000)*	*Percent North*	*Percent South*
State highway deficiencies pursuant to California freeway and expressway system	$5,058,410	$6,444,767	43 97	56 03
Additional deficiencies due to MTEB expressways	0	55,899		
Total deficiencies	$5,058,410	$7,000,666	41.95	58.05

The Legislative Analyst's report is significant for its detailed discussion of distribution of highway user tax revenues and apportionments or expenditures to California counties for the past five years. The committee expresses its appreciation to Legislative Analyst Alan Post and his staff for compiling this report, and urges its serious consideration by the California Legislature when next confronted with a proposed change in current formulae.

(1) DISTRIBUTION OF HIGHWAY USER TAX REVENUES AND APPORTIONMENTS TO OR EXPENDITURES WITHIN CALIFORNIA COUNTIES

Prepared by
Office of the Legislative Analyst

July 30, 1962

House Resolution No. 78 of the 1962 First Extraordinary Session directed the Legislative Analyst to prepare and submit not later than August 1, 1962

> "... a tabulation showing his best estimate, for the past five years, of the receipts from and apportionments to or expenditures within each county, including therein those totals to cities in a county, by the State, exclusive of federal funds; and be it further
>
> *Resolved,* That said tabulation shall include amounts for construction and rights-of-way, amounts paid to the controller and others for administration, toll bridge maintenance, grade separations, grade crossing protection facilities, maintenance and miscellaneous 'off-the-top' payments, through each related fund, with special attention directed to amounts collected for state highways pursuant to Section 7351 of the Revenue and Taxation Code; and that a summary be drawn indicating the proportionate shares of the total receipts and expenditures related to county groups Nos. 1 and 2: ..."

Highway User Tax Sources and Related Funds

Highway user taxes levied by California are as follows:

1. Motor vehicle fuel license (gasoline) tax
2. Motor vehicle registration (and other) fees
3. Use fuel (diesel) excise tax.
4. Motor vehicle transportation (truck) tax

These taxes and fees are placed in and distributed from the following funds

1. Motor Vehicle Fuel Fund.
2. Motor Vehicle Transportation Tax Fund
3. Motor Vehicle Fund
4. Highway Users Tax Fund.
5. State Highway Fund.

The State Highway Fund is the ultimate repository for balances in the first four funds after necessary refunds and appropriations for state administrative costs and certain apportionments to counties for use on county roads (see Appendix I for definitions of the various kinds of federal, state and local roadways) have been taken care of. From this latter fund disbursements are made in accordance with the so-called Breed and Mayo formulas which determine the amounts to be expended for construction, reconstruction, and acquisition of rights-of-way for state highway purposes

Breed Formula

Chapter 794, Statutes of 1927, was authored by Senator Arthur H. Breed and provided for a separation of the State into northern and southern groups of counties as a basis for the distribution of state moneys for highway purposes.

The southern group (Group No. 2) consists of Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura.

The northern group (Group No. 1) consists of the remaining counties.

The statute also provided for a system of primary and a system of secondary state highways and for apportionment of funds to each system within each county group. Funds for the primary system were to be apportioned between each group on the basis of mileage while those for the secondary system were to be apportioned on a 50-50 basis. This arrangement continued in effect until 1947 and, as a practical matter, resulted in an overall distribution of funds between the two county groups on an approximately equal basis.

The present 45-55 split is still commonly referred to as the "Breed Formula" although the original author was no longer in the Legislature when these percentages were fixed in law

The so-called Collier-Burns Act (Chapter 11, Statutes of 1947, First Extraordinary Session) abolished the distinction between primary and secondary state highways and changed the formula to 55 south and 45 north, as presently provided for in Section 188 of the Streets and Highways Code.

Mayo Formula

In 1947 the so-called Mayo formula (Senator Jesse M. Mayo, author) was adopted as part of the Collier-Burns Act. Its purpose was to assure that there would be expended within each county a specified portion of the state distributed highway monies during specified periods of time.

This complex formula, as it currently applies, is contained in Section 188 4 of the Streets and Highways Code wherein the portion of state moneys to be expended within each county during each period of years is set forth as a percentage of a portion of the total to be allocated the northern and southern county groups under the Breed formula.

Federal Funds

In addition to those taxes levied against highway users by the State of California, certain federal moneys are made available to the State for use in the construction of highways under various federal programs, the principal one of which is the construction of interstate highways.

These moneys are allocated on a formula basis for expenditure on so-called "federal-aid primary" and "federal-aid secondary" road systems and on the basis of approved plans for specific federal interstate highway projects. The latter amounts are actually paid to the State only upon completion of the approved projects.

Section 825, Streets and Highways Code, which was enacted in its present form in 1937, provides:

> "The total of the funds available from the Federal Government and the State for construction or improvement of state highways by the State shall be apportioned between the two county groups in accordance with the provisions of Section 188 Where more projects are available which are eligible for expenditure of federal funds in one county group than in the other, state funds shall be allocated to the county group receiving the lesser expenditure of federal funds to so balance such total expenditures."

From the above it is readily apparent that federal funds are, in effect, considered a revenue to the State which is to be incorporated into the total of other highway user taxes and that expenditures or allocations from this total are to be made on the same proportionate basis as if no federal moneys were available.

Limitations of Data

Data sources for this study were the following·

1. Revenues
   - A. State Budget document
   - B Department of Motor Vehicles—Vehicle registration fees by type of vehicle
2. Expenditures or Allocations
   - A. State Budget as to administrative costs
   - B. Division of Highways as to all expenditure data on county basis (Annual Report and supporting data)
   - C. Public Utilities Commission for grade crossing protection works costs

Initial examination of available data indicated that all of the specific requirements of H R. 78 could not be met, and it was apparent that certain refinements and exceptions would have to be made in order to arrive at what appeared to be the primary requirement of the Resolution· The relationship of revenues and expenditures as between the northern and southern groups of counties

These refinements and exceptions are identified and discussed hereafter.

1. *Motor Vehicle License Fee (in lieu tax).* The in lieu tax is collected by the State on the basis of vehicle value and is distributed, after administrative and certain other expenses, to cities and counties (50-50) in proportion to population therein. Cities are required to use this money for "law enforcement, the regulation and control and fire protection of highway traffic, and any other state purposes." Counties are not bound by any state requirement and may, therefore, use this apportionment for any county purpose.

Because this money is not required to be used for highway purposes and is really a substitute for a local property tax, it has been excluded from all data relative to H.R. 78.

2. *Receipts by Counties.* The resolution requires an "estimate" of receipts collected from motor vehicle users within each county. No actual data of collections on a county-by-county basis exists. The Western Oil and Gas Association was asked if it could provide data of motor vehicle fuel sales on a county-by-county basis by its members. It responded in the negative.

It was determined that the Division of Highways had made estimates of vehicle miles traveled on a county-by-county basis for the year 1960 on local streets and roads as well as on state highways. However, such an estimate, including travel on local streets and roads which amounts to more than half of the total road miles in the State, was available for only one year.

Therefore, it was concluded that the only appropriate basis for estimating the motor vehicle fuel sales or consumption as well as the collections of the other highway users taxes on a county-by-county basis, was vehicle registrations which, in turn, would be related to total highway users taxes collected

3. *Expenditures and Allocations.* The resolution directs that the county-by-county tabulation of receipts and apportionments be prepared "exclusive of federal funds." It is not feasible to do this First, the detail of federal moneys allocated to specific projects is not compiled on any county-by-county basis. The only way it could be obtained would be for Division of Highway personnel to work back through all projects and to segregate out federal portions. We are advised that this would be a massive task on a five-year basis.

Secondly, if federal funds were to be separated out as suggested above, remaining amounts for each county, which would be state funds, would be meaningless because, should federal participation be completely stopped so that only state funds remained, the distribution of state funds would not be made in the same amounts to the same counties as is now the case when federal funds are available Section 825 of the Streets and Highways Code already quoted is explanatory of this.

For these reasons federal moneys have not been excluded from our tabulations of expenditures and allocations but, rather, have been added as a source of income on the revenue side in order to present a complete, comparative picture of receipts vs. expenditures on a county-by-county basis.

4. *Administration Costs.* The resolution requires that the county-by-county tabulation of costs include those paid to the Controller and others for administration This has not been done for several reasons First, the actual administrative costs incurred in each county are not readily available Second, a substantial portion of the total administrative costs is for headquarters activities of one kind or another in the Sacramento area and in no way relates to the amount of highway work actually being done in individual counties Most of the administrative expenditures are incurred by the Controller, the Division of Highways, the Department of Motor Vehicles, the Highway Patrol, and the State Board of Equalization, and any distribution would necessarily have to be on some arbitrary basis unrelated to actual services performed.

Therefore, we have lumped the total of administrative costs with other "off-the-top" costs which are neither apportionments to nor expenditures within counties As such they do not enter into the comparative data on a county-by-county basis.

5 *Nature of Construction Figures* One of the problems of comparative data in highway construction is that projects frequently run for several years, and the cost figures for any particular year are subject to revision in each succeeding year until the project is completed and all bills are in As a result, expenditures in our report, which were obtained from the Division of Highways in 1962, may differ from those shown in previous printed budgets for specific years.

On the other hand, administrative costs and revenue amounts are known with considerable accuracy shortly after completion of any given year and are, therefore, less subject to subsequent change

EXPLANATION OF TABLES

Table 1 is a consolidated summary, with certain exclusions, of the fund statements appearing in the printed budget for the following funds·

Motor Vehicle Fuel Fund
Motor Vehicle Transportation Tax Fund
Motor Vehicle Fund
Highway Users Tax Fund
State Highway Fund.

The exclusions consist of interfund transfers and certain transactions of the State Highway Fund relating entirely to receipt and disposition of federal grants and other contributions for county roads, which do not affect the receipt or distribution of monies for state highway purposes.

A significant fact to be noted from this table is that substantial balances exist in the state funds at all times, ranging from a low of $78.7 million on July 1, 1956, to a high of $209 4 million on July 1, 1960, because of the time lag between receipt of the revenue and expenditure of the money Investment of this temporarily idle money results in significant interest earnings

Of the total miscellaneous revenue shown for state funds, $20 8 million represents interest earned on investments. Of the $12 million shown in 1956-57, $9 million represents reimbursement to the State Highway Fund from the San Francisco-Oakland Bay Bridge.

On the other hand, the fact that no significant balances appear for federal funds indicates that the time lag between the receipt and expenditure of the moneys is insignificant

Table 2 is a summary of state highway users tax revenues, related expenditures for administration and other state costs and apportionments to and expenditures within counties from state highway users tax sources and federal grants for state highways

Data as to revenues and expenditures for administration and other state costs are taken from the printed budgets while the details of apportionments and expenditures are taken from the annual reports of the Division of Highways and supporting documents

Expressed as a percent of revenue from highway users taxes the expenditures for administration and other state costs were as follows, by fiscal years and the five-year period.

1956-57	13 4%
1957-58	16 3
1958-59	18 1
1959-60	16 2
1960-61	18 4
Five-year period	16 6

These expenditures include capital outlay consisting of land, buildings and plants for use of the agencies involved, as follows·

Division of Highways	$34,365,785
Department of Motor Vehicles	5,850,529
Highway Patrol	1,582,799
Department of Agriculture	324,950
Total	$42,124,063

Inclusion of these items is largely responsible for the variation in percentages shown in the preceding paragraph.

The item for the Department of Agriculture is for part of the cost of a plant quarantine inspection station at Blythe used partly for transportation tax enforcement purposes

It will be noted that the totals for apportionments to or expenditures within counties shown in Table 2 are not the same as those shown in Table 1 This is due to differences in timing, since the data supplied by the Division of Highways, particularly as it relates to highway construction within counties which typically covers periods of greater duration than one year, is continuously adjusted until each job is completed

Stated another way, if all of the "prior year adjustments" shown in Table 1 were to be related back to the year in which they apply, the two would agree.

A further description of the items included under Detail of Apportionments in Table 2 follows

1 *Apportionments to Counties* This includes all apportionments to counties as provided for in Sections 2104, 2105 and 2106 of the Streets and Highways Code, the money being allocated on various bases in accordance with Sections 2110, 2110 5, 2111, 2114, 2115, and 2116 of the Streets and Highways Code, about 70 percent of the total being allocated in proportion to vehicle registrations

2 *Apportionments to Cities* This includes an amount equal to $\frac{1}{2}$-cent tax per gallon under the gasoline tax law, which is allocated on a population basis, as provided in Sections 194 and 2107 of the Streets and Highways Code plus specific amounts of from $1,000 to $20,000 per city according to size, per Section 2107 5 Streets and Highways Code

3 *State Aid, County Highways* This represents the State's share of aid for construction of county highways included in the "federal aid

secondary" system and matches federal funds on an approximate 50-50 basis. As provided in Section 2210 5 of the Streets and Highways Code it is apportioned to counties according to a formula in the federal law which in general is a combination of area, population and mileage factors.

These expenditures are taken into consideration in calculating the north-south split provided for in Section 188 of the Streets and Highways Code but are not involved with the county minimums provided for in Section 188 4.

4 *Construction on State Highways Performed by Honor Camps* This represents the cost of work performed by convict labor and is excluded from both the "Breed" and "Mayo" formula calculations pursuant to Section 188 7 of the Streets and Highways Code.

5 *Emergency Damage Repairs* This includes federal money on a 50-50 basis and represents expenditures pursuant to Section 188 1 of the Streets and Highways Code for replacement or reconstruction of state highways damaged by flood where at the time of the catastrophe the Governor has declared an emergency

6 *Maintenance of State Highways and Toll Crossings* This money is expended as the commission deems necessary, under Section 186 of the Streets and Highways Code without regard to county groups and includes maintenance of toll bridges under Section 188 3 of the Streets and Highways Code. It is subject to the overall restriction that the total expenditures for general administration and maintenance cannot exceed the net revenue from one-cent tax on gasoline and diesel fuel in any given year

7. *Grade Crossing Protection Works* This represents money appropriated by various budget act items and special appropriations for allocation by the Public Utilities Commission to assist cities and counties in paying their share of grade crossing protection work

Expenditures Subject to County Minimums

This consists of all expenditures for construction, reconstruction and acquisition of rights-of-way in connection with the state highway system and includes the cost of grade crossing separation works It includes expenditure of substantially all of the federal grants previously referred to in Table 1 All amounts included in this category are subject to both the Breed and Mayo formulas.

Table 3 is a county by county comparison of the apportionments to or expenditures within counties and the estimated revenues collected within counties, by fiscal years, and in total for the five-year period, the amounts of the expenditures being those summarized in Table 2.

The expenditures are on an actual basis, as reported by the Division of Highways, and include all expenditures of state highway users tax revenues as called for by H R. 78, except those enumerated under "Expenditure for Administration and Other State Costs" in Table 2, as well as expenditures of federal grants for state highway purposes As previously indicated, expenditures of federal funds have been included since it is not practicable to separate them out and the result would not be meaningful.

The revenues also include imputed federal grants in an amount sufficient to equal the total expenditures in each year

In general, revenues were prorated to counties on the basis of vehicle registrations reported on a county by county basis by the Department of Motor Vehicles. Total state revenues for each year were first prorated to each county and then increased by a constant factor to equal total expenditures in order to take into account federal grants. The bases used in prorating state revenues, using 1960-61, as an example were as follows·

Tax source	*Amount*	*Basis*
Gasoline	$329,444,019	Total vehicle registrations
Vehicle registrations·		
Automobiles & miscellaneous	79,485,248	Fee paid auto registrations
Trucks	43,105,967	Fee paid truck registrations
Trailers	14,596,177	Fee paid trailer registrations
Diesel	21,374,888	Fee paid truck registrations
Transportation	12,510,552	Fee paid truck registrations
Total state taxes	$500,516,851	

The effect of the calculations used is to prorate the federal collections, by counties, in the same ratio as total state tax collections are prorated.

Federal grants are appropriated by Congress from the Federal Highway Trust Fund, the revenue sources of which, using 1960-61 as an example, were as follows, nationwide:

Tax	*Amount*	*Percent*
Gasoline	$2,370,072,000	81.65
Tires and tubes	265,519,000	9.15
Trucks and buses	118,329,000	4.08
Diesel	88,856,000	3.06
Vehicle use	45,575,000	1 57
Tread rubber	14,053,000	.48
Floor stocks	231,000	.01
Total	$2,902,635,000	100.00

It should be noted that this series of calculations is merely a device for estimating the origin, by county, of the money apportioned to or expended within a county during a given year, and is not indicative of the proportionate amounts of either state or federal funds so spent during any given year. Federal money is spent as received, whereas state money is not, resulting in large carryover balances at the end of each year. Furthermore, as indicated in Table 2, only 83 4 percent of total state tax collections are available for apportionments to or expenditures within counties, the remainder going for costs of administration, etc

Actual expenditures in each category in the form of apportionments to or expenditures within counties during the five-year period, as shown in Table 1, were as follows:

	Amount	*Percent*
State funds	$1,911,000,000	67 0
Federal funds	939,600,000	33 0
Total	$2,850,600,000	100 0

With the exception of small amounts for flood damage repairs, all of the federal money was expended for construction, reconstruction or acquisition of rights-of-way and included in the "Breed" formula covering the north-south split

It will be further noted in Table 3 that of the 35 counties in group 1 there were 12, Butte, Fresno, Kings, Napa, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Stanta Cruz, Stanislaus, and Sutter, in which receipts exceeded expenditures during the five-year period, while of the 13 counties in group 2, there were two in which a like condition existed, Los Angeles and Tulare

Table 4 is a summary of the apportionments and expenditures by north and sounty county groups, by fiscal years, in terms of amounts and percent, further segregated as between those expenditures subject to county minimums under Section 188 4 of the Streets and Highways Code and those which are not Those subject to county minimums are also subject to the 45-55 north-south split It should be noted, in this connection, that this split is calculated for the totals of periods longer than one year, one such period being for the three years ended with 1957-58 and the other for the five years ending with 1962-63 Over the five-year period covered by this table, the division of apportionments and expenditures has been 45.3 percent north and 54 7 percent south.

Table 5 is a summary of the estimated receipts by county groups in terms of amounts and percent, by fiscal years, based on the data in Table 3. It is interesting to note that while there were changes within both county groups in the percent of total receipts received in individual counties during the five-year period, the percentage relationship for the two groups as a whole remained almost constant. Over the five-year period covered by this table, the division of revenues has been 40 percent north and 60 percent south

APPENDIX I

Definitions of Local, State and Federal Roadways

Major city streets are those selected by the city council, with approval of the State Department of Public Works, on the basis of greatest city importance (Streets and Highways Code Sec. 2052).

Secondary city streets are those city streets not selected as major streets (Streets and Highways Code Sec 2051).

Primary county roads are those selected by the board of supervisors on the basis of greatest general county importance (Streets and Highways Code Sec 2002) and shall not exceed 50 percent of the total maintained mileage of county roads (Streets and Highways Code Sec 2001).

County secondary roads are those county roads not selected as primary roads (Revenue and Taxation Code Sec 2003)

Primary state highways are "state highways," the distinction between primary and secondary highways having been abolished in 1947 (Streets and Highways Code Sec. 300)

Secondary state highways. See "Primary state highways" above.

State highways are those acquired, laid out, constructed, improved or maintained as a state highway pursuant to law (Streets and Highways Code Sec. 24).

*Federal-aid primary highways** are a system of connected main highways selected by the State with federal approval (23 U.S Code 103).

*Federal-aid secondary highways** are primarily rural roads selected by the State in co-operation with local government and with federal approval (23 U.S Code 103).

*Federal-aid urban highways** are really part of the secondary highway system, i e., funds normally allocable for secondary rural roads may be diverted to urban streets where (1) the State has a population density of more than 200 per square mile, or (2) where the road passes through an urban area or connects with another federal-aid road within the urban area (23 U S Code 103)

*Interstate highways** are selected by joint action of the State of location and adjoining states and are also subject to federal approval They ". . . shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense and, to the greatest extent possible, to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico" (23 U S. Code 103).

* These are "federal" highways only in the sense that federal funds are used for their construction. Title to the land, as well as responsibility for control and maintenance rests with the city, county or state in all instances

TABLE 1

SUMMARY OF RECEIPT AND DISPOSITION OF HIGHWAY USERS TAXES AND FEDERAL GRANTS FOR HIGHWAY PURPOSES

From Fund Statements in Printed Budgets (in millions)

1956-57 to 1960-61

STATE FUNDS	*1956-57*	*1957-58*	*1958-59*	*1959-60*	*1960-61*	*Total*
Total resources						
Fund balances, beginning of period	$78 7	$79.1	$99 6	$127.5	$209 4	$78 7
Prior year adjustments	3 3	7.7	6 6	5 8	5 7	29 1
Revenue from highway users taxes	421.4	435 9	452 3	481 7	500 5	2,291 8
Miscellaneous revenue, including interest	12.0	2 2	2 2	6 6	7 6	30 6
Total	$515.4	$524 9	$560.7	$621.6	$723 2	$2,430 2
Expenditures:						
Costs of administration	$56.6	$71 2	$81.8	$78 1	$91 9	$379 6
Apportionments to or expenditures within counties	379.7	354.1	351 4	334 1	491.7	1,911 0
Total	$436 3	$425.3	$433 2	$412 2	$583 6	$2,290 6
Fund balances, end of period	$79.1	$99.6	$127.5	$209.4	$139.6	$139 6
FEDERAL AND OTHER FUNDS						
Total resources						
Fund balances, beginning of period	$ 4	$.2	$ 4	$.3	$ 5	$ 4
Prior year adjustments	—.1	.5	—.4	—8	—4	—1 2
Federal grants for state highways	104.0	134 3	190 7	293 3	219 3	941 6
Other contributions and reimbursements	17.5	13 9	18 8	14.1	10 4	74 7
Total	$121.8	$148 9	$209 5	$306 9	$229 8	$1,015 5

Expenditures						
Federal funds for state highways	$104 1	$134 8	$190 4	$292 3	$218 0	$939 6
Other than for state highways	17 5	13 7	18 8	14 1	10 4	74 5
Total	$121 6	$148 5	$209 2	$306 4	$228 4	$1,014 1
Fund balances, end of period	$2	$4	$3	$5	$1.4	$1 4
COMBINED TOTALS						
Total resources:						
Fund balances, beginning of period	$79 1	$79 3	$100 0	$127 8	$209 9	$79 1
Prior year adjustments	3 2	8 2	6 2	5 0	5 2	27 9
Revenue from state highway users taxes	421 4	435 9	452 3	481 7	500 5	2,291 8
Miscellaneous state revenues	12 0	2 2	2 2	6 6	7 6	30 6
Federal grants for state highways	104 0	134 3	190 7	293 3	219 3	941 6
Other contributions and reimbursements	17 5	13 9	18 8	14 1	10 4	74 7
Total	$637 2	$673 8	$770 2	$928 5	$953 0	$3,445 7
Expenditures:						
Costs of administration	$56.6	$71 2	$81 8	$78.1	$91 9	$379 6
Apportionments to or expenditures within counties	483 8	488 9	541.8	620 4	709 7	2,850 6
Nonstate funds for other than state highways	17 5	13 7	18 8	14.1	10 4	74 5
Total	$557 9	$573 8	$642 4	$718 6	$812 0	$3,304 7
Fund balances, end of period	$79 3	$100 0	$127 8	$209 9	$141 0	$141 0

TABLE 2

SUMMARY OF STATE HIGHWAY USERS TAX REVENUES, RELATED "OFF-THE-TOP" EXPENDITURES FOR ADMINISTRATION AND OTHER STATE COSTS AND APPORTIONMENTS TO AND EXPENDITURES WITHIN COUNTIES FROM STATE HIGHWAY USERS TAX SOURCES AND FEDERAL GRANTS FOR STATE HIGHWAY PURPOSES, BY FISCAL YEARS

1956-57 to 1960-61

	1956-57	*1957-58*	*1958-59*	*1959-60*	*1960-61*	*Total*
Revenue from highway users taxes						
Motor vehicle fuel license (gasoline) tax	$274,653,185	$285,374,016	$298,993,219	$316,218,145	$329,444,019	$1,504,682,584
Motor vehicle registration and other fees	113,034,036	117,572,312	123,345,797	132,307,978	137,187,392	623,447,515
Use fuel (diesel) excise tax	16,728,948	17,297,066	18,734,755	20,589,806	21,374,888	94,725,463
Motor vehicle transportation (truck) tax	16,995,032	15,608,800	11,203,056	12,542,928	12,510,552	68,860,368
Total	$421,411,201	$435,852,194	$452,276,827	$481,658,857	$500,516,851	$2,291,715,930
Expenditures for administration and other state costs						
Highway Patrol	$22,283,783	$28,040,803	$30,795,649	$31,244,533	$33,851,864	$146,216,632
Department of Motor Vehicles	17,595,826	21,650,601	25,196,402	25,924,051	27,852,713	118,219,593
Division of Highways	14,007,095	17,720,493	22,978,228	16,822,951	26,267,913	97,796,680
Board of Equalization	1,773,639	1,974,620	1,814,622	1,935,137	1,954,897	9,452,915
State Controller	609,516	683,405	670,954	737,507	766,886	3,468,268
Department of Agriculture	—	—	18,000	286,200	20,750	324,950
Golden Gate Commission	—	—	—	18,627	105,758	124,385
Division of Bay toll crossings	—	61,228	25,367	—	—	86,595
Transfers to Small Craft Harbor Revolving Fund	—	750,000	—	750,000	750,000	2,250,000
Apportionment of motor vehicle fuel taxes for airports	350,205	350,000	350,000	350,000	350,000	1,750,205
Total	$56,620,064	$71,231,150	$81,849,222	$78,069,006	$91,920,781	$379,690,223

Remainder—available for apportionments to or expenditures within counties:						
Amount	$364,791,137	$364,621,044	$370,427,605	$403,589,851	$408,596,070	$1,912,025,707
Percent of total revenue	86 6%	83 7%	81 9%	83 8%	81.6%	83 4%
Summary of apportionments and expenditures (state funds unless otherwise noted)						
Apportionments and expenditures not subject to county minimums:						
1 Apportionments to counties	$72,682,437	$75,656,519	$79,595,991	$83,708,423	$87,487,516	$399,130,886
2 Apportionments to cities	29,219,480	30,427,652	31,562,054	33,245,632	35,017,986	159,472,804
3 State aid, county highways	3,070,779	4,513,491	7,089,924	5,135,458	4,512,113	24,321,765
4 Construction on state highways performed by honor camp	1,616,749	1,638,382	1,735,860	1,852,884	1,748,208	8,592,083
5. Emergency damage repairs (includes federal funds)	6,513,657	2,479,611	5,811,062	124,970	—	14,929,300
6. Maintenance of state highways and toll crossings	27,242,891	31,473,128	33,792,408	36,816,630	40,116,397	169,441,454
7. Grade crossing protection works	119,707	154,147	137,038	249,164	139,986	800,042
Total	$140,465,700	$146,342,930	$159,724,337	$161,133,161	$169,022,206	$776,688,334
Expenditures subject to county minimums (includes federal funds)	$335,598,471	$339,051,255	$377,911,682	$467,406,166	$540,534,433	$2,060,502,007
Total	$476,064,171	$485,394,185	$537,636,019	$628,539,327	$709,556,639	$2,837,190,341

TABLE 4

SUMMARY OF APPORTIONMENTS TO AND EXPENDITURES WITHIN COUNTIES BY FISCAL YEARS

1956-57 to 1960-61

AMOUNTS	*1956-57*	*1957-58*	*1958-59*	*1959-60*	*1960-61*	*Total*
Not subject to county minimums:						
North	$68,791,832	$69,301,313	$77,251,003	$75,816,617	$79,315,407	$370,476,172
South	71,673,868	77,041,617	82,473,334	85,316,544	89,706,799	406,212,162
Total	$140,465,700	$146,342,930	$159,724,337	$161,133,161	$169,022,206	$776,688,334
Subject to county minimums:						
North	$158,226,503	$159,419,060	$161,866,595	$220,472 948	$214,117,072	$914,102,178
South	177,371,968	179,632,195	216,045,087	246,933,218	326,417,361	1,146,390,829
Total	$335,598,471	$339,051,255	$377,911,682	$467,406,166	$540,534,433	$2,060,502,007
Combined:						
North	$227,018,335	$228,720,373	$239,117,598	$296,289,565	$293,432,479	$1,284,578,350
South	249,045,836	256,673,812	298,518,421	332,249,762	416,124,160	1,552,611,991
Total	$476,064,171	$485,394,185	$537,636,019	$628,539,327	$709,556,639	$2,837,190,341
PERCENT						
Not subject to county minimums:						
North	49 0%	47 4%	48 4%	47 1%	46 9%	47 7%
South	51 0	52 6	51 6	52 9	53 1	52 3
Total	100 0%	100 0%	100 0%	100.0%	100 0%	100 0%
Subject to county minimums:						
North	47 1%	47.0%	42 8%	47 2%	39 6%	44 4%
South	52 9	53 0	57 2	52 8	60 4	55 6
Total	100 0%	100 0%	100 0%	100 0%	100 0%	100.0%
Combined:						
North	47 7%	47 1%	44 5%	47 1%	41 4%	45 3%
South	52 3	52 9	55 5	52 9	58.6	54 7
Total	100 0%	100 0%	100 0%	100 0%	100 0%	100 0%

AMOUNTS						
Not subject to county minimums:						
North	$68,791,832	$69,301,313	$77,251,903	$75,816,617	$79,315,407	$370,476,172
South	71,673,868	77,041,617	82,473,334	85,316,544	89,706,799	406,212,162
Total	$140,465,700	$146,342,930	$159,724,337	$161,133,161	$169,022,206	$776,688,334
Subject to county minimums.						
North	$158,226,503	$159,419,060	$161,866,595	$220,472,048	$214,117,072	$914,102,178
South	177,371,968	179,632,195	216,045,087	246,933,218	326,417,361	1,146,399,829
Total	$335,598,471	$339,051,255	$377,911,682	$467,406,166	$540,534,433	$2,060,502,007
Combined:						
North	$227,018,335	$228,720,373	$239,117,598	$296,289,565	$293,432,479	$1,284,578,350
South	249,045,836	256,673,812	298,518,421	332,249,762	416,124,160	1,552,611,991
Total	$476,064,171	$485,394,185	$537,636,019	$628,539,327	$709,556,639	$2,837,190,341
PERCENT						
Not subject to county minimums:						
North	49 0%	47 4%	48 4%	47 1%	46 9%	47.7%
South	51 0	52 6	51.6	52 9	53 1	52.3
Total	100 0%	100 0%	100 0%	100 0%	100 0%	100 0%
Subject to county minimums:						
North	47 1%	47 0%	42 8%	47 2%	39 6%	44 4%
South	52 9	53 0	57.2	52 8	60 4	55 6
Total	100 0%	100.0%	100 0%	100.0%	100 0%	100.0%
Combined:						
North	47 7%	47 1%	44 5%	47 1%	41 4%	45.3%
South	52 3	52 9	55 5	52 9	58 6	54 7
Total	100 0%	100 0%	100 0%	100 0%	100 0%	100.0%

TABLE 5

SUMMARY OF ESTIMATED RECEIPTS FROM STATE HIGHWAY USERS TAXES AND FEDERAL GRANTS, BY NORTH AND SOUTH COUNTY GROUPS

1956-57 to 1960-61

	1956-57	*1957-58*	*1958-59*	*1959-60*	*1960-61*	*Total*
Amounts:						
North	$191,170,286	$193,430,017	$216,367,446	$250,560,102	$282,662,486	$1,134,190,317
South	284,893,885	291,964,168	321,268,573	377,979,225	426,894,173	1,703,000,024
Total	$476,064,171	$485,394,185	$537,636,019	$628,539,327	$709,556,639	$2,837,190,341
Percent:						
North	40 2%	39 9%	40 2%	39 9%	39 8%	40 0%
South	59 8	60 1	59 8	60 1	60 2	60 0
Total	100 0%	100 0%	100 0%	100 0%	100 0%	100.0%

B. ADDITIONAL FINANCING FOR COUNTY ROAD AND CITY STREET DEFICIENCIES

(1) INTRODUCTION

During the 1961 session of the California Legislature, Senator Randolph Collier introduced Senate Bill 1294, relating to local motor vehicle license fees to be used for financing existing and projected county road and city street deficiencies as detailed in the S C R 62 report to the 1959 Legislature Senate Bill 1294 passed the Senate but was refused passage by the Assembly Revenue and Taxation Committee Subsequently, Assemblyman Charles H Wilson introduced H R. 445 (1961) directing an interim study of the subject matter

The Assembly Interim Committee on Revenue and Taxation submitted a Progress Report to the 1962 Legislature [1] relating the committee's activities, findings and recommendations The committee noted two proposals had been presented to finance the gross deficiencies One consisted of an enabling act authorizing county boards of supervisors to impose by ordinance an annual motor vehicle registration fee of $10 for each passenger vehicle and from $20 to $30 for each truck; the other would increase the current gas tax The Revenue and Taxation Committee believes that the first approach should be considered only if requested by a number of county boards sufficient to convince the Legislature that there is wide support by local governmental agencies

The Revenue and Taxation Committee further believes that neither an increase in gasoline and diesel fuel taxes nor the allocation of a greater share of such revenues can be recommended as long as the current lack of uniformity exists between counties and cities in the actual application of revenues to road and street construction and improvement The committee further reported that any increase would be inadvisable unless the Legislature is prepared to require such greater control over expenditure of such funds as mandatory local financial contribution and statewide master plan for overall vehicular transportation

During the 1962 session, Assemblyman Wilson introduced House Resolution 74 [2] continuing the deficiency study The Assembly Rules Committee subsequently referred the resolution to this interim committee and one hearing was held in Los Angeles on October 26, 1962

This committee appreciates the time, energy and testimony of members of the San Fernando Valley-Wide Committee on Streets, Highways and Transportation in presenting their 10-20 plan for consideration at that hearing While the interim committee certainly does not wish to discourage introduction of a 1963 bill encompassing those recommendations, it must point out that very few boards of supervisors or city councils have formally requested state authorization

[1] *Assembly Journal*, March 12, 1962, pp 207-211
[2] *Assembly Journal*, March 15, 1962, p 254

for a county vehicle registration fee system In the absence of such requests, favorable consideration by the Legislature would seem doubtful. However, the Legislature should be presented with a variety of proposals to meet deficiencies and the 10-20 plan should be placed in bill form for consideration by the 1963 Legislature

A Citizens' Advisory Committee to the Senate Factfinding Committee on Transportation and Public Utilities has also actively pursued this subject during the 1961-1963 interim, and the Institute of Transportation and Traffic Engineering of the University of California has prepared a number of charts on estimated apportionments of any new revenues

While members of the Assembly committee regret not having been requested to participate in the Senate committee's deliberations on this most important subject, they do at least appreciate the need for allowing members of the public, especially California's motoring public, to review proposed new methods of financing the acknowledged county road and city street deficiencies Toward that end, and knowing full well that several measures for increased revenues will be presented to the 1963 Legislature, this committee includes the following material in this final report in the hope that any future legislative action in this field will be based on facts

At the outset, this committee accepts the statistical findings of the more than $12 billion deficiency recorded in the S C R 62 Report [3] This committee believes there is no feasible or practical revenue source to meet in any reasonable period of time current and future deficiencies on city and county major highway systems Any additional financing that may be made available, however, will at least help in eliminating a portion of current extreme deficiencies

In some California geographical areas, engineering deficiencies are of such magnitude as to have a serious impact on the safe and rapid movement of traffic In other areas, though much needs to be done, the urgency is not so critical. There is also considerable variation between local agencies in the degree to which they have used their taxing powers to meet their local street needs Some have levied taxes enough to cover a considerable part of their needs, while others have done nothing at all Any program for additional funds should provide revenues which can be put to good use, but will not add an unreasonable burden

The 1962 advisory committee recommended that the Legislature consider additional state financing for local streets and roads in an amount *equal to what one cent of gas tax would produce*, or some $60 million per year A raise of less than a full cent per gallon in the gas tax, plus equivalent raises in other highway user taxes, principally diesel fuel, would produce the recommended amount

The advisory group also recommended a tight system of controls over the allocation of additional funds to local agencies in order to achieve three objectives· A reasonable degree of local effort in matching state money; use of funds only for rights-of-way and construction

[3] *County Road and City Street Deficiencies*, California Department of Public Works, August, 1960, 127 pages

of roads recognized as feeders of the state highway system; and flexibility of allocations between a county and the cities within it, so as to make the best use of available money

For information of other Members of the Legislature and California's citizenry, this committee presents here a series of charts prepared by the Institute of Transportation and Traffic Engineering of the University of California detailing estimated apportionments to result from the suggested tax increase, and a selected bibliography on financing county roads and city streets prepared by the California State Library

(2) APPORTIONMENT CHARTS [4]

TABLE 1

ESTIMATED APPORTIONMENTS FOR COUNTY ROADS AND CITY STREETS—PRESENT AND PROPOSED

(Based on 1961-62 Data)

County	Present	Proposed	Gain
Alameda	$6,517,061	$9,732,902	$3,215,241
Alpine	77,071	81,135	4,064
Amador	222,760	270,811	48,051
Butte	907,572	1,259,589	352,017
Calaveras	323,843	384,496	60,653
Colusa	393,202	471,063	77,861
Contra Costa	2,702,325	4,147,244	1,444,919
Del Norte	196,963	246,798	49,835
El Dorado	548,640	697,133	148,493
Fresno	3,124,588	4,229,079	1,104,491
Glenn	474,380	574,863	100,483
Humboldt	926,444	1,228,063	301,619
Imperial	1,375,386	1,672,314	296,928
Inyo	557,548	645,164	87,616
Kern	2,360,712	3,275,811	915,099
Kings	649,331	847,222	197,891
Lake	308,451	389,665	81,214
Lassen	558,778	645,200	86,422
Los Angeles	44,441,777	67,551,395	23,109,618
Madera	765,700	940,920	175,220
Marin	1,032,709	1,532,139	499,430
Mariposa	267,144	306,550	39,406
Mendocino	592,974	787,350	194,376
Merced	1,160,841	1,499,271	338,430
Modoc	457,202	521,262	64,060
Mono	407,843	447,563	39,720
Monterey	1,358,439	1,828,712	470,273
Napa	465,489	671,066	205,577
Nevada	347,148	437,316	90,168
Orange	5,720,315	8,470,181	2,749,866
Placer	675,212	892,170	216,958
Plumas	395,457	457,491	62,034
Riverside	2,609,219	3,404,934	795,715
Sacramento	3,226,586	5,249,929	2,023,343
San Benito	277,069	344,360	67,291
San Bernardino	4,132,485	5,428,115	1,295,630
San Diego	6,994,103	10,474,181	3,480,078
San Francisco	5,075,155	7,314,307	2,239,152
San Joaquin	1,714,711	2,627,650	912,939
San Luis Obispo	920,653	1,232,074	311,421
San Mateo	3,297,380	4,907,395	1,610,015
Santa Barbara	1,314,758	1,995,950	681,192
Santa Clara	4,870,967	7,346,765	2,475,798
Santa Cruz	725,864	1,082,755	356,891
Shasta	773,540	1,042,225	268,685
Sierra	228,090	250,872	22,782
Siskiyou	830,459	1,004,361	173,902
Solano	957,721	1,393,270	435,549
Sonoma	1,317,794	1,690,161	372,367
Stanislaus	1,399,787	1,870,088	470,301
Sutter	497,084	643,635	146,551
Tehama	556,697	683,429	126,732
Trinity	406,060	462,070	56,010
Tulare	1,929,910	2,568,117	638,207
Tuolumne	269,521	340,101	70,580
Ventura	1,376,586	2,099,696	723,110
Yolo	638,021	868,245	230,224
Yuba	367,118	487,153	120,035
Total	$127,021,243	$183,953,776	$56,932,533

4 Prepared by Richard Zettel, Institute of Transportation and Traffic Engineering University of California Berkeley

TABLE 2
ESTIMATED APPORTIONMENTS FOR CITY STREETS—PRESENT AND PROPOSED
(Based on 1961-62 Data for All Cities in Each County)

Cities in County	Present	Proposed	Gain
Alameda	$2,484,267	$5,220,450	$2,736,183
Alpine	------	------	------
Amador	19,842	25,089	5,247
Butte	85,525	167,065	81,540
Calaveras	4,379	6,690	2,311
Colusa	16,734	34,344	7,610
Contra Costa	762,815	1,349,184	586,369
Del Norte	9,916	20,246	10,330
El Dorado	14,380	26,408	12,028
Fresno	607,211	1,000,942	393,731
Glenn	22,114	35,787	13,673
Humboldt	131,936	261,930	129,994
Imperial	160,634	237,762	77,128
Inyo	9,666	16,626	6,960
Kern	313,945	488,698	174,753
Kings	60,636	100,183	39,547
Lake	7,942	14,271	6,329
Lassen	18,874	31,651	12,777
Los Angeles	15,865,463	34,480,011	18,614,548
Madera	61,136	86,792	25,656
Marin	302,303	613,048	310,745
Mariposa	------	------	------
Mendocino	60,279	119,822	59,543
Merced	134,704	242,547	107,843
Modoc	9,497	14,266	4,769
Mono	------	------	------
Monterey	325,139	599,544	274,405
Napa	87,036	184,855	97,819
Nevada	23,790	43,295	19,505
Orange	2,112,665	4,309,884	2,197,219
Placer	84,339	145,554	61,215
Plumas	6,649	7,939	1,290
Riverside	537,288	1,106,595	569,337
Sacramento	671,781	1,533,352	861,571
San Benito	24,453	38,764	14,311
San Bernardino	877,030	1,594,598	717,568
San Diego	2,553,083	5,114,273	2,561,190
San Francisco	2,251,528	2,251,528	------
San Joaquin	417,402	836,816	419,414
San Luis Obispo	129,371	233,451	104,080
San Mateo	1,215,128	2,483,427	1,268,299
Santa Barbara	324,780	621,659	296,879
Santa Clara	1,662,917	3,577,733	1,914,816
Santa Cruz	133,315	292,584	159,269
Shasta	56,042	110,626	54,584
Sierra	3,821	4,470	649
Siskiyou	63,372	102,141	38,769
Solano	328,635	593,236	264,601
Sonoma	189,164	430,286	241,122
Stanislaus	205,343	447,409	242,066
Sutter	48,087	87,096	29,009
Tehama	36,045	63,163	27,118
Trinity	------	------	------
Tulare	196,466	360,023	163,557
Tuolumne	9,946	19,104	9,158
Ventura	332,632	523,210	190,578
Yolo	81,115	145,207	64,092
Yuba	34,246	81,872	47,626
Total	$36,186,776	$72,517,506	$36,330,730

TABLE 3
ESTIMATED APPORTIONMENTS FOR COUNTY ROADS—PRESENT AND PROPOSED
(Based on 1961-62 Data)

County	Present	Proposed			Gain
		Formula Revision	New Funds	Total	
Alameda	$4,033,394	$4,223,223	$289,229	$4,512,452	$479,058
Alpine	77,071	79,310	1,825	81,135	4,064
Amador	202,918	208,691	37,031	245,722	42,804
Butte	822,047	800,543	291,981	1,092,524	270,477
Calaveras	319,464	333,246	44,560	377,806	58,342
Colusa	376,468	392,359	54,360	446,719	70,251
Contra Costa	1,939,510	1,995,915	802,145	2,798,060	858,550
Del Norte	187,047	167,739	58,813	226,552	39,505
El Dorado	534,260	541,574	129,151	670,725	136,465
Fresno	2,517,377	2,240,841	987,296	3,228,137	710,760
Glenn	452,266	469,073	70,003	539,076	86,810
Humboldt	794,508	699,076	267,057	966,133	171,625
Imperial	1,214,752	1,258,136	176,416	1,434,552	219,800
Inyo	547,882	578,309	50,229	628,538	80,656
Kern	2,046,767	1,855,836	931,277	2,787,113	740,346
Kings	588,695	591,678	155,361	747,039	158,344
Lake	300,509	306,289	69,105	375,394	74,885
Lassen	539,904	568,382	45,167	613,549	73,645
Los Angeles	28,576,314	30,058,712	3,012,672	33,071,384	4,495,070
Madera	704,564	727,343	126,785	854,128	149,564
Marin	730,406	730,487	188,604	919,091	188,685
Mariposa	267,144	282,768	23,782	306,550	39,406
Mendocino	532,695	529,647	137,881	667,528	134,833
Merced	1,026,137	1,035,778	220,946	1,256,724	230,587
Modoc	447,705	474,331	32,665	506,996	59,291
Mono	407,843	433,596	13,967	447,563	39,720
Monterey	1,033,300	889,280	339,888	1,229,168	195,868
Napa	378,453	351,625	134,586	486,211	107,758
Nevada	323,358	323,307	70,714	394,021	70,663
Orange	3,607,650	3,700,340	459,957	4,160,297	552,647
Placer	590,873	581,277	165,339	746,616	155,743
Plumas	388,808	400,070	49,482	449,552	60,744
Riverside	2,071,961	1,715,405	582,934	2,298,339	226,378
Sacramento	2,554,805	2,666,944	1,049,633	3,716,577	1,161,772
San Benito	252,616	257,056	48,540	305,596	52,980
San Bernardino	3,255,455	2,760,299	1,073,218	3,833,517	578,062
San Diego	4,441,020	4,619,744	740,164	5,359,908	918,888
San Francisco	2,823,627	2,950,502	2,112,277	5,062,779	2,239,152
San Joaquin	1,297,309	1,291,891	498,943	1,790,834	493,525
San Luis Obispo	791,282	775,613	223,010	998,623	207,341
San Mateo	2,082,252	2,152,508	271,460	2,423,968	341,716
Santa Barbara	989,978	994,907	379,384	1,374,291	384,313
Santa Clara	3,208,050	3,309,030	460,002	3,769,032	560,982
Santa Cruz	592,549	585,230	204,941	790,171	197,622
Shasta	717,498	709,109	222,490	931,599	214,101
Sierra	224,269	236,796	9,806	246,402	22,133
Siskiyou	767,087	791,128	111,092	902,220	135,133
Solano	629,086	626,627	173,407	800,034	170,948
Sonoma	1,128,630	901,489	358,386	1,259,875	131,245
Stanislaus	1,194,444	1,011,571	411,108	1,422,679	228,235
Sutter	448,997	451,223	115,316	566,539	117,542
Tehama	520,652	537,284	82,982	620,266	99,614
Trinity	406,060	427,593	34,477	462,070	56,010
Tulare	1,733,444	1,732,507	475,587	2,208,094	474,650
Tuolumne	259,575	262,963	58,034	320,997	61,422
Ventura	1,043,954	1,052,486	524,000	1,576,486	532,532
Yolo	556,906	514,397	208,641	723,038	166,132
Yuba	332,872	311,917	93,364	405,281	72,409
Totals	$90,834,467	$91,475,000	$19,961,270	$111,436,270	$20,601,803

TABLE 4
ESTIMATED DISTRIBUTION OF "NEW" MONEY FOR COUNTIES AND CITIES
(Based on 1961-62 Data)

County	Total A V (1,000)	Outside A V (1,000)	Outside Percent	Base Amount	County Share	City Share
Alameda	$1,495,255	$142,963	9 56	$3,025,412	$289,229	$2,736,183
Alpine	2,363	2,363	100 00	1,825	1,825	----
Amador	45,267	39,649	87 59	42,278	37,031	5,247
Butte	168,526	131,745	78 17	373,521	291,981	81,540
Calaveras	29,132	27,697	95 07	46,871	44,560	2,311
Colusa	50,204	44,037	87 72	61,970	54,360	7,610
Contra Costa	918,308	530,543	57 77	1,388,514	802,145	586,369
Del Norte	28,771	24,473	85 06	69,143	58,813	10,330
El Dorado	93,882	85,886	91 48	141,179	129,151	12,028
Fresno	818,694	585,262	71 49	1,381,027	987,296	393,731
Glenn	56,231	47,045	83 66	83,676	70,003	13,673
Humboldt	172,882	116,289	67 26	397,051	267,057	129,994
Imperial	133,409	92,867	69 58	253,544	176,416	77,128
Inyo	43,143	37,894	87 83	57,189	50,229	6,960
Kern	744,919	627,239	84 20	1,106,030	931,277	174,753
Kings	133,056	106,057	79 71	194,908	155,361	39,547
Lake	39,863	36,518	91 61	75,434	69,105	6,329
Lassen	23,847	18,889	77 95	57,944	45,167	12,777
Los Angeles	12,374,474	1,723,263	13 93	21,627,220	3,012,672	18,614,548
Madera	108,639	90,355	83 17	152,141	126,785	25,656
Marin	268,367	101,373	37 77	499,349	188,604	310,745
Mariposa	13,649	13,649	100 00	23,782	23,782	----
Mendocino	87,784	61,310	69 84	197,424	137,881	59,543
Merced	161,675	108,653	67 20	328,789	220,946	107,843
Modoc	26,879	23,454	87 26	37,434	32,665	4,769
Mono	25,066	25,066	100 00	13,967	13,967	----
Monterey	381,980	213,018	55 33	614,293	339,888	274,405
Napa	94,222	54,564	57 91	232,405	134,586	97,819
Nevada	44,232	34,669	78 38	90,219	70,714	19,505
Orange	1,466,944	253,942	17 31	2,657,176	459,957	2,197,219
Placer	131,209	95,755	72 98	226,554	165,339	61,215
Plumas	75,521	73,600	97 46	50,772	49,482	1,290
Riverside	652,770	330,205	50 59	1,152,271	582,934	569,337
Sacramento	831,889	458,499	54 92	1,911,204	1,049,633	861,571
San Benito	47,755	36,883	77 23	62,851	48,540	14,311
San Bernardino	937,233	561,692	59 93	1,790,786	1,073,218	717,568
San Diego	1,663,495	372,884	22 42	3,301,354	740,164	2,561,190
San Francisco	1,482,218	----	----	2,112,277	2,112,277	----
San Joaquin	451,581	245,324	54 33	918,357	498,943	419,414
San Luis Obispo	171,249	116,768	68 18	327,090	223,010	104,080
San Mateo	887,678	156,494	17 63	1,539,759	271,480	1,268,299
Santa Barbara	390,493	219,073	56 10	676,263	379,384	296,879
Santa Clara	1,416,867	274,124	19 37	2,374,818	460,002	1,914,816
Santa Cruz	171,482	96,500	56 27	364,210	204,941	159,269
Shasta	148,339	119,136	80 30	277,074	222,490	54,584
Sierra	6,836	6,403	93 67	10,255	9,606	649
Siskiyou	64,878	48,091	74 13	149,861	111,092	38,769
Solano	184,091	72,888	39 59	435,008	173,407	264,601
Sonoma	267,951	160,190	59 78	599,508	358,386	241,122
Stanislaus	246,973	155,448	62 94	653,174	411,108	242,066
Sutter	98,904	77,422	78 90	144,325	115,316	29,009
Tehama	58,260	43,910	75 37	110,100	82,982	27,118
Trinity	14,711	14,711	100 00	34,477	34,477	----
Tulare	336,541	250,406	74 41	639,144	475,587	163,557
Tuolumne	40,244	34 759	86 37	67,192	58,034	9,158
Ventura	508,267	372,711	73 33	714,578	524 000	190,578
Yolo	142,440	108,964	76 50	272,733	208,641	64,092
Yuba	61,012	42,390	66 22	140,990	93,364	47,626
Total	$31,549,630	$9,945,962	----	$56,292,000	$19,961,270	$36,330,730

TABLE 5

ESTIMATED DISTRIBUTION OF "OLD" MONEY AMONG COUNTIES—REVISED FORMULA

(Based on 1961-62 Data)

County	Eng	Snow and Storm	Basic Grant	Equal Grant	Balance	Total
Alameda	$20,004	$13,145	$3,687,242	----	$502,832	$4,223,223
Alpine	20,004	8,099	2,224	$48,680	303	79,310
Amador	20,004	1,732	51,527	128,401	7,027	208,691
Butte	20,004	9,331	455,231	253,897	62,080	800,543
Calaveras	20,004	8,092	57,124	240,236	7,790	333,246
Colusa	20,004	1,695	75,527	284,833	10,300	392,359
Contra Costa	20,004	52,875	1,692,261	----	230,775	1,995,915
Del Norte	20,004	3,187	84,268	48,788	11,492	167,739
El Dorado	20,004	35,434	172,063	290,609	23,464	541,574
Fresno	20,004	11,091	1,683,136	297,080	229,530	2,240,841
Glenn	20,004	6,258	101,980	326,924	13,907	469,073
Humboldt	20,004	35,497	483,908	93,676	65,991	699,076
Imperial	20,004	----	309,008	886,984	42,140	1,258,136
Inyo	20,004	12,040	69,699	467,061	9,505	578,309
Kern	20,004	9,471	1,347,981	294,555	183,825	1,855,836
Kings	20,004	----	237,545	301,735	32,394	591,678
Lake	20,004	2,093	91,935	179,720	12,537	306,289
Lassen	20,004	37,268	70,619	430,861	9,630	568,382
Los Angeles	20,004	85,888	26,358,318	----	3,594,502	30,058,712
Madera	20,004	5,131	185,788	491,084	25,336	727,343
Marin	20,004	18,905	608,585	----	82,993	730,487
Mariposa	20,004	2,779	28,984	227,048	3,953	282,768
Mendocino	20,004	12,142	240,612	224,076	32,813	529,647
Merced	20,004	----	400,714	560,414	54,646	1,035,778
Modoc	20,004	16,681	45,623	385,801	6,222	474,331
Mono	20,004	49,903	17,022	344,346	2,321	433,596
Monterey	20,004	18,505	748,674	----	102,097	889,280
Napa	20,004	9,750	263,245	----	38,626	351,625
Nevada	20,004	44,372	109,955	133,981	14,995	323,307
Orange	20,004	255	3,238,451	----	441,630	3,700,340
Placer	20,004	62,459	276,114	185,046	37,654	581,277
Plumas	20,004	94,932	61,878	214,818	8,438	400,070
Riverside	20,004	12,050	1,404,339	87,501	191,511	1,715,405
Sacramento	20,004	----	2,329,293	----	317,647	2,666,944
San Benito	20,004	5,350	76,600	144,656	10,446	257,056
San Bernardino	20,004	67,813	2,182,533	192,315	297,634	2,760,299
San Diego	20,004	27,499	4,023,547	----	548,694	4,619,744
San Francisco	20,004	5,080	2,574,352	----	351,066	2,950,502
San Joaquin	20,004	----	1,119,254	----	152,633	1,291,891
San Luis Obispo	20,004	28,910	395,644	273,692	54,363	775,613
San Mateo	20,004	----	1,876,592	----	255,912	2,152,508
Santa Barbara	20,004	38,305	824,201	----	112,397	994,907
Santa Clara	20,004	----	2,894,325	----	394,701	3,309,030
Santa Cruz	20,004	60,810	443,853	----	60,533	585,230
Shasta	20,004	30,695	337,685	274,675	46,050	709,109
Sierra	20,004	29,616	12,498	172,974	1,704	236,796
Siskiyou	20,004	59,265	182,645	504,307	24,907	791,128
Solano	20,004	----	533,825	----	72,798	626,627
Sonoma	20,004	51,190	730,655	----	99,640	901,489
Stanislaus	20,004	----	796,060	86,948	108,559	1,011,571
Sutter	20,004	----	175,897	231,335	23,987	451,223
Tehama	20,004	525	134,185	364,271	18,299	537,284
Trinity	20,004	40,995	42,019	318,845	5,730	427,593
Tulare	20,004	1,036	778,961	826,279	106,227	1,732,507
Tuolumne	20,004	17,591	81,891	132,309	11,168	262,963
Ventura	20,004	42,820	870,897	----	118,765	1,052,486
Yolo	20,004	----	332,395	116,669	45,329	514,397
Yuba	20,004	11,440	171,833	85,207	23,433	311,917
Totals	$1,160,232	$1,200,000	$68,606,250	$11,152,637	$9,355,881	$91,475,000

TABLE 6
ESTIMATED DISTRIBUTION OF STREET FUNDS AMONG CITIES—"OLD" AND "NEW" MONEY

County and City	"Old" Money	"New" Money	Total
Alameda			
Alameda	$199,977	$216,513	$416,490
Albany	47,623	50,196	97,819
Berkeley	345,394	377,276	722,670
Emeryville	9,096	9,107	18,203
Fremont	166,026	195,304	361,330
Hayward	226,639	246,504	473,143
Livermore	52,630	54,783	107,413
Newark	40,528	42,214	82,742
Oakland	1,117,897	1,246,244	2,364,141
Piedmont	36,510	37,694	74,204
Pleasanton	13,669	14,251	27,920
San Leandro	206,329	223,657	429,986
Union City	21,949	22,440	44,389
Total	$2,484,267	$2,736,183	$5,220,450
Alpine	------	------	------
Amador			
Amador	$1,609	$202	$1,811
Ione	4,677	1,542	6,219
Jackson	6,582	1,853	8,435
Plymouth	2,474	489	2,963
Sutter Creek	4,500	1,161	5,661
Total	$19,842	$5,247	$25,089
Butte			
Biggs	$3,505	$2,596	$6,101
Chico	48,132	46,933	95,065
Gridley	11,077	10,443	21,520
Oroville	22,811	21,568	44,379
Total	$85,525	$81,540	$167,065
Calaveras			
Angels	$4,379	$2,311	$6,690
Colusa			
Colusa	$11,604	$5,477	$17,081
Wilhams	5,130	2,133	7,263
Total	$16,734	$7,610	$24,344
Contra Costa			
Antioch	$56,653	$40,324	$96,977
Brentwood	7,589	4,999	12,588
Concord	133,627	107,671	241,298
El Cerrito	82,675	58,174	140,849
Hercules	1,934	709	2,643
Martinez	30,949	21,964	52,913
Pinole	22,591	16,180	38,771
Pittsburg	61,459	43,594	105,053
Pleasant Hill	45,514	60,212	105,726
Richmond	224,089	164,328	388,417
San Pablo	63,342	45,024	108,366
Walnut Creek	32,393	23,190	55,583
Total	$762,815	$586,369	$1,349,184
Del Norte			
Crescent City	$9,916	$10,330	$20,246
El Dorado			
Placerville	$14,380	$12,028	$26,408

TABLE 6—Continued
ESTIMATED DISTRIBUTION OF STREET FUNDS AMONG CITIES—"OLD" AND "NEW" MONEY

County and City	"Old" Money	"New" Money	Total
Fresno			
Clovis	$25,332	$15,586	$40,918
Coalinga	19,980	11,993	31,973
Firebaugh	7,240	4,162	11,402
Fowler	6,703	3,804	10,507
Fresno	425,497	284,475	709,972
Huron	4,825	2,551	7,376
Kerman	6,938	3,961	10,899
Kingsburg	10,323	6,219	16,542
Mendota	9,584	6,204	15,788
Orange Cove	9,696	5,800	15,496
Parlier	5,118	2,746	7,864
Reedley	22,039	13,366	35,405
Sanger	27,386	17,156	44,542
San Joaquin	3,649	1,767	5,416
Selma	22,901	13,941	36,842
Total	$607,211	$393,731	$1,000,942
Glenn:			
Orland	$8,638	$5,192	$13,830
Willows	13,476	8,481	21,957
Total	$22,114	$13,673	$35,787
Humboldt			
Arcata	$17,780	$17,103	$34,883
Blue Lake	4,720	4,032	8,752
Eureka	90,813	91,926	182,739
Ferndale	5,133	4,479	9,612
Fortuna	11,619	11,510	23,129
Trinidad	1,871	944	2,815
Total	$131,936	$129,994	$261,930
Imperial			
Brawley	$42,053	$21,310	$63,363
Calexico	26,090	12,384	38,474
Calipatria	8,681	3,948	12,629
El Centro	59,282	28,419	87,701
Holtville	10,284	4,772	15,056
Imperial	9,012	4,119	13,131
Westmorland	5,232	2,176	7,408
Total	$160,634	$77,128	$237,762
Inyo:			
Bishop	$9,666	$6,960	$16,626
Kern			
Arvin	$18,398	$9,719	$28,117
Bakersfield	180,322	102,518	282,840
Delano	38,909	21,284	60,193
Maricopa	2,953	1,158	4,111
McFarland	12,111	6,585	18,696
Shafter	14,793	8,175	22,968
Taft	12,521	6,829	19,350
Tehachapi	10,528	5,647	16,175
Wasco	23,410	12,838	36,248
Total	$313,945	$174,753	$488,698
Kings:			
Corcoran	$17,270	$10,393	$27,663
Hanford	34,646	23,900	58,546
Lemoore	8,720	5,254	13,974
Total	$60,636	$39,547	$100,183

TABLE 6—Continued
ESTIMATED DISTRIBUTION OF STREET FUNDS AMONG CITIES—"OLD" AND "NEW" MONEY

County and City	"Old" Money	"New" Money	Total
Lake			
Lakeport	$7,942	$6,329	$14,271
Lassen			
Susanville	$18,874	$12,777	$31,651
Los Angeles (Details—Table 8)	$15,865,463	$18,614,548	$34,480,011
Madera			
Chowchilla	$14,640	$6,125	$20,765
Madera	46,496	19,531	66,027
Total	$61,136	$25,656	$86,792
Marin			
Belvedere	$7,475	$7,018	$14,493
Corte Madera	20,973	20,910	41,883
Fairfax	19,522	18,992	38,514
Larkspur	19,840	21,481	41,321
Mill Valley	34,382	34,014	68,396
Novato	66,190	66,322	132,512
Ross	8,689	8,334	17,023
San Anselmo	37,918	37,846	75,764
San Rafael	69,245	78,411	147,656
Sausalito	18,069	17,417	35,486
Total	$302,303	$310,745	$613,048
Mariposa	------	------	------
Mendocino			
Fort Bragg	$14,362	$14,393	$28,755
Point Arena	2,797	1,935	4,732
Ukiah	31,841	32,143	63,984
Willits	11,279	11,072	22,351
Total	$60,279	$59,543	$119,822
Merced			
Atwater	$24,059	$19,143	$43,202
Dos Palos	7,113	5,305	12,418
Gustine	7,933	6,017	13,950
Livingston	8,194	6,409	14,603
Los Banos	19,897	16,166	36,063
Merced	67,508	54,803	122,311
Total	$134,704	$107,843	$242,547
Modoc			
Alturas	$9,497	$4,769	$14,266
Mono	------	------	------
Monterey			
Carmel	$14,805	$12,622	$27,427
Del Rey Oaks	6,519	5,046	11,565
Gonzales	7,445	5,892	13,337
Greenfield	6,064	4,630	10,694
King	9,853	8,094	17,947
Monterey	73,177	62,332	135,509
Pacific Grove	39,536	33,403	72,939
Salinas	93,285	79,801	173,086
Sand City	2,567	1,433	4,000
Seaside	62,336	53,343	115,670
Soledad	9,552	7,818	17,370
Total	$325,139	$274,405	$599,544

TABLE 6—Continued
ESTIMATED DISTRIBUTION OF STREET FUNDS AMONG CITIES—"OLD" AND "NEW" MONEY

County and City	"Old" Money	"New" Money	Total
Napa:			
Calistoga	$5,564	$5,483	$11,047
Napa	72,267	82,479	154,746
St Helena	9,205	9,857	19,062
Total	$87,036	$97,819	$184,855
Nevada			
Grass Valley	$15,698	$13,156	$28,854
Nevada City	8,092	6,349	14,441
Total	$23,790	$19,505	$43,295
Orange			
Anaheim	$364,840	$391,538	$756,378
Brea	27,582	26,841	54,423
Buena Park	145,866	146,751	292,617
Costa Mesa	138,327	138,841	277,168
Cypress	9,807	12,967	22,774
Dairyland	2,875	1,967	4,842
Fountain Valley	7,234	6,540	13,774
Fullerton	183,978	187,546	371,524
Garden Grove	279,821	305,197	585,018
Huntington Beach	51,777	50,128	101,905
Laguna Beach	31,065	31,627	62,692
La Habra	89,497	95,354	184,851
Los Alamitos	13,998	13,637	27,635
Newport Beach	92,558	92,982	185,540
Orange	100,347	98,991	199,338
Placentia	20,843	20,273	41,116
San Clemente	29,238	30,203	59,441
San Juan Capistrano	6,570	5,845	12,415
Santa Ana	345,307	360,227	705,534
Seal Beach	23,082	22,120	45,202
Stanton	36,649	35,305	71,954
Tustin	7,372	6,686	14,058
Villa Park	1,994	4,327	6,321
Westminster	102,038	111,326	213,364
Total	$2,112,665	$2,197,219	$4,309,884
Placer			
Auburn	$18,838	$13,130	$31,968
Colfax	3,758	2,151	5,909
Lincoln	10,637	7,515	18,152
Rocklin	5,506	3,514	9,020
Roseville	45,600	34,905	80,505
Total	$84,339	$61,215	$145,554
Plumas			
Portola	$6,649	$1,290	$7,939
Riverside			
Banning	$35,554	$35,797	$71,351
Beaumont	14,141	14,690	28,831
Blythe	20,155	19,963	40,118
Cabazon	2,501	1,651	4,152
Coachella	15,631	16,089	31,720
Corona	43,199	44,202	87,401
Elsinore	8,331	8,061	16,392
Hemet	18,326	17,951	36,277
Indio	33,595	33,642	67,237
Palm Springs	43,597	44,640	88,237
Perris	9,988	9,917	19,905
Riverside	283,544	314,272	597,816
San Jacinto	8,696	8,462	17,158
Total	$537,258	$569,337	$1,106,595

TABLE 6—Continued
ESTIMATED DISTRIBUTION OF STREET FUNDS AMONG CITIES—"OLD" AND "NEW" MONEY

County and City	"Old" Money	"New" Money	Total
...ento:			
Folsom	$14,500	$19,301	$33,801
Galt	6,631	7,358	13,989
Isleton	4,132	4,092	8,224
North Sacramento	41,950	50,898	92,848
Sacramento	604,568	779,922	1,384,490
Total	$671,781	$861,571	$1,533,352
Benito:			
Hollister	$20,300	$12,208	$32,508
San Juan Bautista	4,153	2,103	6,256
Total	$24,453	$14,311	$38,764
Bernardino:			
Barstow	$39,573	$31,828	$71,401
Chino	35,406	29,008	64,414
Colton	60,265	48,344	108,609
Fontana	47,698	38,850	86,548
Montclair	47,813	38,691	86,504
Needles	14,836	11,888	26,724
Ontario	147,327	121,654	268,981
Redlands	86,870	69,486	156,356
Rialto	59,966	48,088	108,054
San Bernardino	285,195	238,604	523,799
Upland	51,981	41,227	93,208
Total	$877,030	$717,568	$1,594,598
Diego			
Carlsbad	$29,891	$28,505	$58,396
Chula Vista	136,438	144,484	280,922
Coronado	58,375	55,572	113,947
Del Mar	10,417	9,624	20,041
El Cajon	119,392	115,889	235,281
Escondido	61,218	65,618	126,836
Imperial Beach	57,573	54,753	112,326
La Mesa	99,440	95,498	194,938
National City	105,342	101,530	206,872
Oceanside	81,388	77,048	158,436
San Diego	1,793,609	1,812,669	3,606,278
Total	$2,553,083	$2,561,190	$5,114,273
Francisco	$2,251,528	------	$2,251,528
Joaquin			
Escalon	$6,314	$5,566	$11,880
Lodi	72,005	70,180	142,185
Manteca	27,649	29,519	57,168
Ripon	6,709	5,980	12,689
Stockton	267,697	272,528	540,225
Tracy	37,028	35,641	72,669
Total	$417,402	$419,414	$836,816
Luis Obispo:			
Arroyo Grande	$10,920	$8,616	$19,536
El Paso de Robles	22,127	17,481	39,608
Grover City	19,106	14,857	33,963
Pismo Beach	6,311	4,613	10,924
San Luis Obispo	70,907	58,513	129,420
Total	$129,371	$104,080	$233,451

TABLE 6—Continued

ESTIMATED DISTRIBUTION OF STREET FUNDS AMONG CITIES—"OLD" AND "NEW" MONEY

County and City	"Old" Money	"New" Money	Total
San Mateo:			
Atherton	$25,391	$25,618	$51,009
Belmont	52,217	52,713	104,930
Brisbane	7,718	14,750	22,468
Burlingame	77,452	79,208	156,660
Colma	2,507	1,648	4,155
Daly City	141,013	147,605	288,618
Half Moon Bay	6,899	6,449	13,348
Hillsborough	24,770	24,894	49,664
Menlo Park	87,952	89,596	177,548
Millbrae	51,846	52,308	104,154
Pacifica	71,519	76,289	147,808
Redwood City	145,532	152,545	298,077
San Bruno	93,604	95,775	189,379
San Carlos	71,562	75,135	146,697
San Mateo	218,109	230,250	448,359
South San Francisco	124,817	129,899	254,716
Woodside	12,220	13,617	25,837
Total	$1,215,128	$1,268,299	$2,483,427
Santa Barbara			
Guadalupe	$8,879	$7,379	$16,258
Lompoc	51,219	46,575	97,794
Santa Barbara	190,572	176,137	366,709
Santa Maria	74,110	66,788	140,898
Total	$324,780	$296,879	$621,659
Santa Clara			
Alviso	$4,539	$4,014	$8,553
Campbell	40,679	42,739	83,418
Cupertino	12,243	12,753	24,996
Gilroy	24,149	25,124	49,273
Los Altos	63,370	67,343	130,713
Los Altos Hills	11,422	11,871	23,293
Los Gatos	32,242	35,388	67,630
Milpitas	28,462	34,362	62,824
Monte Sereno	6,036	6,031	12,067
Morgan Hill	10,806	11,123	21,929
Mountain View	108,184	115,909	224,093
Palo Alto	165,108	178,776	343,884
San Jose	725,083	882,478	1,607,561
Santa Clara	209,513	248,041	457,554
Saratoga	47,795	50,812	98,607
Sunnyvale	173,286	188,052	361,338
Total	$1,662,917	$1,914,816	$3,577,733
Santa Cruz			
Capitola	$7,092	$7,868	$14,960
Santa Cruz	83,154	99,649	182,803
Watsonville	43,069	51,752	94,821
Total	$133,315	$159,269	$292,584
Shasta			
Anderson	$14,540	$14,202	$28,742
Redding	41,502	40,382	81,884
Total	$56,042	$54,584	$110,626
Sierra			
Loyalton	$3,821	$649	$4,470

TABLE 6—Continued
ESTIMATED DISTRIBUTION OF STREET FUNDS AMONG CITIES—"OLD" AND "NEW" MONEY

County and City	"Old" Money	"New" Money	Total
Dorris	$3,933	$2,091	$6,024
Dunsmuir	9,660	6,175	15,835
Etna	2,796	1,281	4,077
Fort Jones	2,456	1,038	3,494
Montague	3,357	1,681	5,038
Mt. Shasta	6,836	4,161	10,997
Tulelake	3,864	2,042	5,906
Weed	15,125	10,072	25,197
Yreka	15,345	10,228	25,573
Total	$63,372	$38,769	$102,141
Benecia	$20,297	$15,563	$35,860
Dixon	9,953	7,615	17,568
Fairfield	53,585	42,176	95,761
Rio Vista	8,885	6,707	15,592
Suisun	8,445	6,333	14,778
Vacaville	36,469	30,125	66,594
Vallejo	191,001	156,082	347,083
Total	$328,635	$264,601	$593,236
Cloverdale	$9,585	$11,750	$21,335
Healdsburg	15,517	19,870	35,387
Petaluma	45,306	57,905	103,211
Santa Rosa	99,524	128,010	227,534
Sebastopol	9,120	11,115	20,235
Sonoma	10,112	12,472	22,584
Total	$189,164	$241,122	$430,286
Ceres	$14,459	$16,896	$31,355
Modesto	120,200	144,313	264,513
Newman	7,475	8,093	15,568
Oakdale	16,011	18,765	34,776
Patterson	8,322	9,152	17,474
Riverbank	9,398	10,498	19,896
Turlock	29,478	34,349	63,827
Total	$205,343	$242,066	$447,409
Live Oak	$7,561	$4,266	$12,127
Yuba City	40,226	24,743	64,969
Total	$48,087	$29,009	$77,096
Corning	$10,061	$7,668	$17,729
Red Bluff	24,197	18,784	42,981
Tehama	1,787	666	2,453
Total	$36,045	$27,118	$63,163
Dinuba	$20,581	$16,727	$37,308
Exeter	13,553	11,456	25,309
Farmersville	10,170	8,173	18,343
Lindsay	18,268	14,500	32,768
Porterville	27,253	22,751	50,004

TABLE 6—Continued

ESTIMATED DISTRIBUTION OF STREET FUNDS AMONG CITIES—"OLD" AND "NEW" MONEY

County and City	"Old" Money	"New" Money	Total
Tulare:—Continued			
Tulare	$45,176	$38,035	$83,211
Visalia	52,259	44,868	97,127
Woodlake	8,906	7,047	15,953
Total	$196,466	$163,557	$360,023
Tuolumne:			
Sonora	$9,946	$9,158	$19,104
Ventura:			
Fillmore	$15,493	$8,776	$24,269
Ojai	14,549	8,205	22,754
Oxnard	127,370	73,494	200,864
Port Hueneme	38,435	22,725	61,160
San Buenaventura	93,758	53,141	146,899
Santa Paula	43,027	24,237	67,264
Total	$332,632	$190,578	$523,210
Yolo:			
Davis	$30,086	$25,928	$56,014
Winters	7,264	5,083	12,347
Woodland	43,765	33,081	76,846
Total	$81,115	$64,092	$145,207
Yuba:			
Marysville	$30,796	$43,891	$74,687
Wheatland	3,450	3,735	7,185
Total	$34,246	$47,626	$81,872
Total—All	$36,186,776	$36,330,730	$72,517,506

TABLE 7
ESTIMATED DISTRIBUTION OF STREET FUNDS AMONG LOS ANGELES CITIES—"OLD" AND "NEW" MONEY

Los Angeles	"Old" Money	"New" Money	Total
Alhambra	$172,704	$196,531	$369,235
Arcadia	132,745	154,551	287,296
Artesia	32,122	35,834	67,956
Avalon	5,630	5,508	11,138
Azusa	68,890	78,531	147,421
Baldwin Park	110,518	132,498	243,016
Bell	62,628	69,745	132,373
Bellflower	144,383	164,624	309,007
Bell Gardens	64,750	99,150	163,900
Beverly Hills	98,891	110,506	209,397
Bradbury	2,863	2,216	5,079
Burbank	279,253	323,285	602,538
Claremont	42,806	49,306	92,112
Commerce	30,802	34,263	65,065
Compton	224,586	258,252	482,838
Covina	65,060	72,102	137,822
Cudahy	36 766	40 169	76 935
Culver City	102,949	115,333	218,282
Dairy Valley	11,574	12 579	24,153
Downey	256,194	295,853	552 047
Duarte	45,086	50 066	95,152
El Monte	92,164	115 810	208,004
El Segundo	45 860	50,988	96,848
Gardena	114,313	128 887	243 200
Glendale	375,634	434,967	810,601
Glendora	72,822	80,682	153 504
Hawthorne	108,308	124,731	233,039
Hermosa Beach	52,575	57,786	110,361
Hidden Hills	3,481	5,027	9 408
Huntington Park	96,188	107,290	203 478
Industry	3,345	2,790	6,135
Inglewood	235,380	271,093	506,473
Irwindale	5,576	5,443	11 019
Lakewood	209 837	240 706	450,543
La Mirada	72,653	80,481	153,134
La Puente	80,814	95,026	175,840
La Verne	21,641	23,366	45,007
Lawndale	70,531	77,957	148 488
Long Beach	1,047,423	1,234,145	2,281,568
Los Angeles	7,663,339	9,092,716	16,756,055
Lynwood	101 294	113,364	214 658
Manhattan Beach	108,287	121,683	229 970
Maywood	46,972	52,311	99 283
Monrovia	87,624	97,102	184,726
Montebello	107,883	121,203	229 086
Monterey Park	120,004	135,022	255,026
Norwalk	274,985	318,208	593,193
Palos Verdes Estates	32,158	37,172	69,030
Paramount	88,130	97,713	185,848
Pasadena	360,885	417,422	778,307
Pico Rivera	154,152	176,246	330,398
Pomona	200,931	249,817	450,748
Redondo Beach	147,529	168,486	316,115
Rolling Hills	6,016	5,967	11 983
Rolling Hills Estates	13,298	15,133	28,431
Rosemead	50,649	55,495	106,144
San Dimas	23 486	25,560	49 046
San Fernando	52,509	57,708	110,217
San Gabriel	73,005	80,901	153,906
San Marino	44,169	48,976	93,145

TABLE 7—Continued

ESTIMATED DISTRIBUTION OF STREET FUNDS AMONG LOS ANGELES CITIES—"OLD" AND "NEW" MONEY

Los Angeles	"Old" Money	"New" Money	Total
Santa Fe Springs	$53,260	$58,600	$111,860
Santa Monica	258,437	298,521	556,958
Sierra Madre	32,113	36,755	68,868
Signal Hill	14,947	16,592	31,539
South El Monte	15,619	17,392	33,011
South Gate	169,762	193,032	362,794
South Pasadena	63,400	70,663	134,063
Temple City	119,813	135,396	255,209
Torrance	326,286	390,502	716,788
Vernon	1,690	821	2,511
Walnut	3,815	3,349	7,164
West Covina	167,045	197,797	364,842
Whittier	172,460	275,987	448,447
Total	$15,865,463	$18,614,548	$34,480,011

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C. FEASIBILITY REPORT ON RENUMBERING THE STATE HIGHWAY SYSTEM

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, November 7, 1962

HONORABLE JACK A. BEAVER, *Chairman*
Assembly Interim Committee on
Transportation and Commerce
State Capitol

DEAR ASSEMBLYMAN BEAVER:

Transmitted herewith is the final report on the feasibility of renumbering the State Highway System as requested by the Legislature through Senate Concurrent Resolution No. 8, 1962 Regular (Budget) Session.

Respectfully,

(Signed) ROBERT B. BRADFORD
Director of Public Works

(1) INTRODUCTION

The 1962 Regular (Budget) Session of the Legislature adopted Senate Concurrent Resolution No. 8 requesting the Department of Public Works to make a study of the matter of *naming* highways, freeways and expressways in California. This matter is the subject of a separate report.

The Legislature, through Senate Concurrent Resolution No. 8 further requested the Department of Public Works "to undertake a study of the feasibility of *renumbering* the state highway system, such study to include the elimination or reduction of the use of multiple numbers on highways and, if such is found to be feasible, to develop a progress report on a plan and methods by September 15, 1962, and a final report on such plan and methods by December 15, 1962 . . ."

The progress report was transmitted to the Senate Factfinding Committee on Transportation and Public Utilities and to the Assembly Interim Committee on Transportation and Commerce, prior to September 15, 1962.

(2) GENERAL

A. *Numbering Highways*

California has seven separate systems of numbers for its 16,400-mile system of state highways; interstate U.S. numbered highways, state sign route system, legislative routes, federal-aid primary, federal-aid secondary, and forest highways. The motorist is aware of only the first three because only those are signed on the ground and shown on

travel maps Highway engineers must use all seven systems Members of the Legislature are concerned with four, the three signed systems they observe as individual motorists, plus the official legislative route numbers used for legislative purposes

Legislative route numbers are particularly troublesome because they have been designated "piecemeal" during the past 60-odd years as the Legislature added routes to the state highway system. Many of the legislative routes have "spurs" and "stubs" and do not follow major traffic movements, yet they must be used in all administrative and legislative matters The descriptions of many of the present legislative routes are unavoidably written in a manner so involved that it is extremely difficult to tell which legislative route is which.

The numbering study has been carried out beyond the literal request of Senate Concurrent Resolution No 8 that the feasibility of renumbering be studied It is the conclusion of the department that renumbering is not only feasible but is very desirable Accordingly, a renumbering plan has been developed and detailed legislative route descriptions incorporating the proposed new legislative route numbers will be presented to the Legislature

B. *Signing Highways*

The complexity of the numbering system and the overlapping of many route numbers, result in a multiplicity of confusing route signs on the ground This profusion of signs is not only costly but makes it difficult for the motorist to digest the directional information in the few seconds available before he must make a decision At one location, where Legislative Routes 43 and 26 intersect near Colton in the San Bernardino area, the overhead freeway sign bridges (until recently) directed the motorist to Interstate Routes 10 and 15, U S Numbered Highways 70, 91, 99 and 395, and State Sign Route 18—seven routes in all with 10 route shields, counting three repeats needed for directional signing

These signs are not antiquated or improper Their placement conforms to the approved current signing practice

(3) CRITERIA USED FOR RENUMBERING

Renumbering the legislative state highway routes would accomplish the prime objective of having one and only one route number for each highway, which number would be used for all identification purposes The following criteria have been used to develop the proposed plan accomplishing this objective

First, all interstate route numbers have been used as new legislative route numbers The interstate and defense highway system route numbers were established on a nationwide basis jointly by the American Association of State Highway Officials and the Bureau of Public Roads These routes are in the process of being marked on the ground with distinctive route marker shields which will become more widely used and recognized in the next few years as the construction of the interstate system progresses These numbers are 5, 5W, 8, 10, 15, 40, 80, 105, 110, 205, 210, 280, 405, 480, 605, 680, 805, and 880.

Second, U.S route numbers have been used as new legislative route numbers except where·

(a) The U S. number coincides with or overlaps the interstate route.
(b) The U.S number is the same as one already designated for use on the interstate system

Third, presently established state sign route numbers have been used as legislative route numbers insofar as practicable.

Fourth and last, all remaining routes have been given legislative route numbers without duplicating any of the numbers assigned under the first three criteria

(4) ESTIMATED COST

It can be seen from the above criteria that a fundamental policy of the proposed renumbering plan is to retain present signing on the ground to the maximum extent possible.

It is not necessary or desirable that all routes be signed on the ground initially Route signing in the future can be expanded as traffic conditions warrant and can coincide with the route numbers established by this plan.

The total estimated cost of revising the signing at those locations where the existing signing does not conform with the proposed renumbering plan is $220,000.

(5) SUMMARY AND CONCLUSIONS

1 A uniform and integrated numbering of the 16,400-mile California state highway system is not only feasible but is very desirable.

2. The proposed changes would materially reduce the need for multiple signing now used at many locations

3. The renumbering plan as proposed would require less adjustment, insofar as the motorist and general public is concerned, than any other plan considered

4. The simplification which would result from the adoption of this renumbering plan would far outweigh any problems involved in the administrative work of changing records or the cost required to make the minor revisions in signing on the ground

(6) RECOMMENDATIONS

It is recommended that the 1963 Legislature adopt the revised legislative route-numbering plan for the entire state highway system as herein proposed, and that the effective date of the revised numbering plan be made operative as of July 1, 1964.

NOTE—Descriptions of current routes as set forth in Article 3, Chapter 2 (Streets and Highways Code), and five maps covering congested areas in California and an overall map of the State showing the proposed plan of renumbering are contained in the attachments and appendix to the *Final Report on Renumbering the State Highway System*, Department of Public Works, Sacramento, November 1962; mimeo; 33 pp with maps

NOTE—The report places primary emphasis on revisions in the legislative route numbers so that related administrative and legislative work can be simplified The proposed renumbering plan includes certain desirable revisions of routings and numbering of U S highways, and these are being discussed with the American Association of State Highway Officials

D. FEASIBILITY REPORT ON NAMING HIGHWAYS, FREEWAYS AND EXPRESSWAYS

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, November 1, 1962

HON. JACK A. BEAVER, *Chairman*
Assembly Interim Committee on
Transportation and Commerce
State Capitol

DEAR ASSEMBLYMAN BEAVER:

Transmitted herewith is a Report on the Naming of Highways, Freeways, and Expressways in California pursuant to Senate Concurrent Resolution No. 8, 1962 Regular Session.

Respectfully,
(Signed) ROBERT B. BRADFORD
Director of Public Works

(1) INTRODUCTION

Senate Concurrent Resolution No. 8 (1962 Regular Session) requested the Department of Public Works to undertake a study of the matter of naming highways, freeways, and expressways in California. The resolution also requested that the study include the establishment of criteria, procedures, and methods for such naming, the advisability of a statewide plan and the advisability of designating responsibility for said naming. The department was further requested to consult with the California Highway Commission, and with an advisory committee as appointed by the President pro Tempore of the Senate and the Speaker of the Assembly in making this study.

Senate Concurrent Resolution No. 8 further requested the Department of Public Works to undertake a study of the feasibility of renumbering the state highway system; such a study is to include the elimination or reduction of the use of multiple numbers on highways. This study is the subject of a separate report.

The advisory committee, as appointed jointly by the President pro Tempore of the Senate and the Speaker of the Assembly, held meetings on August 7, 1962, and September 18, 1962, with representatives of the Division of Highways and the U.S. Bureau of Public Roads in attendance.

The committee representing cities, counties, education, motorists, business and industry was extremely helpful in providing the broadened view of the several disciplines involved.

The term "highway," as used in this report, includes state highways, freeways, and expressways with particular emphasis on freeways.

(2) EFFECTIVENESS OF FREEWAY NAMES

Although freeway names are not required for the stranger who predominantly depends on route numbers and city names for guidance, the so-called "local stranger" uses them as street names in the metropolitan areas In these instances, names become an aid in guiding the motorist.

(3) TERMINAL NAMES

The establishment of freeway names for a single terminus (city name) in Southern California occurred at a time when overhead signing was in the development stage and there were very few such signs which displayed the "through" or terminal message. At the present time, through messages carrying the name of the principal city or cities ahead on the route, together with appropriate route numbers, are used on overhead signs at relatively frequent intervals Such through messages are used in advance of all freeway junctions, at interchanges with other important highways, at turnoffs to bypassed communities, and as reassurance at other freeway turnoffs where the left panel of the overhead sign is available for this use.

For example, since under present signing practice a motorist will be directed to Santa Ana at all southbound approaches to the Santa Ana Freeway and will see the through message "Santa Ana" displayed repeatedly along the route, such freeway name is no longer necessary for southbound traffic For traffic in the opposite direction, the terminal name "Santa Ana Freeway" can be a source of confusion. Thus terminal naming is no longer necessary or useful for guidance and can actually be a source of confusion.

(4) CURRENT DESIGNATION OF NAMES AND RELATED PROBLEMS

Existing highway names have originated from four different sources —the Legislature, the California Highway Commission, local jurisdiction, and common usage This has resulted in duplication of names, changing of well-established names, naming sections of highways without regard for logical termini, and adoption of unsuitable names. An outstanding example of this is U S. 101 in San Diego County where eight different names have at various times been assigned to portions, or the entire length, of the route in that county.

Under these circumstances, making the best use of highway names has been a most difficult task.

(5) RECOMMENDATIONS

a. *Designating Responsibility*

In order to reduce confusion and provide the necessary guidance to the motoring public, it seems imperative that responsibility for highway naming be vested in one authority.

In the attached statement, the advisory committee recommends that the designated authority should be the California Highway Commission.

b. *Statewide Plan*

Study of this phase of the problem indicates that a statewide plan for naming of highways should be first a procedural plan, in which

methods and criteria are established to assign names when required, generally early in the planning stage. Secondly, in the metropolitan areas there should be advance planning with regard to actual name choice so that names within a metropolitan system can be adopted as the need arises in conformance with a logical overall plan

Local authorities and interested groups should be consulted from the beginning of a naming study in their areas

Wherever the need for freeway names is indicated, they should be adopted and publicized in the early stages of freeway planning. This would aid in general acceptance and use of adopted names and a plan can be followed for signing the system as it is constructed.

c. Criteria for Naming Highways

(1) A single name should apply to the entire length of a highway between logical termini

(2) Names should be short and concise for ease in reference and economy in signing.

(3) Names should preferably be geographically or historically significant but not directional (not based on termini)

Coast, River, Inland, Mountain, Desert are good examples. The present Eastshore and Bayshore would be acceptable, as would such well-established names as Redwood, Donner, and Pacheco. As a general rule, well-established names commonly used should be retained, but this should not preclude the power of the authority to rename.

(4) Memorial names should be avoided

The states are now prohibited by federal regulations from signing interstate routes as memorial highways

(5) Names of parallel streets which remain in service should not be used for freeway names.

Confusion is involved in the duplication of names, particularly where signing to the named street is required.

(6) Highway names should be used in signing only where this provides additional service to traffic.

The majority of stranger traffic has a strong preference for directional information by the use of U S. and state route numbers and city destination names

(7) Names should not be assigned to routes on the interstate and defense highway system.

These interstate routes will be known by the distinctive route numbers shown along the routes Any local name assigned would lose its identity at a state line and different names assigned in different states or areas would cause confusion.

The U S Bureau of Public Roads has indicated a strong preference for the use of sign route numbers to designate the interstate routes.

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1961-1963

VOLUME 3 NUMBER 10

REPORT OF THE

COMMITTEE ON TRANSPORTATION AND COMMERCE

(House Resolutions 150, 323 and 361.22, 1961)

MOTOR VEHICLE INSPECTION

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OF THE STATE OF CALIFORNIA

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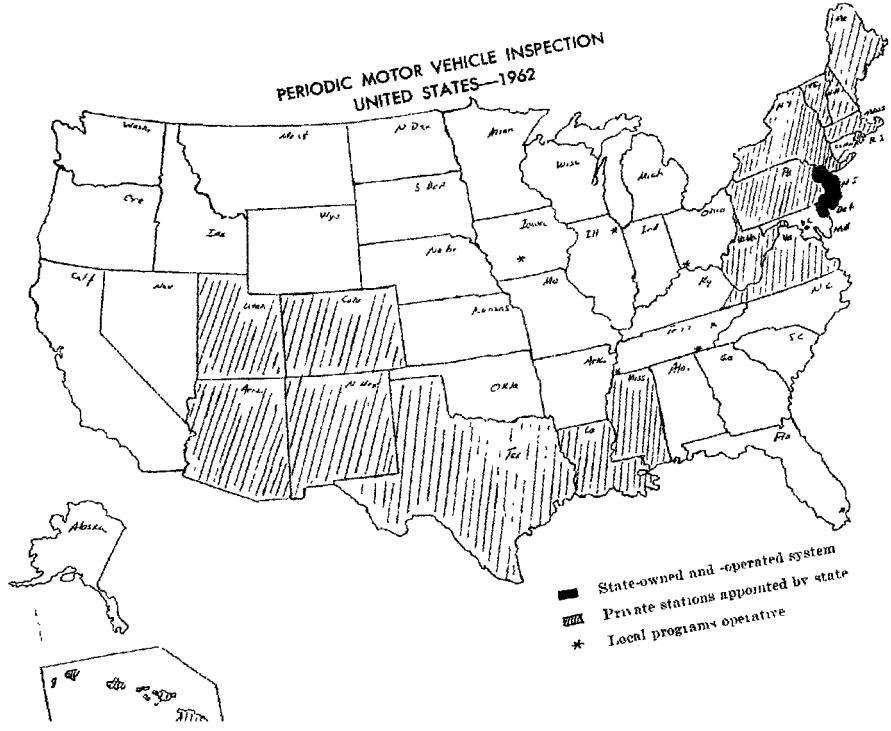
Majority Floor Leader

HON JOSEPH C SHELL
Minority Floor Leader

ARTHUR A OHNIMUS
Chief Clerk

January 7, 1963

* *Resigned from the Assembly September 1, 1962*


PERIODIC MOTOR VEHICLE INSPECTION
UNITED STATES—1962
State-owned and -operated system
Private stations appointed by state
Local programs operative
Alaska

"California's motor vehicle death statistics are no comfort to those maimed in traffic and no consolation to families and friends of those killed

"Any solution of the tragic, costly and distressingly complex problem of California's traffic safety must begin with the realization that the automobile is basic to the lives of most Californians and that the privilege of driving on our roads is woven deeply into our social and economic fabric

"I believe there is no single answer as some are prone to suggest

"The State of California must not fall into the error of attacking this problem by grasping at the plausible but partial solution and sweeping the complex realities under the rug"

EDMUND G BROWN, Governor

Traffic Safety Message to the
California Legislature

February 27, 1961

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON
TRANSPORTATION AND COMMERCE
January 7, 1963

HON. JESSE M UNRUH
Speaker of the Assembly; and

HON MEMBERS OF THE ASSEMBLY
State Capitol, Sacramento, California

GENTLEMEN In accordance with the provisions of House Resolutions Nos 150 and 323 of the 1961 General Session, your committee has investigated various aspects of compulsory motor vehicle inspection and herewith submits its final report on that subject

The committee wishes to express its appreciation to its consultant, William F Scheuermann, Jr, for an excellent, comprehensive job of compiling and writing this report.

Respectfully submitted,

JACK A BEAVER, *Chairman*
EDWARD M. GAFFNEY, *Vice Chairman*

TOM BANE	JOSEPH M KENNICK
FRANK P. BELOTTI	VERNON KILPATRICK
TOM C. CARRELL	PAUL J LUNARDI
CHARLES EDWARD CHAPEL	CHARLES W MEYERS, SR
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ENABLING RESOLUTIONS

HOUSE RESOLUTION No. 150

(Assembly Journal, March 16, 1961, page 1528)

Relating to compulsory motor vehicle inspection

WHEREAS, Traffic safety in California is a matter which demands immediate and thoughtful attention, and

WHEREAS, An integral part of traffic safety is the condition of motor vehicles which are being operated on California's roads and highways, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to assign to the appropriate interim committee for the conduct of an exhaustive study and analysis of the necessity and feasibility of compulsory motor vehicle inspection in the State of California and to report thereon to the Assembly at the 1963 Regular Session, including in the report its recommendations for appropriate legislation

(Resolution read, as amended, and adopted)

HOUSE RESOLUTION No 323

(Assembly Journal, May 26, 1961, page 4350)

Relating to a study of a compulsory vehicle inspection program

WHEREAS, California highway traffic accidents, injuries, and deaths have increased during the first three months of 1961 as compared with the same period of 1960, and

WHEREAS, The present approaches to remedying this situation are not entirely effective, and

WHEREAS, The United States President's Committee for Highway Traffic Safety has, and does now recommend that all states adopt a compulsory vehicle inspection program, and

WHEREAS, Many states have adopted such a program and claim a marked success, and

WHEREAS, The California Legislature has in the past and has during the current session considered bills on this subject but refused passage because of the lack of knowledge in the field, and

WHEREAS, This subject has never been researched in the interim by a legislative committee, and

WHEREAS, The "smog control" statutes will soon need to be restudied for the purpose of determining if "devices" to be installed on used vehicles should be periodically inspected, now, therefore, be it

Resolved by the Assembly of the State of California, That the Rules Committee assign to an appropriate interim committee the task of making an intensive study of the feasibility of initiating and maintaining a compulsory vehicle inspection program, such study to include an analysis of the results in states now having "inspection", and be it further

Resolved, That said committee be directed to file its report with the Legislature not later than the fifth day of the 1963 Regular Session.

(Resolution read and adopted, May 31, 1961)

HOUSE RESOLUTION No. 361

(Assembly Journal, June 9, 1961, page 5195)

Relative to constituting certain standing committees of the Assembly as interim committees

Resolved by the Assembly of the State of California, as follows:

1. The following standing committees of the Assembly are hereby constituted Assembly interim committees and are authorized and directed to ascertain, study and analyze all facts relating to (1) the subjects and matters assigned to them by this resolution; (2) any subjects or matters referred to them by the Assembly; (3) any subjects or matters related to (1) or (2) which the Committee on Rules shall assign to them upon request of the Assembly or upon its own initiative;

(v) The Committee on Transportation and Commerce is assigned the subject matter of the Vehicle Code, the Streets and Highways Code, uncodified laws relating thereto, and other matters relating to transportation and commerce

2. Each of the above committees shall consist of the members of the Assembly Standing Committee on the same subject for the 1961 Regular Session The chairman and vice chairman shall be the chairman and vice chairman of the standing committee. Vacancies occurring in the membership of the committee shall be filled by the appointing power. The Speaker may increase or reduce the size of the committees at any time during the interim between sessions

3 Each committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1963 Regular Session, with authority to file its final report not later than the fifth calendar day of that session. All reports shall be printed out of the funds allocated to said committee and shall be in the form prescribed by the Rules of the Assembly and the Committee on Rules

* * * * * * *

11. In order to prevent duplication and overlapping of interim studies between the various interim committees herein created, no committee shall commence the study of any subject or matter not specifically authorized herein or assigned to it unless and until prior written approval thereof has been obtained from the Committee on Rules or the Speaker.

12 Each interim committee shall file with the Assembly a brief general preliminary or progress report of its activities on or before the 20th calendar day of the 1962 Budget Session of the Legislature.

13 Each interim committee shall file its final report with the Assembly on or before the fifth calendar day of the 1963 Regular Session of the Legislature

(Resolution read and adopted, June 9, 1961)

PART I. INTRODUCTION

A. CALIFORNIA LEGISLATIVE HISTORY, 1961 SESSION

During the 1961 session of the California Legislature, two bills relating to motor vehicle inspection were introduced in the Assembly. One, Assembly Bill No 639 by Mr Rees, would have authorized local governmental authorities to establish and operate by ordinance safety inspection programs for vehicles registered to persons whose residence or principal place of business was within the local territorial jurisdiction. The other measure, Assembly Bill No 2135 by Mr. Chapel, would have provided for annual statewide inspection of motor vehicles four years old or older through a system of private, officially appointed testing stations charging a maximum $2 fee for each inspection

The Assembly Standing Committee on Transportation and Commerce held hearings during session on each proposal and subsequently recommended that the entire motor vehicle inspection subject matter be referred to the Assembly Rules Committee for assignment to a proper interim committee for study [1] Following this committee action, two resolutions were introduced on the subject matter House Resolution No. 150 by Mr Ralph M. Brown called for an exhaustive study and analysis of the necessity and feasibility of compulsory motor vehicle inspection in California, and House Resolution No. 323 by Mr. Chapel also called for an intensive study in addition to an analysis of results of such programs operative in other states. Each of these resolutions was adopted without opposition by the California Assembly.[2]

Following the close of the 1961 session, the Assembly Rules Committee referred both resolutions and the subject matter of both bills to the Assembly Interim Committee on Transportation and Commerce for study and report to the 1963 session of the California Legislature. In September 1961, the committee staff initiated correspondence with each state, territory, province and municipality known to have motor vehicle inspection programs either past or present. What follows in the body of this report represents a compilation of material from those other jurisdictions and the results of testimony presented at the committee's two hearings on the subject during the 1961-1963 interim

B. HISTORY OF MOTOR VEHICLE INSPECTION LAWS IN THE UNITED STATES

Nationally, the history of motor vehicle inspection began without statute law in Massachusetts' voluntary inspection program in 1926, followed in 1927 when the Governors of New York, Massachusetts, and Maryland proclaimed "Save-A-Life" campaigns in which owners of motor vehicles presented their automobiles to designated garages for a safety inspection and subsequent repair of faulty equipment During

[1] *Assembly Daily Journal*, March 10, 1961, p 1361, April 28, 1961, p 3016
[2] *Ibid*, March 16, 1961, p 1528, and May 31, 1961, p 4575

the next two years, Pennsylvania, New Jersey, and Delaware joined this promotion, and in 1929, Pennsylvania, Maryland, and Massachusetts enacted laws requiring periodic inspections of motor vehicles in officially appointed garages All six New England states joined in 1930 in a united program of highway safety through vehicle inspection, although actual programs in some of those states were not initiated until later New Hampshire began its program in 1931, Virginia entered inspection state ranks in 1932 and Delaware initiated the first state owned and operated system in 1933

In 1934, inspection standards were developed and approved by the National Conference on State and Highway Safety and motor vehicle inspections became part of Act V of the Uniform Vehicle Code Also, in 1934, Memphis, Tennessee, became the first city to install a municipally owned and operated system Des Moines, Iowa, and Evanston, Illinois, followed suit in 1935 and Vermont began its system in officially appointed garages In 1936, Colorado, Omaha, Nebraska, Portland, Oregon, and Chicago, Illinois, began motor vehicle inspection in their jurisdictions Maine's garage-type system began in 1937

In 1938, New Jersey and Washington opened state operated systems and Lincoln, Nebraska, initiated a city owned program The District of Columbia and Miami Beach, Florida, followed the next year and a motor vehicle inspection code was approved by the American Standards Association South Carolina extended its commercial vehicle inspections to all vehicles in 1940, Illinois established a garage-type system for trucks, and Cincinnati, Ohio, established a municipally owned system

During World War II, many of the inspection programs carried on in the 17 states and 15 cities were curtailed, but by 1962, statewide inspection laws had been enacted in 19 states, the District of Columbia, and the Canal Zone and some 10 other states had considered and rejected inspection In recent years, for example, statewide inspection bills were introduced in California, Florida, Idaho, Iowa, Kentucky, Kansas, Michigan, Minnesota, Missouri, North Carolina, Oregon and Wisconsin These bills failed as did attempts to reinstitute inspection programs in Connecticut and Maryland A South Dakota law passed in 1959 was vetoed on technicalities Arizona adopted motor vehicle inspection in 1962, Mississippi's program became effective January 1, 1961, and Louisiana's on June 1, 1961

Also in 1961, four states considered altering existing programs: (1) in Colorado a proposal to change from semiannual to annual inspections and to raise the inspection fee to finance a driver training program was defeated, (2) a New York bill to increase the applicability of its program from four-year or older vehicles to all vehicles was refused passage, (3) New Mexico's legislature defeated a measure that would have repealed its program; and (4) administrative responsibility for Maine's program was transferred from the Motor Vehicle Division to the State Police, the price of its inspection sticker was raised from 5 to 10 cents and the inspection fee from 50 cents to $1 Refinements in administration of most of the inspection areas are, of course, continual

C. TYPES OF SYSTEMS USED

(1) *Introduction*

The avowed purpose of motor vehicle inspection is to discover equipment maladjustments and disrepair and to have any deficiencies corrected prior to highway operation of the vehicle Regulation of vehicles in this manner does fall within the general police power of the state since, wherever an inspection system has been installed, there has been no case of a successful challenge to the statute's constitutionality [3] At least five benefits accruing from motor vehicle inspection have been suggested (1) improving the general standard of vehicle condition, (2) maintaining vehicles at a higher monetary value level by lessening depreciation, (3) assisting law enforcement by affording opportunity to check motor and service numbers against registration certificate and driver and vehicle licenses, (4) improving quality of garage workmanship, and (5) informing motorists of vehicle condition and responsibility for safe driving To accomplish these ends, two basic systems of statewide motor vehicle inspection have been developed

One, providing state owned and operated inspection stations is used only by Delaware, the District of Columbia and New Jersey The other, providing state supervised private inspection stations, is used in the 17 other inspection states In those states, private garages, service stations and car dealers are either licensed or appointed by the state as official inspection stations In addition to these statewide systems, some municipalities operate inspection programs within their jurisdictions, by ordinance pursuant to a state enabling act [4]

(2) *Privately Owned System*

(a) *Designation of official station*

In states using this system, the procedure for designating official inspection stations generally follows the same pattern, although administrative and enforcement responsibility differs dependent upon motor vehicle responsibilities in the various states [5] Usually, persons desirous of operating an official station apply to the responsible state agency and a comprehensive investigation is conducted to determine the applicant's eligibility Requirements for appointment are separated into space, manpower and equipment categories promulgated by administrative rules and regulations

Available level space in the garage and community population are two factors considered in applying minimum space requirements For example, in any Pennsylvania community of less than 10,000 population, sufficient space in the clear must be available for servicing one car [6] Specific footage requirements are graduated on the basis of popu-

[3] "Necessity of Statewide Motor Vehicle Inspection—Iowa and Area," *Iowa Law Review*, Fall 1952, Vol 38, No 1, p 163

[4] There are variations from these general patterns and each inspection program the committee has been able to secure information on is detailed in Section II B, C, and D of this report

[5] The procedures outlined in these sections are based on Pennsylvania's program, since most states utilizing privately owned garage inspection systems seem to have used Pennsylvania's statute and administration as guide lines

[6] "Space in the clear" is defined as the available level space for inspection purposes which must be free of all obstructions including wash racks, partitions, work benches, etc

lation and the garage's car-handling capacity.

Regarding manpower requirements, it is usually the case that each official inspection station must have at least one approved mechanic over 18 years old, possessing a valid driver's license and able satisfactorily to perform a test inspection An oral examination is also given the applicant and mechanics to ascertain whether or not the applicant is aware of the responsibilities accompanying appointment and whether or not his personnel are qualified to perform the prescribed inspections in accordance with established procedures, rules and regulations In most cases, the use of an unapproved mechanic for inspections is sufficient cause for suspending the station. A continual check is conducted not only to insure that stations are operating according to regulation, but to certify mechanics' competency and determine the availability of minimum required tools and equipment.[7] The major improper practices watched for include failure to conduct inspections, illegal sale of official stickers and failure to adhere rigidly to technical provisions affecting vehicle condition

If a prospective station fulfills all the space, manpower and equipment requirements, it is eligible for a certificate as an official inspection station, either licensed for a fee or appointed without fee.

(b) *Inspection routine*

The actual routine of inspection is detailed in booklets provided the stations by the supervising agency and in most cases covers the following points· registration; horn; mirror and obstruction of driver's view, windshield wipers; steering and front end; safety glass; exhaust system; flares, reflectors, brake hose, fire extinguishers; brakes; headlights; auxiliary headlights and fog lights, rear lights; turn signals, clearance lights; identification lights, side marker lights; backup lights, other lighting equipment, tires, sheet metal; bumpers and frame. State regulations detailing items to be included in the inspection vary somewhat among the inspection states and are usually accompanied by a booklet listing approved equipment for domestic and foreign vehicles.

If a vehicle successfully meets the requirements, an inspection sticker is issued and placed on the windshield. Stickers are of different size or color denoting inspection years or periods in order to be easily noticeable by enforcement personnel on the highway. If a vehicle fails inspection, necessary repairs and adjustments must be made and the vehicle resubmitted for inspection.

(3) *State Owned System*

The only major difference between the privately owned and state owned systems of statewide motor vehicle inspection is that the latter

[7] In Pennsylvania, this list includes brake lining drill,* brake lining riveter,* set of adjustable reamers,* tap and die set,* wheel pullers, work bench, garage jacks, vise, portable lights, electric or breast drill, assorted twist drills, bench grinder, socket wrench set, pipe wrenches, screw extractor or easy guide, toe-in gauge, soldering iron, approved light testing device capable of inspecting dual headlight systems, light bulbs—assorted type, insulated wire—assorted sizes, reflex reflectors, cotter pins—assorted, measuring tape or rule, pliers, screwdrivers, putty knife, cotter pin pullers, open end wrenches, brake wrenches, hammers, cold chisels, center punches, hacksaws, files, feeler gauges, and tire pressure gauge (* Indicates tools need not be provided where wheel alignment, steering repairs and brake work are "farmed out")

utilizes civil service inspection employees working in government owned or leased stations Specifications are adopted for building construction and design, arrangement and spacing of testing equipment is standard for all stations Items included in the inspection are similar to those checked by private stations in other inspection states as is the equipment used to conduct the inspections [8]

(4) *Advantages Claimed for Each System*

Throughout the years, several advantages have been claimed for each system and have been noted in various industry and state publications Those asserted advantages are presented here without editorial comment or embellishment by the committee

Supporters of the privately owned, state-supervised system declare that (a) a large number of stations may be authorized, allowing a choice on the motorist's part even in smaller communities and reducing the travel required to a minimum, (b) the system may be quickly and easily organized since stations are already in existence and need be examined only for floor space, equipment and manpower requirements, (c) financial considerations and problems incidental to location selection and purchase are eliminated, and (d) selection and training of a large inspector force is eliminated

Proponents of the state owned and operated system claim it (a) assures uniform inspection of all vehicles in accordance with regulations, (b) permits ready supervision and control; (c) provides a means for the distribution of information on matters pertaining to highway safety; (d) places safety above commercialism, and (e) engenders greater confidence in the honesty of state inspectors

Each system is claimed to provide a more thorough inspection, in one case because the actual inspection is made by a disinterested state official not personally interested in proceeds arising out of the cost of necessary repairs, and in the other by a conscientious station operator determined to raise industry standards

(5) *Disadvantages Attributed to Each System*

Among the arguments against the state owned and operated system are (a) that it has proven satisfactory and economical only in a limited number of states having high motor vehicle registration densities, (b) that it is an encroachment on private enterprise and an imposition of a government setup at the taxpayers' expense, and (c) that an insufficient number of stations would be available because of the cost of construction, equipment and maintenance Suggested disadvantages of the state-appointed system are (a) that it sets up a potential source of discrimination among repair shops at the pleasure of a state agency, (b) that uniformity of inspection and regulation enforcement is impossible because of lack of adequate supervision, (c) that embarking on a program involving private enforcement of state laws is unsound, (d) that a lack of confidence by motorists of private repair shops exists, and (e) that this type of system contains temptation to discover defects leading to substantial repair

[8] Specific details of state owned programs are included in Section II B, Delaware, District of Columbia and New Jersey

MOTOR VEHICLE INSPECTION IN THE UNITED STATES

Location	Status, year mvi effective	1960 registration		Remarks (frequency and fee)
		Passenger	Commercial	
Alabama	a	1,004,165	216 725	See text, p 39
Alaska	o	68,452	11,905	
Arizona	mvip 1962	488,147	136,717	Annual, $1
Arkansas	o (1937-1939)	490,908	198 393	See text, p 19
California	o	6,751,313	1,049,352	
Colorado	mvip 1936	714 321	126,852	Semiannual, April-May, October-November, $1 50
Connecticut	o (1930-1942)	969,318	104,498	See text, p 21
Delaware	mvis 1933	142,297	43,719	Annual, no fee
District of Columbia	mvis 1939	171,712	17,397	Annual, $1 fee at registration time
Florida	a	2,045,582	297,957	See text, p 30
Georgia	o	1,220,099	281,702	
Hawaii	mvip	200 539	30,532	Annual, semiannually for 10-year or older vehicles, $2
Idaho	o	253,951	101,852	
Illinois	a	3,311,230	464,165	Authority for cities over 40,000 for passenger cars Garage system for trucks and trailers See text, p 40
Indiana	o	1,678,211	317,503	
Iowa	a	1,069,703	239,627	See text, p 40
Kansas	o	873,075	271,885	
Kentucky	o	948,024	134,358	
Louisiana	mvip 1961	938,369	224,255	Annual, $1
Maine	mvip 1937	263,342	66,458	Semiannually during April and October, $1
Maryland	o (1943-1945?)	997,975	150,327	See text, p 24
Massachusetts	mvip 1930	1,606,591	181,317	Semiannual, April-May 15 and September-October 15, $0 50
Michigan	o	2,879,225	354,765	
Minnesota	a	1,275,788	262,793	See text, p 39
Mississippi	mvip 1961	504,556	186,267	Annual, January-March, $1 25
Missouri	o	1,484,758	345,285	
Montana	o	410,596	113,725	
Nebraska	a (1937-1939)	552,804	174,245	See text, p 26
Nevada	o	150,000	40,000	
New Hampshire	mvip 1931	207,552	35,038	Semiannual during May and October, fee not specified, but ranges from $1 50 to $3

New Jersey	m-i-s 1938	2,091,614	238,763	Annual, at registration renewal, $1 fee included in registration fee
New Mexico	m-i-p 1953	334,288	118 053	Semiannual, $1
New York	m-i-p 1957	4,482,656	536 075	Annual for vehicles over four years old and all "used" vehicles at time of sale February-November by model year, $2 maximum in New York City, $1 50 elsewhere
North Carolina	o	1,380 451	322 742	
North Dakota	o	230,257	105,789	
Ohio	a	3,518,348	343,263	See text, p 42
Oklahoma	o	875,923	161 312	
Oregon	o	836,028	151,312	See text, p 43
Pennsylvania	m-i-p 1929	3,839,283	573 000	Semiannual 3-month period beginning May 1 and November 1, fee not specified, but ranges from $1 50 to $3
Rhode Island	m-i-p 1959	298,030	35 184	Annual for all vehicles over one year old, $1 for under 10,000 pound gross weight, $3 over 10 000 pounds
South Carolina	o (1938-1943)	730 669	150,295	See text, p 35
South Dakota	o	254,724	92,711	
Tennessee	a	1 110 219	232,390	See text p 43
Texas	m-i-p 1951	3 512 421	872 700	Annually and after accident, $1
Utah	m-i-p 1937	373 250	90,033	Annual, $1
Vermont	m-i-p 1935	136 279	9 006	Semiannual May and October, $1
Virginia	m-i-p 1932	1 192,555	223,707	Semiannual, $1
Washington	o (1937-1942)	1 084, 515	269 809	See text p 38
West Virginia	m-i-p 1955	470,658	117,856	Annual, $1 25 maximum fee, but not mandatory
Wisconsin	o	1,328 947	225 239	
Wyoming	o	159,904	62 216	

LEGEND
m-i—has inspection
p—private garages system
s—state-owned system
a—local option program or statute
o—inspection not currently required

PART II. INSPECTION PROGRAMS AND RESEARCH—PAST AND PRESENT

"What makes safety research so difficult is the fact that behind nearly every accident lies a submerged history of causation that may reach as far back as the roots of the driver's personality, the peculiarities of site and circumstance, or a drawing board in Detroit" *Medical Tribune* reprint, 1962

A. INTRODUCTION

This section is devoted to a presentation of information offered by other jurisdictions concerning past and present statewide and local motor vehicle inspection programs The material has been condensed from correspondence and reports from states, territories, provinces and municipalities and is presented here pursuant to directions to this committee contained in House Resolution No 323, introduced by Assemblyman Charles Edward Chapel in the 1961 session of the California Legislature

The accompanying chart on p 16-17 is included for ready reference

B. STATES

ARIZONA

Statistical information on Arizona's inspection system is not available at the time of writing of this report since the program became effective in 1962 It is conducted in authorized private garages for a $1 fee

ARKANSAS

During the last 15 years, motor vehicle inspection has been established, experienced and repealed in Arkansas The 1937 Uniform Act Regulating Traffic on Highways of Arkansas directed the state police to establish a compulsory periodic motor vehicle inspection system to be conducted by private state-licensed garages under supervision of the state police.

This act became effective on March 23, 1937, and was repealed on January 19, 1939, because it had become ineffective, unworkable and was not enforced. The emergency measure repealing the inspection statute stated in part that "it is hereby ascertained . . that official inspection stations are unnecessary and are a burden on the people which has become intolerable, and that official inspection stations, instead of making highways safe, as intended, have by being a burden on the people and by causing them unnecessary trouble and inconveniences caused the people of this state to lose respect for all highway regulatory laws, thus increasing the peril of the highways of this state"[9]

All garages in Arkansas were permitted to issue an inspection sticker for 50 cents and in a majority of cases, garages were not making inspection, just collecting the fee

[9] Section 2, Act 4 of 1939 Arkansas Statutes

Since 1939, several bills relating to motor vehicle inspection have been introduced in the Arkansas General Assembly, but none has been enacted House Bill 538 (1953) did not provide for periodic inspection of vehicles but authorized the state police to inspect or provide for the inspection of any vehicle being operated or parked on the highway, and to require any such vehicle found to be unsafe to be repaired within five days

Senate Bill 321 (1957) would have required that certain trucks and buses used for transporting 10 or more persons be inspected annually by a reputable mechanic and bear a safety permit issued by the Director of State Police Safety permits would have been issued upon the presentation of an inspection certificate and the payment of a $1 fee Penalties were provided for persons driving such vehicles on the highways without a safety permit And House Bill 262 (1959) would have established a periodic motor vehicle inspection system substantially similar to the system established by the 1937 act, except that the system would have been under the supervision of the Commissioner of Revenues instead of the State Police Department

Additionally, the Committee on Roads and Highways of the Arkansas Legislative Council conducted a 1958 comprehensive review of the state's motor vehicle laws, comparing each provision of the Uniform Vehicle Code with the state statutes Upon completion of the study, the committee made detailed recommendations on changes to be enacted in the Arkansas law to make it more nearly conform to the Uniform Code With respect to Chapter 13 of the Uniform Code, which provides for compulsory periodic motor vehicle inspections either by state owned stations or by approved privately owned stations, the committee concluded that Arkansas should not adopt the Uniform Code provisions at that time

COLORADO

Initiated in 1936, Colorado's motor vehicle inspection program was revised in 1953 and 1957 and currently is conducted during April-May and October-November by approximately 3,000 independent garages, automobile dealers and service stations licensed by the state The maximum legal fee charged for an inspection is $1 50 and inspection certificates are purchased by the stations for 10 cents each Moneys realized from certificate sales are deposited in the Department of Revenues' Administration Fund, from which the legislature appropriates expenses of the program

Total 1961 revenue was $195,600, while total operating expenses were $104,300 Administration, including salaries for 20 full-time and 10 part-time employees, accounted for $56,450, and enforcement and hearings accounted for $47,850 of the 1961 expenses In 1961, Colorado had 1,055,738 registered vehicles, but issued approximately 978,000 stickers each inspection period since trailers, mobile homes and certain pieces of special mobile equipment are not required to be inspected

Since Colorado is a state of large land area and relatively small population, its motor vehicle officials feel that a state owned and operated system would not be practical or economical It has been their experience that education and repeated calls on each licensed inspection station is necessary to insure the effectiveness of their program, and that

an adequate and well-trained inspector force is required to accomplish this end

Although Colorado cannot demonstrate through statistics that its inspection program has had any effect on traffic safety, the state's motor vehicle administrator states that "it is axiomatic that an inspection program which is well carried out and which has good general public support is bound to substantially reduce accidents."[10]

CONNECTICUT

In 1930, Connecticut established and maintained a stateowned and operated inspection program, conducted on a semiannual basis by 100 motor vehicle department inspectors using portable equipment in 36 semipermanent concrete platform locations Since inspections were conducted out of doors, work was frequently obstructed by inclement weather, particularly during winters The program was discontinued in 1942 presumably for the duration of the war, but was not resumed after hostilities had ceased One of the reasons given for its discontinuance was that gasoline rationing made it difficult for motorists to reach the inspection stations

Although Connecticut officials believe that the inspection system provided beneficial results, they also believe that the program could not be re-established at this time because of the great increase in the number of vehicles subject to inspection, difficulties experienced with the nonpermanence of the former inspection locations, and nonacceptance by Connecticut's motoring public This supposition seems to have been supported by action of the 1961 Connecticut Legislature, which considered and rejected several bills designed to establish an annual compulsory inspection conducted by privately owned authorized stations

During the committee hearings on these bills, a cost estimate for administering the proposed law was submitted by the Connecticut Department of Motor Vehicles In Connecticut, there would have been at least 3,000 dealers and repairers qualified as authorized station operators, requiring 50 supervising inspectors and 13 clerical positions at a total annual salary cost of $237,300 This staff would account for estimated supplies and vehicle maintenance amounting to $60,000 annually, resulting in an approximate annual operating cost of $300,000 Additionally, there would have been an original capital outlay of $160,000 for 53 motor vehicles and office equipment

Based on a 40-cent inspection sticker sale for a conservatively estimated 1,000,000 vehicles, an annual program revenue of $400,000 would have resulted. The estimated annual "profit" of $100,000 would have provided for amortization of the original capital expenses and future equipment replacement

To repeat, however, the bills to re-establish a motor vehicle inspection program in Connecticut were rejected by the 1961 legislature State law does, however, authorize Connecticut's motor vehicle commissioner to establish and maintain a voluntary inspection system in licensed garages Additionally, all used motor vehicles registering in Connecticut for the first time must pass a safety inspection for which there is a $1 fee

[10] Letter to this interim committee from William A Cassell, Chief, Motor Vehicle Division, Colorado Department of Revenue, September 14, 1961

DELAWARE

In addition to the District of Columbia and New Jersey, Delaware maintains the only other statewide, state owned and operated compulsory motor vehicle inspection system. Delaware statute calls for the establishment and maintenance of at least one inspection station in each of the state's three counties and provides for free of charge inspection prior to a vehicle's registration, renewal or reregistration. Vehicles may be inspected at the Dover, Wilmington and Georgetown stations any time during the three months preceding registration expiration on March 31, June 30, September 30, and December 31.

Although no figures are available on the cost of operating Delaware's system, approximately 250,000 inspections are conducted and processed by approximately 40 state employees who devote part of their time to driver education and retraining facilities located at the inspection sites.

DISTRICT OF COLUMBIA

On February 18, 1938, the 75th Congress enacted Public Law 431 and on June 15, 1939, a motor vehicle inspection system was inaugurated pursuant to that congressional direction It has been in continuous operation since then

Each vehicle registered in the District must undergo one annual inspection and pay a $1 fee at the time of registration. Inspections are carried on in two District owned and operated stations manned by 66 civil service employees consisting of 4 supervisors, 52 inspectors, 2 porter-laborers, and 8 administrative personnel. The two stations operate Monday through Friday on an 8½-hour day, and consist of four inspection lanes with six inspectors each

Approximately 80 percent of the lane workload consists of passenger cars requiring three minutes or less for a complete inspection. Commercial vehicles, buses, taxicabs and trailers require from five to eight minutes

When constructed in 1938–1939, each station cost $56,000 fully equipped and exclusive of land. In 1960, one of the original station buildings was replaced for $347,000 with an additional $212,000 for land acquisition In 1960, total income to the system was $223,669 and expenditures were $351,234, and in 1961 these amounts increased to $231,299 and $399,978 These growing deficiencies are due in part to greatly increased operating costs, including salary raises. Although there are currently no additional fees or penalties for reinspections, consideration has been given to these possibilities The existing $1 fee established by Congress in 1940 is no longer adequate and the inspection system's administrators believe an increase to $1.50 or $1.75 would be desirable

District motor vehicle personnel point out that in the five-year period prior to the beginning of their inspection program, there was a total of 491 automobile traffic deaths and in the five-year period after inspection was started, there were 380 auto traffic deaths It should be noted that the second five-year period consisted of the war years during which there probably was a decrease in speed and in driving generally In the statistics furnished by the District, the fifth year following inauguration of the inspection system recorded 68 auto

traffic deaths From 1946 through 1961, seven years recorded less than 68, seven years more than 68, and 1951 exactly that number. The 1961 District traffic death rate per 100,000,000 miles driven was 2 0 percent

In 1960, 82,175 passenger cars were approved at their first inspection and 90,093 were rejected Of the 207,690 vehicles undergoing initial inspection during 1960, the percentage rejected follows· passenger cars, 52 29 percent, trucks, 54 34 percent, taxis, 72.60 percent; buses, trailers and motorcycles, 30 02 percent Total number of inspections and reinspections of all vehicles was 346,571 As to items inspected, auto headlamps led the 1960 rejected list with 19 22 percent, rear lights accounted for 13 71 percent, steering operation 9 33 percent, windshield and wipers 7 77 percent, exhaust system 6 17 percent On all vehicles inspected, reject items were arranged in approximately the same order by percentage Two other items most frequently the cause for inspection rejection were brakes and tires

The District motor vehicle inspection administrators feel that the control over vehicle condition provided by the system has been an important factor in the reduction of traffic fatalities in that jurisdiction, and that compulsory vehicle inspection should be considered a part of any sound traffic safety program—along with traffic engineering, driver licensing, driver training and enforcement

HAWAII

Hawaii is a multi-island state comprised of four counties; namely, the City and County of Honolulu, and Hawaii, Maui and Kauai Counties, each of which is responsible for motor vehicle administration within its jurisdiction Although no statewide inspection revenue figures, operating expenses or the number of supervisory personnel are apparently available, the committee did obtain fragmentary information on Honolulu's inspection system Motorists pay a $2 inspection fee and inspection stations pay 1 cent per inspection sticker and 40 cents for a safety check book In 1961, 194,585 of the state's 249,416 registered motor vehicles were registered on the island of Oahu Of the 139,745 vehicles inspected during fiscal year 1961–1962 in that island's 312 county-appointed and state-authorized stations, 80 percent were found to be defective in at least one item

LOUISIANA

Becoming effective June 1, 1961, Louisiana's complusory statewide motor vehicle inspection is conducted on an annual basis in 1,600 authorized stations supervised by 20 state personnel Total operating expenses and revenues of the program were unavailable from the Department of Public Safety, but revenues realized from the sale of 25-cent inspection certificates are retained by the state for administrative costs, and there is an annual $10 permit fee charged official inspection stations Louisiana's statute provides that an inspection certificate may be issued free of charge by the station or a maximum $1 fee may be charged for each inspection

During the 1961-1962 inspection period, there were 1,273,795 registered vehicles in the state although only 1,067,636 of these were subject to inspection, since the state inspection law is inapplicable in New

Orleans, Kenner, Westwego and Bogalusa Of those vehicles subject to inspection 95 percent, or 998,532, were actually inspected, 45 percent of which needed repairs or adjustments Headlights accounted for 35 percent of required repairs, rear lights and other lamps, 16 percent; brakes, 5 percent; horns, wipers and windshields, 2 percent The average cost of repairs was $2 11

MAINE

On September 16, 1961, jurisdiction and responsibility for Maine's motor vehicle inspection program was transferred from the Department of Motor Vehicles in the Secretary of State's Office to the State Police, pursuant to Chapter 343 of the Public Laws of 1961 In definite support of this transfer, the Motor Vehicle Department indicated its unhappiness with the program in the past because Maine's legislatures seemed to regard it primarily as a source of income for the General Highway Fund The department had also been unable to convince the legislatures of the need for improvements in the program

Maine's program, originally established in 1937, is conducted semiannually in April and October in 1,886 licensed private stations Although program administrators prior to the 1961 transfer of responsibility felt a state owned and operated system was best in every respect, it would not have been financially feasible in Maine Quite rigid enforcement is also expected under the State Police

In 1961, both the inspection fee and the cost of the inspection sticker were doubled, currently amounting to $1 and 50 cents respectively Fees deposited are credited to the General Highway Fund and a sum sufficient to defray administrative and enforcement costs is allocated yearly The total income from the October 1961, and April 1962 inspection periods amounted to $35,635 30 and expenditures were $13,940 05 As of October 1962, there were 384,763 motor vehicles required by Maine law to be inspected and in November 1962 the State Trooper Force assigned to the inspection program was to be increased from 3 to 11

State Police administrators feel that the tremendous increase in adjustments, repairs and parts replacements reported during the inspection period is evidence that the number of defective vehicles operating on Maine's highways has been greatly reduced

MARYLAND

Maryland's statewide inspection program began in 1943, and was abandoned several years later because station operators did not want to participate due to a lack of manpower and a shortage of replacement parts State officials are of the opinion that the program did not work too satisfactorily because of a lack of uniformity Following cessation of hostilities, the program was not resumed although Maryland's codes authorize Department of Motor Vehicle administration and supervision of a maximum semiannual private garage system providing at least one station in each legislative district in Baltimore and at least one in each election district of the counties

In a study report to the 1963 General Assembly, a Maryland legislative committee recommends a state owned compulsory inspection system Estimated to cost $6 million initially, the recommended program calls for at least 36 stations with a total of 72 inspection lanes The plan

would require annual inspections for a $3 fee In its study, the committee found Maryland s previous garage-type inspection to be very inefficient and subject to great abuse

MASSACHUSETTS

The prevalence of unsafe equipment disclosed by Massachusetts' voluntary inspection campaigns in 1926 and 1927 led to enactment of a compulsory inspection law in 1929, and the first inspections pursuant to that law were held in licensed private garages in the fall of 1930. The annual inspections held thereafter were found unsatisfactory because of failure to arouse the public's interest, the almost impossibility of enforcement, and the insufficiency of one inspection a year In 1935, therefore, two inspections were required annually and this change seemed to result in sustaining public interest, compliance with the law and maintenance of equipment in reasonably good condition

The state is divided into equipment districts, containing about 3,000 total inspection stations, and 35 uniformed motor vehicle inspectors augment the program by continuous year-round road enforcement on equipment laws, regulations and inspections Six clerical personnel maintain records and prepare correspondence for the entire program on a statewide basis Under present provisions, the state receives no revenue from the inspection program, but expends approximately $300,000 annually on it.

Massachusetts officials now experience practically 100 percent inspection of registered motor vehicles through an intensive road campaign carried on by motor vehicle inspectors and local and state police at the close of each inspection period. Of the approximately 1,900,000 registered vehicles, less than 1,000 were found to be uninspected at the end of each inspection period

MISSISSIPPI

Although Mississippi had an inspection statute for some years prior to 1960, no other legislation was ever passed to finance it The 1960 legislature enacted and the Governor signed into law House Bill No. 50, making motor vehicle inspection compulsory and effective January 1, 1961 Vehicles are now inspected annually in licensed private stations during January, February and March for a $1 25 fee Twenty-five cents of this fee is an inspection certificate charge constituting the state's revenue used for the program's administrative costs, and the remaining $1 is retained by the inspection stations, who also pay a $10 licensing fee

During the first calendar year's operation, 708,965 vehicles were inspected for a $177,240 25 revenue to the state Of those items requiring adjustment, lights accounted for 29 percent, brakes 11 percent, steering and alignment 6 percent, tires 1 percent and windshield wipers 1 percent The average cost of repairs per car was $2 75 and 52 percent of the vehicles inspected required no adjustment

Since new cars and trucks may be inspected any time of the year, 1962 records were not complete at the time of writing this report. Latest figures available indicate that as of September 28, 1962, 708,602 vehicles out of a possible 765,000 registrations had been inspected. The $177,150 50 revenue realized was slightly more than enough to

operate the inspection division office force of 4 and its inspector field force of 12, supervising 1,213 inspection stations throughout Mississippi

In 1961, Mississippi had 80 fatalities less than the year before and, while inspection administrators cannot attribute this reduction solely to the first year's operation of the inspection program, they do believe that the mechanical safety of motor vehicles traveling Mississippi's highways played a vital role in this saving of lives.

MONTANA

Although no statewide inspection program exists in Montana, a legislative factfinding committee requested a motor vehicle inspection feasibility report from the Montana Highway Commission in early 1956. That report indicated that any program instituted in Montana would necessarily and practically have to be conducted by state-licensed private garages because of the state's large land area and population distribution Montana's 359,000 registered motor vehicles in 1956 covered an area of 145,000 square miles, with some 43 percent of those vehicles concentrated in 13 percent of the land area. The fact that in Yellowstone County's 2,635 square miles there were 38,384 registered vehicles and only 764 registered vehicles in Petroleum County's 1,651 square miles further illustrates Montana's motor vehicle distribution.

Optimum program effectiveness and public convenience indicated that if the Pennsylvania ratio of licensed stations to registered vehicles were followed in Montana, approximately 1,000 stations would have been required in 1956

Parenthetically, the Montana report pointed out that in 1952 Utah licensed approximately 675 stations to inspect 273,000 registered vehicles while New Mexico licensed approximately 775 stations to handle 272,000 vehicles

NEBRASKA

Nebraska maintained a statewide inspection system from 1937 to 1939, when the statute was repealed ostensibly because the inspections burdened motorists, caused unnecessary trouble and inconvenience, and disrespect for general highway regulations Although there has been no recent agitation for reinstating inspection, a recent session of the legislature did authorize the highway patrol to conduct roadside inspection with reasonable cause

NEW HAMPSHIRE

New Hampshire's motor vehicle inspection program has been conducted since 1931 in privately owned state-appointed garages. Although the inspection fee is not established by the state administrative agency, the average fee is $1 50 The price charged by each station must be posted in a conspicuous place Currently, the 1,168 inspection stations are issued certificates for 5 cents each, resulting in an annual state revenue of between $30,000 and $35,000. Ten state employees provide administrative, clerical and inspector supervision of the inspections conducted during May and October

Of the 290,848 vehicles registered in the May 1-September 30, 1961, period, 249,879 were inspected and 48 4 percent required adjustments. For the past several inspection periods, the major items requiring adjustments have been defective lights, brakes, mufflers, steering and

tires, in that order. In the October 1960 inspection, 98 61 percent of vehicles registered were inspected and 60 91 percent of the vehicles inspected were rejected; in May 1960, these respective figures were 96 43 percent and 52 03 percent; and in May 1959 83 16 percent and 45.32 percent.

NEW JERSEY

History

In 1906, New Jersey created the position of Motor Vehicle Inspector, and enforcement of motor vehicle equipment regulations began through periodic roadside checks Although "Save-a-Life" campaigns proclaimed by the Governor in 1928 and 1929 initiated New Jersey's formal motor vehicle inspection by voluntary submission of vehicles to officially appointed stations, state officials do not classify either attempt as successful since both were dependent upon voluntary support of New Jersey's motorists. Legislation enacted in 1931 authorized the Governor to proclaim inspection periods, but no proclamation was issued.

New Jersey's first compulsory periodic statewide inspection statute was enacted in 1936 and went into effect on January 10, 1938, providing for semiannual inspection of the state's then 1,024,096 registered vehicles in state operated stations The original 28 stations were financed privately and occupied by the state on a lease-option basis. This plant capacity was maintained until 1949 when two new stations were built By 1960, the state owned 20 of the 39 stations, having exercised its option on many of the original stations. In 1955, an amendment to the basic statute was adopted, empowering the Director of Motor Vehicles to determine the number of inspections necessary, and annual inspection has been required since then [11]

Inspection Facilities and Statistics

The program is administered by the Division of Motor Vehicles in the Department of Law and Public Safety In 1960 the inspection section personnel totaled approximately 578 civil service employees, including an office staff of about 20, the remainder being distributed throughout the field force of 39 inspection station managers, 57 senior examiners, 459 examiners, and 3 supervisors of districts divided into geographical units of varying size Each of New Jersey's 21 counties has at least one station and urban areas maintain additional open-air or enclosed inspection facilities either owned or leased by the state. Bergen County has the largest number of stations with five located in Hackensack, Lodi, Ridgewood and the Rutherford and Saddle Brook Drive-in Theaters

Of the 39 stations in 1960, 3 had 4 inspection lanes, 6 had 3 lanes, 7 had 2 lanes, and the remaining 23 were operated on a 1-lane basis Five employees are needed to operate each lane Six of the stations were located in drive-in theaters, all consisting of 140-foot x 18-foot concrete strip open-air lanes with equipment attached This type of installation cost approximately $10,000, 50 percent for construction and equipment, 10 percent for buildings, and 40 percent for annual rent

Inspections stations are operated from 8 a m to 5 p m and 18 stations remain open until 9 p m 1 night a week, 3 until 9 p m 2 nights

[11] Since there are more vehicles subject to inspection in New Jersey than in the other jurisdictions operating government owned systems, New Jersey's program is presented here in considerable detail

a week Eight stations located in the more congested areas operate on a six-day, Monday-through-Saturday basis, the remainder on a five-day, Tuesday-through-Saturday basis A single lane can inspect as many as 350 vehicles a day and is able to accommodate several vehicles simultaneously since each of the five-member crew inspects certain specified items along the inspection lane

Every registered passenger vehicle must be inspected at the time of annual registration renewal, every commercial vehicle once between March 1 and December 31 and each vehicle whose ownership is transferred must be inspected within 10 days after the transfer of registration [12] As of October 1961, there were 38 official stations with an annual investment of over $3,000,000 These stations made 2,926,612 initial examinations in the 1961 calendar year, approving 59 26 percent and rejecting 40 73 percent Additionally, there were 1,118,940 approvals on re-examination and 241,293 rejections on re-examination, amounting to a total handling in 1961 of 4,286,845 vehicles Lighting defects accounted for 46 54 percent of 1961 rejections, brakes for 17 18 percent, steering and alignment for 11 86 percent and such miscellaneous items as license plates (2 82 percent), glass (3 05 percent), horn (1 12 percent), vision obstruction (1 42 percent), windshield cleaners (3 11 percent), and exhaust system (3 82 percent) and so forth, accounting for the remaining 24-plus percent of rejections

Upon rejection, a temporary sticker is issued, permitting operation for a 14-day period during which necessary repairs and adjustments must be made Following inspection approval, a passenger vehicle is issued a sticker with a large numeral representing the month in which registration expires for that vehicle

Cost of the Program

Budgetary requirements for operating New Jersey's motor vehicle inspection program are met by legislative appropriation and are not based upon revenues received, since the $1 inspection fee is part of the annual motor vehicle registration fee During the first few years of operation, the program paid for itself but this has not been the case in later years, due partly to steadily increasing costs and expansion of the system For example, 1956 revenue estimates were about $1,800,000, while the total cost of operating the state owned system was approximately $2,984,156

Additional Programs

In addition to annual inspections, New Jersey has carried on adjunct programs and campaigns aimed at removing vehicles with faulty equipment from the highway From April 1958 to January 1959, a spot check program was carried on by the motor vehicle inspector force and state police throughout New Jersey at six different locations each week On the basis of an attorney general ruling, warning citations were issued for certain equipment violations discovered during the road checks In November 1958, a policy was enunciated calling for reinspection of certain vehicles involved in accidents and those issued a citation or summons for equipment violation Motorists receiving such citations must present their vehicles to an inspection station following correction

[12] Effective September 1959 fleet owners of 100 or more vehicles are allowed inspections on their premises, provided state examiners perform the inspection on state-approved equipment.

This policy is still in effect and, in 1959, 43,403 such vehicles were cleared by reinspection approval or surrender of registration

A special study on the effect of initial inspection on vehicles in all age groups was conducted in 1959 at the request of the Appropriations Committee of the New Jersey Legislature Twelve stations participated in the study from March 2 to July 4 and 364,393 vehicles in four age-group categories were inspected Analysis of data produced by this special study demonstrated that new vehicles—1959 models—had the lowest rejection rate, 36 percent, 1954-1958 vehicles exhibited a 42 percent rate, 1949-1953 vehicles a 53 percent rejection, and that 57 out of each 100 vehicles of the older-than-1949 group needed repairs In the list of rejection reasons, the most prominent item was inadequate lighting and adjustment, with brakes occupying second position

Results

Motor vehicle accidents accounted for 1,278 deaths in New Jersey in 1937 In 1938 the first year inspection became effective, there were 867 deaths While New Jersey officials point out that motor vehicle inspection alone did not produce this traffic fatality decrease, they do emphasize that all other safety programs throughout the state were conducted in virtually the same manner and to the same degree, and that there were no significant improvements in the state highway system between those years In the 10-year period prior to inspection in New Jersey, there were 12,086 traffic deaths and in the 10 years following inspection there were 7,603 traffic deaths

New Jersey's motor vehicle administrators feel their system is substantially an enforcement program devised to enforce statutory provisions virtually unenforceable by any other means They point to the fact that just as the mere presence of an officer on the highway makes most vehicle operators conscious of their obligation, so motor vehicle inspection tends to make owners aware of the importance of safe vehicle condition In 1938, 61 32 percent of all vehicles inspected in New Jersey were rejected on initial items, in 1955, the last year of semiannual inspections, 37 70 percent were rejected New Jersey officials believe this is a positive indication that semiannual inspection created an interest on the part of owners in the safe condition of their cars

On the other hand, 43 10 percent of New Jersey's vehicles were rejected upon initial examination in 1959 In the opinion of New Jersey officials, this trend reversal indicates an increasing carelessness with regard to vehicle upkeep following the switch from semiannual to annual inspection in the state

New Jersey's motor vehicle inspector force makes detailed investigations of approximately two-thirds of the state's highway fatalities and their 1958 reports indicate that in 21 accidents involving fatalities, at least one vehicle involved in each accident had defective equipment, and that the defect was a contributing factor to the accident In each instance, the investigation also disclosed such other contributing factors as weather, highway deficiencies, lighting conditions, locality and estimated speed

In early 1960, discussion based on a legislative inquiry in Bergen County and pertaining to the effectiveness of the state's inspection program appeared in New Jersey's public press, prompting the New

Jersey State Safety Council to review the program thoroughly at its January 25, 1960, executive committee meeting It was then the conviction of the committee that motor vehicle inspection was a "very important factor of New Jersey's program to control traffic accidents and that any thought of eliminating . . or further curtailing (it) would be a most unfortunate and retrogressive step "[13] In the council's opinion, the 1955 reduction of the number of inspections from two to one annually was an unfortunate development and that there should be continuing effort to upgrade the effectiveness of inspections and eliminate as far as possible the delays and other elements of the program which irritate New Jersey's motoring public

NEW MEXICO

New Mexico's vehicle inspection system, enacted in 1953, is carried on semiannually in 1,175 privately owned stations and garages regulated by the Department of Motor Vehicles The department does not have any administrative or clerical personnel whose duties are devoted full time to the inspection program, but it does have two clerks and nine fieldmen, part of whose duties are related to the program New Mexico's motor vehicle officials indicate that the operating expense of the program is practically nil, since the cost per inspection sticker is $1\frac{1}{2}$ cents and they are issued to inspection stations for 2 cents each Approximately 30 percent of the 381,727 vehicles inspected for the $1 fee in 1961 were found defective in at least one item New Mexico's program is deemed to contribute to a decrease in the frequency of accidents by removing defective vehicles from the highways or enforcing compliance by bringing vehicles to safety standards.

NEW YORK

Under a statute that became effective February 1, 1957, all New York vehicles over four years old are subject to annual inspection in state-licensed stations Since May 1, 1957, inspection has also been required at the time of sale or transfer of any used vehicle four or less years old In July 1961, there were 7,955 private garages, 888 stations operated by fleet owners and 157 dealers licensed by the state to conduct the program Each station establishes its own inspection fee, subject to a $2 maximum in New York City and $1 50 elsewhere in the state Inspection periods are staggered by model year from February to November.

Total revenue for the February 1, 1961-January 31, 1962, fiscal year amounted to $1,087,594 50, $231,100 from station license fees, $856,494 50 from the sale of inspection certificates There were 31 Department of Motor Vehicles employees and 36 members of the New York State Police inspection investigating detail operating the program that incurred an approximate total operating expense of $700,000 Although there were 5,397,951 registered vehicles during that year, there were only 3,247,341 inspections because of the four-year or older inspection requirement

[13] Letter from George G Traver, Executive Vice President, New Jersey State Safety Council, to Ned Parsekian, Acting Director, New Jersey Division of Motor Vehicles, dated February 3, 1960

Regarding the percentage of defective vehicles rejected at initial inspection, New York statistics are as follows:

Item	Percent defective 1958	1959	1960	1961
Steering (a), alignment (b), (a) and suspension (b)	10 4	10 2	3 2	3 6 3 3
Tires and wheels	3 2	2 6	0 6	0 5
Headlight adjustment	30 4	24 8	18 9	17 0
Rear lights and other lamps	26 8	14 4	12 3	14 3
Brakes				20 3
Glass	1 1	1 1	1 6	1 2
Wipers and blades	2 0	1 7		1 5

For the first six months of 1961, 36 3 percent of the vehicles inspected required adjustment prior to approval

PENNSYLVANIA

History

On April 2, 1928, Pennsylvania's governor proclaimed a voluntary "Save-a-Life" campaign to be conducted in April wherein auto dealers, repair shops and fleet owners inspected lights, brakes, steering gear, windshield wipers, mirrors and registration without charge Five percent of all cars inspected in this campaign were found to be unsafe for highway operation In 1929, Pennsylvania became the first state to establish compulsory and periodic motor vehicle inspection when the legislature passed a law providing for an annual 30-day inspection period to be designated by gubernatorial proclamation In 1931, the statute was amended to provide for a three-month inspection period, since experience had demonstrated that the one-month period resulted in crowded repair shops and insufficient time for thorough inspection and repair

Six years later, the statute was again amended to require semiannual inspections during two three-month periods The proclamation preceding each inspection period was also abolished in 1937 The 1953 session of the Pennsylvania legislature provided further amendment of the inspection statute in which separate inspection periods were enacted for passenger and commercial vehicles And in 1958, a separate inspection program was established for mobilehomes Section 834 of Act 32 (1959) is the currently operative law and prescribes semiannual inspections in officially appointed stations for passenger cars during May-July and November-January, and for commercial vehicles over 1,000 pounds body and chassis weight during February-April and August-October With the governor's approval, the inspection period may be extended not more than 60 days if compliance is difficult or impossible

Inspection Facilities and Statistics [14]

The Secretary of Revenue is authorized to appoint, supervise and suspend Pennsylvania's official inspection stations In 1961, there were approximately 12,500 official inspection stations in Pennsylvania, of which about 3,000 were auto dealers, 8,600 were repair shops, and 800 were fleet owners These authorized stations employed approximately 43,000 approval mechanics Additionally, there were about 100 stations authorized for mobilehome inspection only They are all supplied with

[14] Since proponents of motor vehicle inspection in California have pointed to Pennsylvania's system as an "ideal," its administration and enforcement are presented here in considerably more detail than other states utilizing this type system

certificates of inspection, report forms, rejection cards, rules and regulations, glass charts, posters and other material Constant supervision and inspection of the stations themselves is maintained for conformity with regulations and settlement of technical disputes Additionally, hearings are held for infractions and penalties imposed when infractions are proven

"All this entails a considerable amount of detailed work" [15] and the Bureau of Traffic Safety has established an inspection division to handle such processing This division consisted of 50 employees in 1961, [16] and 54 state police were assigned to it to maintain direct contact with the stations to assure compliance with regulations These 54 state policemen are trained garage inspectors, each having a designated geographical territory and a duty to investigate applications for appointments, examine mechanics, instruct station owners and mechanics, settle technical questions, enforce the law and recommend necessary suspension of any official inspection station So, while administration of Pennsylvania's inspection law is under the Department of Revenue's jurisdiction, enforcement is the State Police's responsibility

Supplementing the semiannual inspection program, Pennsylvania statute authorizes any uniformed peace officer to stop any vehicle he considers to be in an unsafe condition and to require the operator to demostrate compliance with the inspection law If corrections, adjustments or repairs are necessary, a certificate of conformity must be issued by an official inspection station within five days or a warrant is issued for the operator or owner's arrest Another enforcement check is made at each driver examination office throughout the commonwealth Every driver appearing for a license examination must submit his vehicle to inspection by the examiners Defective equipment must be corrected, reinspected and approved before the driver license examination can be taken

Cost of the Program

Although originally the cost of Pennsylvania's program was borne by the Motor License Fund, the system, including violators' fines, now seems to be self-financing The cost of an inspection to the public is not specified in the Pennsylvania law, but ranges from $1 50 to $3 depending upon the location of the station The only charge producing revenue for the state is a 10-cent fee for each inspection certificate issued and sold to inspection stations [17] In 1957, for example, $871,533 was realized from the sale of inspection certificates or stickers Total expenditures for the same year, including state police enforcement detail and inspection division staff salaries, cost of stickers and administrative expense, was $943,298 60 An additional $308,000 was realized from fines imposed on violators of the inspection statutes This, plus the certificate fees, amounted to a $1,179,533 income A sum equal to the amount so realized is allocated to and used solely for the promotion of highway safety

[15] "Inspection system of the Commonwealth of Pennsylvania," Department of Revenue, Harrisburg, 1961, 3 p mimeo , p 2

[16] Chief, assistant chief, 3 section supervisors, 4 unit supervisors, 4 addressograph operators, 3 stenographers, 6 typists, 1 messenger and 27 clerks

[17] There is no inspection certificate fee for vehicles engaged exclusively in official duties of federal, commonwealth or local governments

Results

One result of the commonwealth's inspection program has been the removal of junkers from the highways For example, 87,000 cars were taken off Pennsylvania's highways in 1953 because they could not pass inspection and were considered junkers The figures for 1954, 1955 and 1959 were 96,000, 155,263 and approximately 200,000 respectively These numbers are based on figures compiled by Pennsylvania's Bureau of Motor Vehicles and from vehicle titles turned in

Under Pennsylvania's semiannual inspection, approximately 9,500,000 inspections are made In the November 1961 campaign, 56 9 percent of the vehicles inspected needed adjustments or replacements As has been the experience in other inspection states, light and brake adjustments accounted for the great majority of defects However, the third major defective equipment category in that inspection period was the exhaust system, with steering and alignment fourth

Commonwealth officials feel the success of Pennsylvania's motor vehicle inspection system lies in strict enforcement of rules and regulations and close supervision of authorized stations Inspection division personnel also believe that "the public, in general, favors the program not only because it reduces accidents, but when minor repairs are made periodically it reduces expensive overhaul and major repair bills which could result from neglect "[18] And other officials believe that without motor vehicle inspection, Pennsylvania's highway traffic fatalities would increase 150 to 200 lives annually, although they admit this is difficult to prove

Pennsylvania Turnpike Study

A study sponsored by the Pennsylvania Turnpike Commission reported that vehicle failures accounted for nearly 14 percent of all turnpike accidents This included accidents caused by structural failure, blowouts, soft tires, improper loading and elements of vehicle design Brake failure, steering mechanism and wheels coming off were the major items involved, and a disproportionate number of trucks was found to be involved in accidents due to vehicle failures as compared to the proportion of trucks involved in other accidents

County Inspection Committees

Most of Pennsylvania's 67 counties have active industry committees on motor vehicle inspection, comprising auto dealers, independent repair shops and mechanics who meet periodically to discuss ways and means of improving inspection standards These nonofficial agencies join in the conduct of training sessions for station operators and employees prior to the spring and fall inspection periods to insure that regulations are properly and fully understood and that new techniques in automobile design may be effectively inspected and repaired

Medical Examinations for Drivers

Under a pilot program effective June 1, 1960, 400,000 to 500,000 Pennsylvania motorists have been summoned for medical examinations yearly Drivers whose names are selected at random by the Pennsylvania Traffic Bureau for medical certification must take examination forms to a physician who fills it out and returns it to the bureau This

[18] H B Pierce, Acting Chief, Inspection Division, Bureau of Traffic Safety, Pennsylvania Department of Revenue, in letter to committee dated September 18, 1961

agency has the responsibility for granting or denying the driver's license As of June 1, 1961, 421,857 persons between 16 and 93 years of age had been examined, resulting in a 0 14 percent rejection rate, or 140 out of every 100,000 examined According to Pennsylvania's Department of Health Traffic Epidemiological Section, main causes for license denial are cardiovascular and circulatory diseases, repeated lapses of consciousness and neurologic and psychoneurologic disorders

Of the 602 persons denied licenses, 133 were voluntary withdrawals Cardiac or circulatory disorders, including hypertension, accounted for 97 rejections, conditions causing repeated lapses of consciousness, 79 rejects; neurologic disorders, 68; vision of 20/70 or less in the better eye, 61, "doctor states operator unfit," 47, neuropsychiatric disturbances, 42, alcoholism, 31; uncontrolled diabetes, 25, uncontrolled epilepsy, 15, narcotic addiction, 4 The 61-93 age group had the highest rate of rejection (0 79 percent), with the 51-60 group second (0 12 percent) One applicant 91 years old was approved, while a 17-year-old was denied driving permission for "immaturity and indifference" Ultimately, all of Pennsylvania's 5,500 000 drivers will be medically checked by 1970 After that, each driver will be checked once in 10 years until the age 60, and every five years subsequently

There is still some uneasiness in county medical societies concerning the physician's legal liability if a patient whose fitness to drive has been certified becomes involved in an accident with property or personal injury to others Partial reassurance obtains from opinions issued by the American Medical Association Legal Department and the Pennsylvania Attorney General These opinions concluded that to charge a physician with liability it would be necessary to prove that he was guilty of negligence, that this negligence was the cause of injury or property damage, and that damages resulting from the physician's negligence were foreseeable

In several Pennsylvania towns, political and social pressures to certify applicants with disqualifying illnesses have been described as burdensome Most physicians declare that the load had not been heavy, averaging three to six patients a week Some criticism centers over the fact that the law, though effective in eliminating the most patently hazardous drivers, fails to screen more obscure cases, particularly the psychologically unfit While rejection rates are admittedly low, this program is important as a pilot project that may set a precedent for other states

RHODE ISLAND

Under Ch 149, P L 1958, Rhode Island's inspection law became effective on January 1, 1959, and is currently conducted annually in 1,100 state-appointed, privately owned stations. As of June 30, 1962, there were 350,649 registered vehicles in the state, but many such public service vehicles as jitneys, taxis and school buses are exempt from the compulsory inspection program as they are required to be inspected by the Investigation Division of the Registry of Motor Vehicles Department In addition, vehicles less than one year old are not required to be inspected.

A $1 inspection fee is charged for every passenger car and commercial vehicle with a registered gross weight of under 10,000 pounds,

and a $2 fee for those over 10,000 pounds gross weight Fleet operators of more than 10 vehicles are qualified as official inspection stations for their own vehicles, if their facilities are approved by the State Registrar of Motor Vehicles and if proper records and procedures are maintained and followed.

The sale of official inspection station permits for $5 each and the sale of inspection certificates to stations for a fee of 10 cents each resulted in a 1962 state revenue of $39,949 Moneys received from the sale of certificates are deposited in the state's general fund and an equal amount is subsequently allocated to the registrar to be used solely for the promotion of highway safety In the April 10-May 31, 1962, inspection period, $34,449 was so realized The General Assembly annually appropriates general fund money for administrative costs of the inspection program Total administrative expenses for the 1962 inspection period amounted to $36,000, including $31,000 in salaries for seven clerical supervisory and investigative personnel and $5,000 printing and miscellaneous expenditures.

Of the 3,839 defects recorded during the inspection period ending June 30, 1961, the major causes of rejection were 1,411 for taillights, 718 for headlights, 307 for stop lights, 301 for no driver license on operator, 295 for no registration certificate, 189 for mufflers, 162 for no previous inspection sticker, and 141 for missing license plates Foot brakes accounted for only 27 defective equipment tags and faulty steering for 5

SOUTH CAROLINA

A compulsory, semiannual, state owned and operated inspection program was in force in South Carolina from 1938 to 1943 During the 1938-39 fiscal year only commercial vehicles were inspected and the law requiring inspection of private passenger cars was not effectively enforced until January 1940 Of the 244,044 passenger cars inspected in 17 mobile inspection units during fiscal year 1939-40, 14 percent were found to be defective During the next license year, 17 state supervisors and 83 inspectors conducted examinations in 156 localities throughout the state, inspected 520,541 vehicles and approved only 28 5 percent on first examination Fifty percent of the defects were for defective lighting, 30 percent for brakes, 14 percent for steering and 6 percent for miscellaneous defects

The compulsory inspection law was repealed in 1943 apparently because of a lack of manpower and replacement parts during World War II and because of dissatisfaction and opposition from a large segment of South Carolina's motoring public Currently, there appears to be some sentiment for the establishment of a private garage-type system

The state highway department's 1960 official accident report indicates continuation of a general 20-year trend of marked improvement in the mechanical condition of motor vehicles throughout the state In 1960, 4 4 percent of vehicles involved in South Carolina traffic accidents were indicated to have been defective The most notable improvement—a 67 percent decrease—occurred in accidents involving auto lights

TEXAS

Texas first enacted motor vehicle inspection in 1951, but in 1953 parts of the statute were repealed, amended and re-enacted Current

law requires annual inspection in state-appointed private garages In 1961, there were approximately 4,800 stations employing 20,000 mechanics qualified to perform the 4,350,000 inspections, under the field supervision of 70 state patrolmen The records bureau consists of an additional 14 people who administer in nonfield functions of the law

The maximum inspection fee is $1 and official stations remit either 25 cents of that or 25 cents per inspection certificate to the Department of Public Safety Revenues derived from this are earmarked to the motor vehicle inspection fund to cover administrative costs of the program Additional revenue is received from the $5 biennial station license fee Any amount in excess of administrative costs is appropriated to the Department of Public Safety to be used as follows (1) payment to highway patrolmen and Texas Rangers, in addition to their regular salary, a maximum of $10 per month for those completing 5 years' service, $20 for those with 10 years' service and $30 for 15-year veterans of state police work, and (2) employment of additional highway patrolmen Program revenues for the fiscal year ending August 31, 1962, amounted to $1,220.878 50 Total operating expense amounted to 44 percent of the money collected

During the 1961 inspection period, 42 2 percent of vehicles inspected required adjustment or repair, 9 percent for foot brake deficiences, 23 3 percent for headlight adjustments Although current Texas statute does not require inspection of the steering mechanism, glass, tires, or the exhaust system, some motor vehicle inspection officials acknowledge that the program would be more effective if these items were inspected They also feel that perhaps a semiannual inspection is both desirable and practical It is interesting to note that Section 141(a) of the 1951 law did include steering mechanism in the inspection, and that experiences in other inspection states shows that faulty steering mechanism is the third major cause of vehicle rejection upon initial inspection

The 1953 law, House Bill 39, repealed that section and reinstituted it as Section 140(a) providing that only the brakes, lighting equipment, horns and warning devices, mirrors and windshield wipers may be inspected Whereas the 1951 statute authorized inspection of other equipment, the 1953 amendment specifically states that no equipment other than those listed shall be required to be inspected Repeal of the 1951 law was based mainly on objections to its requirement of inspection as a prerequisite for registration and partly on the fact that it created confusion and uncertainty as to the nature and extent of repairs required

UTAH

Utah's motor vehicle equipment inspections have been conducted since 1937 in approved privately owned and operated public garages and repair shops designated by the highway patrol The State Road Commission is empowered to designate inspection periods, and in 1962 Utah's 480,000 registered vehicles underwent annual inspection in 1,174 licensed stations for a $1 fee No state revenue derives from the program costing approximately $22,000 in annual operating expenses, exclusive of the three state trooper field personnel who assist in the program

The major causes of rejection on first inspection in 1962 were brakes (18 percent), headlights (17 6 percent), other lights (15 9 percent),

exhaust (6 3 percent), steering (3 3 percent), and windshield wipers (2 8 percent) The average cost of inspection per vehicle was $5 14 in 1962 The relative percentage of defects has been fairly consistent and the average cost of inspection per vehicle has generally increased annually over the past 10 years' operation of Utah's program [19]

VERMONT

All motor vehicles, trailers and semitrailers registered in Vermont are subject to inspections during May and October at officially designated private garages and service stations Additionally, any new or used vehicle that is for sale must be inspected and approved prior to highway operation for any purpose, including demonstration

In 1962, inspections were conducted on the 138,868 registered vehicles in 766 stations for a $1 fee

Vermont statutes provide that the inspection fee shall be credited towards charges made for necessary repairs, if the cost for repairs exceeds the fee If the time spent by station personnel on inspection, adjustments and repairs exceeds $1, based on the station's hourly charge, the fee is disregarded and any charge is made on the hourly basis No state revenue is derived from the program and state administrative expense includes $6,000 annually for inspection stickers and salaries of one clerk and six field inspectors who supervise station activities

Inspection statistics maintained in Vermont indicate the following average percentages of items found to be defective, based on both inspection periods 1958, 71 7 percent, 1959, 71 4 percent, 1960, 74 5 percent, April-September 1961, 74 2 percent Major defective equipment items were headlight aim, rear and stop lights, foot brake, parking brake, exhaust system, directional lights and steering assembly

VIRGINIA

Virginia's motor vehicle inspection program became effective in 1932 and currently is conducted in about 2,050 state-appointed stations on a semiannual basis for a maximum permissive fee of $1 In rare instances inspection stations provide regular customers with the service free of charge No revenue is derived from the system and the commonwealth bears all expenses of the program, which in 1961 amounted to $144,000 including inspection supplies, supervision and administrative costs In addition to his other duties, each trooper is assigned specific stations in his area, and submits semimonthly detailed reports

Commonwealth officials feel that motor vehicle inspection is a traffic safety program best providing Virginia's citizenry with more service for the tax dollar by utilizing existing personnel for supervision In another effort to serve its citizens better, Virginia instituted on January 1, 1959, a year-round inspection procedure, allowing vehicle inspection at the owner's convenience any time within six months from the previous inspection

The number of defective vehicles discovered upon initial inspection in Virginia was 42 percent in 1957, 45 percent in 1958, 37 5 percent in 1959, and 29 percent in both 1960 and 1961 Commonwealth officials

[19] Year-by-year cost averages are as follows 1952, $2 93 1953 $3 45 1954, $3 05, 1955, $3 23, 1956, $3 48, 1957, $3 74, 1958, $3 97, 1959, $4 33, 1960, $5 34, 1961, $4 26, 1962, $5 14

believe that there has been an improvement in automotive maintenance and an economic gain to citizens through the periodic inspection program Officials are also confident that it would be most difficult to show as many results in any other facet of traffic safety as has been shown for the approximately 4 9 cents per inspection per registered vehicle it has cost the Commonwealth of Virginia

WASHINGTON

Although Washington's motor vehicle inspection law is still in its statutes, the legislature has not appropriated any funds for administration or enforcement of the law in recent years The state operated system in effect from 1937 to 1942 was on a mandatory basis, but state patrol officials indicate not all registered vehicles were inspected because of the lack of penalties and proper enforcement powers. There was no fee for vehicle owners and approximately $2,000,000 was necessary to cover expenses of the program

There apparently is some interest by some groups to reinstate the inspection program, but proper financing seems to be the main obstacle Another objection to the program when operative was the inclusion of such non-safety-connected items as registration and license in the inspection procedure.

In the estimation of enforcement officials, defective equipment was responsible for 5 to 6 percent of motor vehicle accidents before, during and after the inspection program was in force and that there has been no noticeable change in the state's accident rate following discontinuance of the program Again, in the opinion of those officials, the number of defects caused by equipment maladjustment was not worth the expenditure involved, fleet operators in Washington have a better inspection program than the state could supply, and if the legislature did reinstate an inspection program the patrol would not recommend the type of system previously maintained

WEST VIRGINIA

Although West Virginia's compulsory motor vehicle inspection statute was enacted in 1951, the state legislature did not appropriate funds for carrying out the program until 1955 During the first year of operation, all vehicles were inspected during July, August and September, but this provision was amended in 1957 to provide annual inspection according to vehicle license numbers The current program is conducted for a $1 25 fee by 3,986 registered mechanics in 1,277 licensed stations supervised by the state Department of Public Safety, employing for this purpose 4 clerical workers and 12 state police assigned to geographic areas of 55 counties Based on a 25-cent inspection sticker cost, total revenue for fiscal year 1961-1962 was $156,700, while operating expenses amounted to $155,727 14

During the period July 1, 1961, to March 31, 1962, 10,762 of the 434,793 vehicles inspected were rejected, lights, brakes, exhaust systems, and steering being the major causes for rejections Overall analysis of West Virginia records indicates that 1 out of 6 brakes, 1 out of 3 headlights, 1 out of 4 steering systems and 1 out of 14 exhaust systems need maintenance for safe vehicle operation Total 1961-1962 cost to motorists for repairs, adjustments or replacements was $2,016,632 06, or

an average cost of $4 64 per vehicle inspected as compared with a $5 70 average the first year of operation

West Virginia officials state that the decrease indicates general improvement in vehicle condition because of periodic inspection. They also believe that inspection has been a very important and progressive step forward in eliminating many West Virginia traffic accidents During the first year of inspection, for example, it was estimated that approximately 7,000 unsafe vehicles were removed from West Virginia highways. The National Safety Council in 1961 gave West Virginia's inspection program a 98 percent performance rating when compared with other programs throughout the nation, indicating conformity to recommended standards in legislation, scope of operation and inspection procedures

C. CITIES AND COUNTIES

In addition to statewide motor vehicle inspection in the several states, some cities and counties in noninspection states have initiated programs of their own. In most instances, these municipal systems were established pursuant to a state enabling act although three cities in Tennessee operate programs without such legislation Since one of the measures studied by this committee during the 1961-1963 interim (A B 639—1961, Rees) would have allowed California cities to establish inspection programs within their jurisdiction, the following information on other cities' experiences is presented here

ALABAMA AND MINNESOTA

Alabama and Minnesota have had an enabling act in their statutes [20] for many years, but no city has thus far used it The acts empower any city in each state to acquire, establish, equip, operate and maintain motor vehicle testing stations or to designate authorized private stations A 50-cent fee per test, $1 per annum maximum, is authorized, and the scope of any inspection program is limited to city residents, persons employed within the city and operators of businesses within the city

DADE COUNTY, FLORIDA

Prior to the organization of a metropolitan form of government in Dade County, several cities had their own motor vehicle inspection programs operating pursuant to the enabling act in Florida's statutes Safety inspection became a part of the Metropolitan Dade County Traffic Code early in 1958 and is currently conducted on a semiannual basis under contract to the county by 14 separate municipalities An additional station is operated by Homestead Air Force Base, a Strategic Air Command installation While the entire program is under the supervision of the Metropolitan Dade County Public Safety Department, which maintains records and supervises inspection personnel training courses, the inspection stations are municipally owned and operated and manned by 64 municipal employees

All revenues, except the cost of inspection applications and certificates, are retained by the municipalities which are required by ordi-

[20] *The Code of Alabama*, Vol 8, Title 36, Section 109-114 *Minn Highway Reg Act*, 169 78

nance to operate the program on a nonprofit basis Any surplus revenues are used to provide additional and improved inspection facilities

Inspection fees range from 50 cents for two-wheeled vehicles to 75 cents for passenger vehicles and $1 for trucks and for-hire vehicles For the 12-month period ending April 30, 1962, motor vehicle inspection in Metropolitan Dade County accounted for $553,544 25 total revenue from 716,732 inspections During the same period there were 502,081 motor vehicles registered in the county Although the semiannual inspection of these registered vehicles should result in a greater number of inspections, certain vehicles certificated by the Florida Railroad and Public Utilities Commission and by the Interstate Commerce Commission are exempt from inspection And, the last of the municipalities participating in the Metropolitan Dade County program did not enter the system until July 1, 1962 These attritions, plus the estimated number of junked vehicles, satisfies the Public Safety Department that Dade County's inspection system is about 90 percent effective and has significantly reduced the number of unsafe vehicles on the public roads, particularly regarding headlight aiming requirements

ILLINOIS

Illinois statutes authorize any city over 40,000 in population to require by ordinance any resident vehicle owner to submit that vehicle to not more than two inspections annually Cities may provide stations, but an inspection fee is prohibited by state law, whose validity has been successfully tested in court (*City of Evanston* v *Wuzau*, 364-198, 4 N E 2d 79, 106, A C R 789) In addition to local option authority, Illinois has had an inspection program since 1938 for trucks and trailers This program, carried on by licensed private garages supervised by state police, is financed by a biennial appropriation totaling approximately $315,000

Chicago's semiannual, free of charge inspection program was in effect from July 1, 1936, to September 30, 1953, when the 12 inspection stations were closed by order of the city council An inspection system was operative in Springfield beginning in 1950 but is now defunct Detailed information on both cities' programs when operative apparently is unavailable

Evanston's one inspection station has been in constant operation since established in 1935 by city ordinance Six city employees perform biannual inspections on a nonfee basis for all vehicles bearing city licenses, and a 50-cent charge is levied for vehicles registered out of the city that are voluntarily submitted for inspection Operating expenses for 1961 totaled $30,609, including salaries, equipment, utilities and testing lane site rental During 1961, 42,418 city vehicles and 705 outside vehicles were given initial inspection, although 56,745 total inspections and reinspections were conducted On initial inspection, 7,578 vehicles were rejected for defects of one or more items

DES MOINES, IOWA

The city of Des Moines established its compulsory motor vehicle inspection program in November 1934 on a semiannual basis Origi-

nally operated by a traffic safety council with delegated powers from the city council, the program has undergone two basic changes in administrative responsibility Some years following the inauguration of the system, it was given departmental status directly under the city manager, and within the last two years it was placed in the traffic engineering department under direction of the city traffic engineer

The currently operative program affects residents and companies situated within the city, nonresidents employed within the city and nonresident students A 50-cent inspection fee produces a total revenue of approximately $78,000, which is approximately $12,000 short of covering current operating costs, exclusive of building rental During 1961, Des Moines employed 17 people on a $91,000 budget to supervise the inspection of approximately 107,000 vehicles registered in the city The rest of the county within which Des Moines is located has approximately 11,000 registered vehicles Budgetary allowances for the program in the years 1958, 1959 and 1960 were $78,000, $87,000 and $86,000 respectively

In 1961, the Des Moines Traffic Engineering Department conducted a study to determine what effect its 27-year-old inspection system has had on the city accident experience and to recommend future action on the program According to city officials, "it was not possible to draw from the study a definite conclusion as to the effectiveness of vehicle inspection "[21]

A number of improvements in the program were recommended as a result of this study and as alternatives to discontinuing the program altogether, including better enforcement, a more extensive inspection and modernization of equipment It was felt that if the city council did decide to abandon the city inspection program, that an effort then be made to obtain a system of statewide inspection in Iowa

The Des Moines City Council has recently recommended to the Iowa State Legislature that the 50-cent inspection fee be raised to $1 to provide not only for a new inspection station and improved inspection procedures, but also to make the program self-sustaining

Under the state enabling act, various other Iowa cities have in the past provided safety lanes for inspection purposes These programs were largely on a voluntary basis with resultant spasmodic enforcement, and attempts have been made to establish statewide systems During the 1951 session of the Iowa Legislature, the House of Representatives passed a bill providing for a statewide inspection system in authorized private garages A similar but more detailed bill was introduced in the Iowa Senate, but neither measure was voted upon by the Senate prior to adjournment Testimony at that time indicated that these bills were "lost in the Senate Highways Committee because it felt that the automobile dealers collectively were not ready to administer such a program "[22]

[21] Letter to committee, James D Blackburn, Staff Engineer, City of Des Moines, November 21, 1961

[22] "Necessity of statewide motor vehicle inspection in Iowa and a recommendation", *Iowa Law Review*, Vol 38, 1952-53, p 166-172, p 171

OMAHA, NEBRASKA

A city operated motor vehicle inspection program was discontinued in 1959 Up to that time, the city maintained a single testing station located on the fringe of the downtown area and all motor vehicles licensed in Omaha were required to be inspected semiannually With an inspection fee of $1, Omaha "made a profit of about $100,000 per year "[23]

At the time of the program's discontinuance, there was much agitation for increasing the number of stations in addition to opposition to the entire program City officials indicate that if the program had been continued and increased to two testing stations, profit would have been doubtful

CINCINNATI, OHIO

In 1936, the Cincinnati City Council passed an ordinance directing the city manager to establish a motor vehicle inspection station and in 1937 a testing lane was installed in the city's Union Terminal A temporary installation operating on a strictly voluntary basis, this lane was designed to acquaint the public with the proposed compulsory inspection program An inspection lane building with five complete testing lanes was constructed in the latter part of 1939 and Cincinnati's compulsory inspection program was inaugurated in January of 1940 Except for a period during World War II when manpower shortages necessitated annual inspections, the city's program has operated on a semiannual basis since its inauguration.

Originally, a 50-cent fee was charged for each inspection, but this has been increased three times to 60 cents, 75 cents, and the current $1. Reasons for the increases have been attributed to inflationary trends and the fact that Cincinnati's traffic regulations specify that the inspection fees collected must be deposited in a "traffic fund" to be used solely to defray the expenses of carrying out the inspection program[24] Revenue collected in 1961 approximated $255,400, $247,000 resulting from inspection fees and $8,400 being interest earned on invested surplus Operating expenses, including salaries of 44 employees, amounted to $259,465, meaning a net loss of about $4,000 in 1961 However, "profits" from previous years' operations provided a traffic fund surplus of $235,215 at the beginning of 1962

Figures indicating the number of vehicles registered in Cincinnati and those registered outside the city in the same county are not available, but analysis of 1960's operations show that out of 255,407 total first inspections made, 69,525 vehicles were rejected, or 27 2 percent Total defects discovered numbered 110,734, 0 4 percent defects per car inspected and 1 6 defects per car rejected Two hundred eighty-seven vehicles were declared unroadworthy in that year The three items responsible for 80 9 percent of 1960 rejections were defective brakes (32 8 percent), defective lighting (34 7 percent) and defective wheel alignment or steering mechanism (13 4 percent)

[23] Letter to committee, Herbert M Fitle, City Attorney, Omaha, Nebraska , November 8, 1961

[24] Section 504-14, Traffic Regulations, City of Cincinnati, Department of Safety, 1961

According to city officials, Cincinnati's motor vehicle inspection program has been successful in eliminating older vehicles from city street operation and they assume the program aided in establishing Cincinnati's 1961 low traffic fatality record The administrators also point out that motor vehicle inspection is not the entire answer to the accident problem and at no time is it a substitute for intelligent traffic engineering, enforcement and education.

PORTLAND, OREGON

A 1935 Oregon statute enabled cities of 100,000 or more in population to adopt ordinances providing inspection for every vehicle owned by a person residing within or not more than three miles beyond the city, and for each vehicle used in the city for business purposes, regardless of the owner's residency Portland, the only city in Oregon meeting the minimum population requirement of the enabling act, established a motor vehicle inspection program on December 1, 1936, and, except for a hiatus during World War II, continued the program until June 10, 1949

The ordinance establishing the inspection program required semiannual testing at one municipally owned and operated station for a 50-cent fee About 800,000 vehicles were inspected during the history of the program The program was discontinued by repeal of the 1935 enabling act by the 1949 Oregon Legislature At that time the legislature also passed a statewide compulsory inspection bill that was vetoed by the Governor

In the opinion of one Portland city official, it was not a defect in the inspection program that compelled its repeal, but, rather, resentment toward Portland by some suburban and rural residents against being compelled to submit their vehicles for city inspection The program, however, probably would not have been effective if only city residents' vehicles were subjected to inspection, since much vehicular traffic terminating in Portland has its origin outside the city

The opinion has been expressed in Portland that now perhaps more emphasis would be placed on driver education since many people feel it is the driver's ability that should be tested periodically, not his car.

THE TENNESSEE SITUATION

Although Tennessee does not have a specific state enabling act authorizing local inspection programs, Section 59-1028 of its Motor Vehicle Laws authorizes municipalities to adopt regulations in addition to state laws for the operation of vehicles within cities.

Chattanooga has operated a single city owned and operated inspection station since May 1939 to carry on its semiannual testing Current operating costs total $4,000 per month for processing approximately 74,000 vehicles each inspection period for a $1 fee

Established in 1936, Knoxville's inspection lane processes approximately 100,000 cars annually on a $51,679 budget There is no fee for the semiannual inspection, but there is an annual city license fee of $5 for vehicles under 3,600 pounds, $7 for those over this weight and $10 for all trucks In the opinion of the city police department, the

decrease in motor vehicle fatalities has been an important result of the inspection program

The program in Memphis began in 1934, employs approximately 60 city personnel who operate an inspection bureau on a two-shift basis Monday through Friday from 7 a m until 9 p m All vehicles traveling city streets are subject to three inspections annually for a 50-cent fee per inspection In 1961, approximately 525,000 cars were inspected, and city officials believe the program has proven successful in the protection of public health, safety and welfare

In Oak Ridge, a voluntary inspection program was in operation for several years but was discontinued shortly after the city incorporated in 1960.

D. CANADA

PROVINCE OF NOVA SCOTIA

While Nova Scotia does not have a compulsory inspection program, the Royal Canadian Mounted Police and the Town and City Police do perform continual on-the-road checks that provincial officials feel are practical, valuable and inexpensive During 1960, 174 persons died and 1,825 were injured on Nova Scotia's streets and highways Officials in the province believe that some of this death and misery could have been prevented if defective vehicles had been checked and removed from the road until proven safe

While it is admitted that inspection stations and safety equipment could provide a more detailed inspection than the road check, Nova Scotia's motor vehicle administrators feel that the road checks on brakes, tires, steering, lights and accessories have the added advantage that drivers never know when they may be stopped and their vehicles checked for basic deficiencies Provincial officials further believe that official stations cost a lot of money and all that is actually known is that a vehicle is apparently in good shape, at the most, at two specific times a year and probably was "doctored" to pass inspection

Year after year in Nova Scotia, indications are that drivers are responsible for 70-odd percent of accidents and the motor vehicle administrators there feel that what moneys they do spend produce a greater return when directed at driver improvement

VANCOUVER, BRITISH COLUMBIA

The City of Vancouver's motor vehicle inspection station commenced operation on March 6, 1939, and completed its 47th semiannual inspection period in August 1962 In the March-August 1961 inspection period, a total of 174,079 inspections and reinspections were conducted during the 117 working days This represents an average of 1,487 vehicles per day, or one inspection completed every 33 seconds On first inspection, 36 1 percent of the vehicles were rejected The principal causes for rejection throughout the years in Vancouver have been headlights, service brakes and the steering mechanism, and the average figure for initial inspection rejection from 1947 to 1961 was 33 7 percent

As of the 45th inspection period, the Vancouver station had 4,608,582 accumulated total inspections The inspection program has been self-

sustaining on the basis of a $1.25 fee and a 25-cent fee for two or more reinspections prior to approval. In the first half of 1961, 35,211 vehicles were approved on the first reinspection, 4,355 on the second, 1,498 on the third, 185 on the fourth, 50 on the fifth, 12 on the sixth, 3 on the seventh and 1 each on the eighth and ninth reinspections.

During 1938, the year immediately prior to the commencement of Vancouver's inspection program, vehicles reported to have apparent mechanical defects when involved in accidents, in relation to all city traffic accidents, comprised 6.9 percent. Annual percentages in this respect declined at a fairly constant rate, the average between 1949 and 1962 being less than 1 percent, and for 1960, one-half of 1 percent. Vancouver's motor vehicle officials believe this average for Canada is about 9 percent.

E. NONCOMPULSORY PROGRAMS

Roadside Inspection by Police Officers

In addition to those areas where either statewide inspection or local option programs are in force, practically all state and provincial jurisdictions authorize highway patrol and state and local police to stop and inspect any motor vehicle upon reasonable cause to believe it is in unsafe operating condition or not equipped according to law.[25] In some areas, notably Nova Scotia, motor vehicle administrators feel this roadside authority and enforcement is preferable to a statewide mandatory periodic inspection system.

Where roadside authority is granted by statute, and the vehicle found not to be in compliance with state law, adjustments and repairs must then be made within a period of time, ranging in the various jurisdictions from a reasonable and necessary period to 48 hours to 10 days.[26] These roadside checks are not generally considered part of an organized inspection program but rather part of regular enforcement of motor vehicle equipment laws and regulations.

National Vehicle Safety-Check for Communities

In 1945, following a statewide brake-emphasis program in Michigan, the International Association of Chiefs of Police sponsored a nationwide brake check program which seemed to be well received by public officials and motorists. It was followed by a nationwide program designated as the 10-point Safety-Check of vehicles on a voluntary basis. The annual May Safety-Check, cosponsored by the Inter-Industry Highway Safety Committee and the National Safety Council, followed in 1948.

The next step in this series of programs was the National Vehicle Safety-Check for Communities, inaugurated in 1954. At present, it is the only national, special emphasis program on vehicle condition and is promoted each year during May and June by the Auto Industries Highway Safety Committee and *Look Magazine*, with the co-operation of the Association of State and Provincial Safety Co-ordination. It is not designed as a substitute for official periodic motor vehicle inspection but is considered a "visual" check intended to call owner attention to

[25] California *Vehicle Code*, Sections 2804 and 2806.
[26] *Ibid*, Sections 24004, 40150, and 40303.

obvious unsafe conditions. It is said that the voluntary nature of the program allows operators of unsafe vehicles to avoid the check lanes or neglect to correct unsafe items on their vehicles.

In 1961, more than 3½ million drivers responded to 3,000 voluntary Safety-Check programs conducted during May and June by school and teen driving clubs, military installations, industrial plants, and in cities and counties of 32 noninspection states. Since 1954, 20 million drivers have participated.

PART III. NECESSITY AND FEASIBILITY OF MOTOR VEHICLE INSPECTION IN CALIFORNIA

A. PREFACE

As noted in Section IA of this report, this committee devoted two hearings during the 1961-1963 interim to a consideration of the necessity and feasibility of motor vehicle inspection in California [27] During the hearing held in Los Angeles on November 15, 1961, by the full committee, Chairman Beaver suggested that it would be helpful to committee members if proponents of inspection in California could at a subsequent date supply the committee with an informal memorandum suggesting minimum requirements for a useful and productive measure implementing an inspection system To accomplish this, inspection proponents formed the Automotive Legislative Conference

In a series of four meetings, members of the conference pooled their technical automotive knowledge, studied motor vehicle inspection statutes and practices in other states and conferred with private and public safety experts A summary report containing the conference's recommendations for a California inspection statute was filed with this committee in August 1962. On October 23, 1962, the Interim Subcommittee on Transportation Safety met in San Francisco not only to discuss this report but to receive additional testimony from any other interested individuals and organizations.

In the course of its hearings, the committee received an abundance of useful testimony and many helpful suggestions What follows in this section are excerpts of testimony presented, material collected on research in other states, and the committee findings and recommendations on the necessity and feasibility of periodic compulsory motor vehicle inspection in California, as directed by House Resolutions No 150 and No. 323 (1961 session).

B. PAST HISTORY OF MOTOR VEHICLE INSPECTION LEGISLATION IN CALIFORNIA

1937-1939

Compulsory periodic motor vehicle inspection has been proposed in California from time to time during at least the last 25 years In the 1937 session of the California Legislature, three bills were introduced on the subject Two bills introduced by Assemblyman Cronin, one providing for statewide inspection (A B 639) and the other providing for local option programs (A B 640), were referred to the Motor Vehicle Committee and reported without further action The third bill, A B. 2462 by Assemblyman Levey, was heard in the same committee, amended, recommended favorably by the committee, but was re-referred to the committee from the Assembly floor It too was reported without further action at the adjournment of the 1937 session [28] A local option

[27] Verbatim transcripts of both hearings are available from the committee office, Room 4140, State Capitol, Sacramento 14, California

[28] *Final Calendar of Legislative Business*, California Legislature, 1937 session, Assembly Final History, p 633

inspection measure, introduced by Assemblyman Cronin in the 1939 session was reported from committee without recommendation and subsequently refused passage by the Assembly [29]

1951-1957 Brake and Headlight Proposals

From 1951 to 1957, a number of bills requiring mandatory inspection of lighting equipment and brakes was introduced, but none was ultimately enacted into law [30] Assembly Bill 1006, introduced by Assemblyman Grant at the 1951 session, would have required the California Highway Patrol to designate, furnish instructions to, and supervise official stations for adjusting headlamps, auxiliary driving, fog lamps or other required lamps or brakes upon vehicles within the provisions of the California Vehicle Code The second section of this 1951 proposal prohibited operation on any highway of any registered vehicle unless it had been inspected at an official station within the previous 12-month period This bill was reported without action from the Transportation and Commerce Committee at the close of the 1951 session [31] Four identical bills introduced in the 1953 and 1957 sessions provided for mandatory biannual inspection of lighting equipment and brakes and the display of an official station approval certificate One of these bills received a "do pass" recommendation from the Transportation and Commerce Committee but was stricken from the Assembly File upon reaching the floor, and the other three were reported without action from the committee [32]

On January 17, 1953, Senator Gibson introduced Senate Bill 1793, which provided for mandatory licensing of official headlight and brake adjusting stations by the California Highway Patrol and required the patrol to establish a just and reasonable testing fee not to exceed $1 50 and to charge an annual station license fee of $50 The bill also included mandatory testing of lights and brakes of all registered vehicles and provided that failure to correct necessary adjustments would be sufficient grounds for Department of Motor Vehicles refusal to register any vehicle This bill was referred from the Senate Transportation Committee without action [33]

Two proposals introduced by Senator Collier at the 1955 and 1957 sessions would have required proof of satisfactory inspection of lighting equipment and brakes prior to original or renewal of registration Both of these measures were held in the Senate Transportation Committee without action [34]

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[29] *Ibid*, 1939 session, p 309, Assembly Bill 1006

[30] *Note* Sections 11300 and 11301 of the 1961 California Vehicle Code provide permissive inspection of lighting and brake equipment in official testing stations designated by the California Highway Patrol *See also* Part III, Sections C and G for explanation of current requirements and this committee's recommendation for expanding the scope and application of this voluntary program

[31] *Final Calendar of Legislative Business*, California Legislature, 1951 session, Assembly Final History, p 449

[32] *Ibid*, 1953 session, p 367, Assembly Bills 637 and 639 (Fleury), 1957 session, p 1170, Assembly Bills 3641 and 3642 (Kelly)

[33] *Ibid*, 1953 session, Senate Final History, p 480

[34] *Ibid*, 1955 session, p 538, Senate Bill 1399, and 1957 session, p 417, Senate Bill 1156

1955-1961 Proposals and Studies

In the 1955 session, Assemblyman Meyers introduced Assembly Bill 3226 prohibiting all vehicles, except new and out-of-state ones, from being registered in California until they had been inspected and found to comply with all provisions of law This proposal was retained in the Transportation and Commerce Committee [35] Following the 1955 session, however, the Assembly Interim Committee on Transportation and Commerce did devote study to statewide motor vehicle inspection, and, on the basis of inconclusive findings, recommended further study [36]

In 1957, Assemblyman Collier introduced A B 2361 requiring annual inspection of such vehicle equipment as lights, brakes, steering mechanism, wheels, tires, windshield and windshield wipers Inspections were to be conducted between January and April in official lamp and brake testing stations which would issue a certificate of inspection and approval This bill was referred to interim study by the Transportation and Commerce Committee [37] Reporting to the 1959 session, the Assembly Interim Committee on Transportation and Commerce made no recommendations on its study of motor vehicle inspection, except to relate it parenthetically to installation and inspection of motor vehicle air pollution control devices [38]

The first detailed proposal for statewide motor vehicle inspection of all equipment introduced in the California Legislature was contained in Senator Richards' Senate Bill 1351 of the 1959 session In essence, this bill adopted the suggested model law of the *Uniform Vehicle Code* by requiring biannual inspections in private garages licensed by the California Highway Patrol Certificates of inspection and approval were to be issued by stations free of charge or a permissive maximum 50-cent fee could be charged for the inspection and issuance of the certificates This proposal would also have repealed then-existing provisions for licensing lamp and brake testing stations Although the Senate Transportation Committee referred the subject matter to interim study,[39] no record of the committee's interim activities or recommendations on motor vehicle inspection are available, since the committee did not publish a report to the 1961 session of the Legislature [40] An Assembly committee did recommend consideration of some form of compulsory state inspection to the 1961 Legislature, following tangental testimony received during a 1960 interim hearing on a proposal for licensing motor vehicle repair shops and mechanics [41]

Action taken by the 1961 session of the California Legislature is detailed in Section A of Part I of this current report

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[35] *Ibid*, 1955 session, Assembly Final History, p 977

[36] *Report of the Interim Committee on Transportation and Commerce* (L M Backstrand, Chairman), Assembly Interim Committee Reports, 1955-1957, Vol 3, No 5, pp 12, 43-44

[37] *Final Calendar of Legislative Business*, California Legislature, 1957 session, Assembly Final History p 890

[38] *Motor Vehicle and Highway Problems* Report of the Interim Committee on Transportation and Commerce (Frank Luckel, Chairman), Assembly Interim Committee Reports 1957-1959, Vol 3, No 6, March 1959, p 58

[39] *Final Calendar of Legislative Business*, California Legislature, 1959 session, Senate Final History, p 492

[40] *California Interim Legislative Committees and Reports*, 1959-1961, prepared by the California Legislative Analyst Oct 1961, p 15

[41] *Final Report of the Interim Committee on Governmental Efficiency and Economy* (Lester A McMillan, Chairman), Assembly Interim Committee Reports, 1959-1961, Vol 8, No 6, p 21

During the 1961-1963 interim, the Advisory Committee on Motor Vehicle Legislation studied and evaluated a program of compulsory inspection, and on December 14, 1962, recommended against any such legislation or program in California The advisory committee also adopted a technical subcommittee findings that enforcement of vehicle equipment violations at the local level ought to be improved, and that more adequate followup of major equipment violations be required to assure compliance.

C. CURRENT CALIFORNIA CODE PROVISIONS AFFECTING MOTOR VEHICLE EQUIPMENT INSPECTION

Although current California law does not contain provisions for establishing and maintaining a statewide periodic inspection system or an enabling act authorizing local jurisdictions to operate inspection systems, there are various provisions applicable to equipment condition, inspection and adjustment.

It is unlawful to operate any vehicle or combination of vehicles on California's highways when those vehicles are in unsafe condition or not equipped as required by the Vehicle Code [42] As in most other states, California Highway Patrolmen and city traffic officers have the authority, upon reasonable belief that any vehicle is being operated in violation of any code provisions or is in such unsafe condition to endanger any person, to require the driver to stop and submit the vehicle to an equipment inspection and such tests as may be appropriate to determine the safety of persons and compliance with code provisions.[43] It is unlawful for any driver to refuse to submit to any such lawful inspection [44]

If a motorist receives a notice of unsafe vehicle condition, he may not lawfully operate that vehicle, except to return it to a residence, place of business or garage, until necessary adjustments have been made,[45] and, if a notice to appear is issued or a complaint filed on the unsafe condition, the vehicle driver or owner may be required to produce in court satisfactory evidence that necessary repairs or adjustments have been made [46]

The Department of Motor Vehicles may refuse registration, renewal or transfer of registration of any vehicle mechanically unfit or unsafe for highway operation,[47] or may suspend, cancel or revoke the registration of any mechanically unfit or unsafe vehicle [48]

Throughout the State, there are numerous official lamp and brake testing stations designated and supervised by the California Highway Patrol[49] and voluntary inspections and adjustments may be conducted at any time following which stations must issue a certificate of inspection and adjustment to the vehicle owner or driver.[50] Faulty ad-

[42] *California Vehicle Code*, Section 24002 *Note* Division 12 of the Vehicle Code is devoted to vehicle equipment, Division 13 to towing and loading equipment, Divisions 14, 14 5 and 14 7 to the transportation of explosives, radioactive materials and flammable liquids, and Division 15 to size, weight and load provisions
[43] *Ibid*, Sections 2804 and 2806
[44] *Ibid*, Section 2800
[45] *Ibid*, Section 24004
[46] *Ibid*, Section 40150
[47] *Ibid*, Section 4761(d)
[48] *Ibid*, Section 8800(b)
[49] *Ibid*, Section 11300
[50] *Ibid*, Section 11301

justment of lighting equipment must be corrected within 48 hours following inspection by a California Highway Patrol member [51] and every motor vehicle dealer must test and make necessary adjustments to lights and brakes prior to the sale of any new or used motor vehicle.[52]

D. 1961-1963 INTERIM COMMITTEE HEARINGS

(1) *Type of Proposed System, Fees and Plant Capacity*

As noted in the preface to this section, the Automotive Legislative Conference worked with this committee in an advisory capacity during the 1961-1963 interim. They recommended a self-financing privately owned and operated system with state administration, control, technical supervision, enforcement, policing and licensing, based on Pennsylvania's statute.[53] To provide sufficient funds to cover administrative costs of the inspection program, proponents recommend that the appropriate state agency sell inspection stickers or certificates to authorized stations at 25 to 50 cents each Based on one inspection yearly for 9 million vehicles, revenue received from a 25-cent sticker sale would amount to $2\frac{1}{4}$ million, earmarked specifically for operating costs. Some proponents of motor vehicle inspection in California have indicated their awareness that this amount would be more than sufficient to cover administrative costs and that provision must be made for allocation of any surplus funds.

Inspection proponents feel that a majority of California's 13,000 garage owners and auto dealers and 23,600 service stations would become franchised or licensed to conduct inspections In addition, proponents expect that privately owned assembly-line inspection stations will be developed in areas of vehicle density and that there will be much interest generated in the construction, equipping and operating of portable inspection units in the more sparsely populated areas In answer to a question on the adequacy of automobile mechanic manpower to cope with the impact of inspecting California's $8\frac{1}{2}$ million cars, especially with the gradual diminution in the number of garages, a spokesman for the California Automotive Wholesalers' Association stated that if an inspection had been effective and enforced in California in 1961, industry could not begin to cope with it since there were not "enough mechanics in private garages, car dealers and service stations in California even to grind enough valves to keep the car owners happy." [54] He further stated that the gigantic shortage of mechanics was one reason for his association's support of motor vehicle inspection [55] In contrast to this evaluation, the statement was made by the same spokesman, testifying as chairman of the Automotive Legislative Conference at a committee hearing 11 months later that there were sufficient numbers of garages and mechanics to handle annual inspec-

[51] *Ibid*, Section 40151(b).
[52] *Ibid*, Section 24007
[53] "Recommendations Relative to the Need for and the Feasibility of a Minimum Motor Vehicle Inspection Statute for California," a report by the Automotive Legislative Conference, 740 State Street, Santa Barbara, California, 5 pages, mimeo, August 1962, p 3
[54] Testimony of James Hamilton, transcript of proceedings on "Proposed Periodic Motor Vehicle Inspection in California", Assembly Interim Committee on Transportation and Commerce, November 15, 1961, Los Angeles, p 20-21
[55] *Loc cit*

tion of California's 8½ million registered vehicles.[56] Proponents also suggest 17 port-of-entry stations to inspect out-of-state cars entering California.

Somewhat divergent testimony was also presented on the desirability of prohibiting stations conducting inspections from making repairs or referring motorists to other garages. While the Automotive Legislative Conference's minimum inspection statutory requirements prohibit collusive referrals of business from inspector to a specific repairer whenever the inspector does not himself perform needed repairs, and while the majority of proponents feel the inspecting station may lawfully repair determined defects, one industry organization favoring statewide periodic inspection feels that inspections should be conducted by garages doing nothing but inspections to prevent unscrupulous garage owners from gouging the motorist with unnecessary repairs.[57]

There is unanimity, however, among proponents that motor vehicle inspection in California should be conducted initially on an annual basis, although testimony indicated that subsequent changes to a biannual inspection would probably be necessary to make the program as effective as possible. Legislation suggested by proponents would exempt all fleet operators and federal, state and local governmental vehicles from inspection, and would require inspection upon change of vehicle title. Proponents do not believe the State should set the inspection fee but rather should allow a statutory $1 minimum and $3 maximum based on Pennsylvania's statutory consideration of station location.[58] Fines would also be assessed for violation of inspection statutes, and penalties levied against culpable inspectors. Presumably, moneys realized from such fines and penalties would also be earmarked to offset state administrative costs.

There was considerable discussion at committee hearings over the cost of the inspection and, while some committee members expressed doubts that an adequate inspection could be accomplished under 5 or 10 dollars, industry spokesmen countered that the volume of inspections per day was the important factor, not the price per inspection. They suggested that an adequate inspection could be conducted in five minutes with no compromise in quality or completeness.

(2) *Mechanical Defects as a Cause of Motor Vehicle Accidents*

Motor vehicle equipment condition runs as a major theme throughout testimony presented at committee hearings and pertinent literature reviewed by the committee staff. Undoubtedly, the condition of the vehicle and of its equipment is an element in nearly every highway accident. Especially is this so of brakes. Automobile accidents are nearly always collisions—collision with another car, or a pedestrian, or

[56] As of September 30, 1962, California had 8,934,740 registered motor vehicles, representing a gain of 476,756 over the number recorded on the same date in 1961. There is little doubt that this number will continue to increase.

[57] Testimony of Henry Sorenson, transcript of proceedings on "Proposed Periodic Motor Vehicle Inspection in California", Assembly Interim Committee on Transportation and Commerce, November 15, 1961, Los Angeles, p. 22. *See also* transcript of proceedings on "Motor Vehicle Inspection," Assembly Interim Subcommittee on Transportation Safety, October 24, 1962, San Francisco, and *San Francisco Examiner*, Wednesday, October 24, 1962.

[58] Regardless of the necessity or feasibility of motor vehicle inspection in California, this committee would point out a practical aspect that must be considered if an inspection bill is introduced at the 1963 session. The matter of fees to be paid by the motorist and Governor Edmund G. Brown's announced determination not to increase taxes at the session.

a post, tree, or other object Even when an accident becomes imminent because of poor judgment on the part of a driver or pedestrian, it *may* be avoided if the vehicle can be stopped quickly enough, or at least be rendered far less serious if the vehicle's speed can be materially reduced by braking

During hours of darkness, lights become of vital importance Most rural highways are unlighted and the motorist must furnish his own road-lighting equipment Observation of the cars operated in states which have no adequate enforcement of equipment requirements is enough to convince anyone how bad automobile lamps can become under these conditions Headlights in particular need regular attention Experience has shown the primary importance of road illumination if the number of increasing night pedestrian fatalities is to be checked and reduced Not only is road illumination with modern headlighting equipment not sufficient for safe driving at modern night driving speeds, but it is limited both in direction and intensity by glare All that can be done at present is to compromise between adequate roadlighting and absence of glare, and this cannot be done unless the headlights are regularly inspected and adjusted

Coincidentally, brakes and headlights are the two items consistently accounting for the highest percentage of rejection upon inspection in states maintaining statewide systems If there is a connection between faulty equipment and traffic accidents, it seems logical that constant inspection and maintenance of brakes and headlight adjustment would tend to materially reduce accident potentials [59] In states having inspection, experience over the years has shown that from 40 to 60 percent of all cars have defective brakes

It is difficult to correlate mechanical defects and motor vehicle accidents and fatalities, and no reliable statistics have been presented and apparently none are available to show the number of accidents caused by mechanically defective vehicles There have been suggestions that mechanical defects play a much greater role in accidents than previously believed and the Auto Industries Highway Safety Committee lists the following main reasons that mechanical defects have not been given proper recognition as an accident cause (1) vehicles are often damaged beyond the point of determining condition at the time of the accident, (2) accident investigations tend to concentrate on the driver and driving conditions, exclusive of vehicle condition, (3) many investigators are not trained to recognize evidence of unsafe vehicle condition; (4) accident reporting procedures in different states are not uniform, (5) drivers are reluctant to admit maintenance neglect, fearing prosecution for contributory negligence, and (6) vehicles are often defective prior to an accident without the owner's knowledge because of the lack of proper inspection

Proponents of motor vehicle inspection in California, while suggesting that mechanical failure is a much larger contributor to traffic accidents than commonly thought, also agree that all available data tends to support the view that most collisions and accidents are caused by driver error or failure

[59] See Part III, Section F for this committee's recommendation on this aspect of vehicle equipment inspection

Although it is impossible to determine the percentage of accidents caused by mechanically defective vehicles, it is possible to arrive at an approximate percentage of vehicles that are mechanically defective For example, in the 1960 National Vehicle Safety-Check Program, 1 out of 6 of the approximately 3,000,000 vehicles checked was in need of some mechanical attention for safe driving, and many of the states conducting motor vehicle inspection programs during 1960 reported rejections in excess of 40 percent of the vehicles inspected In the San Francisco Bay Area Traffic Executives Council traffic safety checks for July 3, 1959, to December 31, 1961, the final average of violations for cars checked indicated that 0 86 percent were for improper lights or mechanical defects The number of vehicles observed in these checks was substantially greater than the number actually stopped and checked, and there was a 0 32 percent of violations of all cars observed This is in substantial conformity with California Highway Patrol records developed from monthly traffic reports By far, the largest volume of violations in the Bay Area checks consisted of improper lights

Because of the national recognition accorded Professor J Stannard Baker of the Northwestern University Traffic Institute, and because recent comments of his are pertinent to mechanical defects, driver behavior, accident reporting procedures and motor vehicle inspection, the committee includes here *in toto* a letter from Professor Baker [60]

> "We have numerous requests for specific information on the frequency of mechanical defects or design deficiencies in motor vehicles in traffic accidents Offhand, one would think that such data would be readily obtainable and so should be available The fact is that it is extremely difficult information to get Consequently, compiled statistics, such as they are, impress me as quite unreliable
>
> "There are two related problems in determining how vehicles contribute to accidents After the accident, someone has to decide whether there was a vehicle defect or design deficiency and after that whether the accident would have occurred had this defect or deficiency not been present In all severe and in many minor accidents, damage to the vehicle is such that many parts are broken. Even when fairly competent people examine them, it is difficult if not impossible to determine whether these parts did indeed contribute to the accident
>
> "The two principal sources of mass information about accidents are reports of the drivers involved and the police.
>
> "The reliability of driver reporting is highly questionable In the first place, most drivers are confused about exactly what happened in an accident, in the second place almost no drivers are competent to examine the vehicles and make a scientific determination of the functioning of the parts in connection with the accident Hence I am sure that a considerable number of vehicle defects contribute to accidents without the driver suspecting it For example, suppose the taillights of a car do not operate and as a consequence another car runs into it from behind The collision

[60] J Stannard Baker, Director of Research and Development, The Traffic Institute, Northwestern University, letter to Automobile Club of Southern California, dated December 22, 1961

destroys the taillights What driver will trace the wiring through the wreckage to determine whether there was a short circuit, a blown fuse, a broken connection or defective switch? What driver has the technical knowledge to examine the filaments of his taillights metallurgically to determine whether they were lighted at the time of the collision? Even when drivers believe that the vehicle was defective they may suppress it in reporting because it appears to make themselves culpable for failure to maintain the vehicle On the other hand, drivers often falsely report mechanical defects to shift the blame away from themselves Thus if a driver runs off the road because he fell asleep or because he was intoxicated, he may report a tire failure (if there is a tire flat after the accident), headlight glare from an oncoming car, or steering gear failure In 1936, I made an experiment to determine whether such reporting did occur. I sorted out all of the driver-reported steering-gear defects in Massachusetts for a year. There was between 150 and 200 of them. I then counted the number of these for each hour of the day There is no reason why steering gears should fail more frequently in darkness than in daytime, and one should expect that they would fail in proportion to the amount of traffic on the road, that is, that more would fail during the evening rush hour than in the early morning hours The count showed that 60 percent of the steering-wheel failures reported by drivers in that year occurred between 10 p m and 2 a m. We can only conclude that these reports were for the purpose of covering up information relating to some other circumstance

"How about police reports? Do police disassemble cars after accidents to determine their possible condition? Perhaps, but I doubt that they do so in as many as 1 accident out of 100,000. Where then does the data on vehicle defects on police reports come from? If you make any inquiry among police concerning the sources of information concerning vehicle defects which appear on their reports, you will almost invariably be told that it is furnished by the driver Thus puts us right back where we were with driver reports.

"From time to time I have had opportunity personally to follow up on official reports in which a vehicle defect is recorded as a factor in the accident This is not systematic research, I must warn you, but merely an attempt to test reliability of reporting In the last 10 of these cases I have not found 1 which could be substantiated by careful mechanical examination of the vehicle or which could be supported by careful study of the circumstances of the accident Half of these were tire failures and the others were failures of brakes, accelerators, and lights. Only one involved steering mechanism

"On the other hand, a number of accidents have been brought to my attention in which there was definite evidence of mechanical failure although no mention was made of this on the official reports.

"Hence, I am unable to give you any idea as to whether the generally accepted data, which is usually compiled from driver and police reports, over or understates the vehicle-defect problem

The usually accepted figure is that between 5 percent and 10 percent of all accidents involve vehicle defects of some kind

"The National Safety Council no longer publishes summaries of state reports of defects in motor vehicles relating to accidents They do not believe they are sufficiently reliable They do publish results of the National Vehicle Safety-Check Programs

"Vehicle inspections often show a quarter to a half of the vehicles 'defective' These figures are given without very careful definition of what is meant by defective One could establish inspections with sufficiently close tolerances and covering a sufficient variety of items that three-quarters of all vehicles would fail On the other hand, rather simple inspections of a limited number of items might show that only 10 percent of the vehicles failed *Consequently the results of these inspection checks are difficult to interpret in terms of the extent to which vehicle defects contribute to accidents Remember also that defect of a vehicle in an accident does not necessarily imply that the defect contributed to the accident* (Emphasis added) For example, headlight deficiencies and taillight deficiencies are unlikely to have any effect in daytime

"For about two years, we had a team of an engineer, a physician and a behavioral scientist who went with police to the scene of accidents when they happened They were given unlimited time to dig into this and other problems relating to each accident They investigated in depth about 65 vehicles involved in accidents In not one of these was there a clear indication of a mechanical defect contributing to the accident In one of them a driver definitely claimed that the accelerator stuck, but this could not be satisfactorily supported by examination of the vehicle or study of the circumstances of the accident In several other accidents, as I recall it, three, vehicle conditions were found which might have contributed One of these, for example, was 'play' or looseness in the steering wheel of more than four inches which presented a problem under special conditions for a relatively inexperienced driver

"I do not believe that we have now nor that we shall have in the next few years sufficiently good data from accidents *to estimate the amount of cost of accidents due to mechanical deficiencies in the vehicles I believe that it is certainly under 10 percent of the accidents, probably under 5 percent and possibly as few as 2 percent* (Emphasis added) Because most of the accidents involved two vehicles, these figures can be approximately halved to obtain the proportion of vehicles involved in accidents which have such defects With such figures, it is difficult to evaluate the accident-preventing capabilities of a vehicle inspection system

"The question facing us in deciding whether the time has come to set up statewide inspection stations is a simple but difficult one Are there other things which we could do for the same money which have greater accident-reducing potential? Inspection costs at least a dollar per car per year Assuming that accidents cost $100 per car per year and that 5 percent of the accidents are contributed to by vehicle defects, then vehicle defects would contribute to $5 of vehicle costs per car per year Assuming that half of these accidents would be prevented by inspection (nobody knows what this

figure would really be for any specific inspection system), then vehicle inspection would save $2 50 in accidents for each $1 spent on it (not included savings in tire wear or costs of repairs necessary to keep the accidents from happening) it would be a good investment

"But if a dollar per car per year invested in driver licensing, driver education, law enforcement, traffic engineering, street lighting, or more roads, would reduce accidents more than about 2½ percent, it would be a better investment "

Sincerely yours,

/s/ J. Stannard Baker
J Stannard Baker

In summary, the number of highway accidents which are wholly or partly due to defective equipment is not known The operation of the vehicle and the equipment by which it is operated are so closely connected that it is impossible in most cases to attribute an accident either to improper operation or to defective equipment Although an adequate expert examination of all vehicles involved in even the most serious accidents is possible, the damage sustained in collision accidents makes difficult a reliable determination of the condition of these vehicles before the accidents occurred Operators' accident reports, from which most equipment statistics are derived, are useless as a means of compiling this information An operator will almost invariably report that his vehicle was in good condition

Speaking to the point of vehicle structural failures, in a February 27, 1959, report transmitted to the United States Congress, the Secretary of Commerce stated in part that

"Precise identification of vehicle factors with highway accidents is especially difficult The vehicle is commonly thought to be involved as a contributing cause in only a small percentage of accidents, but this is due at least in part to destruction or inaccessibility of the evidence after the accident

"This recorded low percentage is hardly reason for classing the vehicle as an unimportant factor in the search for greater safety in the highway transportation system To a greater or lesser extent, the vehicle may be regarded as an extension of the driver's own capabilities and desires From the safety viewpoint, it is worth examining the vehicle in this light as well as from its adequacy in other functional and structural ways

"Part of the uncertainty about the responsibility of the vehicle in traffic accidents, or conversely, its contribution to safe highway transportation, rests on the scarcity of unbiased, reliable fact Accident investigation, at the time and on the scene of the accident, tends to treat the functional characteristics of the vehicle quite superficially. Often this is not so much because the investigator lacks the inclination and technical competence, though these are involved Rather, it is because more regard is given, quite often necessarily, to care of the injured, control of traffic at the site, property damage estimates, traffic law violations, and a multitude of other details pertaining to the accident

"In any event, structural failures are rarely reported and are not readily appraised Similarly, there are infrequent but some instances of failure reported, resulting in loss of vehicle control or other difficulties eventuating in an accident, that were occasioned by faulty or careless assembly during production or in dealer preparation of a new vehicle

"Nevertheless, if the accident is defined as a deficiency in the highway transportation system, which in its complex is accomodating drivers and pedestrians of various types, on streets and highways almost equally varied, then the vehicle—which also is of varied types—cannot be excepted from the chance of contributing to the mishaps that occur. The vehicle may be less at fault than other parts of the system, but this matters little so long as the traffic accident maintains anything like its present dimension on the national scene. Contributions to highway safety through vehicle improvements are as meaningful as those realized through any other avenue Vehicle failures related to highway safety are not limited to smooth tires and faulty brakes. The geometry, the whole operational mechanism, and the patterns of use induced by the vehicle are all involved" [61]

(3) *The Driver as the Cause of Motor Vehicle Accidents*

Some researchers say the driver is the cause of 80 to 90 percent of all traffic accidents [62] and other estimates run as high as 96 percent [63] Over the past 35 years, investigators of driver behavior in motor vehicle accidents have furnished mounting evidence that an important influence is the driver's basic personality [64] Another stated conclusion is that the high incidence of traffic accidents supports the view that the driving public is not safety conscious or, if it is, has not sufficiently translated its knowledge and attitudes into improved driving behavior—and this in spite of the enormous safety campaigns to which the public is constantly exposed [65]

(4) *Other Suggested Approaches*

Another suggestion holds that many people estimated to die in traffic accidents will die simply because they did not know what they were supposed to be doing and misunderstood traffic laws The Council of State Governments estimates that at least one out of five traffic accidents

[61] *The Federal Role in Highway Safety*, House Document No 93, 86th Congress, 1st Session, United States Government Printing Office, Washington, D C , 1959, p 37

[62] Ross A McFarland and Roland C Moore, "Human Factors in Highway Safety," *New England Journal of Medicine*, Vol 256, April, 1957, p 793

[63] Joseph B Bidwell, "Control Problems of Automatic Highways," paper prepared for Columbia University Conference on Electronic Controls and Traffic Safety, 1958, p 5

[64] Ross A McFarland and others, *Human Variables in Motor Vehicle Accidents*, Harvard School of Public Health, 1955, p 43

[65] James L Malfetti, "Human Behavior—Factor X", *The Annals* of the American Academy of Political and Social Science, November 1953, pp 93-102, p 96 *Note* Article includes discussion of the role of public information and education, the general public's safety consciousness, driver perception and judgment, the effect of safety advertising and possible redirection of public information campaigns for the improvement of driver behavior

is caused by out-of-state drivers who are unfamiliar with local habits and regulations [66]

A review of Henry A Barnes' performance as traffic commissioner of Denver and Baltimore reveals other possible approaches to reduced motor vehicle accidents From 1947 to 1951, the city of Denver under Barnes' suggestions, erected 30,000 directional signs, removed trees to improve visibility and created dozens of one-way streets During the first year of traffic flow improvements, Denver motor vehicle accidents causing personal injury decreased 40 percent, traffic deaths 30 percent

In 1953, Barnes was handed the job of reforming Baltimore's traffic, and in less than two years of removing trees, replacing gas lamps with electric street lights and establishing one-way streets, traffic deaths in that city were 30 percent less [67] Barnes now holds a similar position in New York City, and the effect of his campaigns on its traffic problems will be interesting

The committee received an undocumented report that after a full year's concentrated motorist courtesy campaign, indications were that Washington, D C 's traffic accidents dropped 50 percent This is not to say that traffic flow improvements, courtesy campaigns and driver education alone reduce accidents, but merely to point out the beneficial admixture of many ingredients of an entire traffic safety program, which in Washington, D C 's and Denver's case happens to include compulsory periodic inspection

Since the common objective of all responsible people and groups working in this field is the greatest degree of highway safety, there are no real opponents of motor vehicle inspection as a program, although there are those who consistently have argued for consideration of other approaches to this common objective prior to embarking on a compulsory periodic inspection system At this committee's hearings, advocates of this procedure pointed to the fact that California's rate of improvement in decreasing traffic accidents has been substantial and in the last 20 years has exceeded 29 other states even during the time when automobile usage has more than tripled. These groups suggested that other approaches are possible within available revenues that might have greater accident-reducing potentials They question whether an additional motorist tax or fee is needed to provide increased safety through compulsory inspection and whether the alleged benefits are commensurate with the expense For example, based on the proposed $1 minimum and $3 maximum inspection fee and the estimated number of California's 1963 motor vehicle registrations, the cost to California motorists would be somewhere between $9 million and $27 million It is unknown whether this amount or any portion of it could be put to better use by such things as increasing the number of enforcement personnel patrolling the highway, expanding driver education programs, embarking on a driver clinic program such as New Jersey maintains, streamlining driver licensing procedures and administration or amplifying existing partial inspection statutes

[66] "Uniform Traffic Laws *Can* Save Lives", *Good Housekeeping*, November 1962, pp 153-155

[67] Guy Talese, "Furious Foe of Traffic Jams", *Saturday Evening Post*, Vol 235, No 35, October 6, 1962, pp 93-96

E. STATISTICAL DATA AND COMMENTS

(1) *Nationwide Comparison of Motor Vehicle Death Rate*

It is readily apparent, from a review of pertinent research material, studies in other states and testimony presented during this committee's hearings, that there is widespread use of statistics to emphasize either the effectiveness or limitations of motor vehicle inspection. This is especially true in the case of motor vehicle death rates in the various states. The committee would also point out that statistics are not meaningful unless analyzed in conjunction with other facets of the entire motor vehicle and highway situation. For these reasons, and to present as complete a picture as possible, the committee feels obliged to comment on the following charts and urges that the comments be considered in future discussions of the necessity and feasibility of compulsory motor vehicle inspection in California.

Too often, statistical data is offered without analysis and explanation. The committee hopes to avoid just that. The reason for including the following charts is not to argue the merits or demerits of motor vehicle inspection, but to caution against the continued superficial and unexplained presentation of a possible causal relationship between compulsory inspection and motor vehicle death rate.

Indeed, there may be some relationship, but there are factors other than inspection that contribute to a reduction in motor vehicle death rates. Even with increased motor vehicle registration and miles traveled, there has been a continual percentage reduction for the past 20 years in *all* states.

Because accidents are often reported in haphazard fashion, many researchers challenge the accuracy of statistics and their relevance to traffic safety. In fact, the whole area of accident statistics is riddled with dissent and confusion. For instance, there is a wide divergence between the National Safety Council and the United States Public Health Service concerning the number of annual highway injuries: the council lists 1,500,000, and the Public Health Service nearly 5,000,000. The difference lies not only in diverse definitions of injury, but also in the higher standards of factfinding criteria demanded by Public Health Service physicians.

There is similar disagreement among experts about whether traffic safety is improving since the peak toll of nearly 40,000 vehicle deaths in 1941. One research director insists it is, attributing the recent rise in injury rate to more complete local police reporting. Another counters that the recent death rate decline is not the result of any improvement, but stems from better emergency transportation and advanced surgical life-saving techniques. Still another declares that there has been no decline in fatality rates at all while pedestrian death rates fell between 1946-1947 and 1956-1957, he says nonpedestrian rates curved upward by 20 percent. A fourth expert raises the point that while motor vehicle death rates on a *mileage* basis are often cited to show improvement, on a *population* basis, they have remained at pretty much the same level over the past 15 or 20 years.

CHART No 1

NATIONWIDE COMPARISON MOTOR VEHICLE DEATHS PER 100,000,000 MILES

	Percent Reduction In Rate						
STATE	*1937*	*1940*	*1945*	*1950*	*1955*	*1960*	*1940-1960*
Alabama	238	198	165	123	86	71	641
Arizona [1]	23	177	200	112	81	79	553
Arkansas	198	152	109	84	69	62	592
California	155	128	153	74	62	53	586
*Colorado	161	127	109	81	67	54	575
Connecticut	106	70	72	40	38	28	600
*Delaware	162	125	116	71	66	41	680
Florida [2]	188	153	138	93	65	59	614
Georgia	238	170	144	98	82	63	629
Idaho	172	151	148	107	66	70	537
Illinois [2]	162	127	112	74	70	44	654
Indiana	193	146	115	78	60	52	644
Iowa [3]	111	84	67	61	55	44	476
Kansas	120	100	74	71	67	51	490
Kentucky	249	170	162	97	93	70	588
*Louisiana [3]	171	174	133	93	75	75	569
*Maine	115	97	102	59	46	43	557
Maryland	168	143	123	76	57	45	685
*Massachusetts	100	63	72	43	38	33	476
Michigan	173	119	97	73	71	50	580
Minnesota	120	89	82	57	48	46	483
*Mississippi [3]	213	173	117	90	81	77	555
Missouri	143	95	93	65	61	53	442
Montana	151	99	95	87	80	65	343
Nebraska	126	90	76	60	52	43	522
Nevada	158	159	147	119	111	83	478
[4]New Hampshire	132	97	81	52	50	42	567
†New Jersey	131	80	81	42	36	29	638
*New Mexico	210	157	151	90	91	78	503
*New York [4]	139	101	102	60	53	43	574
North Carolina	216	171	129	86	77	67	608
North Dakota	110	104	87	55	58	67	356
Ohio [2]	172	120	107	64	60	50	583
Oklahoma	142	98	103	68	63	58	408
Oregon	141	110	118	69	58	56	491
*Pennsylvania	146	105	91	55	50	40	619
*Rhode Island	82	46	66	38	30	19	587
South Carolina	234	212	172	123	94	78	634
South Dakota	87	81	60	73	64	68	160
Tennessee [2]	238	142	121	88	79	56	606
*Texas	159	112	101	79	64	49	563
*Utah	211	128	125	75	66	64	500
*Vermont	119	94	91	55	62	62	340
*Virginia	201	164	124	92	66	47	713
Washington	140	117	129	62	46	48	590
*West Virginia	186	132	123	79	66	59	553
Wisconsin	142	109	101	76	70	59	459
Wyoming	180	159	92	95	72	73	541
United States	158	121	115	75	64	53	562

LEGEND
* Statewide motor vehicle inspection states
† Inspection program effective 1962
[2] Local inspection programs operative
[3] Program effective 1961
[4] Limited to vehicles four years old or older

SOURCE Accident Facts
(Statistical information not available from Alaska and Hawaii)

Comment

Through its research conducted pursuant to studying the necessity of establishing an inspection program in California, the committee has

become acutely aware of the fact that many publications and individuals recommending compulsory inspection as a particularly effective tool in helping to lower a state's motor vehicle death rate have declared that those states having statewide inspection boast a lower death rate than noninspection states As the analogy applies to California, it is interesting to note that 5 inspection states listed in Chart No 1 had a *higher* motor vehicle death rate than California, and that 11 noninspection states had a *lower* rate than California Also of possible interest is the fact that 3 states in the latter category had inspection at one time but currently do not Looking at the percentage reduction over the 1940-1960 20-year period, 4 inspection states and 13 noninspection states exhibit a higher overall reduction rate than does California Again, inspection programs were formerly operative during different periods in 5 of those 13 states

Figures available for 1961 [68] show that California's death rate per 100 million vehicle miles of travel was 5 0 Seven inspection states had a higher rate than California, 9 inspection states and 11 noninspection states had a lower rate, and 1 inspection and 1 noninspection state had the same rate as California in 1961 Four noninspection states with lower rates previously maintained inspection programs.

Percentage changes in motor vehicle deaths, 1960 to 1961 [69] show a decrease in 26 states and an increase in 24 states, as follows: (1) decreases in Alaska (—33%), *Delaware (—26%); *Vermont (—17%); *Hawaii (—16%); *Mississippi (—15%), Ohio (—12%), *New Mexico (—12%); Missouri (—11%); Wyoming (—11%); Maryland (—10%); *Pennsylvania, *Louisiana, *Utah and North Dakota (—8% each), Tennessee and Kentucky (—6%); Florida and *Maine (—5%), Indiana, South Dakota and *New Hampshire (—4%); Wisconsin and Georgia (—3%); and Michigan, *Massachusetts and Minnesota (—1% each), (2) increases of 6% and over. Montana (+25%); Nevada (+22%); Idaho (+15%); *Colorado and Virginia (+13%); Nebraska (+10%), Kansas and Oklahoma (+7%); and Alabama (+6%), (3) under 6% increase: Illinois, *New Jersey and Oregon (+5% each); South Carolina and *West Virginia (+4%); California, Connecticut, North Carolina, *Texas and Washington (+3% each); Arkansas and Iowa (+2%); and Arizona (less than 0 5% increase)

Preliminary figures for at least the first 6 months reporting period of 1962 show the following changes in motor vehicle deaths compared to the same 1961 reporting period (1) decreases in 13 states, including Nevada (—23%); Wyoming (—21%); Minnesota (—11%); Montana and Iowa (—10% each); *Arizona (—5%); *Colorado, Michigan, *Mississippi and *Utah (—2% each); Alabama, Illinois and Oregon (—1% each); (2) 16% and over increase in 18 states including *Delaware (+64%); *New Hampshire (+53%); Alaska (+50%), Maryland (+32%); Washington (+30%), *West Virginia (+25%); *New Mexico (+24%); North Dakota, Ohio and *Vermont (+21% each); Florida, Kentucky, *New Jersey and *Massachusetts (+20% each); Arkansas (+18%); *Maine (+17%), *New York and *Rhode Island (+16%); (3) less than 16 percent increases in 19 states, including Indiana (+15%); *Pennsylvania (+14%); South Carolina and South

[68] "Traffic Deaths—State Records," *Traffic Safety*, March 1962, p 40
[69] *Ibid*, p 37
* Denotes inspection states

Dakota (+13%); North Carolina and *Virginia (+12%), Kansas (+11%); Georgia and Nebraska (+10%); California, Connecticut and Tennessee (+9% each); Idaho and *Louisiana (+8%); *Hawaii and *Texas (+6%); Wisconsin (+5%), and Missouri (+4%); and Oklahoma (+1%) [70]

For the same 1962 reporting period, death rate per 100 million vehicle miles of travel for all states is as follows:

Alabama	6.3	Nevada	5.8
*Arizona	6.3	*New Hampshire	3.7
Arkansas	5.6	*New Jersey	3.3
California	5.2	*New Mexico	7.8
*Colorado	4.6	*New York	4.3
Connecticut	2.7	North Carolina	6.0
*Delaware	4.0	North Dakota	no data available
Florida	5.6	Ohio	4.2
Georgia	5.6	Oklahoma	5.1
Idaho	6.4	Oregon	4.3
Illinois	4.0	*Pennsylvania	3.7
Indiana	5.0	*Rhode Island	3.2
Iowa	4.1	South Carolina	7.4
Kansas	4.7	South Dakota	6.0
Kentucky	6.4	Tennessee	5.0
*Louisiana	5.6	*Texas	4.4
*Maine	4.2	*Utah	4.1
Maryland	4.1	*Vermont	5.0
*Massachusetts	3.2	*Virginia	5.0
Michigan	3.8	Washington	4.6
Minnesota	3.8	*West Virginia	6.7
*Mississippi	5.8	Wisconsin	5.4
Missouri	4.2	Wyoming	4.8
Montana	4.8		
Nebraska	4.2		

* Statewide motor vehicle inspection states

(2) *Regional Comparison of Motor Vehicle Death Rates*

The following material is presented in response to a suggestion made during committee hearings that regional driving habits, law enforcement and highway construction may influence traffic deaths

CHART No 2

REGIONAL COMPARISON MOTOR VEHICLE DEATHS PER 100,000,000 MILES

State	*1937*	*1940*	*1945*	*1950*	*1955*	*1960*
Connecticut	10.6	7.0	7.2	4.0	3.8	2.8
* Delaware	16.2	12.5	11.6	7.1	6.6	4.1
* Maine	11.5	9.7	10.2	5.9	4.6	4.3
* Massachusetts	10.0	6.3	7.2	4.3	3.8	3.3
* New Hampshire	13.2	9.7	8.1	5.2	5.0	4.2
* New Jersey	13.1	8.0	8.1	4.2	3.6	2.9
* New York [1]	13.9	10.1	10.2	6.0	5.3	4.3

[70] *Traffic Safety*, November 1962, p 44

REGIONAL COMPARISON MOTOR VEHICLE DEATHS PER 100,000,000 MILES—Continued

State	1937	1940	1945	1950	1955	1960
* Pennsylvania	146	105	91	55	50	40
* Rhode Island	82	46	66	38	30	19
[4] Vermont	119	94	91	55	62	62
Alabama	238	198	165	123	86	71
Arkansas	198	152	109	84	69	62
Florida [2]	188	153	138	93	65	59
Georgia	238	170	144	98	82	63
Kentucky	240	170	162	95	93	70
* Louisiana [3]	171	174	133	93	75	75
[4] Mississippi [3]	213	173	117	90	81	77
North Carolina	216	171	129	86	77	67
South Carolina	234	212	172	123	94	78
Tennessee [3]	238	142	121	88	79	56
Maryland	168	143	123	76	57	45
[4] Virginia	201	164	124	92	66	47
[4] West Virginia	186	132	133	79	66	59
Arizona [4]	230	177	200	112	81	79
* New Mexico	210	157	151	90	91	78
Oklahoma	142	98	103	68	63	58
* Texas	159	112	101	79	64	49
California	155	128	153	74	62	53
Oregon	141	110	118	69	58	56
Washington	140	117	129	62	46	48
* Colorado	161	127	109	81	67	54
Idaho	172	151	148	107	66	70
Montana	151	99	95	87	80	65
Nevada	158	159	147	119	111	83
* Utah	211	128	125	75	66	64
Wyoming	180	159	92	95	72	73
Illinois *	162	127	112	74	70	44
Indiana	193	146	115	78	60	52
Iowa [4]	111	84	67	61	55	44
Kansas	120	100	74	71	67	51
Michigan	173	119	97	73	71	50
Minnesota	120	89	82	57	48	46
Missouri	143	95	93	65	61	53
Nebraska	126	90	76	60	52	43
North Dakota	110	104	87	55	58	67
Ohio *	172	120	107	64	60	50
South Dakota	87	81	60	73	64	68
Wisconsin	142	109	101	76	70	59

LEGEND
* Statewide motor vehicle inspection states
[1] Limited to vehicles four years old or older
[2] Local programs operative
[3] Program effective 1961
[4] Program effective 1962

Comment

Again, without attaching editorial significance to the statistics in Chart No 2, the committee feels constrained to point out that Connecticut is the sole state in the New England region not having statewide periodic inspection, but it has the second lowest motor vehicle death rate in the area, and is the only state in the area that discontinued its program In the next regional grouping, the two states wherein local inspection programs are operative have the lowest rate

in that region The other states consistently record a death rate higher than the national average In the next grouping, Maryland shows the lowest rate, it had an inspection program but discontinued it

Analysis of the data in the other regions leads this committee to conclude that no definitive relationship ought to be drawn between motor vehicle death rate and motor vehicle inspection, especially on an inspection state/noninspection state basis, as has been the case in many publications on the subject.

(3) Comparison of Density of Population With Accident Rate

Inasmuch as a possible relationship between accident rate and population density has been suggested by some writers, the committee presents Chart No 3 for informational purposes

CHART No 3

COMPARISON OF DENSITY OF POPULATION WITH ACCIDENT RATE (1960)

State	Density by square mile, land area only		Accident rate	
	1950	1960	1950	1960
Rhode Island	748 5	798 7	3 8	1 9
Connecticut	400 7	513 3	4 0	2 8
New Jersey	642 8	800 2	4 2	2 9
Massachusetts	596 2	650 1	4 3	3 3
Pennsylvania	233 1	249 3	5 5	4 0
Delaware	160 5	224 0	7 1	4 1
New Hampshire	59 1	66 5	5 2	4 2
Maine	29 4	31 1	5 9	4 3
Nebraska	17 3	18 3	6 0	4 3
New York	309 3	346 2	6 0	4 3
Illinois	155 8	179 0	7 4	4 4
Iowa	46 8	48 8	6 1	4 4
Maryland	237 1	311 3	7 6	4 5
Minnesota	37 3	42 4	5 7	4 6
Virginia	83 2	97 7	9 2	4 7
Washington	35 6	42 4	6 2	4 8
Texas	29 3	36 2	7 9	4 9
Michigan	111 7	136 4	7 3	5 0
Ohio	193 8	235 0	6 4	5 0
Kansas	23 2	26 3	7 1	5 1
Indiana	108 7	128 1	7 8	5 2
California	67 5	99 2	7 4	5 3
Missouri	57 1	61 8	6 5	5 3
Colorado	12 8	16 7	8 1	5 4
Oregon	15 8	18 3	6 9	5 6
Tennessee	78 8	84 6	8 8	5 6
Oklahoma	32 4	33 4	6 8	5 8
Florida	51 1	90 1	9 3	5 9
West Virginia	83 3	76 7	7 9	5 9
Wisconsin	62 8	71 8	7 6	5 9
Arkansas	36 3	38 8	8 4	6 2
Vermont	40 7	41 7	5 5	6 2
Georgia	58 9	67 2	9 8	6 3
Utah	8 4	10 8	7 5	6 4
Montana	4 1	4 6	8 7	6 5
North Carolina	82 7	92 2	8 6	6 7
North Dakota	8 8	9 0	5 5	6 7
South Dakota	8 5	8 9	7 3	6 8
Idaho	7 1	8 0	10 7	7 0
Kentucky	73 9	75 6	9 5	7 0

(4) *Speed Limits* [71]

Some witnesses presenting testimony to the committee suggested a possible relationship between maximum state speed limits and motor vehicle deaths For example, seven states have higher general limits than California's 65-mile-per-hour maximum speed, of these, five had a lower 1960 death rate and two had a higher rate Of the 29 states with lower maximum speed limits, 13 had lower death rates and 16 had higher death rates than California The three states having no actual maximum, but a reasonable and proper provision, had higher death rates than California Nine states have the same maximum speed limit as California in most highway situations, of these, four had higher rates, three had lower and two had the same motor vehicle death rate per 100 million miles as did California

The situation regarding inspection states is a little more complicated 10 states with periodic inspection and lower speed limits also had lower death rates than California, one with inspection and a lower speed limit had a higher rate Of the three inspection states with higher maximum speed limits than California, two had higher and one had lower motor vehicle death rates Two inspection states with 65-mile-per-hour maximum speed limits had higher rates and two had lower rates than California In noninspection states with lower motor vehicle death rates than California, four have higher speed limits, five have lower limits and two have the same maximum limit as does California

Based on these data and such other contributory factors as day and night speed differentials, and turnpike, divided, nondivided, controlled access and federal interstate highway maximum speed differentials among the various states, the committee must conclude that any suggested death rate/speed limit/motor vehicle inspection relationship is a tenuous one indeed.

(5) *Insurance Rates*

A suggestion was also made by several witnesses that reductions in automobile insurance rates has occurred as a result of motor vehicle inspection The committee has been unable to secure definitive data on this subject, but has received the following brief, inconclusive information.

1962 Chevrolet Bel Air four-door sedan
Symbol J Age Group 1.
Class 1B.
No drivers under 25
No business use.
(To and from work use less than 10 miles one way.)

[71] Source *State Motor Vehicle Speed Limits*, National Highway Users' Conference, July 1962, 14 p

	Bodily injury 10/20	*Property damage 5,000*	*Medical payments 2,000*	*Comprehensive*	*Collision 100 ded*	*Uninsured motorist clause*	*Total*
Phoenix, Ariz	$46	$22	$12	$44	$45	$5(10/20)	$174
Los Angeles, Calif.	64	26	15	25	48	4(10/20)	182
Denver, Colo *	22	20	9	29	29	2(5/10)	111
Jersey City, N J *	71	28	13	25	55	2(10/20)	194
Albuquerque, N M.*	34	22	10	54	39	4(5/10)	163
New York City, N Y.*	174	33	14	36	82	3(10/20)	342
Cleveland, Ohio	54	26	11	18	39	3(10/20)	151
Philadelphia, Pa *	80	35	12	29	85	3(10/20)	244
Salt Lake City Utah *	23	20	9	34	40	3(5/10)	129

* Motor vehicle inspection states Spring 1962

F. COMMITTEE FINDINGS AND RECOMMENDATIONS

Findings

(1) Although not every fact is demonstrable by scientific methods or by accumulations and compilations of numerals, the degree of effectiveness of any state's inspection program, or of all inspection programs collectively cannot be demonstrated conclusively because of the limitation of statistics and data and because inspection programs are usually part of a state's overall highway safety program There is no statistical answer to the question "How many accidents are prevented by motor vehicle inspection?"

(2) The incidence of motor vehicle accident fatalities is influenced by speed regulations, driver licensing standards, traffic conditions, level of enforcement, highway construction and the administration of other aspects of a state's total highway safety program

(3) Determination of the incidence of mechanical defects as a primary cause of motor vehicle accidents is limited by a lack of investigation uniformity, lack of qualified personnel and the vehicle condition following an accident

(4) Many recognized authorities believe the driver is the cause of a great majority of motor vehicle accidents and that additional emphasis on driver education and traffic safety campaigns would materially help reduce the number of accidents

(5) A clear case for the beneficial effect of periodic inspection on vehicle condition cannot be made from defective vehicle inspection records since the percentage of items found to be defective in inspection states has remained rather constant If inspection does make motorists more conscious of keeping their vehicles in good mechanical repair and if inspection does improve the general condition of vehicles (as claimed by inspection proponents), then a continual decrease in the number of defective vehicles found would seem to be a logical result of periodic inspection

(6) The two items of equipment responsible for an historically overwhelming percentage of vehicle rejection in inspection states are defec-

tive lights and brakes It follows, then, that if California's existing permissive program conducted in official testing stations were made mandatory prior to registration, the major causes of vehicle defects would be checked

(7) If inspection is adopted in a state of large land area and population distribution, then a state-supervised private-garage system is the only practical approach

(8) If any inspection system is to be successful, it must have public acceptance and support, and the motoring public must be satisfied that the program will be reasonably effective, uniformly applied and without excessive inconvenience and cost

Recommendations

(1) Based mainly on inconclusive results of the committee's nationwide survey on the effect of compulsory periodic inspection, the committee recommends that such other approaches to increased traffic safety as increased enforcement and application of currently authorized roadside vehicle inspections and enlargement of the scope of current headlight and brake inspection requirements should be considered in California prior to compulsory periodic statewide inspection at a potential tremendous cost to motorists and the State

(2) If, however, a form of periodic inspection is proposed at the 1963 session of the California Legislature, current studies indicate the legislation should incorporate a self-financing, semiannual, privately owned and operated system supervised by state employees

(3) Prior to reconsideration of motor vehicle inspection by the California Legislature, proponents must definitely ascertain the plant capacity of potential authorized inspection stations to handle a program of the magnitude dictated by California's motor vehicle registration, geography and population distribution Members of the Legislature must be assured that adequate facilities and mechanics exist to cope with the proposed inspection.

(4) Proponents must also decide among themselves whether the inspections are to be separate from repairs, what specific fee would be charged the motorist for each inspection, what specific fee would be charged for inspection certificates issued to inspection stations, and what disposition would be made of any state revenues collected in excess of operating and administrative costs.

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ASSEMBLY INTERIM COMMITTEE REPORTS
1961-1963

VOLUME 3 Number 11

FINAL REPORT OF THE

ASSEMBLY INTERIM SUBCOMMITTEE ON TRANSPORTATION SAFETY

(House Resolution No. 227, 1961)

MEMBERS OF THE SUBCOMMITTEE

EDWARD M GAFFNEY, *Chairman*

FRANK P. BELOTTI
JOSEPH M KENNICK
VERNON KILPATRICK
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Published by the
ASSEMBLY
OF THE STATE OF CALIFORNIA

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM SUBCOMMITTEE ON
TRANSPORTATION SAFETY
January 7, 1963

HON. JESSE M UNRUH
Speaker of the Assembly; and
HON MEMBERS OF THE ASSEMBLY
State Capitol, Sacramento, California

GENTLEMEN: In accordance with the provisions of House Resolution No. 227, of the 1961 General Session, your committee has investigated various aspects of transportation safety in California and herewith submits the final report of its activities during the interim following the close of the 1961 session

Contained herein are narratives of the committee's hearings, reviews of testimony received at those hearings and committee findings and recommendations.

Respectfully submitted,

EDWARD M GAFFNEY, *Chairman*
FRANK P. BELOTTI
JOSEPH M KENNICK
VERNON KILPATRICK
W. BYRON RUMFORD
CHET E. WOLFRUM (ex officio)

2—L-1967

(Assembly Journal, April 19, 1961, p. 2681)

HOUSE RESOLUTION No. 227

Relative to the creation of the Assembly Interim Subcommittee on Transportation Safety

Resolved by the Assembly of the State of California as follows

1 The Assembly Interim Subcommittee on Transportation Safety is hereby created and authorized and directed to ascertain, study and analyze all facts relating to transportation safety, including but not limited to the drastic toll of life and tremendous amount of personal injury and property damage caused by traffic accidents the need for undertaking concerted efforts to develop and improve means and methods for enhancing the effectiveness of safety measures on the highways in the State, and the methods and procedures by which adequate traffic and transportation safety programs can be developed

2 The subcommittee shall consist of five members who are also members of the Interim Committee on Transportation and Commerce The chairman of the Interim Committee on Transportation and Commerce shall appoint the chairman and the other four members thereof Further reference in this resolution to "committee" means the subcommittee created by this resolution

3 The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1963 Regular Session, with authority to file its final report not later than the 10th legislative day of that session

4 The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members

5 The committee has the following additional powers and duties

(a) To select a vice chairman from its membership

(b) To contract with such other agencies, individuals, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created

(c) To co-operate with and secure the co-operation of county, city and county and other local law enforcement agencies in investigating any matters within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the county

(d) To report its findings and recommendations to the Legislature and to the people from time to time, and at any time, not later than herein provided

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution

6 The sum of three thousand dollars ($3,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer

Resolution read and adopted, June 16, 1961

PREFACE

As has been the case for at least the past 15 years, the Assembly Interim Subcommittee on Transportation Safety functioned as a separate entity during the 1961-1963 interim under the Chairmanship of Assemblyman Edward M Gaffney of San Francisco

At the close of the 1961 session of the California Legislature, and pursuant to paragraph 2 of House Resolution No 227, Chairman Jack A Beaver of the Assembly Interim Committee on Transportation and Commerce appointed the following members of the full committee to constitute the Assembly Interim Subcommittee on Transportation Safety Edward M Gaffney (Chairman), Frank P Belotti, Joseph M Kennick, Vernon Kilpatrick, W Byron Rumford, and Chet E Wolfrum (ex officio) At the request of Chairman Gaffney, the full committee staff was asked to assist the subcommittee

In addition to general responsibilities outlined in the enabling resolution, the subcommittee was assigned various measures dealing with vehicle equipment and rules of the road, which were referred by the Assembly Rules Committee for interim study During the 1961-1963 interim the subcommittee undertook a program of investigation designed to provide a sound basis for legislative proposals for the continued improvement of various aspects of California's traffic safety problems Toward this end, the subcommittee held several days of hearings and conducted one field trip on subject matters covered in this report

The subcommittee also held one hearing on compulsory motor vehicle inspection, a subject covered in a report issued as a separate document, Volume 3, Number 10, of the full committee's report series.

In the course of its hearings and staff research, the subcommittee received an abundance of useful testimony and many helpful suggestions What follows in the text of this report are excerpts of testimony presented at those hearings and the subcommittee's findings and recommendations

The subcommittee members recommend the continuation of the Transportation Safety Subcommittee by the Assembly, following the 1963 General Session, in the hope that the subcommittee's work over the past years may be continued

SUBJECTS OF INVESTIGATION AND FINDINGS

(1) *Vehicle Right-of-way*

Although certain traffic authorities feel there is an absolute right-of-way that cannot be taken away, California's law and motorists have, since 1935, been operating on the theory that at some point in traffic flow there is a transfer of right-of-way by which through traffic allows left-turning traffic to proceed This practice has led to a lack of uniformity and numerous current problems, since each motorist now decides for himself when he has allowed a sufficient number of vehicles through Currently in California, 34 8 percent of all accidents in incorporated areas and 17 9 percent in unincorporated areas occur at intersections Admittedly, all these are not right-of-way violations, but California Highway Patrol statistics continuously show that this type of violation accounts for between 15 percent and 20 percent of those accidents

Additionally, California Vehicle Code right-of-way rules are neither enforceable nor understandable to motorists Under provisions of Sections 21802(a) and (c), for example, a driver must stop his vehicle at the entrance to a through highway or in obedience to a flashing signal, a red signal or stop sign and yield the right-of-way to any vehicles within the intersection or approaching so closely on the through road as to constitute an immediate hazard Once the driver has so yielded he may, pursuant to Section 21802(b) and (d), proceed, and drivers of other vehicles approaching the intersection on the through highway or protected roadway must yield to him.

In effect then, the driver approaching the through highway or protected roadway makes the determination of when it is safe for him to proceed through the intersection and approaching traffic Since prudent drivers will not break into a continuous flow of traffic from a stop sign, the great majority of California drivers do not follow the right-of-way as it is written, they usually either wait until a courteous driver stops and yields or until there is a clear opening or gap in the traffic to allow a reasonable opportunity to proceed through the intersection while giving approaching traffic sufficient warning

At an intersection posted with a "yield right-of-way" sign, the driver approaching the sign must yield to vehicles that have either entered from intersecting streets or are approaching so closely as to constitute an immediate hazard (Section 21803(a)) Any driver intending to turn left at an intersection must also yield to approaching vehicles (Section 21802(a)) Once yielding in each situation, the driver may then proceed and other approaching vehicles must yield to him If a vehicle has entered an intersection uncontrolled by any signal or sign, any vehicle approaching the intersection from a different highway must yield the right-of-way (Section 21800(a)), and if two vehicles enter an uncontrolled intersection from different highways at the same time, the driver on the left must yield the right-of-way (Section 21800(b))

In an effort to clarify all these right-of-way situations and to attempt uniformity of motorist application and enforcement and political

and judicial interpretation, Assemblyman Chet Wolfrum introduced four bills in the 1961 session of the California Legislature All four were referred for interim study and subsequently became the subject matter of this subcommittee's October 19, 1961, Los Angeles hearing Three of the bills, Assembly Bills 1653, 1654, and 1655, would have deleted the Vehicle Code subsection provisions that transfer right-of-way to a driver who has yielded in the left turn and controlled intersection situations described above The fourth bill, AB 1656, would have amended the uncontrolled intersection rule by providing that when two vehicles approach, rather than enter, an intersection from different directions at approximately, rather than the same time, the vehicle on the right has the right-of-way This latter amendment of Section 21800(b) was designed to assist investigation and assignment of civil liability, since once both vehicles have entered the intersection at the same time there is usually no opportunity for either to yield and an accident is the result

More importantly, the proposed new language would have helped to prevent accidents by placing clear responsibility on the driver on the left, since all four bills would remove any gray area of individual determination in intersection approaching, entering and left-turning situations From an engineering standpoint, it is feasible to install such traffic control devices as phase signals, left-turn lanes and complete prohibitions against turning, but there are probably thousands of California intersections that do not justify engineering costs of installing traffic flow improvements At those intersections, general rules of law apply, and currently those rules are not explicit regarding each driver's responsibilities

Some state and local traffic enforcement personnel informed the subcommittee that it has been difficult, if not impossible, to enforce parts of the right-of-way situations in the California Vehicle Code, particularly Sections 21801(b), 21802(b) and (d) and 21803(b) Citations are generally not rendered on these subsections because many traffic enforcement personnel are unsure of the meaning of the language and are therefore unable to explain it to the motoring public. Other enforcement agencies informed the subcommittee that although the language is clear to the arresting officer, different courts have interpreted the right-of-way transfer subsections differently Some courts, in fact, have stated that if Section 21801(a) is interpreted as requiring a left-turner to yield to all vehicles who constitute a hazard, then there is no situation left for subsection (b) to cover

Subcommittee Findings

This subcommittee is of the opinion that the clearer the law, the better is public understanding and obedience All right-of-way rules are exceptions to the general rule of law that all qualified persons have equal rights to the use of the highway, and these exceptions should be clearly enunciated and strictly construed. Incorporation of the provisions of these bills into the California Vehicle Code would attain these ends

Subcommittee Recommendations

This subcommittee recommends, therefore, that the provisions of the four bills mentioned above be reintroduced for consideration and ultimate passage by the 1963 session of the California Legislature

(2) *Compressed Air Brake Safety Devices*

A 1959 bill amending Section 26310 of the California Vehicle Code was signed by the Governor on July 23, 1959, and became effective September 18, 1959 Its mandatory provisions require that every vehicle using compressed air for the actuating of its brakes be equipped with a safety device approved by the California Highway Patrol The device must either prevent the loss of air pressure if an airline brakes or a diaphragm is ruptured, and permit the effective application of the remaining brakes of the vehicle, or upon loss of air pressure, automatically apply the brakes to the wheels of the vehicle The patrol was empowered to determine and establish specifications required for any device and was further authorized to defray the cost of conducting tests on the devices by funds provided by the manufacturers The patrol was further authorized to contract for the services of private firms, individuals or public institutions in conducting the tests

Immediately following the Governor's signature, the patrol began negotiations to obtain additional personnel for the project, and the State Personnel Board was asked to establish the appropriate job classifications, since there was recognition that the administration of the statute would be complicated, and since the authorizing legislation contained no provision for additional personnel to conduct the required tests

During August, September and October 1959, available patrol personnel began work on the proposed regulations and there were numerous meetings with manufacturers of braking equipment, vehicle manufacturers, trucking associations and other interested groups, in order to develop a set of proposed regulations In October of 1959 the proposed regulations were mailed to interested parties for their comment, and in December of that year the Highway Patrol held a public hearing, at which time there were several objections and suggested changes in the proposed regulations In January of 1960, the patrol was given the authority to hire an additional engineer On March 23, 1960, the regulations were finally adopted and filed with the Secretary of State The Highway Patrol, therefore, had finished its preliminary functions under the new law within six months after its effective date

The responsibility for setting up test procedures and buying test equipment then became that of the contracting agency, the Institute of Transportation and Traffic Engineering at the University of California In April of 1960 the university began purchasing test equipment and setting up test procedures In May of 1960 there were some technical regulation amendments, minor in nature and not affecting the establishment of the test procedure, and arrangements were completed to use Highway Patrol funds to purchase the test equipment. Since there was no appropriation in the statute, these moneys came from the department's 1959-60 fiscal year support appropriations On

May 12, 1960, formal negotiations began between the university and the patrol to proceed with the purchase of equipment and in October the delivery of the test equipment was substantially complete Manufacturers were notified that the university testing laboratory would accept devices for testing and that all devices received before January 1, 1961, would be tested as a group and certificates of approval would be issued on that group, and that all devices received after that date would be tested as a second group and approved as tested, when warranted

On November 10, 1960, a contract in the amount of $20,000 was signed and returned by the university for conducting the tests, and on December 5 the contract was approved by the Department of Finance Recognizing that the university had a manpower shortage, the Highway Patrol in February of 1961 assigned a full-time qualified traffic officer to assist in the conducting of the tests under the supervision of the institute's laboratory personnel Beginning in May 1961, test reports were filed with the patrol by the university, and in August manufacturers were notified to submit additional fees if necessary to pay for the testing On September 13 the Highway Patrol received the last reports from the university on the first group of devices submitted, and two days later certificates were issued and Lamps and Devices Bulletin No 105 of Approved Devices was published According to the timetable established by the 1959 amendment to Section 26310, all vehicles equipped with airbrakes had to be equipped with one of the approved devices 18 months following certification of approval of one or more devices by the patrol Therefore, March 15, 1963, was the target date for installation of approved devices

Current regulations apply only to straight airbrake systems using airbrake chambers at the wheels, and there are two types of systems currently applicable under the provisions of Section 26310 One shuts off an airline if a diaphragm ruptures or if a wheel line breaks, and prevents any further air in the system The other automatically applies the brakes if an air loss occurs There are, however, other devices available for slowing down a vehicle, such as retarders and improved driveshaft brakes These are not permitted under the present regulations Prior to January 1, 1961, 96 devices were submitted for testing, and the California Highway Patrol approved 56

This subcommittee devoted its October 31, 1961, San Francisco hearing to a consideration of the history and administration of Section 26310, and its December 5, 1961, Richmond hearing to a review of the ITTE laboratory and road testing procedures, in addition to demonstrations of particular devices submitted for testing

During the Richmond hearing manufacturers' representatives explained the basic airbrake system and some safety features currently required by Interstate Commerce Commission and individual states' regulations The heart of the compressed-air system is the compressor, which takes air in from the atmosphere and compresses it to a pressure, normally 100 pounds That pressure is stored in a reservoir which is the supply portion of the entire system The pressure then goes into two tanks, a dry tank and a wet tank; and from there the supply is taken to the brake valve, which is a graduating type valve, to control

the pressure to the foundation brakes One line leads to the front axle to a key and to the brake chambers into a slack adjuster The other line goes through to another key to carry the pressure to the rear brake chambers, which are diaphragm actuators that develop a force that is put on the slack adjusters, which transfers the force to the brakes. The safety features on this type system include a single check valve to protect the supply against a broken line in the discharge from the compressor to the reservoir; a low-pressure indicator which notifies the driver he has at least 60 pounds in the system; and a gauge on the dash of the vehicle that also tells the driver visually that there is pressure in the system On a trailer rig there are brake chambers, force slack adjusters, a reserve tank, and a relay emergency valve required by ICC since 1943 This last relay valve permits a faster application and release of the service brakes and the emergency portion was established so that, in case of a breakaway between a trailer and a tractor, the trailer would automatically apply its brakes and would not run away. In 1956 ICC required another feature, which would shut off the air at 40 pounds and retain at least 45 to 20 pounds in the tractor, thus allowing the driver to apply the tractor brakes, an automatic feature of the relay emergency valve ICC also requires a second means of applying the emergency feature; namely, a manual valve that will apply only the trailer brakes

In all airbrake systems there are certain purposes, features and characteristics that must be designed into the system, such as a specified reservoir volume that gives a displacement factor relative to the brake chamber volume This reservoir must be large enough to take care of the brake actuators and permit several applications in case of compressor failures ICC and the American Standards Association require that the actuators be capable of applying the brakes five times without a source of power. The size of the transmission lines in the system is also quite important, since the basic airbrake system is designed for safety without safety devices in it Maximum buildup of pressure into the brake chambers is a demand for controllability of the vehicle.

Probably the biggest problem of the airbrake system is maintenance, since the system itself and the foundation brakes are vulnerable to failure. And one of the design objectives is to use devices in the braking system that can be readily checked by the driver.

On the afternoon of December 5, 1961, members of the subcommittee toured the laboratory at the Richmond Field Station of the Institute of Transportation and Traffic Engineering, University of California, and participated in laboratory and road tests of several devices placed on several different pieces of equipment, including a passenger bus and a semi-truck-trailer rig. The subcommittee members were impressed with the test procedures and the scrutiny to which devices are put prior to certification by the Highway Patrol The subcommittee members were also impressed with the fact that if there is no change in current Vehicle Code Section 26310, all vehicles using compressed air for the actuating of the brakes must be equipped with an approved device as of March 15, 1963.

Subsequent to the conclusion of its hearings, the subcommittee was advised by several transportation companies and municipal bus lines

of the probable inability of these companies to so equip all their vehicles. Some of the companies had contacted the Highway Patrol for assistance, and the patrol has assured the subcommittee that it is aware of some of the problems entailed in equipping the vehicles by the target date.

While the subcommittee members are appreciative of the fact that every vehicle or combination of vehicles using compressed air at the wheels for applying service brakes be equipped with an emergency stopping system capable of stopping the vehicle or combination of vehicles in the event of failure in the service brake air system, they are also aware of procedural defects in existing California statutes The subcommittee members are of the opinion that a most important requirement is emergency stopping distances for different classifications of vehicles and combinations of vehicles, not only as regards the braking force as a percentage of the gross vehicle or combination weight, but also the deceleration in feet per second and brake system application and braking distance by footage requirements

To implement this opinion and recommendation, subcommittee chairman Edward M. Gaffney coauthored with Senators Randolph Collier and George Miller Senate Bill No 28, introduced on January 8, 1963, which in effect takes the Highway Patrol out of the device-approving field, repeals Section 26310 of the Vehicle Code and adds provisions specifying emergency stopping systems required for vehicles using compressed air braking systems

Provisions of the bill recognize that the automatic device shall operate in the event of reduction of the service brake air supply of a towing vehicle to a fixed pressure which shall not be lower than 20 pounds per square inch nor higher than 45 pounds per square inch, and further requires that any manual device shall be readily operable by the driver with its emergency position or method of operation clearly indicated; and that the operation of the manual device shall in no instance prevent operation of the automatic means Any towed vehicle must, under the provisions of the bill, be equipped with an emergency stopping system of a no-bleed-back relay-emergency valve or equivalent device, so designed that the supply reservoir used to provide air for the brakes is safeguarded against backflow of air from the reservoir through the supply line; and that when the brakes are applied automatically and promptly upon breakaway from the towing vehicle, to maintain application for at least 15 minutes

Further provisions of the bill require that if the service brake system and the emergency stopping system are connected in any way, they shall be so constructed that any failure in one system, including brake chamber diaphragms, shall not affect or interfere with the operation of the other system, and that any energy storing device which is part of the emergency stopping system shall be recharged or reset from the source of compressed air or other energy produced by the vehicle.

Subcommittee members believe this bill would not only clarify the application of airbrake safety devices to particular vehicles operated by particular companies in the several jurisdictions throughout the State, but would also effect efficiencies in administration of the requirements by the Highway Patrol, while maintaining minimum safety requirements on all vehicles affected.

Subcommittee members, appreciative of the fact that the March 15, 1963, date for requiring compliance with the provisions of currently operative Section 26310 is unrealistic, also recommend emergency legislation postponing the effective date of compliance to September 20, 1963.

AMENDED IN ASSEMBLY MARCH 21, 1963
AMENDED IN SENATE FEBRUARY 27, 1963
AMENDED IN SENATE FEBRUARY 21, 1963

SENATE BILL No. 28

Introduced by Senators Collier and Miller
(Coauthor, Mr. Gaffney)

January 8, 1963

REFERRED TO COMMITTEE ON TRANSPORTATION

An act to repeal Section 26310 of, and to add Section 26508 to, the Vehicle Code, relating to air brake safety devices

The people of the State of California do enact as follows:

SECTION 1 Section 26310 of the Vehicle Code is repealed

SEC 2 Section 26508 is added to said code, to read

26508 Every vehicle or combination of vehicles using compressed air at the wheels for applying the service brakes shall be equipped with an emergency stopping system meeting the requirements of this section and capable of stopping the vehicle or combination of vehicles in the event of failure in the service brake air system - *as follows:*

(a) Every motor vehicle operated either singly or in a combination of vehicles and every towed vehicle shall be equipped with an emergency stopping system

(b) Motor vehicles used to tow vehicles which use compressed air at the wheels for applying the service brakes shall be equipped with a device or devices with both a manual and automatic means of actuating the emergency stopping system on the towed vehicle as follows

(1) The automatic device shall operate automatically in the event of reduction of the service brake air supply of the towing vehicle to a fixed pressure which shall be not lower than 20 pounds per square inch nor higher than 45 pounds per square inch

(2) The manual device shall be readily operable by a person seated in the driver's seat, with its emergency position or method of operation clearly indicated In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means

(c) Motor Vehicles manufactured prior to 1964 shall be deemed to be in compliance with subdivisions (e) and (f) when equipped with axle-by-axle protected airbrakes using a separate air tank system for each of at least two axles, provided that each system independently meets all other requirements of this section Each system shall be capable of being manually applied, released, and reapplied from the driver's seat but shall not be capable of being released from the driver's seat after any reapplication unless there is available a means which can be applied from the driver's seat to stop and hold the vehicle or combination of vehicles.

~~(c)~~

(d) Towed vehicles shall be deemed to be in compliance with this section when

(1) The towed vehicle is equipped with a no-bleed-back relay-emergency valve or equivalent device, so designed that the supply reservoir used to provide air for the brakes is safeguarded against backflow of air from the reservoir through the supply line,

(2) The brakes are applied automatically and promptly upon breakaway from the towing vehicle and maintain application for at least 15 minutes, and

(3) The combination of vehicles is capable of stopping within the distance and under the conditions specified in subdivisions ~~(h)~~ ~~and~~ ~~(i)~~ *(k) and (l)*

~~(d)~~

(e) If the service brake system and the emergency stopping system are connected in any way, they shall be so constructed that a failure in any one part of one system, including brake chamber diaphragm failure but not including failure in the drums, brake shoes, or other mechanical parts of the ~~basic~~ wheel brakes, shall not affect or interfere with the stopping ability of the other system

~~(e)~~

(f) Every emergency stopping system shall be designed so that it is capable of being manually applied, released, and reapplied by a person seated in the driver's seat The system shall be designed so that it cannot be released from the driver's seat after any reapplication unless ~~there is available a means which can be applied~~ *immediate further application can be made* from the driver's seat to stop and hold the vehicle or combination of vehicles. The emergency stopping system may also be applied automatically.

~~(f)~~

(g) No vehicle or combination of vehicles upon failure of the service brake air system shall be driven on a highway under its own power except to the extent necessary to move the vehicles off the roadway to the nearest place of safety

(h) No vehicle or combination of vehicles shall be equipped with an emergency stopping system that creates a hazard on the highway, or increases the service brake stopping distance of a vehicle or combination of vehicles, or interferes in any

way with the application of the service brake on any vehicle or combination of vehicles.

~~(g)~~

(i) Any energy-storing device which is a part of the emergency stopping system shall be *designed so that it is* recharged or reset from the source of compressed air or other energy produced by the vehicle. No device shall be used which can be set to prevent automatic delivery of air to protected air supply reservoirs of motor vehicle emergency stopping systems when air is available in the service brake air supply system.

(j) Any vehicle manufactured on or after January 1, 1964, which uses axle-by-axle protected airbrakes as the emergency stopping system shall use a separate air tank system for each axle

~~(h)~~

(k) Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the emergency stopping system, shall be capable of

(1) Developing a stopping force that is not less than the percentage of its gross weight tabulated herein for its classification

(2) Decelerating in a stop from 20 miles per hour at not less than the feet per second per second tabulated herein for its classification, and

(3) Stopping from a speed of 20 miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the emergency stopping system control begins.

EMERGENCY STOPPING SYSTEM REQUIREMENTS

	Classification of vehicle and combination of vehicles	Stopping force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Stopping distance in feet
A	Single-motor vehicles	16.7	~~5.4~~ *5.5*	90
B	Combination of vehicles	19.0	~~6.1~~ *6.0*	90
C	*Single-motor vehicles with 3 or more axles manufactured prior to 1964*	*12.1*	*4.0*	*120*

~~(i)~~

(l) Tests for deceleration and stopping distance shall be made on a substantially level, dry, smooth, hard surface that is free from loose material and where the grade does not exceed plus or minus 1 percent. No test of emergency stopping system performance shall be made upon a highway at a speed in excess of 25 miles per hour

~~(j)~~

(m) The provision of this section shall not apply to

(1) Auxiliary dollies

(2) Motor vehicles which are operated in a driveaway-towaway operation and not registered in this State

(3) Disabled vehicles when being towed.

~~(k)~~

(n) The emergency stopping system requirements specified in subdivision (h) shall not apply to a vehicle or combination of vehicles being operated under a special weight permit

~~(l)~~

(o) The provisions of this section shall become operative ~~January~~ *May* 1, 1964.

O

AMENDED IN SENATE FEBRUARY 6, 1963

SENATE BILL No. 96

Introduced by ~~Senator Collier~~ *Senators Collier and Miller*
(Coauthor: Assemblyman Gaffney)

January 16, 1963

REFERRED TO COMMITTEE ON TRANSPORTATION

An act to amend Section ~~23610~~ 26310 of the Vehicle Code, relating to compressed air brake safety devices, declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1 Section 26310 of the Vehicle Code is amended to read

26310 Every vehicle using compressed air for the actuating of the brakes shall be equipped with a safety device approved by the department which will prevent the loss of air pressure if an air line breaks or a diaphragm is ruptured, and will permit the effective application of the remaining brakes of the vehicle, or other safety device approved by the department which will, upon loss of air pressure, automatically apply the brakes to the wheels of the vehicles

The department is hereby empowered to determine and to establish the specifications required of any such device or devices for departmental approval and, in the conducting of any test or tests of any such device or devices, the department may determine the costs of any such tests, and may require that the manufacturers of any such device being tested provide the department with the amount of money necessary to cover the costs of any such tests. The department may employ the services of private firms, individuals or public institutions in the conduct of such tests The department may accept tests by accredited laboratories No device shall be approved by the department that creates a hazard on the highway or increases the stopping distance of a truck or combination of vehicles

This section shall not take effect until September ~~13~~ *20*, 1963

SEC 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are

The Department of the California Highway Patrol, pursuant to Section 26310 of the Vehicle Code, has approved a list of compressed airbrake safety devices required by that section to be installed on specified vehicles as of March 16, 1963 However, some of these devices have proved to be defective and the certificates of approval that have been issued respecting them have been revoked by the Department of the California Highway Patrol It is a possibility that other certificates of approval may also be revoked The March 15, 1963 date is therefore not now a realistic date for requiring compliance with Section 26310 of the Vehicle Code This bill will remedy the situation, and in the interest of the public's safety, it is necessary that it go into immediate effect

O

(3) *School Zone Speeds, Postings and Markings*

Over the years California school-age children have been given increasingly better protection on their way to and from school This subcommittee is proud of its record as having taken a leading part in this effort However, members of the subcommittee are continually reminded by newspaper and traffic accident reports that the job is far from finished Continued effort is needed by all agencies concerned

In the 1961 session of the California Legislature three bills dealing with the subject of school zone speeds, postings and markings were referred for interim study by the Rules Committee, and subsequently re-referred by the full Transportation and Commerce Committee to the subcommittee for study. The subcommittee held one meeting on the subject matter of Assembly Bill 67 (Carrell), Assembly Bill 1331 (Grant), and Assembly Bill 2244 (Holmes), on October 19, 1961, at Los Angeles

While all concerned agree that speeds in school zones need to be rational and safe and that motorists need to be made conscious of the necessity of slowing down while children are in the area, there were disagreements presented during the hearing on the methods of accomplishing this end result Assembly Bill 67, as amended, for example, provided for a 25-mile maximum speed while passing a school building or grounds contiguous to a highway, while children are going to or leaving school during the opening or closing hours or during the noon recess, and would require the posting of signs in a conspicuous place in advance of the school building or the grounds In effect, this bill would have changed the *prima facie* speed limit in these cases to a maximum speed limit. Assembly Bills 2244 and 1331 provided that a governing school board, with the consent of the State and local agency controlling traffic, would be able to place yellow markings at areas in excess of the current 1,400-foot maximum under certain circumstances Apparently yellow crosswalks and school crossing signs are allowed up to a maximum of 1,400 feet from the school areas and a *prima facie* speed limit exists.

During the subcommittee hearing there was presented a July 1961 *Report on School Traffic Safety in the Los Angeles City School District*, prepared by the Citizens School Safety Committee appointed by the National Safety Council at the request of the Los Angeles City Council The report followed a series of 10 meetings with parent-teacher groups, city officials, and school district representatives, and resulted in a finding that in 1960 there were 1,251 school-age children in pedestrian accidents in Los Angeles, of which 82 (or more than 6 percent) involved children going to and from school. Fifty-four of those 82 accidents occurred while children were crossing in midblock; and 28 occurred at intersections, of which 18 were intersections uncontrolled by signals

The report also found that the largest percentage of school-age pedestrian fatalities in Los Angeles County involved 6- to 12-year-olds killed after they came home from school, and before dinner, and within one-half block of their own homes Pedestrian accidents involving school-age children going to and from school accounted for about 6½ percent of all such pedestrian fatal accidents involving school-age children going to and from school, or a small percentage of all such pedestrian

fatalities Records further indicated that only 1 percent of all school-age pedestrian accidents occurred at school crossings and only 7 percent occurred in the vicinity of school

The report concluded that "present California Vehicle Code sections establishing speed limits, pedestrian right-of-way and other regulations at school are reasonable and appropriate and that it would not substantially increase safety in the vicinity of schools to enact more stringent laws, such as reduction of speed limits"

The subcommittee was also informed that Cecil G Zaun, Supervisor in Charge of Safety and Driver Instruction, Los Angeles City School District, said in February 1961 that "neither speed nor lack of crossing protection have been indicated as contributory causes to any of the motor vehicle versus pedestrian or bicycle injuries while children were en route to or from school in 1959 and 1960"

The subcommittee was also aware of the 1961 *Accident Facts* wherein it is stated, that of the 70,512 school-jurisdiction accidents for all grades from all causes in school systems with an average enrollment of over 3½ million for 1959 and 1960 school year, only 7 8 percent occurred while going to and from school, and this figure includes school bus, private carriers, bicycles and pedestrians

Those persons and groups arguing for a strict 25-mile-per-hour maximum in school zones wherever children are apt to dart into traffic feel that this maximum would not only slow down traffic, but would lead to ease of enforcement because of the recognized difficulty of obtaining convictions on a *prima facie* speed basis While there is no real opposition, from a traffic safety point of view, to a 25-mile-per-hour maximum in school zones, some agencies point out the danger in making speed limits too low It is said that this would in effect lead to difficulties in compliance and enforcement It was also pointed out to subcommittee members that, since the proposed change in statute would make the maximum speed limit applicable only during school hours, there would be further difficulty in separating the safer speeds in the same street where children are during late night or early morning hours

Regarding the extension of the restrictions on yellow markings in school zones and school areas, it was pointed out that the value of yellow markings is their distinctiveness and unusual quality, and that if the use of such markings became commonplace their effectiveness would be defeated The committee members are also aware that the current 1,400-foot maximum was increased recently from the previous 600-foot maximum, and that perhaps the current statutory maximum had not been given a fair enough trial period in which to test its effectiveness

Conclusions

The subcommittee members feel that the school child protection at school crossings is excellent in California, since only 7 percent of all school-age pedestrian accidents are occuring in the vicinity of schools, and only 1 percent of those are at school crossings

However, the fact that 93 percent of school-age pedestrian accidents are occurring outside school areas is no reason for complacency Con-

tinued efforts are needed to secure protection in these other areas Additional attention needs to be directed and focused in other directions, without sacrificing the concentration on school areas

Subcommittee members feel that this added effort might very well be utilized in the area of better safety education of parents and children, rather than in stricter state speed law requirements The subcommittee is reluctant to propose a solution to a local situation with a state law, when a change in local ordinances may accomplish the same thing

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ASSEMBLY INTERIM COMMITTEE REPORTS
1961-1963

VOLUME 4 NUMBER 7

Final Report of the

ASSEMBLY INTERIM COMMITTEE ON REVENUE AND TAXATION

MEMBERS OF THE COMMITTEE

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SHERIDAN N HEGLAND, *Vice Chairman*

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CHARLES EDWARD CHAPEL
CLAYTON A DILLS
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Published by the

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CALIFORNIA LEGISLATURE

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"A J R" means Assembly Joint Resolution
"H R" means Assembly House Resolution

LETTER OF TRANSMITTAL

November 1, 1962

HONORABLE JESSE M UNRUH,
Speaker of the Assembly,
and Members of the Assembly:

The Assembly Interim Committee on Revenue and Taxation was constituted under the provisions of H R No 361, Section (t) adopted by the Assembly on June 9, 1961, for the purpose of considering the subject matter embraced in the Revenue and Taxation Code and certain specific subjects related thereto

The addition of Messrs. Holmes, Kilpatrick, and Pattee to those members who had served on the Standing Committee on Revenue and Taxation during the 1961 session brought the interim committee membership from 16 to 19 The death of Mr. Hicks and the resignation from the Assembly of Messrs Dahl, DeLotto, and Munnell brought the committee membership to the present 15.

This committee issued a *Progress Report to the Legislature,* printed in the Assembly Journal for the 1962 Regular (Budget) Session for February 6, 1962, pp 119-124 In addition, this committee was required to report to the 1962 session on the subject matter of H R. 445 of the 1961 session The committee issued this report under the title, *Report of the Assembly Interim Committee on Revenue and Taxation on State Assistance for County Road and City Street Construction and Improvement,* printed in the Assembly Journal for the 1962 Regular (Budget) Session for March 12, 1962, pp 207-211

Under the terms of H R 381 of the 1961 session, this committee was directed to study the financing of rapid transit systems in California Because of the fact that the success or failure of the proposed bond issue submitted by the San Francisco Bay Area Rapid Transit District to the electorate at the November 1962 general election would have an important bearing on the findings of the committee on this subject, the committee will issue a separate report on the subject matter of H R 381 of the 1961 session at a later date, but not later than the fifth legislative day of the 1963 session That report will be entitled, *Report of the Assembly Interim Committee on Revenue and Taxation on Financing Public Rapid Transit Systems in California.*

The committee herewith submits its final report to the 1963 session of the Legislature

Respectfully submitted,*

CHARLES H. WILSON, *Chairman*
SHERIDAN N HEGLAND, *Vice Chairman*

CLARK L. BRADLEY	VERNON KILPATRICK
CHARLES EDWARD CHAPEL	JOHN T. KNOX
CLAYTON A DILLS	ALAN G PATTEE
AUGUSTUS F HAWKINS	NICHOLAS C PETRIS
JAMES L HOLMES	VINCENT THOMAS

* NOTE

Messrs Bradley and Hegland dissent from the recommendation concerning Assembly Bill No 2946 of the 1961 session

Mr. Bradley dissents from the recommendation concerning Assembly Bill No 391 of the 1961 session

Messrs Bradley and Holmes dissent from the recommendation concerning the subject matter of House Resolution No 280 of the 1961 session

Messrs Bradley, Kilpatrick, and Pattee dissent from the recommendations concerning Assembly Constitutional Amendment No 31 of the 1961 session

Mr Bradley dissents from the recommendation concerning the subject matter of House Resolution No 99 of the 1962 Regular (Budget) Session

Mr. Bradley dissents from the recommendation concerning the subject matter of House Resolution No 65 of the 1962 Regular (Budget) Session. Mr Chapel concurs in the recommendation of the committee without necessarily concurring in some of the findings and observations contained in the report concerning House Resolution No 65.

Messrs. Chapel, Dills, and Hegland dissent from the recommendations concerning the subject matter of House Resolution No 386 of the 1961 session.

The findings and recommendations of the committee on all other items except as contained in Minority Reports were without dissent

MINORITY REPORTS

HONORABLE JESSE M UNRUH,
Speaker of the Assembly,
and Members of the Assembly:

With reference to the report of the Interim Committee on Revenue and Taxation, I disagree with the formula contained in recommended legislation on the welfare exemption, as it would apparently handicap the operation of the Scripps Home in Altadena in my district, formerly known as the Pasadena Home for the Aged

As enumerated in the "Summary of Major Policy Recommendations" contained in said report, I concur in findings Nos 2, 3, 4, 5, and 10.

I dissent in whole or part in findings Nos. 1, 6, 7, 8, and 9

Sincerely yours,

FRANK LANTERMAN

HONORABLE JESSE M UNRUH,
Speaker of the Assembly,
and Members of the Assembly:

I dissent from several of the recommendations contained in the Final Report of the Assembly Interim Committee on Revenue and Taxation and request that my name not be listed as a signator on the letter of transmittal

Sincerely,

DON MULFORD

HONORABLE JESSE M UNRUH,
Speaker of the Assembly,
and Members of the Assembly:

I wish my name withheld from the report of the Interim Committee on Revenue and Taxation as I have some specific variation of thinking from that of the recommendations indicated

I would be in opposition to adopting the withholding system for the collection of the state income tax unless there is some specific recommendation that the method used in getting to a current basis was the forgiveness of one year of taxes rather than the collection of more than one year of tax in any one year

I would also object to the language in defining nondeductible items for corporation tax purposes The purpose of a corporation is to make a profit for its stockholders If that profit is increased by influencing public opinion whether or not directly or indirectly related to the business then the purpose of the corporation has been properly satisfied.

Of course, all such items must be conducted within the scope of existing law.

I believe, also, it is a mistake for the committee at this time to anticipate requests for additional state revenues. Currently both candidates for Governor say they will not be making such requests at least until the year 1964 Therefore, in recommending now, solutions which might not be appropriate at the time of need, the committee would be entering the field of "stargazing."

I do not believe that it is proper for this committee to make a declaration that it is the public policy for California to eliminate property taxation completely We already have had a partial move in the direction of getting more equitable sources of revenues for schools in the passage of the Sales Tax Act The purpose given at that time by the proponents of the act was that the funds derived therefrom should be applied to the schools As we all know, this has not been followed

Sincerely,

JOSEPH C. SHELL

COMMITTEE ASSIGNMENT

The function of the Assembly Interim Committee on Revenue and Taxation was twofold: (1) to study, analyze, and report recommendations on proposed changes in the Revenue and Taxation Code, and portions of other codes having a bearing on state and local revenues, and (2) to hear and consider proposals from various interested parties on long-term reform of California's state and local tax structure.

ASSIGNED BILLS

The Assembly Interim Committee on Revenue and Taxation was directed to study and report on the subject matter of the following items: *

1961 Session

Assembly Bills Nos 77, 250, 391, 475, 525, 616, 810, 1230, 1310, 2286, 2348, 2586, 2720, 2754, 2831, 2888, 2919, 2946, 3068, 3104, and 3147.
Assembly Constitutional Amendment No 31
House Resolutions Nos. 184, 280, 284, 322, 377, 381, 386, and 445

1962 Regular (Budget) Session

Assembly Bill No 2.
House Resolutions Nos. 65 and 99.

1962 First Extraordinary Session

House Resolution No 35.

1962 Second Extraordinary Session

Assembly Bill No 2
House Resolution No 116

1962 Third Extraordinary Session

Assembly Joint Resolution No 3

COMMITTEE ORGANIZATION

The committee held its first meeting on August 15, 1961, in the State Capitol at Sacramento At that meeting the chairman announced the appointment of four subcommittees.

Subcommittee on Tax Administration: Mr Wilson, Chairman; Messrs Chapel, Dahl, DeLotto, Holmes, Knox, Munnell, Pattee, Petris, and Thomas

Subcommittee on Property Taxation: Mr Wilson, Chairman; Messrs Bradley, Dills, Hawkins, Hegland, Hicks, Kilpatrick, Lanterman, Mulford, and Shell.

* Assembly Constitutional Amendment No 43, originally assigned to this committee, was referred in substance to Assembly Interim Subcommittee on Tax Exemptions (see "Committee Organization")

Subcommittee on Revenue Sources: Mr. Wilson, Chairman; Messrs. Dills, Hawkins, Hegland, Holmes, Knox, Pattee, Petris, and Thomas.

Subcommittee on Assembly Constitutional Amendment No 43: Mr. Kilpatrick, Chairman; Messrs DeLotto, Lanterman, Mulford, and Wilson.

Under the terms and provisions of House Resolution No 19 of the 1962 Second Extraordinary Session, an Assembly Interim Subcommittee on Tax Exemptions was created to study and report on subject matter substantially the same as that contained in A C A 43. House Resolution No. 19 further provided that the chairman of the Assembly Interim Committee on Revenue and Taxation was empowered and directed to appoint the chairman and members of said Assembly Interim Subcommittee on Tax Exemptions from among the membership of the Assembly Interim Committee on Revenue and Taxation

Accordingly, on July 1, 1962, Chairman Charles H Wilson appointed the Assembly Interim Subcommittee on Tax Exemptions to consist of Mr Kilpatrick, Chairman, Messrs Hegland, Lanterman, Mulford, and Petris, and dissolved the aforementioned Subcommittee on Assembly Constitutional Amendment No 43 of this committee

On July 5, 1962, the chairman appointed the following additional subcommittee to which was referred the subject matter of bills and resolutions dealing with income taxation:

Subcommittee on Income Taxation: Mr Petris, Chairman; Messrs. Dahl, Hegland, Holmes, Knox, Pattee, and Wilson

The committee established offices in the State Capitol and at 1902 W Florence Avenue, Los Angeles

Mr. Steven E Smith of Los Angeles was employed as committee consultant.

Mrs Irene Anderson of Sacramento, secretary for the standing committee, was employed as secretary for the interim committee She subsequently resigned to accept a position as secretary to Federal Judge Thomas J McBride in Sacramento Mrs Freda Parker of Los Angeles was employed as committee secretary to replace Mrs. Anderson.

Mr Jack M. Newman of Los Angeles was employed as committee intern, and at the expiration of that service, was re-employed as research co-ordinator

HEARINGS

The committee and its constituted subcommittees held the following hearings during the interim period:

Full Committee
August 15, 1961 ..... Sacramento
February 2, 1962 ..... Sacramento

Subcommittee on Tax Administration
October 26, 1961 ..... San Francisco
October 27, 1961 ..... Salinas
November 21-22, 1961 ..... Los Angeles

Subcommittee on Property Taxation
September 21-22, 1961 ---------- San Diego
November 6-7, 1961 ---------- Inglewood
December 18, 1961 ---------- San Francisco
December 19, 1961 ---------- Richmond

Subcommittee on Revenue Sources
October 12-13, 1961 ---------- Los Angeles
October 25-26, 1961 ---------- San Francisco
September 11, 1962 ---------- Los Angeles

Subcommittee on Income Taxation
July 12, 1962 ---------- Albany, New York
July 16, 1962 ---------- Boston, Massachusetts

ACKNOWLEDGMENTS

The committee gratefully acknowledges the help and co-operation of the following persons who assisted in preparing and gathering information of assistance to the committee in its studies:

Hon Richard Nevins, Member of the State Board of Equalization, Shirley Filiatrault, deputy to Mr Nevins; Neilon Jennings, Acting Chief of the Division of Assessment Standards of the Board of Equalization, Dixwell Pierce, Executive Secretary of the Board of Equalization; Hon Stanley Mosk, Attorney General of California, Howard Jewel, Assistant Attorney General, Angus C Morrison, Legislative Counsel, and his staff, Alan Post, Legislative Analyst, and his staff, Carma R Leigh, State Librarian, Kenneth Pettitt, and Mary Jane Schmelzle of the Legislative Reference Service of the State Library, Duncan J McNeil, Chief Legislative Engineer for the City of Los Angeles, James A Stanley and his associates of the San Fernando Valley-wide Committee on Streets and Roads, a private organization, and H C. Robinson.

The committee also wishes to acknowledge and express its appreciation for the excellent work done by the committee staff They have evidenced, we believe, an exceptionally high degree of competence and efficiency These members of the staff include Steven E Smith, Committee Consultant; Freda Parker, Committee Secretary, Joan Grundhofer, Secretary, and Jack M Newman, Research Co-ordinator

PART I

THE WELFARE EXEMPTION AND LIFE-CARE CONTRACT HOMES FOR THE AGED

House Resolution No. 284, introduced by Assemblyman Houston I. Flournoy in the 1961 session, directs that a study be made of the propriety of allowing the "welfare exemption" to organizations which provide care to the aged under life-care contracts which require high admission fees.

Summary of Findings

The committee finds that the weight of argument is heavily against the continuation of a total exemption from local property taxes for the subject organizations

Recommendations

1. That the Legislature enact legislation amending the Revenue and Taxation Code by adding a new Section 214.10 to read:

> "214 10 In the case of an organization which uses its property to provide a home and life care for aged persons and otherwise meets all the requirements of Section 214, the maximum amount of property so used which may be exempted pursuant to Section 214 shall not be greater in proportion to the total number of aged persons who, as residents of the home on the lien date, are entitled to and receive life care at the home than the property of one thousand dollars ($1,000) bears to one such resident aged person "

The effect of this new section would be to limit the "welfare exemption" to a maximum of $1,000 of assessed value for each aged resident of the institution

2 That the Legislature adopt legislation to amend Section 214 of the Revenue and Taxation Code by adding, at the end of the last sentence thereof, the following new sentence

> "Any doubt in the construction of this section shall be resolved against the right to exemption "

3. That the Legislature adopt a concurrent resolution to advise and instruct the State Board of Equalization that it is the intention of the Legislature that the board should give a strict but reasonable application of Section 214 under the investigation and enforcement authority given the board in Section 254 5 of the Revenue and Taxation Code

COMMITTEE FINDINGS

The Problem

As of December 14, 1961, there were some 44 institutions in California which provided care for the aged under the so-called "life-care

contract'' exempt from property taxation under Section 214 of the Revenue and Taxation Code.

Many of these homes, but not the majority, are located in property of very high value and charge residents entrance fees, life care fees, and/or monthly charges which are beyond the means of any but the wealthy

The attention of the Legislature was focused on the tax exempt status of these institutions because of an appellate court decision in 1961 in the case of *Fifield Manor* v *County Los Angeles* (188 Cal App 2d 1) which broadened previous court interpretations of Section 214

The number of these homes now under construction or in the planning stage appears to be growing each year. It is conservatively estimated that the exemption granted existing homes cost local governments in California almost $1,000,000 in tax revenues this year.

Committee Study

The committee was assigned this subject matter by order of the rules committee at the conclusion of the 1961 Session On October 31, 1961, Steven E Smith, committee consultant, conferred in Sacramento with representatives of the State Board of Equalization and the State Department of Social Welfare These discussions centered around the type of information which would be needed by the committee to carry out its study, and the sources of such information within the two government agencies represented

On September 7, 1961, and August 1, 1962, the Legislative Counsel supplied the committee with opinions which were of great value in determining the history of the development of present law regarding the tax status of the subject properties

On November 21, 1961, a public hearing was held on this subject before the Subcommittee on Tax Administration in Los Angeles

On December 14, 1961, the Legislative Analyst's office supplied the committee with a county-by-county list of tax-exempt homes for the aged showing assessed valuation and the probable tax if the exemption were not in effect

In addition, the committee has carried on extensive correspondence with the subject institutions and with officials of state and local government concerned with the general problem under investigation

Legal Aspects

The committee is indebted to the office of the Legislative Counsel for an exhaustive exposition of the history and development of the ''welfare exemption,'' which appears in the the appendix to this report We believe that for anyone who has an interest in this general subject the opinion of the Legislative Counsel in the appendix should be ''required reading ''

To summarize, the general legal aspects of the problem begin with the State Constitution Adopted November 7, 1944, Section 1 (c) of Article XIII, reads:

> ''In addition to such exemptions as are now provided in this Constitution, the Legislature may exempt from taxation all or any portion of property used exclusively for religious, hospital, or

charitable purposes and owned by community chests, funds, foundations or corporations organized and operated for religious, hospital, or charitable purposes, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual ''

Additional language was added on November 2, 1954, broadening the authorization for exemption to include buildings under construction and the land upon which such buildings were being constructed.

We believe that the key words in this section are that ''the Legislature *may* exempt'' from taxation all *''or any portion''* of the property used in the manner described in the section The language of the amendment is purely permissive and our State Supreme Court has ruled that the Legislature could decline to exempt any such property.[1]

In 1945 the Legislature enacted Section 214 of the Revenue and Taxation Code As most recently amended in 1955, this section is the basis upon which the subject institutions are exempted It presently reads:

''214 Property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chests, funds, foundations or corporations organized and operated for religious, hospital, scientific, or charitable purposes is exempt from taxation if.

''(1) The owner is not organized or operated for profit; provided, that in the case of hospitals, such organization shall not be deemed to be organized or operated for profit, if during the immediate preceding fiscal year the excess of operating revenues, exclusive of gifts, endowments and grants-in-aid, over operating expenses shall not have exceeded a sum equivalent to 10 percent of such operating expenses As used herein, operating expenses shall include depreciation based on cost of replacement and amortization of, and interest on, indebtedness;

''(2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individual;

''(3) The property is used for the actual operation of the exempt activity;

''(4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations or the more advantageous pursuit of their business or profession;

''(5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose,

''(6) The property is irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon the liquidation, dissolution or abandonment of the owner will not inure to the

[1] *Sutter Hospital of Sacramento* v *City of Sacramento* (1952), 39 Cal 2d 33 (at page 35)

benefit of any private person except a fund, foundation or corporation organized and operated for religious, hospital, scientific, or charitable purposes

"(7) The property, if used exclusively for scientific purposes, is used by a foundation or institution which, in addition to complying with the foregoing requirements for the exemption of charitable organizations in general, has been chartered by the Congress of the United States (except that this requirement shall not apply when the scientific purposes are medical research), and whose objects are the encouragement or conduct of scientific investigation, research and discovery for the benefit of the community at large.

"The exemption provided for herein shall be known as the 'welfare exemption.' This exemption shall be in addition to any other exemption now provided by law. This section shall not be construed to enlarge the college exemption. Property used exclusively for school purposes of less than collegiate grade and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section."

Two key elements in our present study are the legal definitions of "profit" and of "charitable purposes."

It is important to note that the authors of the welfare exemption in its original form in 1945 were conscious of the possible profitability of claimant institutions. Subsection 3 (which now contains a mild statement about the uses of the exempt property) originally read:

"(3) The property is not used or operated by the owner or by any other person for profit *regardless of the purposes to which the profit is devoted*" (emphasis added)

The amendment to subsection 3 came in 1955 and was contained in a bill which had the primary effect of amending subsection 1 to greatly liberalize the definition of "profit" for the specific category of hospitals. This amendment apparently was the result of a California appellate court decision that year interpreting "profit." The court said:[2]

"The test indicated by the phrase "operated for profit" or "conducted for profit" (contained in Section 214) is not necessarily whether there is or may be a profit but whether the claimant is operated or conducted for the purpose of making a profit."

In the judgment of this committee, the 1955 amendment striking the strict language of the original subsection 3 opened the door to very broad interpretations of the law and has made the enforcement agencies reluctant to rule against a claimant on the basis of suspected profitability.

As to the definition of what constitutes a "charitable" enterprise or undertaking, the courts have tended to take a broad view of that term.

[2] *Saint Francis Memorial Hospital* v *City and County of San Francisco* (App. 1955), 290 P. 2d 275.

Although in one case the Supreme Court ruled, we think quite properly, that any doubt in judicial construction of Section 214 is to be resolved against the right to exemption,[3] in virtually every instance in which the subject of determining the legal nature of "charity" was before them the courts in California, including the Supreme Court, have taken a most generous attitude, casting aside what the judges are fond of calling "the popular definition" of the term.

It was the *Fifield Manor* case which prompted the present study of the question, but that decision was in reality only a restatement of the 1950 decision concerning Fredericka Home, a similar institution in San Diego County.[4]

Stated briefly, the judicial decisions in the *Fredericka* and *Fifield* cases interpreted "charity" to include the rich as well as the poor. The rich have needs, too, the court ruled, the satisfaction of which is a worthy social value, i e, a charitable endeavor Those needs can include, in the court's view, an atmosphere and environment of "gracious living for the rest of your journey," as the early advertisements for Fifield Manor put it

Under present law, as defined by the courts, it would be difficult to imagine any standard of care, however lavish or exclusive in nature, which would be classified as outside that broad definition of a "charitable" service—*so long as the payment made by the resident does not exceed the cost of providing the service* And "costs" of operating an institution include debt amortization, reserve requirements, funding of anticipated improvements, salaries of personnel, electricity, gas, and depreciation of furnishings, as well as a class of food, shelter and clothing sufficient to qualify for the distinction "gracious living."

Finally, we should review the legal position of these institutions vis-a-vis the State

Institutions and boarding homes for the aged are regulated under the Welfare and Institutions Code, Division 3, Chapter 2 (commencing at Section 2300). Life-care contracts are specifically governed under Chapter 3 of the same division (commencing at Section 2350)

Section 2300 of the code requires that institutions and boarding homes for aged persons be licensed by the State Department of Social Welfare. Section 2301 grants to the State Board of Social Welfare the power to make rules and regulations governing such institutions and boarding homes, and authorizes inspection for compliance by officials of the department.

Section 2352 requires that a life-care contract, defined as a written agreement for the care of an aged person in an institution for a period of more than one year, be on a form approved by the department, and Section 2353 specifically outlines the contents of such life-care contracts and requires that certain financial information be included therein Section 2354 gives the department the power to inspect the records of institutions operating under such life-care cotnracts.

Of great importance, Section 2354 1 requires the filing with the department of an annual audit of the books of the licensed institutions performed by a certified public accountant.

[3] *Sutter Hospital of Sacramento* v *City of Sacramento* (1952), 244 P 2d 390
[4] *Fredericka Home for the Aged* v. *County of San Diego* (1950), 35 Cal 2d 789

These provisions of the law are for the purpose of protecting inmates in institutions against exploitation and to guarantee the sufficiency of financial reserves

From the standpoint of qualifying for property tax exemption, Section 254 5 of the Revenue and Taxation Code requires the filing of a complete financial statement with the county assessor and the State Board of Equalization on April 1 of each year by those institutions claiming such exemption

Section 254 5, referring to the duty of the Board of Equalization to determine eligibility, reads in part:

> "In this connection the board shall consider, among other matters, whether
>
> "(a) The services and expenses of the owner or operator are excessive, based upon like services and salaries in comparable public institutions, "
>
> * * * * *
>
> "(c) Any capital investment of the owner or operator for expansion of physical plant is justified by the contemplated return thereon, and required to serve the interests of the community."

Section 254 5 was adopted in 1945—at the same session which adopted the original version of Section 214

Let us review

1 At the 1944 general election the people adopted Section 1 (c) of Article XIII authorizing the welfare exemption

2 At the 1945 session the Legislature enacted Section 214 of the Revenue and Taxation Code, one of the longest and most detailed single sections in the code As a part of the original section, there appears the proviso that the subject property shall not be operated for profit "regardless of the purposes to which the profit is devoted "

3 At the same 1945 session the Legislature enacted Section 254 5 establishing procedures for filing information by claimants and empowering the Board of Equalization to make determinations on whether services are "excessive" or are out of line with "like services" in public institutions, and whether investments by the owner of such property for improvements are "required to serve the interests of the community "

It seems clear to this committee that the Legislature in 1945 intended that the whole financial character of an institution was to be a central factor in determining eligibility At the same time, we can find no evidence that the members of the Legislature in 1945 intended a "liberal" construction of Section 214 The enactment at the same session of Section 254 5 argues that the opposite is true, and that the statement of the Supreme Court in the *Sutter Hospital* case that "any doubt in the construction (of Section 214) is to be resolved against the right to the exemption"[5] is a better description of the Legislature's original intent than the *Fredericka-Fifield* line of decisions

[5] *Sutter Hospital* v *City of Sacramento* (1952), 244 P 2d 390

Exercising its powers under Section 254 5, the Board of Equalization made certain findings regarding the eligibility of the Fifield properties for exemption, and advised the assessor in Los Angeles to deny the claim In the resulting litigation the appellate court ruled for Fifield By so doing, we believe that the court has effectively hamstrung the effectiveness of the enforcement agencies because it has in effect ruled that the board may not deny an exemption, even on a finding of fact the board is authorized to make under Section 254 1

General Characteristics of Subject Homes

There is no "typical" home for the aged in our study These institutions range from very old buildings to those of the most recent and modern construction Some have dormitory type living quarters and are "institutions" in every respect, while others are a collection of numerous bungalow-type single units Some have elaborate medical facilities (some are, in fact, more hospital than home), while others have only a resident physician Some are closely related to a church, while for others the religious affiliation and spiritual life of the residents is of no great moment

There are, however, some general characteristics

Most of the homes are owned and operated by nonprofit corporations which are a part of a church Principal among these is Pacific Homes Corporation, owned by the Southern California-Arizona Conference of the Methodist Church, and Southern California Presbyterian Homes, Inc Fifield Manor, while having no direct church connection, derives its name as well as its general operating direction from Dr James W Fifield, Jr , pastor of the First Congregational Church of Los Angeles Most of the remainder of the homes were founded by fraternal associations or benevolent societies

In many cases the homes occupy the buildings of what were once apartment-hotels All three of the Fifield Manors are of this type In other cases, the homes are built from the ground up and are quite modern in design

Almost all of the institutions admit only persons over the age of 65

Financial Characteristics

All of the subject homes operate under the life-care contract

While individual practices may vary, the essence of the life-care contractual arrangement begins with an "accommodation" fee This fee is customarily explained as being a payment for living quarters for life. In every case it is fixed on a scale depending on the size of the living quarters, sometimes so many dollars for so many square feet of room In most cases this accommodation fee is different for a couple than it would be for a single person

At one home the accommodation fee ranged from $6,900 to $16,900 In another home opened in 1961 the accommodations were priced at from $10,500 to $26,000 (according to the records of the State Board of Equalization, one man died prior to the opening of that home after having paid the entire fee)

These "accommodation" fees are charged each person entering the institution It cannot be assumed, therefore, that these fees are intended to cover construction costs alone These original costs are paid by the first "generation" of residents What happens to the fees collected from succeeding "generations" will be discussed later on in this report

After the accommodation fee comes the "life-care" fee, which is paid either as a lump sum or in monthly installments If paid as a lump sum, the exact figure required is estimated by the use of the best available actuarial tables If paid on a monthly basis, the life-care fee is generally within the range of $100 to $200 per month, depending on the standard of service provided at the institution

We find that little or no actual net "profit" can be made from life-care fees—in other words, the type of care (including a division of per capita costs of providing medical care) actually costs about as much or a little more than is paid by the resident This is of course especially so if the resident should greatly outlive his life expectancy according to the institution's actuarial table upon which his fee was determined. If there are cases where the fees paid for life care are far in excess of actual per capita average costs they have not been brought to the attention of the committee

The accommodation fees, however, tell a different story In simple terms it is this the first "generation" of residents pays for the original investment in land and buildings, the succeeding "generations" pay for subsequent improvements on the building or, more significantly, to subsidize the creation of new homes in other locations

Fifield Manor began with the purchase of the Chateau Elysee Apartment Hotel in Hollywood So successful was this venture that another apartment hotel on Wilshire Boulevard in Los Angeles was purchased and became Fifield-Wilshire Finally, Fifield Manor-Pasadena (the only one of the three catering to persons of limited means) was opened in the buildings of a former hotel in that city

The Methodist Church endeavor in the field of care for aged persons began with Kingsley Manor in Hollywood and the Fredericka Home in Chula Vista The next step was Claremont Manor in Claremont Casa de Manana in La Jolla and Desert Crest in Phoenix, Arizona, joined the group. Pacific Homes Corporation letterhead bears the names and opening dates of three more such homes "Oasis Del Sol (Future)" in Tucson, Arizona, "Wesley Palms (1962)" in San Diego, and perhaps best of all, "Pohai Nani (1963)," in Honolulu, Hawaii.

It might be instructive for someone to trace which "generation" of residents' accommodation fees in what institution laid the groundwork for Pohai Nani

Assessed Valuations

On December 14, 1961, the Legislative Analyst's Office submitted a report on the 44 homes for the aged operating under the life-care contract arrangement, which homes were exempt from taxation under Section 214 This report consisted of a listing by county of these homes, their assessed valuation, the local tax rate, and the estimated amount of tax which would be paid on the assessed valuation if there were no exemption affecting the property The Legislative Analyst passed on to

the committee the comment made by the staff of the Board of Equalization that many of the assessment figures were probably on the conservative side because no actual taxes "hang in the balance" due to the exemption.

The totals in the report show that $10,166,266 in assessed valuation is exempt, resulting in a probable tax loss of about $838,000

On the basis of this report, the committee concludes that most of the 44 homes are small institutions, located in surroundings of not unusually high quality, and with generally low assessed and actual property value

As a matter of fact, the "top" 12 of the homes, listed in the order of assessed value, accounted for 58 4 percent of the total exempted value in the State, and 57 6 percent of the probable taxes lost (see Table I)

Four of these 12 institutions are owned by the Methodist Church's Pacific Homes Corporation, and account for 21 6 percent of the state total of assessed value for all 44 homes Ranking them in terms of assessed value, these four Methodist homes are 1st, 4th, 5th, and 10th

The Presbyterian Church owns 3 of the institutions listed in the "top" 12 in exempted assessed value, its new Royal Oaks Manor in Duarte ranking second in the State with an assessed value of $692,450 "The Sequoias," owned by Northern California Presbyterian Homes, Inc, ranks seventh in the State in assessed value This institution, according to the State Board of Equalization, opened in 1961, has a replacement value of over $4,000,000, charges from $10,500 to $26,000 as an accommodation fee, is expected to house about 250 people and manages to pay its administrator an annual salary of $14,400

The three Presbyterian institutions, ranking second, sixth, and seventh, account for 16 3 percent of the State total of exempt assessed value and 15 6 percent of estimated tax loss

Two of the Fifield Manors—Wilshire and Hollywood—rank in the top 12 They account for almost 12 percent of the assessed value and 11 5 percent of the lost taxes on exempted properties in the State

Taking the Methodist, the Presbyterian, and the Fifield Manor corporations combined, we find that these 3 organizations, with 9 homes, account for almost 50 percent of the total exempt assessed value (and about 49 percent of the probable tax loss) of the 44 subject homes under study by this committee

From all of the information received, the committee concludes that as a general rule the class and quality of services and facilities in any given institution are related to a ratio between the number of residents and the value of the property

"Luxury-class" tax havens for the wealthy—however few there may be of these—can be separated from the really "charitable" institutions (in the traditional sense of that term) by dividing the number of residents into the value of the property

By using this ratio, the committee concludes that an institution with few residents and a high property valuation probably possesses financial characteristics which would enable it to pay a share of the cost of local government and the public schools Conversely, a property of low

value in which are housed a relatively high number of residents indicates a tight institutional budget and a general absence of luxury.

Policy Considerations

A tax exemption is a form of public subsidy Assuming for the moment that a certain amount of money must be raised by government from the ad valorem tax base, any reduction in that base requires that the burden of taxation be redistributed Exempt one taxpayer and you must redistribute the taxes he would have paid among those taxpayers who remain

Tax exemptions for hospitals, colleges, churches, and private institutions for the poor (including orphanages and homes for the aged) are not new In fact, at the time of the adoption of the constitutional authorization for exemption in 1944, California was the only state which did not have some form of "welfare exemption " We believe the decision of the electorate represented sound public policy.

Our committee is directed to study the "spirit and purpose" of the welfare exemption as a part of the study directed by H R. 284 We believe that the spirit and purpose of the exemption can be summarized in two parts

1 To encourage the private dispensing of a socially valuable service to spare the community as a whole the necessity of furnishing the same service at public expense, and
2 To permit private charitable, hospital, religious, or educational institutions greater financial freedom by "liberating" funds for their socially valuable purposes which otherwise would be committed to paying taxes

The fact that tax exemption may be sound public policy does not make it any less a subsidy, however.

The three Fifield Manors in Los Angeles paid property taxes for almost a decade without complaint (at least insofar as suing for recovery of taxes is concerned) before the *Fifield* case brought to an end that obligation The Fifield management now has in the neighborhood of $96,000 more each year to spend for its various purposes, that being the estimate of taxes annually lost as a result of the court's action in favor of Fifield The rest of the county's taxpayers have made up the difference

It is this committee's judgment that an institution must show more than a "socially valuable" or "worthy" purpose to make legitimate claim to such a substantial public subsidy

There are many socially valuable and worthy human enterprises for which a public subsidy would be unthinkable The publication of a newspaper may be highly valuable from a social standpoint Newspapers "uplift" the public mind and improve public knowledge and understanding In many cases, they are hardly profitable at all from an economic standpoint No one would suggest, however, that newspaper publishing should be subsidized by the public purse.

We believe that the public should not be required to subsidize the operation of institutions for the aged which charge fees which are beyond the means of the average man—beyond the means, indeed, of

any but the wealthy It is this committee's judgment that some of the subject institutions are clearly in such a category and that for many of the others the argument for exemption is highly debatable Such institutions fail both the tests set forth above (1) it is unlikely that the residents of these homes would become public charges in the absence of the home, and (2) many of these institutions, either from their residents or from ample outside financial resources, are fiscally strong enough to adequately carry out their program of services to the aged and contribute to the public treasury as well

In our opinion the recommendations made by this committee will correct these abuses of the "spirit and purpose" of the welfare exemption

TABLE 1

TWELVE HOMES FOR THE AGED HAVING HIGHEST ASSESSED PROPERTY VALUE

Name of institution, location, and owner	*Assessed value 1961*	*Local tax rate 1961*	*Probable tax loss—1961*
KINGSLEY MANOR Los Angeles Pacific Homes Corp, of Southern California-Arizona Conference, the Methodist Church	$745,150	$8 15	$60,730
ROYAL OAKS MANOR Duarte Southern California Presbyterian Homes, Inc	692,450	7 29	50,480
FIFIELD MANOR-WILSHIRE Los Angeles Fifield Manor Wilshire, Inc	572,210	8 15	46,630
CLAREMONT MANOR Claremont Pacific Homes Corp	539,240	9 20	49,610
CASA DE MANANA La Jolla Pacific Homes Corp	527,750	7 40	39,053
WHITE SANDS OF LA JOLLA La Jolla, Southern California Presbyterian Homes, Inc	527,360	8 00	42,190
THE SEQUOIAS Portola Valley Northern California Presbyterian Homes, Inc	445,550	8 50	37,870
THE HERITAGE San Francisco Ladies' Protection Relief Society of San Francisco	441,806	8 29	36,630
BRETHREN HILLCREST HOME La Verne Church of the Brethren	389,070	9 20	35,790
FREDERICKA MANOR Chula Vista Pacific Homes Corp	384,490	8 26	31,760
FIFIELD MANOR Hollywood Fifield Manor, Inc	345,900	8 15	28,190

TABLE I

TWELVE HOMES FOR THE AGED HAVING HIGHEST ASSESSED PROPERTY VALUES—Continued

Name of institution, location, and owner	*Assessed value 1961*	*Local tax rate 1961*	*Probable tax loss—1961*
SAMARKAND OF SANTA BARBARA			
Santa Barbara			
Samarkand of Santa Barbara, Inc	324,475	7 30	23,690
TOTAL, TWELVE INSTITUTIONS	$5,935,440		$482,623
TOTAL, CALIFORNIA	$10,166,266		$838,100

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PART II

PROPERTY TAXATION—GENERAL

ASSESSMENT STANDARDS

House Resolution No. 377, introduced by Assemblyman Augustus F. Hawkins in the 1961 session, directs our committee to study "whether or not a standard ratio of assessed value to market value should be established by law."

Findings

Assemblyman Hawkins informed this committee that he introduced the resolution at the suggestion of Richard Nevins, member of the State Board of Equalization, Fourth District

The committee feels it necessary to point out three general facts of great importance in this study

1 Under Section 12 of Article XI of the State Constitution, property shall be "assessed for taxation at its full cash value "

2 Judicial interpretations as to what the phrase "full cash value" means are neither uniform nor particularly consistent

3 Assessors in this State actually assess property at a proportion of its value, rather than at its "full cash value" for a number of reasons which the committee believes are not so significant to the central point of the inquiry as to require enumeration here These "assessment ratios" range from Amador County with 17 2 percent in 1961 to Del Norte County with 26 5 percent in 1961, with a statewide average at 23 4 percent (see Table I, p 21)

To point out the obvious, a piece of property theoretically valued at $25,000 in cash in Amador County would have a substantially different value entered on the rolls in that county than it would in Del Norte County.

Since it is the responsibility of the State Board of Equalization to "equalize" property assessments in the various counties of the State for the sake of equity, this committee wishes to commend Mr Nevins, a member of that board, for his consistent efforts toward the development of a statewide, uniform and mandatory ratio (the first element of equalization for equity)

Mr Nevins' remarks on this subject before the 59th annual conference of the State Association of County Assessors of California on October 31, 1961, are presented in full in the appendix to this report

Further, a proposed constitutional amendment drafted by Mr Nevins, which this committee considers necessary preparatory to the adoption of a statewide ratio by legislative act, also appears in the appendix.

While the efforts of a single member may be commended, the affirmative action of the full Board of Equalization is necessary in reaching a satisfactory solution to this problem

Recommendations

1. That the Legislature direct, by concurrent resolution, the State Board of Equalization to either·

   a. Impose a mandatory statewide ratio for property assessments, as it now apparently has the power to do under Section 9 of Article XIII of the State Constitution, or

   b. Recommend to the Legislature, prior to the beginning of the 1965 session thereof, such legislation, including but not limited to a constitutional amendment, which it deems necessary to establish such a statewide ratio in the event that practical considerations prevent the establishment of such a mandatory and uniform ratio by the board prior to January 1, 1965

2 That said concurrent resolution suggest that said statewide ratio shall be approximately 25 percent of full cash value, such suggestion to be subject to such other judgments as the board may make in accordance with recommendation number "1," above.

TABLE II

CALIFORNIA STATE BOARD OF EQUALIZATION

COUNTY RATIOS OF ASSESSED TO FULL CASH VALUE OF LOCALLY ASSESSABLE TANGIBLE PROPERTY AS OF MARCH 6, 1961

Published Under Section 1819, Revenue and Taxation Code, September 2, 1961

(In alphabetical order)

Alameda	24 1
Alpine	20 5
Amador	17 2
Butte	19 6
Calaveras	18 8
Colusa	21 9
Contra Costa	22 6
Del Norte	26 5
El Dorado	20 5
Fresno	21 3
Glenn	20 0
Humboldt	21 3
Imperial	21 0
Inyo	23 0
Kern	22 7
Kings	22 5
Lake	18 7
Lassen	22 9
Los Angeles	24 4
Madera	20 8
Marin	21 7
Mariposa	23 3
Mendocino	20 7
Merced	21 1
Modoc	24 2
Mono	21 5
Monterey	24 1
Napa	21 8
Nevada	23 9
Orange	22 9
Placer	24 4
Plumas	25 4
Riverside	22 8

(In numerical array)

Amador	17 2
Lake	18 7
Calaveras	18 8
Tuolumne	19 2
Butte	19 6
Stanislaus	19 7
Tehama	19 7
Santa Barbara	19 8
Glenn	20 0
Sutter	20 3
Yolo	20 3
Alpine	20 5
El Dorado	20 5
Mendocino	20 7
Madera	20 8
Imperial	21 0
San Mateo	21 0
Merced	21 1
San Bernardino	21 1
Fresno	21 3
Humboldt	21 3
Shasta	21 4
Mono	21 5
Siskiyou	21 5
Marin	21 7
Napa	21 8
San Joaquin	21 8
Colusa	21 9
Kings	22 5
Contra Costa	22 6
San Luis Obispo	22 6
Kern	22 7
Tulare	22 7

TABLE II

CALIFORNIA STATE BOARD OF EQUALIZATION—Continued

COUNTY RATIOS OF ASSESSED TO FULL CASH VALUE OF LOCALLY ASSESSABLE TANGIBLE PROPERTY AS OF MARCH 6, 1961—Continued

Published Under Section 1819, Revenue and Taxation Code, September 2, 1961

(In alphabetical order)

Sacramento	23 3
San Benito	23 3
San Bernardino	21 1
San Diego	23.7
San Francisco	23 5
San Joaquin	21 8
San Luis Obispo	22 6
San Mateo	21 0
Santa Barbara	19 8
Santa Clara	26 3
Santa Cruz	23 6
Shasta	21 4
Sierra	24 1
Siskiyou	21 5
Solano	22 9
Sonoma	25 3
Stanislaus	19 7
Sutter	20 3
Tehama	19 7
Trinity	23 1
Tulare	22 7
Tuolumne	19 2
Ventura	25 0
Yolo	20 3
Yuba	24 0

(In numerical array)

Riverside	22 8
Lassen	22 9
Orange	22 9
Solano	22 9
Inyo	23 0
Trinity	23 1
Mariposa	23 3
Sacramento	23 3
San Benito	23 3
San Francisco	23 5
Santa Cruz	23 6
San Diego	23 7
Nevada	23 9
Yuba	24 0
Alameda	24 1
Monterey	24 1
Sierra	24 1
Modoc	24 2
Los Angeles	24 4
Placer	24 4
Ventura	25 0
Sonoma	25 3
Plumas	25 4
Santa Clara	26 3
Del Norte	26 5

Statewide Weighted Average. 23 4

Assembly Bill No. 1310, introduced by Assemblyman Charles H. Wilson in the 1961 session, would provide that where an assessor acts to appraise or reappraise all property in his jurisdiction, he shall not change the assessed value of any property on the basis of the appraisal or reappraisal until all property in his jurisdiction has been so appraised or reappraised.

Findings

The Legislative Analyst was not able to estimate the loss, if any, to the local property tax base

The committee finds that this bill would have either of two effects.

a Assessors would be forced to reappraise all property within the county in a single year, or

b An assessor would be prevented from entering either a higher or lower figure on the rolls for a piece of property until he was prepared to enter reappraisal figures for all pieces of property For example, a piece of property might be reappraised upward in the year 1963, but, because a complete countywide reappraisal might normally require four to five years to complete, the higher appraised value on that piece of property could not be entered on the rolls until 1967 or 1968

The Subcommittee on Property Taxation held a hearing on this bill in San Diego on September 21, 1961

From testimony received, county assessors appear to be unanimous in their opposition to this bill, believing that it would be impossible to reappraise all property within a county in a single year without prohibitive expense

Mr Philip E Watson, a Los Angeles tax consultant (testifying on behalf of the Los Angeles Property Taxpayers Council), and Mr Francis H O'Neill, a Los Angeles attorney, made statements in support of the bill

Mr Watson expressed his analysis of current practices in his statement before the subcommittee.

> "Under the present system employed in Los Angeles County some 20 per cent of the 1 7 million parcels of land on the books are reassessed each year and the other 80 percent remain unaffected Next year, however, the second 20 percent are reassessed and the other 60 percent enjoy the reprieve and so on . . The system results in confusion, division, and frustration on the part of the taxpayers "

Mr O'Neill expressed the belief that present "piecemeal assessment" practices employed by county assessors violate the State Constitution·

> · "There is no requirement that the assessor change portions of the roll each year The only constitutional and statutory direction is that he assess *all* taxable property at the same proportion to its value If he increases one section of a county and blinds himself to the increase for several years (of land values) of other sections, he is not complying with the constitutional mandate "

The committee finds that the present system leads to inequities because property owners in that portion of a county reappraised during any given year must suffer the consequences of generally higher reappraisals while owners of almost identical property in other portions of the county benefit from the old, generally lower appraisal for some few years

The committee also believes, however, that complete annual reappraisals are impractical because of prohibitive additional staff expense. Therefore the effect of this bill would most likely be that of subparagraph "b" of the second paragraph under the heading "Findings" above

This effect could in itself lead to inequities perhaps as repugnant as those that we find exist under the present system of piecemeal reappraisal, that is to say, property owners whose property has appreciated considerably in value and whose property has been duly reappraised in the course of an appraisal program in their portion of the county, would escape the higher taxation which is their due under present law until the rest of the county reappraisal (taking from three to five years) "catches up" with them

The most direct legislative approach to this problem would be to require that all county assessors actually reappraise all parcels of property on an annual basis, and forbid piecemeal reappraisal.

This committee believes that there are substantial arguments in favor of such a move, but the obvious increase in administrative costs in making reappraisals of all property in a county every year is an argument which speaks almost as strongly against any proposal for mandatory annual reappraisals

The committee, therefore, finds that it is not ready at this time to recommend the adoption of such legislation, either in the form of A B 1310 or in the more direct form of mandate described in the immediately preceding paragraphs above

The committee strongly recommends that succeeding Standing and Interim Committees on Revenue and Taxation periodically re-examine the problem of piecemeal reappraisals as one of the principle areas in which are to be found substantial inequities in property taxation

Recommendation

That the Legislature not adopt the legislative proposal contained in A.B. 1310 of the 1961 session

Assembly Bill No. 525, introduced by Assemblyman Milton Marks in the 1961 session, would permit a taxpayer to pay the property tax on inventories held by him on the basis of an annual average inventory rather than on inventory held as of the assessment date.

Findings

The committee finds that A B 525 was passed by the Assembly on March 16, 1961 Clarifying amendments were added in the Senate on May 10, 1961 At the recommendation of the Senate Committee on Revenue and Taxation the subject matter of this bill we re-referred to the Assembly by the Senate for assignment to interim study

The committee further finds that the business community in this State is strongly in support of the average inventory method of assessment

The committee has become convinced that equity demands that this important reform measure be enacted The committee is satisfied that the "election" provision written into the bill (permitting an inventory holder to choose between the average inventory and "fixed date" assessment) guarantees the fairness of the bill to all concerned

Recommendation

That the Legislature enact the legislative proposal contained in A B 525 of the 1961 session as amended on May 10, 1961, in the Senate

Assembly Bill No. 2586, introduced by Assemblyman Charles H. Wilson in the 1961 session, deals with the same subject matter as A. B. 525 (see above), and provides for a fixed percent levy of property tax.

Findings

The committee finds that A B 2586 was introduced as an alternative measure and would have substantially the same effect as A B 525, upon which this committee has recommended favorably.

Recommendations

1 That the Legislature not adopt the legislative proposal contained in A B 2586 of the 1961 session

2 That the legislative objective of this bill be enacted by the Legislature as hereinabove recommended, that is to say, by the enactment of a bill similar to A.B 525 of the 1961 session

Assembly Bill No. 2754, introduced by the late Assemblyman W. A. Hicks in the 1961 session, would make significant revisions in the standards for appraising real property for tax purposes, in effect limiting the appraisal to present use rather than "highest and best" economic use, as these terms are generally understood in the appraisal field.

Findings

The taxation of real property in California is based on actual cash value

In theory, appraisers should determine what the cash value of a given piece of property actually is While not an exact science, the determination of value is based on a great many factors

Under the terms of this bill, appraisers would be prevented from taking into account several factors which do, in fact, have a bearing on the actual cash value of the property

In making this finding, the committee is fully conscious that California law, perhaps properly, intervenes in the precise appraisal of value for certain types of property, and that, therefore, the constitutional command that property be appraised at "full cash value" is a useful theory but an uncommon practice in California's 58 counties

The committee cannot, however, recommend further legal restrictions on the responsibility of appraisers to find a reasonable estimate of value by prohibiting the taking into account of important indices of value

Recommendation

That the Legislature not approve the legislation proposal contained in A B 2754 of the 1961 session

Assembly Bill No. 2831, introduced by Assemblyman James L. Holmes in the 1961 session, would provide for the taxation of trailer coaches on an ad valorem basis rather than as vehicles, by exempting such trailer coaches from the vehicle license fees.

Findings

The committee finds that trailer coaches may be defined as equipment used for housing persons and for storing and transporting certain fixtures normally associated with ordinary life in a residence, which equipment is mobile in that it is mounted on axles with pneumatic tires and may be moved from place to place by attachment to an automobile or small truck

The committee further finds that the use of trailer coaches varies greatly and that the actual use of such equipment should be the determining factor in judging whether a trailer coach should be taxed as if it were a vehicle or taxed as if it were residential property

For some owners trailer coaches are used for periodic weekend or vacation trips to recreational areas, and are not normally used for day-to-day residential purposes Other trailer coaches—in fact, a great number—are almost entirely stationary, being parked in a trailer camp for months at a time These trailer coaches are used for day-to-day residential purposes and in some cases are only theoretically mobile

Recommendation

That the Legislature enact legislation similar to A B 2831 providing that trailer coaches be defined as vehicles (and subject to the motor vehicle license fees) if such trailer coaches are not occupied as residences for more than 90 days in the aggregate in the preceding year, and that trailer coaches which are used as residences for periods of greater than 90 days in the aggregate in the preceding year be defined as residential property and be taxed on an ad valorem basis

House Resolution No. 322, introduced by Assemblyman Paul Lunardi in the 1961 session, directed that a study be made of the type of legislation which would be necessary in the event that Assembly Constitutional Amendment No. 4 of the 1961 session were to be approved by the voters, and directed that such legislation be drafted and recommended.

Findings

This committee report was drafted and submitted for printing prior to the 1962 general election The committee was therefore not in a position to know whether A C A 4 would become part of the State Constitution. The findings and recommendations contained herein, therefore, relate to the general legislative goal to which A C A 4 was directed The legislation drafted and the enactment of which is herein recommended is that legislation which the committee believes should be adopted in the event that the language proposed in A C A 4 were to be added to the State Constitution at the 1962, or any subsequent election

The committee finds that it is the purpose and intent of A C A 4 to give a degree of relief from property taxation to owners of "greenbelt" property threatened by the expansion of cities into the countryside

It appears to the committee that the Legislature became convinced that the expansion of metropolitan areas over the landscape had caused many parcels of farm land to be assessed on a higher and better economic use standard In other words, the land presently used for agriculture might well be better used (from purely economic grounds) for a new subdivision or a shopping center

Assembly Constitutional Amendment No. 4 proposes to add a new Section 2 8 to Article XIII of the State Constitution The key language reads "In assessing land which is used exclusively for agricultural purposes . the assessor shall consider no factors other than those related to agricultural use."

Either by direct statement or by implication, A C A 4 calls upon the Legislature to enact legislation to implement the provisions of the new Section 2 8 on the following points:

1 A definition of "lands used exclusively for agricultural purposes."

2 The time and manner in which the fee simple owner of the land shall make application for the assessment as provided

3 The rate of interest which shall accrue in the event that back taxes become due because of a change in the use of the land as provided in the new Section 2 8

4 The manner of collection and distribution of the additional taxes and interest which may become due because of a change in the use of the land as provided in the new Section 2 8

Recommendation

That, in the event Assembly Constitutional Amendment No 4 of the 1961 session is approved by the voters in the 1962 general election, or in event that the same language is added to the State Constitution by the voters at any subsequent election, the following legislation be enacted by the Legislature

An act to add Article 6 (commencing with Section 1160) to Chapter 5 of Part 2 of Division 1 of the Revenue and Taxation Code, relating to taxation of agricultural lands.

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 1160) is added to Chapter 5 of Part 2 of Division 1 of the Revenue and Taxation Code, to read·

Article 6 Agricultural Lands

1160 As used in this article and Section 2 8 of Article XIII of the Constitution "land used exclusively for agricultural purposes" means land used exclusively for producing agricultural crops, livestock, or dairy products for human or animal consumption or use.

1161 As used in this article and Section 2 8 of Article XIII of the Constitution "land used exclusively for agricultural purposes" does not include any land which meets either of the following descriptions:

(a) Land not used exclusively for producing agricultural crops, livestock, or dairy products for human or animal consumption or use

(b) Land used for any other unrelated business enterprise whatsoever, including, but not limited to, the extraction or sale of mineral or hydrocarbon substances, or the operation of a hotel, restaurant, or any recreational enterprise.

1162 An application to have land assessed pursuant to Section 2 8 of Article XIII of the Constitution shall be filed annually by the fee

simple owner with the assessor between noon on the first Monday in March and 5 o'clock p m. on the last Monday in May

1163 The filing of the application shall be on a form prescribed by the board The board shall prescribe the form of the application within 60 days after the effective date of this section

1164. In assessing land which meets the qualifications of this article and of Section 2 8 of Article XIII of the Constitution, the assessor shall consider no factors other than those relative to agricultural use

1165. In the event that land which is assessed on the basis of agricultural use is diverted to a use other than for exclusively agricultural purposes or application is made for its assessment as otherwise provided by law, the land shall be subject to additional taxes in an amount equal to the difference, with interest at the rate of 6 percent per year, between taxes paid or payable on the basis of the assessments made hereunder and the taxes that would have been paid or payable had the land been assessed as otherwise provided by law on the seven immediately preceding lien dates

1166 The board shall provide by regulation for the manner of collection and distribution of the additional taxes and interest which are due and payable pursuant to Section 1165 The collection and the distribution among local taxing agencies shall be substantially the same as if the taxes had been collected from year to year.

1167 The board shall adopt regulations providing standards for the equalization of agricultural use assessments and the land values upon which additional taxes levied under Section 1165 are to be computed, to govern local boards of equalization when equalizing and assessors when assessing

1168 This article shall not be operative in any county or city unless the governing body of the county or city provides by ordinance that it shall be operative in respect to taxes levied for county or city purposes. Such an ordinance shall not be operative as to any tax year unless it is adopted at least 30 days prior to the lien date for that year Such an ordinance may be adopted by the initiative, and any ordinance adopted pursuant to this section is subject to referendum, by the electors of the county or the city which adopts the ordinance in the manner and to the extent provided for in Section 1 of Article IV of the Constitution

TAX-EXEMPT STATUS OF GOVERNMENT-OWNED PROPERTY

Assembly Bill No. 77, introduced by Assemblyman Sheridan N. Hegland in the 1961 session, would require payments to school districts in lieu of property taxes by municipally owned gas and electric utilities.

Findings

The Legislative Analyst reported to our committee that the adoption of A B 77 would result in an increase in school district revenue of approximately $14,000,000 per year

The Subcommittee on Property Taxation held a hearing on the subject of this bill on September 21, 1961, in San Diego

The problem as it was described to the committee is that the revenues from municipal utilities are often used as a source of additional city revenue There was no evidence presented which indicated that utility rate payers were made aware that charges for gas and electricity were used in part for general city purposes, in other words, that utility charges reflected more than mere operating expenses of the utility

The theory behind this bill is that school districts should share in this alleged "hidden" revenue from utility charges

In addition to Assemblyman Hegland, Mr Glenn E Murdock, chairman of the legislative committee of the California Association of School Administrators appeared and testified in favor of the bill

It was also stated before the subcommittee that Mr James Maravelas, Assessor of Inyo County, who was unable to attend the hearing, was in favor of the bill

All other testimony heard was in opposition to the bill. Resolutions and supplementary statements were received from the Cities of Alameda, Glendale, Long Beach, Los Angeles, and Redding

It is of interest to note that the testimony presented by several of the representatives of cities corroborated the allegation that utility revenues were used to "balance the city budget"

Mr G A Baxter, General Manager of the Bureau of Electricity of the Department of Public Utilities of the City of Alameda, testified that

> "Municipally owned electric utility systems, particularly in smaller towns, are bound very closely to the fiscal systems of the communities They provide direct cash payments to the local treasury . "

and further cited the example of his own city

> "For example, the gross sales by Alameda in kilowatt hours during the year ending June 30, 1961, amounted to $2,717,000 This utility turned over to the general fund of the city during the same period $670,935 as a dividend . . . or whatever one wishes to call the contribution "

Mr John R Mansell, City Manager of Long Beach, testified that, "surplus revenues from gas department operations are utilized to support general city functions and constitute an important segment of the municipal revenue structure "

Mr Clarence I Clark, a member of the Public Service Commission of the City of Glendale, gave the committee a quite graphic illustration of the use of surplus revenues to assist in municipal finance

Discussing the total of operating revenues received by Glendale's electric utility, Mr Clark stated that "from this fund once each year at or prior to budget-adoption time the council is empowered to make certain determinations with respect to amounts of moneys that may be transferred from this surplus fund to the general reserve fund of the city "

The table which appears on page 36 shows the percentage set by the council and the cash amount actually transferred under the formula described above for the fiscal years 1940-41 through 1960-61

Note that revenues for the city derived from this ordained formula show an increase of about 124 percent over the 20-year period (from $280,051 in 1940-41 to $1,199,841 in 1960-61)

Further, according to Mr Clark's testimony, a utility rate increase went into effect during the 1958-59 fiscal year At the same time the percentage of operating revenues "contributed" to the city treasury was increased from 15 percent to 17 percent, and actual cash income to the city increased by some 31 percent (from $921,104 in 1957-58 to $1,217,567 in 1958-59)

Mr. Clark was not able to respond one way or the other when asked by the committee whether or not the citizens were informed of the 1958 rate increase or, if they were informed, whether they were made aware by any official notice that a substantial portion of the increase would be subvened to the city general fund

The subcommittee considered these data of such significance as to order the committee staff to send a detailed questionnaire to a comprehensive list of municipalities which were known to own and operate public utilities for the benefit of their citizens

The committee notes with considerable disappointment that with relatively few exceptions the answers received to this questionnaire were of such an incomplete nature as to be virtually meaningless for the purposes of the inquiry The committee has reviewed the wording of the questionnaire and is satisfied that the questionnaire and the accompanying cover letter were sufficiently clear and explicit to show the committee's intent and to make clear the type of information required.

We believe that a great many of those utility officials and city officials who answered the questionnaire gave unsatisfactory answers to questions which we believe they knew to be central to the purposes of our inquiry.

We further consider that those agencies which failed to respond in any way to the questionnaire have evidenced an attitude of one public agency toward another, superior, public authority (the Legislature and its duly constituted committees) which suggests contempt as that term is customarily used in legislative inquiries

It was only because the committee did not consider the matter under investigation of great enough importance that the power of subpoena was not employed

As to the actual proposal in A B 77, to wit that the public schools should be able to assess what is, in effect, a property tax on the utility property owned by another governmental unit, we consider this an unsatisfactory answer to the difficult problems of school finance in California Adoption of this bill would be a legislative enactment of the principle of "robbing Peter to pay Paul" in fiscal affairs

Recommendations

1 That the Legislature not adopt the legislative proposal contained in A B 77 of the 1961 session

2. That the Legislature consider, without affirmative or negative recommendation by this committee, legislation to require more complete reporting by municipalities to their citizens of income received from surplus revenues from municipally owned utilities and the uses to which increased revenues derived from utility rate increases shall be put within the city fiscal structure

3 That the Legislature call to the attention of all public agencies in the State, by concurrent resolution, that official inquiries made by legislative committees are not to be ignored under any pretense, and, when answered, are not to be considered tests of ingenuity or games of deception

TABLE III

PAYMENTS TO GLENDALE CITY GENERAL RESERVE FUND BY PUBLIC SERVICE DEPARTMENT RESERVE FUND, 1941-1961 *

Year	*Percent operating revenue transferred to general reserve fund*	*Cash amount transferred to general reserve fund*
1940-41	12	$280,051
1941-42	12	282,156
1942-43	12	301,285
1943-44	12	330,917
1944-45	12	329,737
1945-46	12	395,783
1946-47	22 3	673,549
1947-48	20	649,706
1948-49	12	402,741
1949-50	11 5	400,000
1950-51	12 5	437,187
1951-52	12	496,563
1952-53	12	535,390
1953-54	12	556,728
1954-55	15	723,074
1955-56	15	820,973
1956-57	15	877,576
1957-58	15	921,104
1958-59	17	1,217,567
1959-60	15	1,136,056
1960-61	15	1,190,841

* SOURCE Addendum to testimony before Subcommittee on Property Taxation Assembly Interim Committee on Revenue and Taxation, San Diego, California, September 21, 1961, by Clarence I Clark, Member, Public Service Commission, City of Glendale

Assembly Bill No. 2946, introduced by Assemblyman John T. Knox in the 1961 session would require that the University of California make payments in lieu of property taxes to local taxing jurisdictions for university property, normally tax exempt because of its public ownership.

Findings

A hearing on this subject was held at Richmond on December 19, 1961, before the Subcommittee on Tax Administration

Mr Arthur K. Beckley, councilman and representing the city council of Berkeley testified that his city, the principal center of the University of California, had negotiated an agreement in 1957 with the regents of the university to make certain payments to the city in proportion to municipal services rendered to the university and its students, faculty, and other personnel. The university included funds

for such payments in its 1958-59 budget, but these funds were not appropriated by the Legislature

Mr Beckley testified that at the 1959 session of the Legislature, A B. 1856 was introduced to permit the university to make such payments for municipal services in proportion to the use of such services by the university under a set formula Although approved by the Assembly, A B. 1856 was defeated in the Senate Thus the agreement between the City of Berkeley and the board of regents could not be carried through because of the refusal of the Legislature at its 1958 and 1959 sessions to approve either budgetary or statutory authorization for the expenditure of state funds necessarily involved

Mr Beckley further testified that had the agreement described above been permitted, the City of Berkeley would have received during the 1960-61 fiscal year the following amounts:

For police protection service	$10,305 99
For fire protection service	68,719 73
For ambulance service	749 42
Total	$79,775 14

It would be helpful to review the difference between the approach taken in A B 1856 of the 1959 session (limited, incidentally, only to the City of Berkeley), and A B 2946 of the 1961 session.

A.B. 1856 provided for payments in compensation of actual municipal services provided by the city to the university.

A B 2946 provides for payments in lieu of normal property taxes by the university, in effect making an agency of the state government a local taxpayer. There are also provisions in the bill for adjudicating any disputes over assessments of the properties involved

Mr Beckley testified that the City of Berkeley conducted a nationwide survey of some 80 cities which contained a total of 99 colleges and universities Of the 70 cities which responded, he told the committee, 89 percent received some sort of payment for a wide variety of municipal services It is a major interest to note that only four cities reported receipt of the "in lieu" form of tax payment Apparently, then, the vast majority of cities receive some compensatory payment under plans similar to that negotiated between Berkeley and the University of California, but not permitted by the California Legislature.

Various officials of the City of Richmond and the County of Contra Costa testified on the problems created when the university acquired approximately 180 acres of industrial property for a university field station in 1950 and the more recent acquisition by the university of the property and buildings of the old Ford plant located on San Francisco Bay (in the City of Richmond)

It appears from testimony received that the city welcomed the acquisition of the earlier property for the field station but took a dim view toward the loss to the tax rolls of the Ford property

James P O'Drain, City Attorney of Richmond, testified that if the Ford plant were actually used by a private owner for industrial purposes (the plant had been idle for some time) taxes on the property would amount to $28,129

The committee believes that the Ford Motor Company considered the Richmond plant something of a "white elephant" Apparently some real attempt was made to sell the plant property to a private buyer without success

According to a letter from Robert M. Underhill, Vice President of the university, to James H Corley, Vice President of the university, a copy of which is on file with the committee, dated December 26, 1961, the university purchased the property at a price of $1,800,000, of which $200,000 was a "gift" by Ford to the university, making an actual cash transaction of $1,600,000

The committee notes, without comment, that Richmond city officials contended that this price was considerably below that asked by Ford of various interested private buyers

City Attorney O'Dram proposed standards for determining if "in lieu" taxes were in order According to his criteria

> "1 If the facility serves primarily statewide or broad regional purposes, then the university should share the cost of local government Conversely, if the facility serves primarily a local purpose, it should be exempt
>
> "2 Those facilities devoted to purposes which are of a type customarily a subject of private activity or concern, that is nonacademic, should pay their fair share of local government costs"

As might be expected, Mr O'Dram characterized both facilities located in Richmond as "nonacademic" and "serving a statewide purpose"

In general, the position of the city officials of Richmond was supported by testimony by Charles A Hammond, Senior Administrative Analyst of the Contra Costa County Administrator's office

The committee believes that the approach to this problem taken by A B 1856 of the 1959 session is preferable to that of A B 2946 of the 1961 session

The committee believes, however, that the formulas arrived at should be based, not on year-to-year cost estimates, but rather on a projected cost analysis on data averaged out over a period of perhaps three to five preceding years

Finally, the committee is of the opinion that, in almost every case, a University of California or state college campus serves "broad regional purposes"

Recommendations

1 That the Legislature not adopt the legislative proposal contained in A B 2946 of the 1961 session

2 That the Legislature adopt legislation requiring payments by the University of California and the several state colleges to municipalities for services actually furnished the university or college, its students, faculties, and personnel under formulas to be agreed upon between the respective city council and the university board of regents or the state college board of trustees, as the case may be, and providing that such agreements shall be long term in nature

Assembly Bill No. 3147, introduced by Assemblyman Thomas M. Rees in the 1961 session, would govern the taxation of possessory interests in publicly owned property, and would have the effect of restoring a basis of taxation which existed in California prior to a decision of the State Supreme Court in 1956.

The committee's report and recommendation on this bill was contained in our Progress Report to the 1962 Regular (Budget) Session of the Legislature (see Assembly Journal for that session, pp. 119-124)

Recommendation

That the Legislature enact the legislative proposal contained in A B. 3147 of the 1961 session

TAXATION OF HOUSEHOLD PERSONAL PROPERTY

Assembly Bill No. 391, introduced by Assemblyman Carl A. Britschgi in the 1961 session, would provide that the personal property, defined as consisting only of household goods and personal effects, up to the amount of $500 shall be exempt from property taxation.

Findings

The committee finds that Mr Britschgi introduced this measure with the aim of eliminating almost all taxation of household goods, furniture, and appliances

This bill was vigorously opposed by the Los Angeles County Assessor, Mr. John Quinn, in the hearing before the Standing Committee on Revenue and Taxation, but received that committee's favorable recommendation The bill passed the Assembly on March 15, 1961, but was referred back for interim study by the Senate on the recommendation of the Senate Committee on Revenue and Taxation

The State Board of Equalization has supplied this committee with copies of a section of the *Assessors' Handbook* published by the board as a guide to county assessors The section is entitled "Appraisal of Residential Personalty" (personalty is an appraisor's abbreviation for "personal property")

The foreword to this section points out the fact that achieving uniformity among California's 58 counties in the manner of appraising personalty has been the subject of controversy over some years.

On page 2 of the above titled section there appears the statement

> "Household furniture and personal effects vary so widely in purpose, make, quality, the quantity of such items is so different from one home to another, and they are so encrusted with sentimental value that their valuation for property tax purposes is one of the most baffling problems faced by assessors"

This opening statement in the section continues "The potential revenue from such property is not large enough to warrant a painstaking appraisal"

The committee tends to concur in the judgment implied in that statement

Actually, a wide disuniformity does exist among the various counties as to methods of appraisal, ranging from a high of Los Angeles County where personalty is appraised at 50 percent of a figure which approximates its replacement value, to one or two counties in the northern part of the State where appraisal of personalty has been abandoned altogether

Experience has shown that in most counties of the State the cost of collecting this particular tax absorbs most of the revenue derived from this source.

Further, although the Board of Equalization has offered what appears to be a simple, uniform standard for county assessors in the aforementioned manual, we are advised that few of the counties of the State are presently using, or contemplating the use of the standards set forth in said manual.

Because of the committee's finding that this form of taxation barely "pays its own way" in almost every part of the State except Los Angeles County (where, as we have noted, personalty is assessed at about twice the assessment "ratio" for other types of property), this committee believes that definite reforms are necessary.

Recommendations

1. That the Legislature not adopt the legislative proposal contained in A B 391 of the 1961 session

2 That the Legislature adopt, with the affirmative recommendation of this committee, either of the following legislative proposals:

a Total exemption of household goods, furnishings, appliances, and personal effects from the property tax; or

b Establishment of the following statutory standard for measuring the value of said household goods, furnishings, appliances, and personal effects that any given piece of such personal property shall be deemed to have depreciated in its value 50 percent in the first year or any portion thereof following its purchase and first use, an additional 20 percent at the expiration of the second year of its use, and an additional 10 percent at the expiration of each succeeding year of its use, provided that value in the first instance shall be deemed to be the purchase price, and further provided that value shall be added subsequent to such depreciation in the amount of the actual cost of any reconstruction or refurbishing of any such piece of personal property, with the option that a county board of supervisors may instruct the assessor to abandon assessment of such personal property

Assembly Bill No. 2720, introduced by Assemblyman Carl A. Britschgi in the 1961 session, would provide that an assessor shall assess household goods, other than personal effects, at 50 percent of their replacement value as determined by the assessor.

Findings

The committee finds that Mr Britschgi introduced this measure following the apparent defeat of his bill, A B. 391, in the Senate (as de-

scribed under "findings" in our report of A B 391, above), in an attempt to fix a statutory standard for assessment of such property

This committee has recommended in the case of A B 391 that the Legislature either exempt such personal property from the property tax altogether or, as an alternative, establish a statutory standard formula for determining the rate of depreciation of such property.

Recommendation

That the Legislature not adopt the legislative proposal contained in A B 2720 of the 1961 session

PART III

PROPERTY TAXATION—LONG-TERM REFORM

House Resolution No. 280, introduced by Assemblyman Augustus F. Hawkins in the 1961 session, directs that a study be made of the feasibility of deferring property taxes on the homes of senior citizens and the means by which such deferment may be granted.

Findings

The committee finds that almost 9 percent of California's population is over age 65—some 1,380,000 persons Estimates for 1960 indicate that there were, in this group, some 1,022,000 potential or actual households of which 338,000 were couples, 200,000 were unattached men, and 400,000 were unattached women Only 3 4 percent of the elderly population is in institutions, primarily nursing homes and hospitals.

Richard Nevins of the State Board of Equalization testified before the Subcommittee on Property Taxation to the effect that about 44 percent of these 1,022,000 households are in owner-occupied dwellings Stated a different way, for almost half of our aged citizens private home ownership is a primary factor in their daily lives [1]

The State Senate Subcommittee on Housing and Recreational Needs of Elderly Citizens reported in 1961 that, in its judgment, home ownership is "the most desirable solution for housing arrangements for the aged"

The committee further finds that the greatest number of these aged citizens must live on fixed incomes such as those derived from social security, private retirement plans, annuities, and return on investments

For these citizens the ever-rising rates of property taxation present a constant irritant as well as a real financial problem Over the past several years, communities with higher-than-average numbers of low- to middle-income aged residents have had difficulty in securing approval of bond issues or tax overrides, a fact attributed to the hypersensitivity of many aged homeowners to the property tax This reaction is not without justification, for the statewide average property tax rate has increased from $4 13 in 1939 to $7 42 in 1960 [2]

This committee believes, however, that the proposal to defer the payment of property taxes until the transfer of property on homes occupied by owners over 65 years of age is unsound.

In a speech to the 54th National Tax Conference in Seattle, Washington, in September of 1961, Richard Nevins observed·

> "In California a tax deferral program faces a number of constitutional problems There is a prohibition against gifts of the

[1] Wallace F Smith, "Housing for the Elderly in California," Research Report No 15, Real Estate Research Program, Institute of Business Research, University of California, Berkeley, p 1-3

[2] California State Board of Equalization "Annual Report, 1959-60," pp. 7 and 8.

State's credit if the State itself loaned the money for a revolving fund to pay the local districts (as a temporary compensation for lost taxes) If the senior citizen's property is already subject to a California mortgage, there is a serious matter of public policy of the status of property tax liens in relation to the liens of mortgage holders ''

This committee can foresee other problems as well Under the general terms of the tax deferral concept, the property taxes become a lien on the property which must be paid in full, with interest, at the time of transfer There is the difficulty of how to prevent the situation in which the amount of deferred taxes might be greater than the amount of the sale price of the property at the time of transfer. (Suppose a man of 65 and his wife of 50 live in a home for which the taxes are deferred The man goes on to live until age 85, at which time he dies, his wife now being 70 His wife, eligible for the tax deferment herself, continues to live on in the house If she lives to be 90 or so, the deferred taxes due might well have exceeded the actual value of the property, for the deferral system would have covered that property for 40 years)

We believe that these problems are impossibly complicated of solution In the judgment of this committee, there must be found more direct and simple means of meeting this difficult problem.

This committee believes that California's senior citizens are at least as deserving of a partial exemption as are the veterans of military service The committee is further of the opinion that exemption is the most direct and effective answer to relieving the pressure of property taxation for our aged citizens

In support of these conclusions, we offer the following summary of our observations:

1 Authorities agree that private home ownership is the most desirable answer to the housing problems of the aged

2. The inflation of property tax rates will continue to represent a real financial challenge to the senior citizen living on a fixed income.

3 It can be argued that a long-time California resident and property owner has contributed his share of the cost of the public schools by the time he reaches retirement age Stated simply, his children are "all grown up", further taxation for school purposes seem to him unjustified

4 In general terms, it may be said that any effort to reduce overall living expenses for low-income aged persons will have the effect of partially reducing reliance on public assistance programs

Recommendation

That the Legislature submit a constitutional amendment for approval by the electorate to provide that the home owned and occupied by a person aged 65 or over who has been a California resident for 10 years shall be exempt in the amount of $1,000 of assessed value from property taxation

Assembly Constitutional Amendment No. 31, introduced by Assemblyman Charles H. Wilson in the 1961 session, would limit the tax burden on property for a single year to not exceeding 2 percent of the "full cash value," prescribes a formula for determining the tax burden, defines "full cash value," and exempts household furniture used in the taxpayer's residence from taxation.

Findings and Recommendations

The committee finds that property in California is actually assessed at a proportion or ratio of value This assessment ratio averages in the neighborhood of 25 percent throughout the State.

Using such a ratio, A C A 31, if enacted, would result in an effective limitation on property taxation of $8 per $100 of assessed valuation

The committee further finds that, to use the County of Los Angeles as an example, the property tax rate for fiscal 1961-1962 for county, city, school district, and special district purposes ranges from $5.3373 for Beverly Hills to $10 4687 for Norwalk Forty-five of the county's incorporated cities presently have tax rates which would have to be immediately adjusted downward if A C A 31 were to be adopted, while 26 have tax rates falling under the $8 figure

This committee recommends that the Legislature adopt a concurrent resolution declaring that it is the public policy of the State of California that the taxation of property be eventually eliminated and that revenue sources of greater equity be developed for local government

The committee further recommends that the Legislature establish a special joint committee to undertake an exhaustive two-year interim study of the replacement of the tax on property with more modern, efficient, and equitable revenue sources for local government, and that said joint committee be in addition specifically authorized to study ways and means of eliminating needless inefficiency and duplication in local government

In making this recommendation the committee has made every attempt to take into account the full implications for local governmental finance that eventual abolition of this tax would entail The committee concurs in the judgment of those authorities who have cited the problem of financing local government and local school systems as one of the major domestic problems facing our country today

The taxation of all types of property constitutes, today as in the past, the major source of local finance All local taxing agencies combined collected $2 4 billion in property taxes in California in 1961-62

The current year's levies represent a per capita property tax of $147 for each man, woman, and child residing in California, compared to a similar burden of $76 per capita 10 years ago

The heavy dependence of local governments on this single source of revenue is often used as an argument to support the retention of a form of taxation which is universally conceded to be out of date

For this committee, however, these statistics only serve to point up the magnitude of the injustice which this tax represents

The property tax is outmoded, unfair, and discriminatory It fails every major and accepted standard by which government policymakers have come to judge the propriety of any particular form of taxation.

The ownership of property is no longer an acceptable index of wealth Families of widely divergent incomes own residential property In our State particularly, every social force encourages, and many government programs facilitate, private home ownership With few exceptions younger people plan for home ownership as an early step in marriage In such planning economic considerations have lost the predominant place that they formerly held

In view of long-term financing, encouraged and sustained by federal and state governmental policy and programs over the past 30 years, the ownership of one's own home, far from indicating wealth or high income, has now become almost an expected part of American family life.

Over the past half century the principle that taxes should be apportioned according to "ability to pay" has become the central concept of tax policy This committee embraces that concept

If the premise that home ownership is not a realistic index of wealth (and, therefore, "ability to pay") is accepted, and we strongly believe that it should be, then the taxation of residential property as "wealth" is out of place with the modern concept of taxation described above

Inequitable in concept, the taxation of property is arbitrary in application

The fixing of cash value of a given parcel of land and improvements can never become an exact science Therefore, the value assessments upon which the tax is based are, at best, educated and relatively impartial estimates or guesses There is no other tax which is levied and collected in such a manner Sales taxes are levied on a fixed percentage of an actual sales price Excise taxes are levied on a given, fixed amount per article or quantity, such as a package of cigarettes or a gallon of gasoline The income tax is a percentage of actual income less certain specified exemptions Only the property tax is based on what is, in the final analysis, a percentage of an educated guess of value divided by the prevailing assessment ratio

Over and above these theoretical objections to assessing value of a given piece of property, several other factors turn what was an inexact science into a jungle of exemptions and contradictions

First of all, the best way to judge the value of property is to take note, over the years, of the sale price of similar pieces of property, since the sale price is rarely anything other than "full cash value" The difficulty is that no two pieces of property are so nearly alike as to make such comparisons absolutely reliable The value of property of California is changing, more rapidly and more consistently than in any other part of the country This change is almost everywhere upward in value, but far from uniform in rate of increase

Thus assuming for a moment that actual cash value were scientifically determinable, frequent reappraisals would be necessary to eliminate one of the inequitable features discussed by this committee in its findings on A B 1310—that of a "time lag" in assessment of value,

and "piecemeal reappraisals" These more frequent reappraisals would require, as the committee noted in reporting on A B 1310, an unconscionable expansion of the administrative expense of collecting the tax

Secondly, California law is a patchwork of property tax exemptions Veterans benefit from a $1,000 exemption Property used for "charitable" purposes (and there is some dispute as to what that term means) is exempt from taxation Farm property is assessed by a set of constitutional and statutory standards peculiar only to that type of property The "highest and best economic use" theory in fixing value is discarded in the case of golf courses

Thus, for the average taxpayer, the amount of tax he pays does not depend on a scientific appraisal of actual cash value of his property Rather, the amount of tax depends on how many and what types of exemptions he can take advantage of, how many years ago a deputy of the county assessor stopped by his neighborhood, the training, competence, and experience of that deputy, and perhaps even his frame of mind on that particular day. A tax so determined cannot be other than arbitrary.

Finally, this committee is convinced that the administration of this tax is fast becoming hopelessly difficult and complex. The problems of property assessment are discussed in other parts of this report and need not be recited here It is sufficient to say that, in this committee's view, no other tax costs as much to collect nor results in more difficult and complex litigation

This committee recognizes that a gradual "phasing-out" of this tax will require renewed and intensive studies leading to the development of new revenue sources for local government It is a task which will require the best thinking of the Legislature and local governments working together in the years ahead

On the other side of the ledger, this committee believes that local government leaders must make significant moves toward tax savings resulting from consolidation of governmental functions.

An aura of provincial pride surrounds many California communities The doctrine of "home rule" requires that each local community must own and operate city departments which could be maintained with greater efficiency and at less cost to the taxpayers on a consolidated basis

To use Los Angeles County's 73 cities as cases in point:

48 operate their own police department
47 operate their own fire department
31 operate their own library system
4 operate a city department of public health

We have found little evidence to indicate that this "local pride" is lodged as much in the hearts of the local citizens as it is in those of elected city officials, of a new professional class of city managers, of chambers of commerce, and of civic "booster" clubs This committee is of the opinion that the tradition of "home rule" is more meaningful for delegates to conventions of the League of California Cities than it is for the average local resident and taxpayer

We believe that the local property taxpayer pays dearly for the retention of many aspects of "home rule"—for the protection of fictional "rights" which he probably is not aware he possesses and would probably quickly trade in exchange for substantial tax savings.

We believe that the adoption of this committee's recommendations by the Legislature would provide the pressure necessary to bring about reforms in the organization of local government for substantial savings in tax dollars.

PART IV

INCOME TAXATION

House Resolution No. 99, introduced by Assemblyman Charles H. Wilson in the 1962 Regular (Budget) Session, directed that a study be made of the various methods of collection of income taxes.

Summary of Findings

The committee finds that·

1. The income tax is now used as a source of revenue by 32 of the 50 states.

2. The federal government adopted the withholding method of collecting income taxes in 1943 The withholding method of collection consists of requiring employers to deduct and remit to the government an amount from employees' salaries and wages which approximates the probable tax on such salaries and wages

3. Since 1948 (Oregon being the first) 26 of the 32 states with an income tax have adopted the withholding method of collection (Virginia being the most recent).

4. The trend toward the adoption by states of the withholding method has accelerated in recent years five states adopted the withholding method effective in 1959, one in 1960, six in 1961, one in 1962, and one (Virginia) effective January 1, 1963, for a total of 14 states in the past three years

5. California is the only large state, from the standpoint of both population and amount of revenue collected, which collects its income tax basically by a lump-sum method Besides California, the other five states in this category are Arkansas, Iowa, Kansas, Mississippi, and North Dakota These five states combined in 1959-60 collected $82,880,000 from income taxes, while California collected $245,797,000 in that year.

6 Additional revenue would result from the adoption of withholding by California through increased collections and probable reductions in administrative costs

7 In our "installment credit" economy, California taxpayers would very probably find the withholding method more convenient than the present method of collection

Recommendation

That California adopt the withholding method of collecting the state income tax

COMMITTEE FINDINGS

The committee has gathered its factual data in the following three ways:

1 An investigation conducted by the Subcommittee on Income Taxation in a series of meetings with tax officials of New York in Albany on July 12, 1962, and of Massachusetts in Boston on July 16, 1962.

2 Research undertaken by the committee staff as to the revenue systems and comparative tax rates of the several largest states

3 A report prepared for the committee by the Legislative Analyst entitled, "Pay-As-You-Go Method of Collecting State Personal Income Taxes"

Following is a summary of the results of these three approaches

The Subcommittee on Tax Administration found tax officials in both New York and Massachusetts very satisfied with the results of the withholding method The New York reform took place at the same time that two other significant actions were taking place affecting the income tax. The first was a movement to bring New York's income tax law into almost exact conformity with the federal Internal Revenue Code. The second was a substantial increase in the rate of income taxation

Needless to say, the hefty increases in rate of taxation left no one really pleased, but the conformity reforms and the adoption of the withholding system have met with considerable public satisfaction and approval Massachusetts reported similar public support for the withholding system after its adoption and first year of operation, largely because of the feature of ease of payment of the tax

In both states, the public apparently found the monthly deduction of taxes a great convenience over the old system of remitting the full amount of tax with the annual return

The subcommittee also found that, even though administrators were satisfied that the withholding method was a great improvement, in both states the cost of administration of tax collection had increased somewhat (due in some degree to the cost of new equipment in the first one or two years).

As a part of the study, the subcommittee directed the committee staff to make comparisons between California's revenue system and that of other large states

The staff reported that the income tax raises an important part of the revenue in New York, Massachusetts, Maryland, and Missouri, and in most of the southern, north-central, and western states It is not used in such large states as Pennsylvania, Illinois, Ohio, Michigan and Connecticut

The most significant comparison was that between New York and California, now almost identical in population, personal income, and other economic factors

Table IV shows the essential revenue comparisons It should be pointed out for our present study that New York collects some 39 percent of total state revenue from the personal income tax, while California collects about 10 4 percent

Also significant is the difference in income tax rates between the two states (see Table V)

TABLE IV

COMPARISON BETWEEN THE REVENUE COLLECTED IN CALIFORNIA AND NEW YORK, 1960-61

	California	*New York*
Estimated population, June 30, 1962	16,453,000	17,049,451
Total revenue received, 1960-61	$2,578,240,762	$2,055,128,816
Income tax	260,659,574	803,737,742
Sales and use tax	711,248,785	
Corporations and banks	273,361,859	364,444,993
Insurance companies	66,417,984	61,570,272
Stock transfers		64 846,380
Inheritance	73,119,160	87,512,487
Motor fuel [1]	350,080,038	221,897,223
Motor vehicle fees	137,132,205	126,533,988
Cigarette and tobacco [2]	65,484,541	128,702,744
Liquor	51,003,177	82,237,287
Horse racing		
Parimutuels	37,229,603	93,853,324
Admissions		2,607,788

[1] California rate 6 cents per gallon of gasoline, 7 cents per gallon of diesel New York rate 6 cents per gallon of gasoline, 9 cents per gallon of diesel
[2] California rate 3 cents per package New York rate 5 cents per package

SOURCES—
California
Annual Report, Franchise Tax Board, 1961 (State of California)
Summary Digest of California Tax Laws (California State Chamber of Commerce)
New York
New York State and Local Tax System, 1962 (New York State Tax Commission)

TABLE V (A)

COMPARISON OF INCOME TAX RATES, NEW YORK AND CALIFORNIA

California		*New York*	
Taxable income	*Rate*	*Taxable Income*	*Rate*
$0– 2,500—1%		$0– 1,000	2%
2,500– 5,000— $25 plus 2% of all over $2,500		1,000– 3,000	3%
		3,000– 5,000	4%
5,000– 7,500— $75 plus 3% of all over $5,000		5,000– 7,000	5%
		7,000– 9,000	6%
7,500–10,000—$150 plus 4% of all over $7,500		9,000–11 000	7%
		11,000–13,000	8%
10,000–12,500—$250 plus 5% of all over $10,000		13,000–15,000	9%
		15,000 and up	10%
12,500–15,000—$375 plus 6% of all over $12,500		Tax is then reduced $10 for single person, $25 for married couple	
15,000 and up—$525 plus 7% of all over $15,000			

Personal exemption
California—$1,500 for single person, $3,000 for married couple
New York—$600 for single person, $1,200 for married couple
Dependent's exemption $600 per dependent, both states
Standard deduction About 10 percent, both states

TABLE V (B)

COMPARISON OF PROBABLE TAXES ON TYPICAL INCOME, NEW YORK AND CALIFORNIA

	Tax	
Taxable income	*California*	*New York*
$2,400	$24	$72
4,800	71	192
6,000	105	300
9,000	210	540

The New York rate is far more severe than that of California, both because of a higher rate of taxation and because of the difference in personal exemption permitted In California, the personal exemption is $1,500 for a single person, $3,000 for a couple filing jointly. In New York the exemption is $600 for a single person and $1,200 for a couple filing jointly.

A taxpayer with $6,000 in taxable income in California would pay $105 in income taxes. In New York he would pay $300—a little less than three times as much.

The committee is indebted to the office of the Legislative Analyst for a very thorough summary of data presently available on the experience of other states with the withholding method. The committee has asked the Legislative Analyst to reproduce this report, entitled, "Pay-As-You-Go Method of Collecting State Personal Income Taxes," to be made available to all members of the Legislature.

The findings and conclusions of the Legislative Analyst on the experience of other states as contained in the above titled report were as follows:

1. A complete program for current, or pay-as-you-go, payment of personal income taxes involves the following
   (a) Withholding of the tax from salaries and wages by employers.
   (b) Estimated declarations and quarterly payments by those not substantially covered by withholding
   (c) Quarterly payments by employers to the state of all taxes withheld.
2. The trend toward adoption of pay-as-you-go by the states has been rapid in the last four years
3. The federal government has had a complete pay-as-you-go system since 1943 Of the 32 states with personal income taxes, 21 have completed pay-as-you-go systems and 5 others have withholding on salaries and wages only. The remaining six states, including California, do not provide for the current payment of taxes.
4. Major reasons for states adopting pay-as-you-go appear to be·
   (a) Possibility for one-time windfall in revenue due to the doubling up of collections
   (b) Increased revenue through reduction of evasion.
5. The most significant fiscal result from adoption of complete pay-as-you-go would be a one-time windfall during the transition period. The amount would depend on the extent of "forgiveness" if any and the timing involved, but it could approximate a full year's collections under certain conditions.
6. Information from other states which have recently adopted the pay-as-you-go method indicates that administrators in general have tended to overvalue the effectiveness of their enforcement activities prior to the adoption of withholding.
7. The experiences of other states which have recently adopted this method are not necessarily indicative of what could be expected in California because of significant differences in (a) enforcement problems, (b) tax rates and exemptions, and (c) extent of enforcement activities.

8 California's income tax differs substantially from the federal and from that of many other states which have adopted withholding in that the rates are lower and the exemptions higher.
9. California does not have a serious enforcement problem common to many other states, notably New York, where substantial numbers of salaried people earning income within the state reside in adjoining states.
10. Aside from withholding, California's enforcement program is more complete than that of any other state since much use is made of information at source documents and comparison with federal returns This includes the programs in effect in states prior to the adoption of the pay-as-you-go method
11 Salaries and wages account for about 56 percent of the total tax in California which means that withholding alone would have no effect on the remaining 44 percent
12. Increases in costs of administration would result due to the large number of refunds involved and to more frequent processing of collection, but the extent of these is not known.
13. Some decreases in costs of administration would result from the elimination of present enforcement activities not needed under withholding, such as matching returns against information at source documents for salaries and wages, but the extent has not been determined.
14. An increase of up to $2,000,000 per year in revenue might result from elimination of collection losses on taxes measured by salaries and wages, offset, at least in part, by collection losses from employers who fail to pay amounts withheld to the State.
15 The most significant long-range fiscal result of pay-as-you-go would probably be earlier receipt of increased revenues due to growth factors rather than increases due to better compliance

The committee finds these conclusions well supported by the data contained in the report

From all available evidence, the committee believes that the following are the reasons which have apparently led other states to adopt the withholding method:

1 The one-time windfall in additional revenue resulting from collecting two years' taxes in one year can be used to help solve a state's current financial problem.
2 Existing compliance programs by tax administrators are inadequate and rather than spending more on these programs, withholding is adopted as a substitute enforcement method
3 The state will receive additional revenue by collecting from nonresidents, transients, and others who are currently avoding taxes
4 Delinquencies will be reduced
5. Tax collections will be more current.
6 Administrative costs will be reduced.
7. Withholding is more convenient for the taxpayers
8. More administrative effort can be devoted to the detection of tax evasion by the self-employed.

The committee believes that, for California, the first, fourth, fifth, and seventh reasons cited above have significant validity; the remainder do not

We will discuss the "windfall" effect further on

The committee believes that, while California has the most exhaustive compliance program of any state which does not now use the withholding system, the program is expensive of administration and often fails to yield a satisfactory result

Because of the necessarily slow process of comparison of federal and state records, the demand letter (which is, in effect, a bill for taxes due and payable) goes out to the delinquent taxpayer some 15 to 20 months after the taxes become due

There were 362,433 such demand letters mailed for taxes due for the 1958 income year. Almost 42 percent resulted in a "nonliability" finding for various reasons including that of the person having already filed a return (about 40,000) An additional 22 percent were "nonprofitable" insofar as eventual collection is concerned, the majority due to bad addresses

The fifth reason listed above for states to adopt the withholding method is that collections will be more current Under a withholding system the state is an immediate and current beneficiary of improved economic conditions Such a system would also have the effect of making revenue estimates somewhat more reliable for purposes of fiscal planning

The committee also concludes that, if the experience of other states is a guide, the taxpayers will welcome the pay-as-you-go feature

Ours is an "installment credit" economy Our wage earners are used to having necessary expenses deducted from current income as a convenience Deductions are commonly made for such nontax items as United Fund donations, medical insurance, savings bonds, credit union deposits or payments, and union dues

It is now appropriate to return to the difficult question of the "windfall effect" of adopting the withholding system Adoption of this system results, under certain circumstances, in doubling the state's revenue from the income tax by requiring the payment of two year's taxes in one year For example, if the State Legislature in 1963 were to adopt the withholding method, to go into effect on January 1, 1964, the taxpayer would have to pay his tax for the tax year 1963 in April of 1964 at the same time that 1964's taxes are being deducted from his monthly or bimonthly paychecks

The alternative to this doubling of revenue is to "forgive" all or part of one year's taxes

There are arguments for both approaches In the first place, the State can use the extra revenue collected Every legislator is aware of the urgent needs which could be partially met by an extra year's revenue from the state income tax The taxpayers, however, are actually out of pocket an extra year's taxes, even though there is no doubling of tax liability It doesn't matter to the taxpayer that he would have had to pay taxes on income for both 1963 and 1964 in the example above he has actually had to pay twice the amount of income taxes in the one year It can be argued—although the committee does not relish the thought of having to try—that the greater convenience in

payment of the taxes through withholding will make the extra year's taxes relatively painless for the taxpayers

On the other hand, there are adequate precedents for "forgiving" one year's taxes. The federal government forgave 75 percent of the taxes for 1942 when it adopted the withholding system in 1943 New York forgave 100 percent of 1958 taxes when it adopted the method in 1959; it was, in fact, the first of the states which use withholding to have done so In 1961, Minnesota forgave 75 percent of one year's taxes, while Wisconsin forgave 65 percent of one year's taxes, when these two states adopted the withholding method

The committee concludes that California should forgive a major portion, probably all, of one year's taxes if and when we adopt the withholding method of collection

House Resolution No. 35, introduced by Assemblyman Charles H. Wilson in the 1962 First Extraordinary Session, directs that a study be made of the subject of conformity between federal and state income tax laws.

Findings

The committee finds that·

1. Under Senate Resolution No 135 of the 1959 session, the Senate Fact Finding Committee on Revenue and Taxation submitted a report to the Legislature in January of 1961 entitled *Conformity of California Personal Income and Bank and Corporation Franchise Taxes with the Federal Internal Revenue Code.*

As a result of the study and report of said committee, Senator James J. MacBride introduced Senate Bills Nos 92 through 114 (a total of 23 bills) in the 1961 session

2. Of the 23 bills introduced by Senator MacBride, all were passed by the Senate The Assembly Standing Committee on Revenue and Taxation recommended approval and the Assembly passed S.B. 93, 95, 97, 99, 102, 104, 106, 108, 110, 111, and 112 Of these bills, S.B 106 and 110 were pocket vetoed by the Governor, the remainder received his approval. The Assembly Standing Committee on Revenue and Taxation refused favorable recommendations on the remainder of the conformity bills passed by the Senate

A brief review of all of these conformity bills, including those not passed, appears in the Appendix

3. The Senate Fact Finding Committee on Revenue and Taxation report cited above indicates that that committee gave careful attention to all aspects of the subject of conformity between federal and state income tax laws and found many sections of the two laws which could not be made to conform for one or more of the following reasons (to quote from page 14 of said report)

1 Policies established by the California Legislature in prior years
2 Major loss of revenue
3 Jurisdictional problems, particularly as to residency
4 Insoluble enforcement problems
5 Questions of federal and/or California constitutionality

With the assistance of the Franchise Tax Board, this committee has reviewed the findings of the Senate committee with respect to these items of what may be called "necessary" nonconformity and has come to share the Senate committee's view on these items

It may be assumed therefore that in the opinion of both the Assembly and Senate committees, the major areas in which conformity is practical and desirable were those contained in Senator MacBride's bills of the 1961 session

4 This committee is prepared to recommend that the Legislature enact four of the bills which were not approved by the Assembly in 1961 (see "Recommendations").

5 The United States Congress had before it at its 1962 session several proposals for tax reform Therefore, the committee chairman requested that the Franchise Tax Board report to the Assembly Standing Committee on Revenue and Taxation during the 1963 session on any changes made by Congress in federal income tax law to enable the committee to judge whether or not conformity is practical and desirable

Recommendations

1 That the Legislature continue the policy of attempting to achieve the highest degree of conformity between federal and state income tax laws as may be practical and desirable.

2 That the Legislature enact the legislative proposals contained in the following Senate bills of the 1961 session:

Senate Bill No 94, which would, among other things, increase the charitable deduction allowed individuals from 20 to 30 percent if the extra 10 percent is contributed to a church, school, or hospital (to conform to Internal Revenue Code Section 170).

Senate Bill No 96, which would allow a "surviving spouse" to file a joint return for two years following the death of a spouse (to conform to Internal Revenue Code 1(a))

Senate Bill No 100, which would revise and expand the class of dependents for which a deduction may be allowed (to conform to Internal Revenue Code 152)

Senate Bill No 101, which would permit an employee to exclude sick pay up to $100 a week (to conform to Internal Revenue Code 105).

Assembly Bill No. 616, introduced by Assemblyman Jack A. Beaver in the 1961 session, would exempt from state income taxation $4,000 received as a pension or annuity under any public retirement system, including the one established by the United States for the retirement of its civil service employees, and provides that such exemption shall be in addition to any other exclusion or deduction allowed by law.

Findings

The committee finds that the taxation of public retirement benefits has the following characteristics

1. Employee contributions to the pension fund are part of current income and, therefore, are subject to the tax.

2 Employee benefit payments equivalent to the total amount of employee contributions are excluded from gross income when they are received.

3 Benefit payments in excess of employee contributions are included in the gross income of the recipient These excess benefits represent employer contributions and income of the pension fund

4 Section 17101 of the Revenue and Taxation Code provides that an annual amount of benefits equal to 3 percent of the employee's contribution shall be included in gross income even though the remaining benefits (item 2 above) are excluded The 3 percent figure represents interest on the total contributions and, therefore, is a return of income rather than principal.

Benefits from private retirement systems are taxed in much the same manner under present law. The enactment of A B 616 would give beneficiaries of public retirement systems a distinct tax advantage over those of private systems.

The committee can find no sound argument to warrant such legislation.

Recommendation

That the Legislature not enact the legislative proposal contained in A B 616 of the 1961 session

Assembly Bill No. 2348, introduced by Assemblyman Jack A. Beaver at the 1961 session, would permit an income tax deduction of not more than $500 expended for the repair or improvement of residential property used and occupied by the taxpayer for at least six months of the taxable year.

Findings

The committee believes that the repair and improvement of one's own residence is a common and expected part of everyday life Expenditures for these purposes are therefore not an unusual way of using one's income

The committee cannot, therefore, find any sound basis for permitting such expenditures to be deducted for purposes of the state income tax The committee did not, therefore, explore the substantial revenue loss which would be the result of the adoption of this legislation

Recommendations

1. That the Legislature not approve the legislative proposal contained in A B 2348 of the 1961 session

2 That legislation permitting a limited form of property tax relief in any one tax year for expenditures made for the repair of property by the owners thereof, where such property is for residential purposes and has been judged substandard by a public health or safety agency, be introduced at the 1963 session of the Legislature, for its consideration, without positive or negative recommendation of this interim committee.

Assembly Bill No. 2888, introduced by Assemblyman Edward M. Gaffney at the 1961 session, would permit an income tax deduction of amounts paid by a parent or guardian for tuition in a public or private secondary school or college.

Findings

The committee believes that the general fund revenue loss which would result from the adoption of this bill would far outweigh whatever benefits could accrue to those taxpayers who would be the beneficiaries of such a deduction.

Recommendation

That the Legislature not approve the legislative proposal contained in A B 2888 of the 1961 session.

Assembly Bill No. 2, introduced by Assemblyman Charles H. Wilson in the 1962 Regular (Budget) Session, would permit a construction worker to deduct actual costs and reasonable depreciation for state income tax purposes in operating a motor vehicle over 5,000 miles each year in transporting himself and his tools of trade to construction sites.

Findings

The committee finds that this bill was introduced at the suggestion of the International Brotherhood of Electrical Workers, which suggestion was contained in a resolution adopted by a local unit of that organization.

The committee further finds that construction workers (including members of the aforementioned organization) are in an unusual category in that they are required, as a condition of employment, to provide transportation for themselves and necessary tools to construction sites which are often both many miles from their homes and inaccessible to public transportation. The ownership and extensive use of a private automobile is therefore generally required.

It is the intention of this bill to classify the expense involved in the use of such vehicle, plus reasonable depreciation on its value, as a deductible expense of carrying on the business or trade of "construction worker."

The aforementioned resolution of the International Brotherhood of Electrical Workers was addressed primarily to members of the United States Congress from this State, and secondarily to the California Legislature.

The committee has found little apparent interest among any representatives of organizations of construction workers in state action on this question unless the Congress should see fit to permit such a deduction for federal income tax purposes It should be noted that such a federal deduction could be of substantial tax benefit, while a state income tax exemption would result in only minor savings to the construction workers affected.

The committee believes that in the event that federal legislation is enacted creating such a deduction, the Legislature should promptly follow suit with appropriate legislation to achieve conformity. Conversely, any state action prior to such federal legislation would create a disuniformity between the state and federal income tax laws which is against the grain of recent attempts to bring these laws into conformity by state legislation, and that no case has been presented which would justify such a new disuniformity.

Recommendation

That the Legislature not adopt the legislative proposal contained in A B 2 of the 1962 Regular (Budget) Session

PART V

BANK AND CORPORATION TAX—DEDUCTIBILITY OF CORPORATE EXPENDITURES USED TO INFLUENCE PUBLIC OPINION ON POLITICAL QUESTIONS

House Resolution No. 65, introduced by Assemblyman Charles H. Wilson in the 1962 Regular (Budget) Session, directed that a study be made of the deductibility from gross income for state bank and corporation tax purposes of corporate expenditures for the purpose of sponsoring, financing, or maintaining campaigns or activities to influence public opinion on political questions.

Summary of Findings

The committee finds that, in isolated cases, there have been abuses by corporations of the privilege of deducting expenditures for advertising as a business expense, and that in such cases corporate funds are being used to further a political position held by the corporation or its principal officers which is not directly related to the business of the corporation.

The committee believes that expenditures for so-called "institutional advertising" should be directly related to the promotion of the products or services of the corporation in order to be deductible

The committee further believes that corporate activity in the field of promoting political causes or ideologies is of such a nature as to bear close scrutiny by state government. Unlimited deductibility for such expenditures amounts to public subsidy of private political propaganda.

The committee concludes that a clarification of the State Bank and Corporation Tax Law is in order.

Recommendation

That Section 24343 of the Revenue and Taxation Code be amended by adding a new subsection (e) to read as follows.

> (e) All expenditures used directly or indirectly for the promotion of political purposes, associations, parties, or candidates, or to influence public opinion on political or governmental questions, which expenditures are not directly related to the business of the corporation making such expenditures, shall not be allowed as deductions under this section, provided that this exclusion shall not apply to:
>
> (1) The sponsorship as a public service of television or radio broadcasting of a national convention of a political party;
>
> (2) Advertising in a journal or other publication of a political party or organization, if such advertising on its face shows intent to promote the products or services of the corporation.

COMMITTEE FINDINGS

At the outset, the committee believes it imperative to point out that the present study is approached in an attitude of objectivity. There has been no attempt—and there will not be on these pages—to censure or condemn the content of certain corporate advertising or public service programs The committee is not concerned with whether or not some of the material offered under the sponsorship of corporations engaging in this type of advertising is truthful, objective, scholarly or demagogic, reasonable or sinister, "right wing" or "left wing" Even if the committee were inclined to explore these issues we would be effectively prevented from doing so under the limited language of the resolution authorizing this study

The committee's purpose is threefold: to explore the present law on this subject, to study and analyze certain specific cases which have been brought to our attention of corporate activity which falls within the scope of the authorizing resolution, and to suggest remedial legislation if required.

Legal Aspects

Modeled after the federal law on the subject,[1] Section 24343 of the Revenue and Taxation Code presently reads:

> "24343. (a) There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the income year in carrying on any trade or business, including—
>
> "(1) A reasonable allowance for salaries or other compensation for personal services actually rendered; and
>
> "(2) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which it has no equity.
>
> "(b) No deduction shall be allowed under subsection (a) for any expenses paid or incurred if the payment thereof is made, directly or indirectly, to an official or employee of a foreign country, and if the making of the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee.
>
> "(c) No deduction shall be allowed under subsection (a) for any contribution or gift which would be allowable as a deduction under Section 24357 were it not for the percentage limitations, or the requirements as to the time of payment, set forth in such section
>
> "(d) For purposes of this part, whenever the amount of capital contributions evidenced by a share of stock issued pursuant to Section 303(c) of the Federal National Mortgage Association Charter Act (12 U S C., Section 1718) exceeds the fair market value of the stock as of the issue date of such stock, the initial holder of the stock shall treat the excess as ordinary and necessary expenses paid or incurred during the income year in carrying on a trade or business" (As amended, Stats. 1961, Ch. 846)

[1] Internal Revenue Code (1954), Sec 162(a)

The controlling case by which the courts are guided as regards the meaning of the word "ordinary" is *Deputy* v *du Pont* in which the court said, "Ordinary has the connotation of normal, usual, or customary"[2]

Advertising has been judged to be an ordinary and necessary expense[3] so long as it is not flagrantly excessive in view of the size of the company and other factors[4]

The Commissioner of Internal Revenue, whose rulings are often used as guidelines for the courts, has stated the following test for deductibility.[5]

> "The test of whether expenditures for advertising are deductible is whether they are ordinary and necessary and bear a *reasonable relation* to the business activities in which the enterprise is engaged. This is not intended to exclude institutional advertising in reasonable amounts or good will advertising calculated to influence the buying habits of the public If such expenditures are extravagant or out of proportion to the size of the company or to the amount of its advertising budget in the past, *or if they are not directed to public patronage which might reasonably be expected in the future,* such payments will be disallowed as deductions" (Emphasis added)

A case which has to some extent marked the outer limits of the "ordinary and necessary" standard with reference to advertising is that of *Denise Coal Company* v *Commissioner of Internal Revenue*[6] in which the tax court of the United States allowed a deduction for advertising costing $7,500 on the back page of the Official Program of the 1948 Democratic National Convention The essence of this case is that notwithstanding the fact that the medium chosen for advertising may be essentially political, the deduction will be allowed even though little actual intent to promote the taxpayer's products is in evidence

On the specific subject of corporate expenditures in the field of political propaganda, the Commissioner of Internal Revenue of the United States and the Franchise Tax Board of California have adopted similar positions in formal rulings

The federal ruling reads [7]

> "(c)(1) Expenditures for lobbying purposes, for the promotion or defeat of legislation, for political campaign purposes (including the support of or opposition to any candidate for public office), or for carrying on propaganda (*including advertising*) related to any one of the foregoing purposes are not deductible from gross income" (emphasis added)

The position of the Franchise Tax Board is closely similar.[8]

> "Sums of money expended for lobbying purposes, the promotion or defeat of legislation, the exploitation of propaganda, *including*

[2] *Deputy* v *du Pont* (1940), 84 L Ed 416, at page 422
[3] *E H Sheldon* v *Commissioner of Internal Revenue* (1954), 214 Fed 2d 655, at page 658
[4] Rulings of the Commissioner of Internal Revenue, No I T 3564 (C B 1942-2, p 87)
[5] *Ibid*
[6] *Denise Coal Company* v *Commissioner of Internal Revenue* (1957) 29 T C 528
[7] Rulings of the Commissioner of Internal Revenue (26 C F R 1 162-15(c))
[8] 18 Cal Adm Code 17315-16 and 24121k-24121k 1

advertising other than trade advertising, and contributions for campaign expenses are not deductible from gross income" (emphasis added).

Types of Corporate Propaganda Methods Studied by the Committee:

The committee considered four basic types of "institutional" advertising or other corporate activity in the realm of influencing and shaping public opinion.

The first is the sponsorship of a television or radio news commentator With few exceptions, corporations sponsoring news or public affairs commentators do so for the purpose of advertising their wares to a large audience, which audience is attracted by the particular message or style of the performing personality Only incidentally does a corporation have any actual involvement in the content of the program sponsored

The second is "institutional" advertising matter in which is cloaked a political message. Words and visual symbols are presented to guide or direct the reader or viewer to a particular political, economic, or social attitude which will be of real and direct (if perhaps not immediate) economic benefit to the advertiser

The third is the purchase of advertising space in the journals and publications of political organizations. Clearly, the intent in many cases is to solicit the favor of a political group or association in power or which might attain power In almost every case the circulation of such journals cannot possibly justify the prices charged for advertising space. We must conclude that in such cases the sale of products or services is of secondary—almost accidental—value to the advertiser.

The fourth is the presentation of advertising, or the conduct of other corporate activities, with the design and intention of advancing the political goals, causes, ideologies, or panaceas of the principal officers of the corporation, with little or no actual advertising significance in the traditional sense of that term, and with no real expectation of economic reward

It is in this fourth area that the committee found some isolated but disturbing evidences of abuse of the broad deduction privileges contained in present law

Examples Presented to the Committee's Attention

1. The Lewis Food Company of Los Angeles, a California corporation, producer of "Dr. Ross Dog and Cat Food," sponsors the news commentator Dan Smoot, whose views on national and international questions may be described as conservative

The sponsorship of this program extends to 32 television and 52 radio stations in 11 western states

The committee can find no abuse of the deductibility privilege in this sponsorship Indeed, in an article in *Look Magazine* the Lewis Food Company's President, D B Lewis, stated, "We've sponsored everything from Hopalong Cassidy to Tarzan, but Dan (Smoot) is far and away our best seller . People get so excited over Dan's show they'd feed the dog food to people if we'd let them "[9] The mental

[9] Fletcher Knebel, "Who's on the Far Right?" *Look Magazine,* March 13, 1962, p 22

picture aroused by Mr Lewis' comment is alarming, to be sure, but this committee must resist the temptation to comment on the effect a given commentator has on his audience and content itself with the conclusion that Mr. Lewis is getting value out of his advertising dollar. We find no abuse of the intent of the law in the sponsorship of news and public affairs commentators, notwithstanding the fact that they might reasonably be classified as "extremists" Dan Smoot's weekly commentary differs only in content, not in kind, from that of Howard K Smith, Chet Huntley, or David Brinkley.

2 Another type of corporate activity brought to our attention is that of joint sponsorship of advertising for propaganda purposes where the names of the participating companies are not mentioned

Perhaps the most easily recognizable in this category is that sponsored by the "Investor Owned Electric Light and Power Companies" Full-page advertisements are purchased periodically in national news magazines advocating the withdrawal of the federal government from electric power producing activities—or more particularly, a public opinion against federal public power programs [10] The names of participating companies are stated to be "available on request through this magazine"

Of the 101 participating companies listed in the brochure furnished by the magazine upon request, only one—the Pacific Gas and Electric Company—does business in this State In response to an inquiry from the committee, this company reported that it pays a proportionate share of this advertising program

Although this type of advertising is subject to abuse in theory, in the case presented to the committee for the purposes of the present study, we can find no objection to the advertising on its face. There would be a very real economic advantage to participating companies if, as a result of an aroused public opinion created or nurtured by these periodic advertisements, the production of electrical power were to become solely a private undertaking once again after many years of governmental activity in this field. Participants in the sponsorship of these advertisements are plainly seeking to enhance their corporate futures by securing a larger share of this market for private activity in the years to come.

3 A third example offered for our examination was the joint sponsorship by the Richfield Oil Company and the Technicolor Corporation of the television broadcasts of the week-long Christian Anti-Communism Crusade in Los Angeles and the rally in the Hollywood Bowl, "Hollywood's Answer to Communism," early in 1962

In response to inquiry from the committee these two companies separately responded that they considered that their services and products had been promoted by the presentation of the crusade and the concluding rally in the Hollywood Bowl At the same time, they considered that they had performed a worthwhile public service by providing the public a source of information on the subject of the nature, purposes, and tactics of communism.

[10] *Time Magazine*, July 27, 1962, p 43

Any consideration as to the validity or value of the Christian Anti-Communism Crusade in supplying factual material to the public on this important subject would be beyond the committee's mandate The corporations in question believe they received actual advertising value in the traditional and accepted sense; they so stated in correspondence to the committee.

4 A case similar to that cited above was the sponsorship by the maker of "Dr Ross Dog Food" of a one-hour televised address by Robert Welch, National Chairman of the John Birch Society, under the auspices of the Freedom Club of the First Congregational Church of Los Angeles on February 10, 1962 The subject of Mr Welch's remarks was, "Are We a Democracy or a Republic?"

Again, the committee would exceed its mandate were it to comment on the content of Mr. Welch's speech or the validity of his political views

The fact is that the speech was preceded by and followed by commercial messages on behalf of Dr. Ross Dog Food It was in every sense a commercial television presentation

5 Coast Federal Savings and Loan Association of Los Angeles has for some years operated a "free enterprise department" within the corporate structure According to an article in *Look Magazine,* Coast Federal last year mailed out over 2,000,000 pieces of literature to depositors, borrowers, and business concerns, representing a corporate expenditure of about 4 percent of net income before taxes[11] When asked for a verification of these published figures, Coast Federal maintained a discreet silence On the basis of this and other evidence, the committee believes that these figures are probably accurate.

Examples of this literature in the committee's possession include a reprint of a *Reader's Digest* article by William R Kintner entitled, "The Insidious Campaign to Silence Anti-Communists"; a red-colored mailing insert containing a long quotation attributed to Soviet Premier Khrushchev, ending with "I am convinced that tomorrow the red flag will fly over the U S But we will not fly the flag. It will be the American people themselves",[12] a green-colored mailing insert entitled "The Myth of Monopoly" on which appears a caricature of a "National Planner" berating a bewildered "Businessman"

According to a letter to the committee from Joe Crail, President of Coast Federal, these pamphlets represent "factual, educational material explaining and helping to create an understanding of freedom." These inserts, Crail informed the committee, give "economic and character building facts and principles"

Coast Federal does, however, take pains to avoid any intrusion or direct involvement in partisanship According to Crail:

> "We have tried to avoid activities near elections, so as not to be confused with the election, or campaign for election. We avoid any facts which might concern any legislation which is pending.

[11] Fletcher Knebel, "Who's On the Far Right?", an article in *Look Magazine,* March 13, 1962, p 23

[12] Coast Federal's attribution of quotations to Mr Khrushchev has been of questionable accuracy in the past See "Khrushchev Could Have Said It," an article by Congressman Morris Udall in *New Republic Magazine,* May 7, 1962, pp. 14-15

> We avoid quoting any person who is coming up for election. And we try to avoid any material which concerns any particular law or governmental action"

Finally, the committee asked the question in correspondence with Mr Crail, "Is it the purpose of Coast Federal in establishing and maintaining a 'free enterprise department' to solicit new customers for the association?", to which Mr Crail responded, "The purpose of Coast Federal Savings 'Free Enterprise Department' is to preserve a climate of economic opinion favorable to Americanism . . Economic education is survival insurance" Crail then added, "As a *surprisingly successful by-product* of this program, we discovered that the Free Enterprise Department is our least expensive form of getting business" (emphasis added)

Therefore, Mr Crail admits, and the committee concludes, that the principal purpose of operating the "free enterprise department" is to propagate the political and economic opinions of the principle officers of Coast Federal Savings, and has the effect only secondarily, and (to quote Mr. Crail) "surprisingly" to solicit new business

6. The Talley Corporation, a manufacturing concern in Ventura County, was responsible for a most significant example of using presumably deductible advertising as a "carrier" of political propaganda

On August 17, 1961, a full-page advertisement appeared in the Ventura *Star-Free Press*[13] headed, "The Talley Corporation Presents An Editorial of General Interest—Reprinted in its Entirety from the Oceanside-Carlsbad *Banner*." The editorial was entitled, "Is the John Birch Society a Menace?"

The following excerpt is typical of the editorial message the Talley Corporation reprinted in the public interest·

> "The Communists chose to divide Americans on the John Birch Society, a recently formed group dedicated to battling communism . . .
>
> "For weeks now the Communists, and their apologists in the press, on the radio and television, and throughout society as a whole have devoted countless amounts of space, time, and conversation to dividing Americans on the question of the John Birch Society."

The editorial goes on to describe the statement made by the Birch Society's leader, Robert Welch, that Presidents Truman, Eisenhower, and Kennedy were willing agents of the communist conspiracy as "intemperate" The editorial concludes

> "The John Birch Society is hated by some because it has told the American people the truth about Communism and has provided an effective opposition group against America's real enemy."

At the bottom of the full-page advertisement appear the words, "The Talley Corporation Needs Turret Lathe Operators—Apply Now!," in fine print.

[13] Ventura County *Star-Free Press*, August 17, 1961, p A-5

The committee concludes that the inclusion of the line about turret lathe operators at the bottom of a full-page advertisement promoting greater understanding of the John Birch Society was for the purpose of qualifying the expenditure as a business expense We believe that this example points to a blatant subterfuge.

7 Turning again to the Lewis Food Company's advertising program, a 58-column-inch advertising appeared in several newspapers in California on Monday, June 4, 1962 (the day before a state primary election) under the sponsorship of Dr. Ross Dog Food.

The advertisement was headed "Important Notice to Voters" and read, in part:

> "If you don't know your candidate know his voting record. The one sure way to retain our free enterprise system, our constitutional government and freedom under God—vote for the candidate whose voting record indicates that they believe in these principles . . . The index below shows the voting record of those who represent you in California and Washington, D. C., now. This index is based on and compiled by the *American Purpose,* P. O. Box 73541, Los Angeles 5, Calif . . . and shows the percentage of votes cast in favor of constitutional principles. How to read report—100% is perfect: . . ."

There followed a list of names of incumbent California U S. Senators, Congressman, State Senators, and Members of the Assembly with a statistical rating beside each name according to the percentage of votes cast in favor of a program of "constitutional government," "free enterprise," and "freedom under God." In almost every case Republicans are shown with percentages of 70 or 80 percent while Democrats seldom achieved a score of better than 30 or 40 percent. The highly respected and unquestionably patriotic chairman of the State Senate Fact Finding Committee on Un-American Activities can be counted on according to the dog food company's index, to be on the side of "constitutional government" et al only 50 percent of the time

At the bottom of the ad, occupying about 4 of the 58 column inches, appears a brief commercial message for the company's products—exactly 25 words.

The committee finds that this advertisement is a thinly veiled political attack. We arrive at this conclusion both because of the content of the material presented and the timing of the presentation—one day prior to an election If the expenditure for this advertisement by the Lewis Food Company is deemed by either federal or state tax authorities to be deductible, the committee believes that a serious abuse of the intent of the law will have occurred

The committee concludes that Section 24343 should be amended so as to narrow somewhat the very broad range of tax deductibility of advertising expenditures

Under the new language as proposed in this report (see "Recommendations," above) a deduction would be disallowed only if the corporation could show no real and legitimate attempt to promote products or services in any specific advertising item or program.

The committee wishes to make clear, in closing, that it is not proposing that some of the cited examples of advertising or other corporate activity should be prohibited, or even that such advertising or other activity represents a social evil within the range of those which government is empowered to correct. We believe, however, that the public should not be required to subsidize, through tax deductibility, the propagation of political opinions of corporate executives

PART VI

SALES AND USE TAX

Assembly Bill No. 250, introduced by Assemblyman Alan Pattee in the 1961 session of the Legislature, would have provided for a sales tax exemption on food sold by a concessionaire hired by a farmer to serve food to farm laborers.

This bill was reintroduced in the 1962 Regular (Budget) Session as A B 5 by Messrs Pattee and Charles H Wilson The language was changed in this later version to make the application of the exemption more specific.

Findings

The Subcommittee on Tax Administration held a hearing in Salinas on October 27, 1961, on this bill

Based on the subcommittee's transcript and findings, the committee finds the following to be true

1. Food served to farm laborers by the farmer himself is not subject to the sales tax under existing law

2 It has become economically necessary in many cases for farmers to employ a concessionaire to serve food to farm laborers

3 Under agreement with the Mexican government (the Migrant Labor Agreement of 1951, as amended) an amount not greater than $1 75 per day may be charged by farmers for food served to Mexican nationals employed as farm laborers

4 Because of a competitive situation, farmers have found it necessary to set the same fee ($1 75) for food served to domestic laborers

5 By testimony at the hearing, the subcommittee became convinced that the additional 7 cents sales tax on the $1 75 charge resulted in a net economic loss on the service of food

6 The applicability of the sales tax to food served by a concessionaire as described above is not a matter of law but of a recent change in the interpretation of the law by the State Board of Equalization It follows, therefore, that any revenue loss which would result from this bill would be revenue which did not exist until very recently

The committee requested the Legislative Counsel to prepare amendments to A B 250 to clarify its purpose and applicability A bill containing the amended language was drafted and was favorably recommended by this committee in its Progress Report to the 1962 Session of the Legislature (printed in Assembly Journal, 1962 Regular Session, pp 119-124)

Assemblymen Pattee and Wilson introduced this committee bill as A B 5 in the 1962 session The bill included the language recommended by the committee to limit its applicability, to wit: "(food) served on a farm or at a farm camp to agricultural workers at prices which do

not exceed the amount which may be charged by employers to Mexican workers under the standard work contract entered into between the employer and the Mexican worker pursuant to the Migrant Labor Agreement of 1951, as amended, between the government of the United States and the government of Mexico ''

A B. 5 was favorably recommended to the floor by the Assembly Standing Committee on Revenue and Taxation, and was rereferred by the Speaker to the Committee on Ways and Means, which reported the bill without further action at the end of the session

Recommendation

That the Legislature enact the legislative proposal contained in A B 5 of the 1962 Regular (Budget) Session, a revision of A B 250 of the 1961 session

Assembly Bill No. 2, introduced by Assemblyman Charles H. Wilson in the 1962 Second Extraordinary Session, proposes that tangible property sold at fund-raising functions sponsored by nonprofit organizations be exempt from the sales and use tax.

Nonprofit organizations are defined in the bill as those which would qualify under the "welfare exemption" set forth in Section 214 of the Revenue and Taxation Code

Findings

The committee has been informed, informally, by a member of the State Board of Equalization that no attempt is made by the board in most parts of the State to collect the sales tax at these functions

The committee concurs in the belief expressed by the member of the Board of Equalization that any systematic attempt to collect sales taxes on articles sold at rummage sales, bazaars, church carnivals, and similar functions would result in a greater administrative expense than is yielded by the taxes collected

The committee finds that the language of the bill is sufficiently limited so as to prevent abuses The committee further believes that it is sound public policy for the State to encourage private fund-raising activities by organizations qualifying for the welfare exemption

Recommendation

That the Legislature enact the legislative proposal contained in A B 2 of the 1962 Second Extraordinary Session

Assembly Bill No. 475, introduced by Assemblyman William S. Grant at the 1961 session, proposes that retailers be permitted to deduct two percent (2%) from sales tax returns as compensation for the cost of collecting the tax.

House Resolution No. 184, (by Mr. Grant) of the 1961 session directs the committee to investigate the subject matter of A.B. 475.

Findings

In a letter to the committee chairman on this subject dated November 16, 1961, Hale Champion, State Director of Finance, said

"The statement has often been made that the retailer is entitled to a discount for acting as a tax collector for the State I would like to point out to your Committee, however, that the provisions of the sales tax have been in effect since 1933 and without question the added costs of collecting and remitting the sales tax were long ago built into the retailer's cost margins In the great majority of cases, any discount granted at this time would merely increase the seller's profits at the expense of the general public "

Director Champion further estimates that the enactment of A B 475 would reduce General Fund revenue by an estimated $14,700,000 per year, with a corresponding decrease of about $5,000,000 to local governments in city and county sales tax revenue

Recommendation

That the Legislature not adopt the legislative proposal contained in A B 475 of the 1961 session.

Assembly Bill No. 810, introduced by Assemblyman Louis Francis in the 1961 session, would exempt the donor of tangible personal property to a charitable organization from paying either the retail sales or use tax on the gift.

Findings

Under existing law, if a retailer donates taxable merchandise to a charitable organization, he is liable for the use tax on the gift Also, if a private person purchases tangible personal property in interstate commerce and then immediately donates it to a charitable organization, he is subject to the use tax on the gift This bill would exempt both of these types of gifts from the use tax (unless the retailer or private person *used* the merchandise before making the donation).

The Legislative Analyst estimates that enactment of this bill would result in a minor loss of General Fund revenue

The committee finds that the sales tax aspects of gifts are only a small part of the total tax picture Both the state and federal personal income tax laws allow the donor to deduct the "fair market value" of gifts to charitable organizations In a letter to the committee on August 16, 1962, the Legislative Analyst pointed out that "this deduction can be very liberal "

The committee also finds that the apparent objective of this bill can be partially accomplished by enactment of A B 2 of the 1962 Second Extraordinary Session, upon which this committee has recommended favorably.

Recommendation

That the Legislature not adopt the legislative proposal contained in A B 810 of the 1961 session

House Resolution No. 116, introduced by Assemblyman Charles W. Meyers in the 1962 First Extraordinary Session, directed that a study be made of the question of the applicability of the sales tax to the products of television news photography.

Findings

The committee finds that photographers or other sellers of photographs are subject to sales tax measured by their gross receipts, unless the photographs themselves are purchased for resale and are resold in the regular course of the purchaser's business When a television station shows the films purchased from certain independent, "freelance" photographers on television it is not engaged in reselling the tangible personal property the film represents The photographer is therefore subject to the tax under this arrangement

As defined in Section 6012 of the Revenue and Taxation Code, "gross receipts" mean "the total amount of the sale . price without any deduction on account of (b) the cost of the materials used, *labor or service cost,* interest paid, losses, or any other expense" (emphasis added)

Further, "the total amount of the sale price includes . . . (a) *Any services* that are part of the sale" (emphasis added) Even if the film and equipment were to be furnished to the photographer by the final consumer of the film, the sales tax would still apply under existing law (Section 6006(b), Revenue and Taxation Code)

The committee cannot conceive of any reason why this law requires amendment

Recommendation

That no legislation be enacted relieving television news photographers of sales tax liability

PART VII

MISCELLANEOUS ITEMS

HORSERACING

House Resolution No. 386, introduced by Assemblyman Charles H. Wilson in the 1961 session, directs that a study be made of the revenue which is gained and which might be gained from thoroughbred and harness racing in California.

Findings

The committee finds that California will collect in fiscal 1962-63 an estimated $41,080,000 from the tax on parimutuel pools and "breakage" imposed on racetrack licensees Of this amount $18,700,000 is available to the General Fund, while $21,630,000 is reserved to the Fair and Exposition Fund, and $750,000 is reserved to the Wildlife Preservation Fund

The committee further finds that the State of New York, similar to California in population and other characteristics, will collect in excess of $95,000,000 during the current fiscal year from its taxes on racing The difference, since the taxes are roughly similar, can be found in the number of racing days permitted by law in the two states. California last year permitted 293 days of thoroughbred racing on six major tracks, and 110 days of harness racing on three tracks During the same period New York permitted 215 days of thoroughbred racing on five tracks and 696 days of harness racing on eight tracks

Harness racing is undergoing a substantial revival in most of the states where it is permitted Admissions and parimutuel pools are on the increase It is significant to note that of the states which permit harness racing, California is the only one which does not permit harness racing at night

Finally, the committee believes that some serious discussion is in order on broadening the number of sports where experience has shown that parimutuel wagering can be carefully regulated and will yield additional revenue to the State while resulting in no accompanying significant social problems The committee believes that such study be given to greyhound racing and jai alai The Legislative Counsel has advised the committee that a constitutional amendment would not be necessary for such a move

During the 1960-61 season the State of Florida collected $10,736,204 from 1,508 days of greyhound racing, and $1,730,528 from 538 days of jai alai

Recommendation

That, in the event that any Governor of California in a budget message to the Legislature at any future session requests additional state revenues, and such additional state revenues are found to be

necessary and required by the Legislature, study be given to (1) increasing the number of days in thoroughbred, harness, and quarter-horseracing seasons, (2) permitting simultaneous seasons in opposite parts of the State, (3) permitting night harness racing, and (4) licensing greyhound racing and jai alai

Assembly Bill No. 2919, introduced by Assemblyman Charles H. Wilson in the 1961 session, would increase state license fees and reduce track commissions on parimutuel pools in the following manner:

Size of parimutuel pool	Tax rates and track commissions					
	Existing law			A B 2919		
	Tax	Commission	Total	Tax	Commission	Total
$0– 10,000,000	5%	9%	14%	6%	8%	14%
10– 20,000,000	6	8	14	7	7	14
20– 75,000,000	7	7	14	8	6	14
75–125,000,000	7 5	6 5	14	8 5	5 5	14
125,000,000 and over	8	6	14	9	5	14

Findings

The Legislative Analyst estimates that this bill could result in revenue gain of up to $5,000,000 per year However, both the Legislative Analyst and the Department of Finance believe that the effect of this bill would be to slightly reduce track profits and thus somewhat reduce the size of this increased revenue.

Therefore, the best estimates are that an uncertain amount of new revenue, not less than $4,000,000 and perhaps as much as $5,000,000 depending on the effect on track profits, would result from this bill.

However, this committee believes that increased revenues from horseracing should be obtained by means other than increasing existing rates of license fees (see report on H R. 386, above)

Recommendation

That the Legislature not adopt the legislative proposal contained in A B 2919 of the 1961 session.

MOTORBOAT FUEL

Assembly Bill No. 1230, introduced at the 1961 session by Assemblyman Carley Porter, would except certain types of motorboat fuel (other than gasoline) from the motor vehicle fuel tax.

Findings

On November 27, 1961, the committee chairman received a letter from Mrs. Jan Mower, managing director of the California Boating Council, Inc , which stated, in part. "The council did not support the bill A B 1230 at the last session . It would not seem fair to exempt a special fuel used exclusively in boats and not exempt all fuels used in boats "

Mrs Mower also stated the council's position in writing, "We have found that the boating public do not object to paying the fuel tax, but they do strenuously object to paying the tax and not getting it returned to benefit boating and waterway needs."

Recommendations

1 That the Legislature not adopt the legislative proposal contained in A B 1230 of the 1961 session.

2 That the Assembly assign to an appropriate interim committee for study and report the subject of revising the apportionment of fuel-tax revenues provided in Section 8352(g) of the Revenue and Taxation Code for development of waterways, marinas, and related projects of benefit to the boating public

Assembly Joint Resolution No. 3, introduced by Assemblyman Frank Luckel and others, in the 1962 Third Extraordinary Session, memorializes the Congress of the United States to reject the federal excise tax on noncommercial pleasure boats proposed in H.R. 11172 of the Second Session of the 87th Congress.

Findings

This committee interprets the Legislature's action in referring this matter to interim study (rather than adopting the resolution) as a directive for an interim study of the subject matter.

The committee has examined the transcript of a hearing on the subject of the use of noncommercial pleasure boats held before the Assembly Interim Committee on Public Utilities and Corporations at Newport Beach on September 13, 1961, and finds the following to be true

1. The use of noncommercial pleasure boats for recreational purposes on California and adjacent international waters has greatly increased in recent years

2 The United States Coast Guard has been forced to increase its responsibilities for rescue and safety work as a result of this unprecedented increase in the use of pleasure craft on waters under the jurisdiction of the United States government

The committee therefore finds that the federal government would be well within its province in attempting to find ways and means of financing the expense involved in assuming these expanded responsibilities, by requiring that those who use the waterways pay some share of the cost of coast guard safety and rescue operations

The committee believes, however, that the Congress could well be memorialized by the Legislature to take into account that federal taxes on gasoline and diesel fuels used in these noncommercial pleasure boats can be considered at least a partially satisfactory balancing factor in any considerations of the increased federal responsibilities discussed above

Recommendations

1 That the Legislature not adopt a joint resolution similar to A J R 3 of the 1962 Third Extraordinary Session.

2 That, in keeping with our recommendation in the case of A B. 1230, the Legislature assign to an appropriate committee for study either during or after the 1963 session the subject of using a greater portion of tax revenues derived from the use of noncommercial pleasure boats for the development of waterways, marinas, and related expendi-

tures of benefit to the boating public, and to memorialize Congress to consider a study along the same lines

TRUSTS

Assembly Bill No. 2286, introduced by Assemblyman John A. Busterud in the 1961 session, would provide that a trust beneficiary who is a California resident and whose interest in a trust is or has been contingent shall be taxed on the current and accumulated income of the trust in the year it is to be distributed or is distributable, provided, however, that the tax on the distributed income would not be greater than the amount the beneficiary would have paid had he been taxed, as under existing law, on the income as it accrued to the trust.

Findings

The Legislative Analyst reported to the committee that this bill would have the effect of postponement of General Fund revenue of an unknown amount The committee has heard no testimony that the amount of postponed revenue would be very great in any case.

In a letter to the committee dated October 11, 1961, Mr Hale Champion, State Director of Finance, pointed out his views as to the probable reasons for reference to interim study of this bill:

> "Attempts were made to find a workable means of meeting the situation, but the problem proved to be so difficult that further consideration was postponed It was agreed that the State agencies, working through the Attorney General's office and the Franchise Tax Board would meet further to draft suggested legislation acceptable to both the sponsors and the State"

The Subcommittee on Tax Administration held a hearing on this subject in San Francisco on October 26, 1961

At that time the Attorney General, represented by Harry W Low, one of his deputies, testified on the subject matter of the bill and the progress in the negotiations with interested parties. It was understood that Mr Low testified on behalf of the Franchise Tax Board as well as the Attorney General, and that his comments generally reflected an agreed-upon position between himself and the attorneys for interested parties

Mr Low stated, in part

> "The interested parties in the bill are in general agreement that we do not want to propose legislation which will create loopholes in the tax law or establish precedent for allowing trustees not under similar hardships to escape taxation"

Mr Low further stated

> "We believe that in the study of this proposed legislation much can be gained by an opinion from the Appellate Court which may define the powers and limitations of the State to tax these trusts A decision which will probably offer considerable guidance in this regard is now on appeal in the District Court of Appeal in Los Angeles"

As a result of this general agreement, no further testimony was offered at the San Francisco hearing and the subcommittee was informed that further information would be forthcoming after the appellate court's ruling

On July 13, 1962, the chairman of this committee wrote to Mr Low, and simultaneously to Mr Philip J Gregory, an attorney representing the California Bankers Association, asking if additional information would be forthcoming in time to enable the committee to include an affirmative recommendation on draft legislation within the time limits set for preparation of interim committee reports

From Mr Low's reply of July 17, 1962, it appeared that the appellate court's decision, upon which would be based the final recommendations to be reached by the Attorney General and the interested private parties, would not be rendered in sufficient time to enable this committee to fully consider such recommendations for the purposes of this report

Faced with this problem, the committee believes that it has not had sufficient opportunity to give this matter the consideration it would have received had all the facts been presented to the committee, including those resulting from the appellate court's decision on the aforementioned case

The committee must, therefore, make a negative recommendation on this bill, with the understanding that it does so "without prejudice" and that such negative recommendation should not be permitted to influence the examination that the Standing Committee on Revenue and Taxation will probably be asked to make of bills prepared jointly by the Attorney General and private interested parties sometime during the 1963 session

Recommendation

That the Legislature not adopt the legislative proposal contained in A B 2286 of the 1961 session

VENDING MACHINES

Assembly Bill No. 3068, introduced by Assemblyman Charles Edward Chapel in the 1961 session, would impose a tax of $6.50 per year on vending machines dispensing music or motion pictures.

Findings

The committee believes that Mr Chapel's objective in proposing this legislation is to create conditions under which the State could effectively control "jukebox" racketeering

The committee corresponded with the office of United States Attorney General Robert Kennedy and California Attorney General Stanley Mosk

From information received from these sources, the committee finds that criminal activity in the field of marketing jukebox machinery is not present in California, and that, therefore, a case cannot be developed for state regulation on these grounds.

The committee considers, however, that vending machines in general could constitute an important revenue source for either the State or local governments or both

Recommendations

1 That the Legislature not adopt the legislative proposal contained in A B 3068 of the 1961 session.

2 That the Standing Committee on Revenue and Taxation during the 1963 session request the State Department of Finance to study all aspects of the question of imposing a tax, including but not limited to the sales tax, on vending machines dispensing music, for revenue purposes

TAXPAYERS' BILL OF RIGHTS

Assembly Bill No. 3104, introduced by Assemblyman Tom Bane in the 1961 session, proposes a "Taxpayers' Bill of Rights" and sets forth a number of procedural rights which taxpayers shall possess "notwithstanding (to quote from the bill) any other provisions of law."

The principle "right" set forth is that of a *de novo* proceeding before a court of law on each element of fact concerning a tax assessment.

Findings

At a hearing held on this bill in Los Angeles on November 20, 1961, Mr James A. Doherty, Assistant City Attorney of Los Angeles, made an extensive statement in opposition to the bill The committee was informed that his statement represented the views of himself, Richard Carpenter of the League of California Cities, William R MacDougall of the County Supervisors Association of California, and William H Barton of the California Teachers Association

On the question of the effect of this bill on the administration of property taxes, Mr Doherty stated:

> "As to property taxes, this section (40002a) raises a serious constitutional question Section 9, Article XIII of the State Constitution provides that the county boards of equalization shall raise or lower any assessment on the roll for the purpose of equalization. As you are aware, honest opinions of value may differ substantially To require or permit a court or jury to substitute its judgment of the value at which property should be assessed, without a showing of fraud or abuse of discretion by the local board, would seem clearly to frustrate the constitutional mandate."

The committee tends to agree with this observation by Mr Doherty.

The committee is especially reluctant to open the door to the so-called *de novo* proceeding in the difficult area of tax administration We envision a great increase in the number of tax cases taken to the judiciary for adjudication if the administrative board's findings of fact could there be ignored and an independent judgment permitted on each element of fact

The committee believes that the whole nature of the tax equalization field would be radically altered by this feature of the bill

The committee finds a further objection in the manner in which this bill is drafted Rather than amending numerous sections within the body of the Revenue and Taxation Code, the bill adds a new Division 3 and proceeds to set forth certain procedural rights which may well be contrary to existing code sections not specifically effected by the bill on its face As Mr Doherty stated.

> "Because of the absence of any limitations on its application, the provisions of AB 3104 would be superimposed upon the existing State and local revenue structure . . It would have the effect of repealing and amending an unknown and virtually indeterminable number of sections of State and local laws, ordinances, and regulations . AB 3104 would create a never-never land in which no section of the code could be relied upon to mean what it says "

The committee concurs with this observation also.

Because of our objection to the trial *de novo* feature of the bill, the committee believes that an attempt to redraft the bill to clear up the confusion suggested by Mr Doherty would not serve any useful purpose

Recommendation

That the Legislature not adopt the legislative proposal contained in A B 3104 of the 1961 session

SUMMARY OF MAJOR POLICY RECOMMENDATIONS

The Assembly Interim Committee on Revenue and Taxation, in its final report to the Legislature, has recommended legislation to:

1 Limit the "welfare exemption" on property taxes to $1,000 per resident for homes for the aged operating under the life care contract arrangement (under such a limitation, a home with 215 residents would be permitted an exemption of $215,000, rather than the total property tax exemption permitted under present law) (See report on H R 284)

2 Direct the State Board of Equalization to prepare a recommended statutory standard ratio of assessed value to actual cash value to be used by all county assessors, such recommended ratio to be presented to the Legislature for action at the 1965 session (See report on H R 377)

3 Permit businessmen to use an annual average, rather than any fixed date, in computing inventory subject to property taxation (under present law, inventories are taxed as of the first Monday in March). (See report on A B 525)

4 Require and authorize the University of California and the state colleges to make payments to municipalities for actual services rendered property, students, and personnel (e g , fire, police, and ambulance) (See report on A B 2946)

5 Exempt personal property consisting of household furnishings from the property tax, or at the option of the Legislature, assign such property a statutory rate of depreciation so rapid that only new or near-new furnishings would be taxable (See report on A B 391)

6. Grant a $1,000 exemption on property taxation to home owners over age 65, similar to that now afforded to veterans (See report on H R 280)

7 Declare that it is the public policy of California that the taxation of property be eventually eliminated and replaced by more equitable and efficient sources of revenue for local government and the public schools, and establishing a special joint committee to conduct an interim study of local finance with specific authorization to study ways and means of increasing efficiency and eliminating functional duplication in local government (See report on A C A 31)

8 Adopt the withholding system for the collection of the state income tax (See report on H R 99—1962 Regular Session)

9 Define as nondeductible for state bank and corporation tax purposes, any corporate "expenditures used . . for the promotion of political purposes, associations, parties, or candidates, or to influence public opinion not directly related to the business of the corporation " (See report on H R 65—1962 Regular Session)

10 Exempt the receipts of carnivals, bazaars, dinners, and other fund-raising events of nonprofit charitable organizations from the sales tax (See report on A B 2—1962 Second Extraordinary Session.)

In addition, the committee has recommended that in the event that any governor should make a request in any budget message to the Legislature in the future for additional state revenues, and such additional state revenues are found to be necessary and required by the Legislature, study be given to

1 Increasing the number of days in thoroughbred, harness, and quarter horse racing seasons.

2 Permitting simultaneous racing seasons in opposite parts of the State

3 Permitting night harness racing

4 Permitting such sports as greyhound racing and jai alai, where experience has shown that parimutuel wagering under strict state regulation, brings in substantial tax revenue while creating no accompanying significant social problems.

APPENDIX I

OPINIONS OF THE LEGISLATIVE COUNSEL ON THE "WELFARE EXEMPTION" (SECTION 214, R. & T.C.)

September 7, 1961

HONORABLE CHARLES H WILSON
1902 W. Florence Avenue
Los Angeles 47, California

Property Taxation:

Welfare Exemption—No. 480

DEAR MR WILSON. You have asked several questions relating to the "welfare exemption" from property taxation, which we have separately stated and considered below.

QUESTION No. 1

What is the legislative history of the "welfare exemption."

OPINION AND ANALYSIS No. 1

1. *Constitution*

The "welfare exemption" is authorized by Section 1c of Article XIII of the State Constitution. This section was adopted by the people at the general election of November 7, 1944, at which time it read:

> "In addition to such exemptions as are now provided in this Constitution, the Legislature may exempt from taxation all or any portion of property used exclusively for religious, hospital or charitable purposes and owned by community chests, funds, foundations or corporations organized and operated for religious, hospital, or charitable purposes, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual."

On November 2, 1954, this section was amended by the addition of the following language.

> "As used in this section 'property used exclusively for religious, hospital or charitable purposes' shall include a building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located as may be required for the use and occupation of the building, to be used exclusively for religious, hospital or charitable purposes"

II. *Revenue and Taxation Code*

A. Section 214 *

In 1945 (Stats 1945, Ch 241), the Legislature, acting pursuant to the constitutional authority granted by Section 1c of Article XIII, added Section 214 to exempt, under specified conditions, property used exclusively for religious, hospital, scientific or charitable purposes. As added the section read.

> "Property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chests, funds, foundations or corporations organized and operated for religious, hospital, scientific, or charitable purposes is exempt from taxation if
>
> (1) The owner is not organized or operated for profit;
>
> (2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individuals;
>
> (3) The property is not used or operated by the owner or by any other person for profit regardless of the purposes to which the profit is devoted,
>
> (4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations or the more advantageous pursuit of their business or profession;
>
> (5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose,
>
> (6) The property is irrevocably dedicated to religious, charitable, scientific or hospital purposes and upon the liquidation, dissolution or abandonment of the owner will not inure to the benefit of any private person except a fund, foundation, or corporation organized and operated for religious, hospital, scientific, or charitable purposes
>
> "The exemption provided for herein shall be known as 'the welfare exemption' This exemption shall be in addition to any other exemption now provided by law This section shall not be construed to enlarge the college exemption or to extend an exemption to property held by or used as an educational institution of less than collegiate grade"

In 1949 (Stats 1949, Ch 642), it was amended to add subdivision (7) for the purpose of extending the "welfare exemption" to property, otherwise meeting the qualifications of the section, used exclusively for scientific purposes by research foundations or institutions chartered by Congress

* All section references hereafter made are to the Revenue and Taxation Code unless otherwise expressly stated

In 1951 (Stats. 1951, Ch 242), the section was further amended to extend the exemption to the property of schools of less than collegiate grade owned and operated by religious, hospital or charitable funds, foundations or corporations, if the property and funds, foundations or corporations otherwise meet all the requirements of the section This amendment was voted upon and approved at the general election held in November, 1952, pursuant to the referendum provisions of the State Constitution (Art IV, Sec 1)

In 1953 (Stats 1953, Ch 730), the condition in subdivision (1) that the owner must not be organized or operated for profit, was modified to provide that in the case of a hospital such organization shall not be deemed to be so organized or operated if its operating revenue, excluding gifts, endowments and grants-in-aid, does not exceed by more than 10 percent its operating expenses, including depreciation based on replacement cost and amortization of and interest on indebtedness * This amendment also substituted for the condition in subdivision (3) that property is not owned or operated for profit regardless of the purposes to which the profit is devoted, a condition that property is used for the actual operation of the exempt activity

In 1955 (Stats. 1955, Ch 1067), subdivision (7) of Section 214, relating to the use of property for scientific purposes by an organization chartered by Congress, was changed to make its requirement regarding a charter by Congress inapplicable to a medical research organization

Following the 1955 amendment, Section 214 read, and has continued to read, as follows.

> 214. Property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chests, funds, foundations or corporations organized and operated for religious, hospital, scientific, or charitable purposes is exempt from taxation if·
>
> (1) The owner is not organized or operated for profit, provided, that in the case of hospitals, such organization shall not be deemed to be organized or operated for profit, if during the immediate preceding fiscal year the excess revenues, exclusive of gifts, endowments and grants-in-aid, over operating expenses shall not have exceeded a sum equivalent to 10 percent of such operating expenses. As used herein, operating expenses shall include depreciation based on cost of replacement and amortization of, and interest on, indebtedness,
>
> (2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individual;
>
> (3) The property is used for the actual operation of the exempt activity;

* It is to be noted that a provision in Section 2 of Chapter 730 of the Statutes of 1953 for the retroactive application of this amendment was held to violate Section 31 of Article IV of the State Constitution, which, among other things, prohibits the Legislature from making or authorizing "the making of a gift, of any public money or thing of value to any individual, municipal or other corporation whatever." Its prospective operation was not, however, thereby affected (*Doctors General Hospital of San Jose v The County of Santa Clara* (1957), 150 Cal App 2d 53)

(4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations or the more advantageous pursuit of their business or profession;

(5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose,

(6) The property is irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon the liquidation, dissolution or abandonment of the owner will not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for religious, hospital, scientific, or charitable purposes;

(7) The property, if used exclusively for scientific purposes, is used by a foundation or institution which, in addition to complying with the foregoing requirements for the exemption of charitable organizations in general, has been chartered by the Congress of the United States (except that this requirement shall not apply when the scientific purposes are medical research), and whose objects are the encouragement or conduct of scientific investigation, research and discovery for the benefit of the community at large.

The exemption provided for herein shall be known as the "welfare exemption" This exemption shall be in addition to any other exemption now provided by law This section shall not be construed to enlarge the college exemption Property used exclusively for school purposes of less than collegiate grade and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all of the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

B. Other Sections *

1 *1945*

In 1945 (Stats 1945, Ch. 241), the Legislature amended Sections 251 and 254. The amendment of Section 254 required persons claiming the welfare exemption, as well as other exemptions, to make an annual return to the assessor accompanied by an affidavit giving any information required by the State Board of Equalization The amendment of Section 251 required the board to prescribe all procedure and forms required to carry into effect the welfare as well as other exemptions.

* Sections having the effect of granting the welfare exemption retroactively for specified years for which the exemption was not claimed by filing required affidavits are not considered in this history These sections include the following 254 7, 263, 268, 268 5 (as added by Stats 1951, Ch 16), 269, 270 (as added by Stats 1951, Ch 2049), and 271 (as added by Stats 1951, Ch 1762)

In 1945, the Legislature also added Section 215 (Stats 1945, Ch 241), 254 5 (Stats 1945, Ch 1396), and 259 5 (Stats 1945, Ch 241) Section 215 read and still reads

"All personal property and all buildings, and so much of the real property on which the buildings are situated as may be required for the convenient use and occupation of said buildings, owned by a veteran organization which has been chartered by the Congress of the United States, when the same are used solely and exclusively for the purposes of such organization, if not conducted for profit and no part of the net earnings of which inures to the benefit of any private individual or member thereof, shall be exempt from taxation

"This exemption shall also be known as a 'welfare exemption'."

Section 254 5 read and still reads

"Affidavits for the welfare exemption shall be filed in duplicate on or before April 1st of each year with the assessor concerned and shall be accompanied by duplicate certified copies of the financial statements of the owner and operator Copies of the affidavits and financial statements shall be forwarded forthwith by the assessor to the board which shall review all such affidavits and statements and may institute an independent audit or verification of the operations of the owner and operator to ascertain whether both the owner and operator meet the requirements of Sections 214 and 215 of the Revenue and Taxation Code In this connection the board shall consider, among other matters, whether·

"(a) The services and expenses of the owner or operator (including salaries) are excessive, based upon like services and salaries in comparable public institutions,

"(b) The operations of the owner or operator, either directly or indirectly, materially enhance the private gain of any individual or individuals;

"(c) Any capital investment of the owner or operator for expansion of physical plant is justified by the contemplated return thereon, and required to serve the interests of the community

"The board shall forward to each assessor concerned its finding with respect to each claimant and said finding shall be considered by the assessor in his determination with respect to the claim for exemption"

Section 259 5 read and still reads:

"The affidavit for the welfare exemption shall show that both the property and the owner meet all the requirements entitling the property to the exemption"

2 *1949*

In 1949 (Stats 1949, Ch 1579) the Legislature added Section 261 to provide that the interest of a claimant for the welfare, as well as the veterans', exemption must be of record in the county recorder's office on the lien date, and that the failure of the claimant to establish

the fact of recordation to the assessor constitutes a waiver of the exemption.* The section has not since been amended.

3. *1953*

In 1953 (Stats 1953, Ch 950), the Legislature added Section 214 1, operative upon the adoption of the 1954 amendment of Section 1c of Article XIII of the Constitution, noted above Section 214.1 read and still reads:

> "As used in Section 214, 'property used exclusively for religious, hospital or charitable purposes' shall include facilities in the course of construction on or after the first Monday of March, 1954, together with the land on which the facilities are located as may be required for their convenient use and occupation, to be used exclusively for religious, hospital or charitable purposes"

In 1953, Sections 214 3 (Stats 1953, Ch. 919), and 214 5 (Stats 1953, Ch. 660) were also added.

Section 214.3 read and still reads:

> "In the event that any property described in subdivision (6) of Section 214 shall have been used solely for charitable or hospital purposes for a minimum period of 20 years, the 'welfare exemption' granted by Section 214 shall extend to such property irrespective of any revisionary provisions in the title of the property respecting liquidation, dissolution or abandonment, if the ownership, operation, use and dedication of the property are otherwise within the purview of Section 214."

Section 214.5 read and still reads:

> "Property used exclusively for school purposes of less than collegiate grade, or exclusively for purposes of both schools of and less than collegiate grade, and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all of the requirements of Section 214, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and Section 214 This section shall not be construed to enlarge the college exemption."

4. *1955*

In 1955 (Stats. 1955, Ch. 532), Section 214.7 was added, to read:

> "In the case of a hospital, neither the use of hospital property nor the receipt of fees or other lawful compensation by a licensed physician for the practice of his profession therein, shall be grounds for denial of the exemption provided by sections 214 and 254 5 This section does not apply to such portions of a hospital as may be leased or rented to a physician for his office for the general practice of medicine"

The section has not since been amended.

* Although this section was amended in 1961 (Stats 1961, Ch 1436), the changes made did not affect the welfare exemption.

5 *1959*

In 1959 (Stats 1959, Ch 2011), Section 214 2 was added, to read·

"As used in Section 214 1, 'facilities in the course of construction' shall include the demolition or razing of a building with the intent to replace it with facilities to be used exclusively for religious, hospital or charitable purposes"

This section has not since been amended

6 *1961*

In 1961 (Stats 1961, Ch 2231), Section 214 9 was added, to read

"For the purposes of Section 214, a 'hospital' includes an outpatient clinic, whether or not patients are admitted for overnight stay or longer, where the clinic furnishes or provides psychiatric services for emotionally disturbed children"

QUESTION No. 2

What was the holding of the court in *Fifield Manor* v *County of Los Angeles*, *Fifield Manor Wilshire* v. *County of Los Angeles*, and *Fifield Manor Pasadena* v *County of Los Angeles* (all reported in 188 A C A. 1 (1961), petition for hearing denied by the Supreme Court on March 1, 1961)

OPINION AND ANALYSIS No. 2

In the *Fifield Manor* cases, the court held that the property of several homes for the aged that had been constructed through the efforts and contributions of the members and friends of the First Congregational Church of Los Angeles was qualified for the welfare exemption, notwithstanding evidence that the average admission fees per person per room to the institution were $7,968, $6,326 and $1,978 (188 A C A, at p 16) Although these fees were charged, it appeared from other evidence that the homes operated at a loss, which was made up by gifts and contributions (at page 6), and that no person was "denied admission because of inability to make payment of all or part of an admission fee" (at page 5) Also, the court noted that the estimated average fees at other homes, which evidently were considered to be tax exempt, were $10,000 in one case and $12,900 in another (188 A C A, at p 16)

The matter of fees was discussed in the *Fifield Manor* cases in a consideration of the argument that the charges of the homes involved were beyond the means of persons in modest circumstances, and for that reason the homes could not qualify as charitable organizations for the purpose of the welfare exemption The court held otherwise, stating (188 A C A, at p. 17):

"The test is not found in the question of what financial ability does the recipient possess, but what are his needs, alleviation of which constitutes a worthy social value We apprehend that *the financial test becomes pertinent only when the occupants of an old age home pay more than the cost to the home of what it furnishes them* This view is in the 'controlling consideration' above quoted from the Fredericka opinion—'whether such contributions as are made do not exceed what is required for the maintenance of the institution at a reasonable standard'" (Our emphasis.)

The *Fredericka* opinion to which the court referred above is *Fredericka Home for the Aged* v. *County of San Diego* (1950), 35 Cal 2d 789. In that case the California Supreme Court considered the property of a home for the aged as entitled to the welfare exemption, notwithstanding evidence of a charge of a minimum admission fee of $5,500, the average being $6,264 04. It appeared from other evidence that the payment of such fee was within the reach of persons of moderate means, that the payment was not commensurate with benefits received, that there was no element of private gain, that all of the institution's income was devoted exclusively to providing the inmates with a reasonable standard of care, that such income was insufficient to meet the institution's operating expenses, and that the deficit was met through voluntary gifts and contributions from persons who were not inmates

The "controlling consideration" test laid down by the *Fredericka* case to which the court in the *Fifield Manor* cases referred is as follows (at p. 793)

> "Consistent with such interpretation, the controlling consideration in determining whether an institution such as plaintiff should be classified as a charitable one is not whether a few or all of the recipients of its benefits may make reasonable contributions toward defraying the cost of such benefits, but whether such contributions as are made do not exceed what is required for the maintenance of the institution at a reasonable standard and are devoted to the purposes for which the institution was founded, which purposes, in the absence of the required contributions, would clearly be deemed to be charitable If such is the situation, then the institution is no less a charity because of the receipt of such contributions, and within such concept plaintiff properly claims a tax-exempt status under the welfare exemption law "

QUESTION No. 3

What was the law in this respect prior to the *Fifield Manor* cases?

OPINION AND ANALYSIS No. 3

As indicated in our analysis of Question No 2, prior to the *Fifield Manor* cases, the Supreme Court in *Fredericka Home for the Aged* v. *County of San Diego,* supra, decided in 1950, considered the property of a home for the aged as entitled to the welfare exemption, notwithstanding evidence of a charge of a minimum admission fee of $5,500 and an average fee of $6,264 04

The court in the *Fifield Manor* cases merely applied the rule of the *Fredericka* case to the facts at hand, permitting the welfare exemption, although the amount of the admission fee in at least two instances was larger than those considered in the *Fredericka* case

QUESTION No. 4

Could the Legislature negate the ruling of the *Fifield Manor* cases?

OPINION No. 4

Yes.

ANALYSIS No. 4

As indicated in our analysis of Question No. 1, the Legislature is authorized by Section 1c of Article XIII of the State Constitution to "exempt from taxation *all* or *any* portion of property used exclusively for religious, hospital, or charitable purposes and owned by community chests, funds, foundations, or corporations organized and operated for religious, hospital or charitable purposes, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual" (Our emphasis)

It is our opinion that under this authority the Legislature could eliminate the application of the welfare exemption to any property that may now be exempt as a result of the *Fifield Manor* cases (see *Doctors General Hospital of San Jose* v. *County of Santa Clara* (1961), 188 A.C.A. 277, hearing denied by Supreme Court on March 15, 1961).

QUESTION No. 5

In a representative group of states, what is the tax exemption status of homes for the aged such as were considered in the *Fifield Manor* cases, i.e., homes that provide life care for aged persons for unusually high admission fees?

OPINION AND ANALYSIS No. 5

We have examined the laws and judicial opinions of Colorado, Florida, Illinois, Indiana, Iowa, Massachusetts, Michigan, New Jersey, New York, Ohio, Oregon, Pennsylvania, Texas and Wisconsin on this question

In *Oregon Methodist Homes, Inc* v. *Horn* (1961-Ore.), 360 Pac. 2d 293, the Supreme Court of Oregon held that a home for the aged operated by a nonprofit corporation which charged a minimum admission fee of $4,800 (raised later to $7,000) and provided lifetime care for $100 a month was not a charitable institution such as could qualify for a tax exemption

The court distinguished its holding from the *Fredericka* case and the *Fifield Manor* cases upon the basis of a difference in the overall financing plan utilized by the homes in those cases In this regard the court stated (at p. 303):

> "In the Fredericka case we find plaintiff to be a nonprofit corporation operating a home for elderly persons in substantially the same manner petitioner operates the Manor But the financing plan for its successful maintenance is substantially different from that of the Oregon institution These prime differences were made the basis for the California's Court's holding that the Fredericka Home was a charitable institution We summarize as follows: The Fredericka Home received 15 acres of land as a gift and later erected buildings thereon which were donated; a trust fund of $200,000 was subsequently given to it; . . approximately 35 percent of [its] income came from interest on the endowment fund [$200,000] and from donations, while only about 65 percent came from fees of the inmates

"Fifield Manor follows closely the operational pattern of the Fredericka Home, and the court in Fifield leans heavily upon the Fredericka case in reaching its conclusions In Fifield, as in Fredericka, we find that the corporation had its start from contributions and operated with heavy losses, the actuarially computed deficits being in excess of $4,300,000. Losses were met 'by donations from charitable-minded persons ' Fifield denied no person because of inability to pay 'all or part of an admission fee '

" . . None of these elements so persuasive with the California court are present in the instant matter Here, there are no gifts of land and buildings; no endowment fund; no gifts from outsiders to offset the operating losses, and no need therefor because of the absence of operating losses; no readiness from January 1, 1955, to January 1, 1957, to admit any person who could not pay all of the founder's fee The conclusions of the Fredericka and Fifield cases can have no persuasive force here under the circumstances there present."

It appears to be the view of the Attorney General of the State of Florida (Ops Atty Gen of Fla, No 059-23 (February 3, 1959), Biennial Report of the Attorney General of Florida for 1959-60, at page 48) that a home for the elderly, consisting of 21 living units, and organized and operated by a religious organization could otherwise qualify for a tax exemption of its property on the basis of a use of its property for charitable purposes, notwithstanding the charging of a monthly fee of $110 for a single occupancy of a unit and $200 for occupancy by a married couple The occupants for this charge received food, maintenance and ordinary medical care, as well as the use of the unit It appeared that the cost of providing these services for a person was $150 per month and that the religious organization paid the difference between this cost and what it charged It also appeared that otherwise qualified indigents would not be denied admission to the home because they could not pay the monthly charge

Generally speaking, a judicial rule of law, applicable in the majority of states, is that a charitable institution, otherwise qualified, does not lose its charitable characteristics, and thus its tax exemption, merely because those recipients of its benefits who are able to pay for the benefits received are required to do so, where the funds derived in this manner are devoted to the charitable purposes of the institution (see 51 Am Jur 585 and cases cited in 34 A L R 637, 62 A L R. 330, 108 A L R 286)

In New Jersey, this appears to be the rule by statute Section 54:4-3.6 of the New Jersey Statutes, which provides an exemption for property used for charitable purposes, reads in part:

" except that the exemption of the buildings and lands used for charitable, benevolent or religious purposes shall extend to cases where the charitable, benevolent or religious work therein carried on is supported partly by fees and charges received from or in behalf of beneficiaries using or occupying the buildings; provided the building is wholly controlled by and the entire income therefrom is used for said charitable, benevolent or religious purposes".

Aside from the preceding, we have found nothing in the statutes or judicial decisions of the States of Colorado, Florida, Illinois, Indiana, Iowa, Massachusetts, Michigan, New Jersey, New York, Ohio, Oregon, Pennsylvania, Texas and Wisconsin on the question at hand

Very truly yours,

RALPH N KLEPS
Legislative Counsel

(Signed) By EDWARD F NOWAK
Deputy Legislative Counsel

August 1, 1962

HONORABLE CHARLES H WILSON
1902 West Florence Avenue
Los Angeles 47, California

Property Taxation: Welfare Exemption No. 4576

QUESTION

DEAR MR WILSON: You have asked whether the Legislature could limit the application of the "welfare exemption" (State Const, Art. XIII, Sec. 1c; R & T C, Sec 214) with respect to property owned by a charitable organization and used by it to provide a home and life care for aged persons so that the maximum amount of the property which could be exempted would not be greater in proportion to the total number of aged persons who, as residents of the home on the lien date, are entitled to and receive life care at the home than the property of one thousand dollars ($1,000) bears to one such resident aged person.

OPINION

Yes.

ANALYSIS

Section 1c of Article XIII of the State Constitution which authorizes the "welfare exemption" reads in part as follows:

> "Sec 1c In addition to such exemptions as are now provided in this Constitution, the Legislature may exempt from taxation *all or any portion of property* used exclusively for religious, hospital or charitable purposes and owned by community chests, funds, foundations or corporations organized and operated for religious, hospital or charitable purposes, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual " (Our emphasis)

In *Sutter Hospital of Sacramento* v *City of Sacramento* (1952), 39 Cal 2d 33 our Supreme Court in discussing the constitutional provision had this to say (at page 35) .

> "Unlike certain other provisions relating to tax exemptions (see Art. XIII, Secs 1a, 1b, 1½ and 1¾a), this amendment is not self-executing, and legislation is required in order to effect the exemption of any property The amendment is purely permissive rather than mandatory in character, and it qualifies section 1 of Article

XIII, which requires that that all property be taxed according to its value 'except as otherwise in this Constitution provided ' In other words, the Legislature could refrain from exempting any of the property referred to in the amendment or it could exempt only such property as might meet the conditions specified in the amendment and such further conditions as the Legislature might see fit to impose ''

It is clear then that under this section the Legislature could exempt all or any portion of the property which is used exclusively for charitable as well as the other specified purposes

It is our opinion, therefore, that the Legislature could limit the application of the "welfare exemption" in the manner as here proposed.

Very truly yours,

A C. MORRISON
Legislative Counsel

(Signed)

By EDWARD F. NOWAK
Deputy Legislative Counsel

APPENDIX II

"SHOULD THERE BE A STANDARD RATIO?"

Remarks by Richard Nevins, Member, State Board of Equalization, Prepared for the 59th Annual Conference of the State Association of County Assessors, Palm Springs October 31, 1961

Last year, in my remarks at the opening of the Assessors Conference at Yosemite, I said that we in California need a "standard assessment ratio." I still think so. Today, I wish to go into the problem more deeply.

First, let us review some of the problems that faced assessors this year which involved assessment levels.

Most California counties had a reappraisal program underway. In at least two counties, Orange and Sacramento, there were more than the usual numbers of protests before the county board of equalization.

My schedule did not permit me to sit through all the hearings, but from what I learned from the ones I did attend, and from what I read, it seemed that the typical protesting taxpayer's complaint was not that he was out of equalization, but that he was raised too much at one time. Certainly the attorneys for the taxpayer skipped around the issue of market value as much as they could. They tried not to talk about the county ratio published by the State Board of Equalization. The attorneys talked about the tax hardships of his client brought about by the increase in assessment. There is nothing new in this complaint to any of you, I am sure, but I believe you would have another and better defense of your assessment if you could point to the Revenue and Taxation Code, or an official ruling of some sort, and say "This is the prescribed level of assessment. I am trying to achieve it. Is there something wrong with my market value of your property?"

Admittedly, this approach will not stop all argument, but it will shift it to a discussion of the appraisal which, all of us agree, is a fair place for argument.

Assessors Hugh Plumb of Orange County, and Harry Wood of Sacramento, would have been much more comfortable with a realistic standard ratio than they were without one. Hugh Plumb raised the Newport Beach properties to a point below his countywide average. Our intercounty equalization appraisers had a number of samples in this area of greatest complaint in Orange County. Their ratios were uniformly low. While the assessor's staff questioned each appraisal at the time of the usual review of appraisals as provided by Section 1816 of the Revenue and Taxation Code, Plumb's staff and the board's staff pretty much agreed on the market values in the last analysis.

Another problem that faced California assessors this year was the "moving target" of the statewide ratio and the "tolerance zone" associated with it. Plainly, economic forces completely beyond the control of the local assessor are the principal determinant of "full cash

value of locally assessable tangible property." On the lien date of March 1961, California was still affected by a recession which caused a temporary slowing down in increase of land values. You assessors were already committed to a given reappraisal and equalization program aimed at catching up on changes in value which had become apparent in prior years. The result of these two forces was an increase of the statewide ratio from 22 6 to 23 5 percent

Assessors whose relationship to the bottom of the tolerance zone was reasonable last year found their relationship unreasonable this year The big counties where assessors were pushing ahead with reappraisal programs became the "high" counties. The less "active" counties in terms of program in assessors' offices found themselves "low" counties. Furthermore, the change in use of land in the "low" counties made the need for clear-cut application of market value theory of appraisal and the resulting standard ratio assessment level all the more necessary to secure acceptance of the new assessments locally. The oldtime resident of a county considers the prices paid by outsiders "crazy," "inflationary," "unrealistic," "no relation to earning power," etc. This oldtime resident is usually the last person to become aware of value put on rural lands by recreation seeking, subdividing outsiders Yet the pattern of such change is clear throughout our heavily urbanized State. The assessor needs every crutch he can get to sustain the new, higher assessment.

Another area from which assessors are receiving pressure is the civic booster who wants to "attract industry" by giving special tax concessions This practice, as you all know, has been developed by law in many southern states It is presumed to be a major cause of industrial growth by its proponents We in California are being urged to grant tax concessions by people in areas where a major industry has shut down or moved away, and no new one has replaced it The assessor, of course, can fail to find value and, in effect, give tax relief This practice may seem appropriate initially but soon becomes well known to the general public. Assessors then find themselves in the position of "being a tool of special interests" as far as the general public is concerned Future opponents at election time have the built-in campaign promise that they are going to "treat everybody alike." A standard ratio can be pointed to by the assessor as the reason why he can't give special treatment to industry or anybody else.

Another area where a standard ratio will be helpful to assessors in the future is in the procedures before the tax appeals boards contemplated by A.C A. 7. While I have taken no position on this measure, I recognize that opposing it will be like opposing motherhood and favoring sin Under the best conditions, the members of these boards will be somewhat confused about what an assessor is supposed to do. The only people coming before the boards will be taxpayers whose property, in their opinion, is assessed too high. An assessor dealing with this lay board will be hard put to defend his work if the measure of tax, that is, the assessment is not fairly easy to understand It seems to me the initial tendency of appeals boards will be to side with taxpayers against an assessor. As long as the supervisors can stand heroic reductions, the boards will take the taxpayer's side Here particularly, the assessor presenting his general case before the tax appeals board

will need to discuss the standard ratio, the tolerance zone, and the administrative problems of reappraisal. He will have to point out over and over again that equalization can really be achieved only by his administrative effectiveness. He needs to be a good administrator himself. He needs budgetary support from the supervisors He needs public understanding All the needs can be met more easily by a standard ratio

As time goes on and property taxes continue to increase at the rate they are increasing now, tax practitioners will surely move from interest in the federal income and state income taxes to the property tax. These persons are accustomed to dealing with a fairly well-defined measure of tax They may argue about an "expense" or a "treatment" of depreciation, but there is no doubt about what net income is. The measure of tax is distinct. In the sales tax, the measure of tax is distinct . . gross receipts of a retailer. In the property tax, the law has become indistinct as to just what the measure of tax is. These tax people are not accustomed to giving their clients "gobbledygook" on such an important part of their function—the measure of tax They may pontificate on other things but not on this. The assessor will be better off with the standard ratio of assessment.

Veterans' exemptions seem to be cropping up as an area of interest—at least to grand juries. It seems to me that the Legislature and the courts might decide just what the veterans' benefits should be. The assessor would certainly be in a less ambiguous position himself if he could point to the standard ratio and say precisely what was exempted and what qualified a veteran for exemption.

Before offering a legislative program I think one question must be answered:

Why can't an assessor, on his own initiative, announce that he is going to use a 25 percent ratio? I believe this announcement will be well received by the general public, but I have heard an attorney for a protesting taxpayer imply in his arguments that the assessor who used a 25 percent ratio was making an arbitrary decision aimed at hurting his client and that the county board of equalization should not sustain the assessor in this policy. At least one county did reverse a diligent and persevering assessor on this very issue

After this review of current problems, it seems that a "package" should be offered to the voter. Americans seems to love to have a lot of things offered to them at one time rather than considering each part of a measure on its own merits. The reality of our love of compromise seems to be that each group interest gets its program in return for taking the "package"

In my opinion, the package should contain the following provisions:

1. A constitutional provision authorizing an assessment level at less than 100 percent of market value or full cash value
2. This constitutional provision should provide a means of setting a "standard" and a means of changing that standard
3. The accompanying statute should provide that a wide range of bodies be involved in determining the final standard ratio so as to obtain maximum acceptability

4. There should be some prescribed "tolerance zone"
5. There should be some provision protecting the assessor who is using due diligence to reach the standard
6. There should be a portion concerning the tests for veterans' exemptions.
7. There should be a provision for the "means" test under the Social Welfare Code.
8. This could be the opportunity for need for school aid to be measured by some other test than assessed or market value of property per student.

Now I believe I am in a position to suggest such a package because I, as an assessor, am not pure either Our state assessments must be a part of the package. I hope the reviving of old issues in this area will not serve to kill the whole program.

A question that immediately comes to mind on this program is· Is it unique? The answer to that is NO At least 10 states have reduced their statutory ratios since World War II Oregon, next door to us, is one of the 10. California generally has been a leader in property tax administration In this area we will be a follower

In closing, let me stress the most important reason for a standard ratio—that is, protection of the taxpayer. He is protected two ways First, he understands how his assessment was made Second, he is assured that every other taxpayer is being treated the same

Let us remember that my board, the State Board of Equalization, was created in 1879, to deal with unequal payment of state property tax. In fact, as I understand it, one of the reasons for calling the Constitutional Convention of that year was to deal with tax abuses

People are not too happy to pay any taxes, but they are exceedingly unhappy when they believe that they are paying more than their share The property tax is harsh enough—a standard ratio will improve its acceptability.

I ask, therefore, that you assessors form a committee to present your views on how this problem of the standard ratio should be dealt with

Next week, on Monday, November 6, the Assembly Interim Committee on Revenue and Taxation has scheduled a hearing on Assembly Resolution H R 377, introduced by Assemblyman Augustus Hawkins, which calls for a study of means to establish a standard ratio I believe that this body can give a great deal of constructive support to such a study I ask that you be represented at the Inglewood City Hall at 10 a m., Monday, November 6

Thank you.

APPENDIX III

DRAFT OF A CONSTITUTIONAL AMENDMENT TO PERMIT THE ASSESSMENT OF PROPERTY IN PROPORTION TO ITS VALUE RATHER THAN AT FULL CASH VALUE

Assembly Constitutional Amendment No. ___—A resolution to propose to the people of the State of California amendments to the Constitution of the State, by amending Section 12, Article XI, and Sections 9 and 14 of Article XIII thereof, relating to property taxation

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its 1963 Regular Session commencing on the 7th day of January, 1963, two-thirds of the members elected to each of the two houses of the Legislature voting therefore, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows.

First—That Section 12 of Article XI be amended to read

SEC 12. Except as otherwise provided in this Constitution, the Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes

All property subject to taxation shall be assessed for taxation *in proportion to* ~~at~~ its ~~full cash~~ value

Second—That Section 9 of Article XIII be amended to read

SEC 9. A State Board of Equalization, consisting of four members, shall be elected by the qualified electors of their respective districts, at each gubernatorial election, whose term of office shall be for four years, whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation The Controller of the State shall be ex officio a member of the board The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation, provided, such state and county boards of equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe, as to the county assessments, and under such rules of notice as the state board may prescribe as to the action of the state board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the ~~true~~ value ~~in money~~ of the

property contained in said roll, provided, that no board of equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts as nearly equal in population as practical, and to provide for the elections of members of said board of equalization

Third—That Section 14 of Article XIII be amended to read.

SEC. 14. All pipelines, flumes, canals, ditches and aqueducts not entirely within the limits of any one county, and all property, other than franchises, owned or used by (1) railroad companies including street railways, herein defined to include interurban electric railways, whether operating in one or more counties, (2) sleeping car, dining car, drawing room car, and palace car companies, refrigerator, oil, stock, fruit and other car-loaning and other car companies operating upon the railroads in the State, (3) companies doing express business on any railroad, steamboat, vessel or stage line in this State, (4) telegraph and telephone companies, (5) companies engaged in the transmission or sale of gas or electricity, shall be assessed annually by the State Board of Equalization, at the ~~actual~~ value of such property.

All property so assessed by said board shall be subject to taxation to the same extent and in the same manner as other property

All companies herein mentioned and their franchises, other than insurance companies and their franchises, shall be taxed in the same manner and at the same rates as mercantile, manufacturing and business corporations and their franchises are taxed pursuant to Section 16 of this article; provided, that nothing herein shall be construed to release any company mentioned in this section from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any political subdivision or municipality of this State, provided further, that no excise, or income tax or any other form of tax or license charge shall be levied or assessed upon or collected from the companies, or any of them, mentioned in the first paragraph of this section, in any manner or form, different from, or at a higher rate than that imposed upon or collected from mercantile, manufacturing and business corporations doing business within this State

The Legislature shall have the power to provide for the assessment, levy and collection of taxes upon all forms of tangible personal property, all notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interest therein, not exempt from taxation under the provisions of this Constitution, in such manner, and at such rates, as may be provided by law, and in pursuance of the exercise of such power the Legislature, two-thirds of all of the members elected to each of the two houses voting in favor thereof, may classify any and all kinds of personal property for the purposes of assessment and taxation in a manner and at a rate or rates in proportion to value different from any other property in this State subject to taxation and may exempt entirely from taxation any or all forms, types or classes of personal property.

The total tax imposed on notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein in pursuance of the provisions of this section shall not be at a rate in excess of four-tenths of one percent of the actual value of such property and no tax burden shall be imposed upon any personal property either tangible or intangible which shall exceed the tax burden on real property in the same taxing jurisdiction in proportion to the actual value of such property.

The word "companies" as used in this section shall include persons, partnerships, joint stock associations, companies and corporations.

Nothing herein contained shall be construed to subject to assessment and taxation property which is exempt from taxation under other provisions of this Constitution.

APPENDIX IV

INCOME TAX CONFORMITY LEGISLATION INTRODUCED AT THE 1961 SESSION OF THE CALIFORNIA LEGISLATURE

Summarized below are the conformity bills introduced in the 1961 session, passed by both houses, and signed by the Governor:

S.B. 93, (Chapter 851, Statutes of 1961), added a new provision which permitted working mothers or widowers to deduct child care expenses, subject to a $600 limitation Conforms to Internal Revenue Code Section 214 Estimated annual revenue loss $235,000

S B 95, Chapter 852, Statutes of 1961), permitted carrying charges to be deducted where not stated maximum deduction is 6 percent of the average unpaid balance Conforms to federal Internal Revenue Code Section 163 (b). Estimated annual revenue loss $175,000

S B 97, (Chapter 853, Statutes of 1961), allowed a tax credit to qualified retired individuals The maximum credit is $12 or $24 in the case of a married couple Conforms to federal Internal Revenue Code Section 37. Estimated annual revenue loss. $740,000

S B 99, (Chapter 854, Statutes of 1961), liberalized the deductions allowed for medical expenses Conforms to federal Internal Revenue Code Section 213 Estimated annual revenue loss $1,130,000

S B 102, (Chapter 847, Statutes of 1961), added, amended or repealed 105 sections in the Personal Income Tax Law All of the changes brought state law into conformity with federal law in numerous areas Estimated revenue loss negligible

S B 104, (Chapter 855, Statutes of 1961), added a provision to the Bank and Corporation Tax Law which permits a deduction for the cost of fertilizer or other material used for enriching or conditioning land used in farming, even though its useful life may be more than one year Conforms to federal Internal Revenue Code Section 180 Estimated revenue loss negligible

S B. 108, (Chapter 856, Statutes of 1961), is the same as S B 104 above, except that it relates to the Personal Income Tax Law

S B 111, (Chapter 857, Statutes of 1961), added a provision which exempted under specified conditions trusts which provide for the payment of supplemental unemployment compensation benefits Conforms to federal Internal Revenue Code Section 501(c)(17) Estimated revenue loss negligible

S B. 112, (Chapter 846, Statutes of 1961), added, amended or repealed 53 sections in the Bank and Corporation Tax Law This bill, like S B. 102 above, contained technical changes which brought numerous provisions of the Bank and Corporation Tax Law into closer conformity with the federal income tax law Estimated revenue less negligible

Summarized below are the conformity bills introduced in the 1961 session which were not enacted into law·

S B 92 would have amended the Bank and Corporation Tax Law so as to permit taxpayers to aggregate and treat as one property, for purposes of percentage or cost depletion, and for computing gain or loss upon a sale or exchange, two or more separate operating mineral interests which constitute all or part of one operating unit Conforms to federal Internal Revenue Code Section 614-616 Estimated revenue loss: unknown.

S B. 94 would, among other things, increase the charitable deduction allowed individuals from 20 to 30 percent if the extra 10 percent is contributed to a church, school or hospital Conforms to federal Internal Revenue Code Section 170. Estimated annual revenue loss $760,000

S B 96 would allow a "surviving spouse" to file a joint return for two years following the death of a spouse Conforms to federal Internal Revenue Code Section 1(a) Estimated annual revenue loss· $200,000

S.B 98 would have adopted the federal annuity rules Under this provision, in general, annuities would be taxed under the "life expectancy rule" instead of under the present 3 percent rule Conforms to federal Internal Revenue Code Section 72, 691(d) and 1021 Estimated annual revenue loss $200,000

S B. 100 would have revised and expanded the class of dependents for which a deduction may be allowed Conforms to federal Internal Revenue Code Section 152 Estimated annual revenue loss $175,000

S B 101 would have permitted an employee to exclude sick pay up to $100 a week. Conforms to federal Internal Revenue Code Section 105 Estimated annual revenue loss· $835,000

S B 103 would have added to the Bank and Corporation Tax Law the federal percentage depletion provisions and cutoff points for computing the depletion allowance Conforms to federal Internal Revenue Code Section 611-613 Estimated revenue loss negligible

S B 105 would have added to the franchise tax law provisions which would have permitted dealers in real and tangible personal property who had established a reserve for the amount held back by finance companies on discounted notes to pay the extra tax due as the result of a 1959 decision over a 10-year period In the absence of such provision, the amount held back was taxable income in 1959 (Dealers Reserve Adjustment Act of 1960). Estimated revenue loss. unknown.

S B. 106 would have added a new section to the franchise tax law which would have established the proper cutoff point in computing the depletion allowance allowed cement manufacturers for taxable periods commencing prior to the enactment of S B 103 Estimated revenue loss: unknown The cutoff point is important because this establishes the manufacturing steps which can be included in applying the percentage depletion deduction. (From P.L. 86-781.)

S B. 107 is the same as S B. 105, item 8 above, except that it relates to the Personal Income Tax Law. Estimated revenue loss· unknown.

S B 109 regarding depletion is the same as S B. 103, item 7 above, except that it affects the Personal Income Tax Law Estimated revenue loss unknown

S B 110 would have granted a franchise tax exemption to real estate investment trusts Based on Sections 856-858 of the Internal Revenue Code Estimated revenue loss unknown

S.B. 113 regarding the aggregation of certain mineral interests is the same as S B 92, item 1 above, except that it relates to the Personal Income Tax Law Estimated revenue loss unknown.

S B. 114 relating to the cutoff point for cement manufacturers is the same as S B 106, item 9 above, except that it relates to the Personal Income Tax Law Estimated revenue loss unknown

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1961-1963

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FINAL REPORT

ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

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ASSEMBLY
OF THE STATE OF CALIFORNIA

January 1963

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HON CARLOS BEE
Speaker pro Tempore
HON JEROME R WALDIE
Majority Floor Leader
HON JOSEPH C SHELL
Minority Floor Leader
ARTHUR A OHNIMUS
Chief Clerk of the Assembly

LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME
SACRAMENTO, CALIFORNIA, January 7, 1963

THE HONORABLE JESSE M UNRUH
Speaker of the Assembly

MEMBERS OF THE ASSEMBLY
Assembly Chamber, Sacramento

DEAR SIR This report of the Assembly Interim Committee on Fish and Game contains findings and recommendations and the substantiating material on which those findings and recommendations are based on the subject matter assigned to this committee for study during the 1961-63 interim

Respectfully submitted,

PAULINE L DAVIS, *Chairman*
Assembly Interim Committee
on Fish and Game

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INTRODUCTION

As it becomes the nation's number one state, California finds itself in the position of being forced to meet the challenge of a population boom which places unprecedented pressure on all natural resources, including fish and game.

This growing pressure has required the Assembly Interim Legislative Committee on Fish and Game to expend an increasing effort simply to maintain the existing fish and game resources of this State for coming generations

Today we find that even the fishing grounds of the Pacific Ocean have become too small, and that land which heretofore has been ignored is becoming precious

The competition for use of land and waters which sustain this State's fish and game resources will become increasingly important as development of the State continues

Thus, the past two years, the Assembly Interim Legislative Committee on Fish and Game has waged what might be aptly termed "a holding action"

Committee efforts have been directed chiefly toward conservation and preservation of fish and wildlife resources, with special emphasis on maintenance of suitable habitat and waters

Special attention also has been given to acquisition and maintenance of public hunting and fishing lands and waters threatened by an ever increasing utilization.

Financing of Department of Fish and Game programs, which each year, because of increased demands on the department's services, has become more critical, also drew the attention of the interim legislative committee

The committee was particularly interested in the manner of expenditure of federal allocation funds, and as a result, a hearing, out of which came considerable factual information, was held on this matter

Upon its activation at the close of the general session of the Legislature in June 1961, 10 separate subject matters pertaining to problems of fish and game were referred for study to the Assembly Interim Legislative Committee on Fish and Game

As a result, seven separate committee and subcommittee hearings were held.

These hearings included:

1 Organizational meeting, August 22, 1961, at Palos Verdes, California, at which each of the 10 subjects were briefly discussed and a course of committee action charted

2 "Southern California Ocean Space Conflicts," September 28, 1961, at Long Beach, California (This hearing dealt chiefly with commercial fishing problems in south state coastal waters)

3 "Status of Salmon and Steelhead on the North Coast," October 10, 1961, at Crescent City, California (This particular hearing dealt chiefly with ways and means of preserving and possibly improving salmon and steelhead populations of the north state)

4. "Fish and Game Organization" (a subcommittee hearing), December 6, 1961, at San Francisco (Purpose of which was to consider possible changes in the powers of the State Fish and Game Commission and possible change of the manner of the appointment of the Director of the Department of Fish and Game)

5 "Richvale Irrigation District Project," August 21, 1962, at Sacramento, California. Purpose of which was to document and act on prevention of adverse effects on fish and wildlife of the Middle Fork of the Feather River which might occur through construction of proposed water and power projects on portions of that stream by Richvale Irrigation District

6 "The Catchable Trout Program," and "Use of Fish and Game Support Funds in Relation to Operation of Pittman-Robertson Projects in California," August 28, 1962, San Diego, California (Cost of the artificial trout program and its degree of success in various regions of the State was the subject of the trout hearing Ways and means of better utilization of federal funds and a breakdown of the Department of Fish and Game's cost accounting system were the principal points covered during the Pittman-Robertson Fund hearing)

7. "Public Access," September 18, 1962, at Fresno, California (a subcommittee hearing), dealt with ways and means of maintaining access for hunting and fishing purposes to public lands now closed to public use.

Three other suggested hearings relating to California halibut, sardines and mackerel were not held, as sufficient information relating to these species of ocean fish was brought out at the "Ocean Space Conflicts" hearing at Long Beach on September 28, 1961.

Generally, the role of the Interim Legislative Committee on Fish and Game over the past two years has been that of a "watchdog" organization.

It has concerned itself chiefly with protecting California from further loss of its precious fish and game resources It has opposed vigorously use which would be detrimental to land and waters deemed necessary for continued propagation of fish and game

The committee has delved into fish and game management problems and problems of land and water management to the extent that fish and game was involved. It has aimed at holding expenses of fish and game administration to a minimum in order to prevent further increase of fishing and hunting license fees

The committee, throughout the two-year period, has made special effort to contact and work with sportsmen's groups and organizations in order to obtain views of the hunting and fishing public on matters of fish and game

By the same token, the committee has worked closely with the Department of Fish and Game on many matters concerning administration, policy and propagation and preservation of fish and wildlife

This also has been true in regard to the committee's relations with other agencies, State and Federal Forest Service, U.S Bureau of Fish and Wildlife and State Wildlife Conservation Board, of which Committee Chairman Pauline Davis is a member.

Location of each hearing held by the committee was carefully considered and evaluated on the basis on where it would attract the greatest number of persons interested or affected by the problem under consideration

In each instance, effort was made to obtain witnesses with the widest knowledge of the subject under discussion and that when a subject was controversial, to assure that witnesses representing both sides were present and had ample opportunity to express their stand.

As a result of its series of hearings which dealt with problems of fish and game and public access already mentioned, the Assembly Interim Legislative Committee on Fish and Game has reached several carefully considered conclusions, and it submits them herewith in this report, along with supporting evidence, exhibits and testimony.

Remedial recommendations are offered with the aim of achieving improved efficiency, greater budgetary economy, and primarily at maintaining and, where possible, improving the present level of our fish and wildlife resources

California's booming population demands that every effort be made to utilize for recreation, and this must include hunting and fishing, every suitable acre of public domain

That this is done is one of this committee's chief concerns, and it will be discussed at length in this report

This committee feels the importance of preserving the State's remaining wilderness trout, steelhead and salmon streams cannot be overemphasized

For this reason, special recommendation regarding preservation of the State's still virgin fishing streams has been presented by the committee as part of this report

The committee is acutely aware of the growing emphasis placed on hunting and fishing by the general public, and of its growing economic importance to the state at large

The committee also is cognizant of the ever increasing pressures of civilization on the lands and waters of this State which support California's fish and wildlife resources

Therefore, it is recommended by the Assembly Interim Committee on Fish and Game that every agency, both state and federal, involved in use and management of these resources, make increased effort to preserve them at even their present level

STATUS OF SALMON AND STEELHEAD ON THE NORTH COAST

Acting in compliance with House Resolution No 241, introduced by Assemblyman Frank Belotti, the Assembly Interim Committee on Fish and Game convened October 10, 1961, at Crescent City to explore sport fishing problems of the north coast

The committee, chaired by Assemblywoman Pauline Davis, was particularly interested in the following questions.

1 The reported decline of salmon and steelhead populations in northern coastal streams of California
2 The effect of sport and commercial fishing pressure on salmon and steelhead populations of that area
3 The effects of expanding industry, including lumbering, and increasing land development and use on salmon and steelhead spawning grounds
4 Ways and means of stabilizing and maintaining salmon and steelhead populations for sport and commercial use in the face of exploding civilization and increased fishing pressure.

Dealing principally with conditions on the Smith River in Del Norte County and the Klamath River watershed the committee established early in the hearing that one of the major complaints of area residents was lack of summer fishing on the Smith River.

Residents, resort owners and Del Norte County Chamber of Commerce officials complained because the Department of Fish and Game has not made plants of catchable-sized trout in the Smith River.

Salmon and steelhead runs, which occur largely in the fall, attract large numbers of experienced fishermen from all parts of the State, but occur generally too late to furnish sport for the summer tourist.

Amid general complaint that the steelhead and salmon runs have sharply diminished during the past 20 years, the chamber of commerce representatives and many individual residents testified that tourists travel long distances to fish "the famed Smith River" during the summer only to find the stream barren of fish

The plea for catchable-sized trout in the Smith River can best be illustrated by the following excerpt of testimony taken at the hearing:

Frank C. Selig, Del Norte Rod and Gun Club, Inc There are several rivers in Oregon, not far from here, which are tributary to the ocean—the same as the Smith River; and in spite of that they plant what they roughly call nonmigratory rainbow, which they claim stay within the area They don't go out to sea at all. We would be glad to furnish reports although they would be from another state

Chairman Davis: Would you do that? I think it would be of much interest to this committee for you to mail this to us, because it would be interesting to see what program the State of Oregon is undertaking in this regard

Assemblyman Allen: Mr Selig, is it true that 20 or 25 years ago, you did have these various species that you could fish in the summer on the river?

Mr. Selig: That is true. Twenty years ago it was very possible to catch the limit of fish in this river. The limit at that time was 25 fish, and even fly-fishermen would be able to catch a limit without trouble, but a fly-fisherman nowadays, finds mighty slim pickings, I'll tell you that.

Assemblyman Allen: Now, let's explore what has happened in this 25 years Has it been due to pollution—due to poor logging practices cluttering up the stream beds with debris?

Mr. Selig: No, I don't think so We've only had logging practice extensively in the last few years, three or four, during which time there's been any real detriment to little tributary streams. It's just gradually gone downhill, in my personal opinion, because there's no replenishment of the supply. It's just the law of diminishing returns

It was suggested by Bradley Page, Secretary-manager of Del Norte Chamber of Commerce, that trout be purchased from a private hatchery on Monkey Creek, a tributary of the Smith River, for planting purposes. Page alleged that such trout (catchable size) could be had for 25 percent below the cost of state-raised trout

A possibly more acceptable suggestion was proposed by Hank Westbrook of Del Norte Rod and Gun Club, Inc, that the State Department of Fish and Game obtain eggs or fry of a strain of summer run salmon from the Klamath River and introduce them into the Smith River to provide summer fishing.

Views of the Department of Fish and Game on planting of catchables in these rivers were presented by Richard Croker, Chief, Marine Resources Branch of the department (now retired), who earlier refuted the statement of Page, regarding low-priced catchable trout, were brought out in the following testimony·

Chairman Davis: What comments do you have on this program that has been suggested here by the local people as far as an artificial trout program which would be of great assistance economically to this area? What is your feeling on this?

Mr. Croker: The catchable trout program is both a cure-all and a snare and a delusion. It can do a great deal of good and it also can be detrimental

The addition of a summer fishery would be advantageous, I'm sure, resort-wise, tourist-wise, definitely It might have a harmful effect on the salmon fishery, although I don't believe it would hurt it particularly

Chairman Davis: You don't actually know then?

Mr. Croker: Tests have been made and the department has been running tests with the commission's approval on the Big Sur River in Monterey County and the San Lorenzo River in Santa Cruz County in an effort to determine whether or not planting catchable trout in a primarily steelhead and silver salmon stream will either bring good results trout fishing-wise or will be harmful

to the steelhead and salmon Such results as have come in indicates that the two fisheries can be compatible

Chairman Davis: They can be?

Mr. Croker: That again is tentative, but my interpretation is that they can be compatible Whether they can provide fishing is a little bit different The most harmful effect of putting catchable trout in the stream is that when they school up with the wild fish, I'm talking about the silver salmon and the steelhead that have to live one to two years in the streams and which are very vulnerable to fishing of all kinds, especially fly fishing. When these fish are joined by a group of hatchery reared fish which immediately start feeding and are easy to catch, it somehow triggers the feeding in these wild fish and they become somewhat unwary. Planting catchable trout can, I'm afraid, put an unnecessary strain on the young anadromous fish in the stream by fishermen Fishermen will first be attracted by the reports of lots of trout to be had—they'll gather from everywhere—and they will start to fish and will catch more of the wild fish than they do now Right now, practically no one fishes on the Smith or the Eel for these little fish—they're hardly worth bothering with—the little five inchers; but if there were some eight inchers in there in a little while fish would start to bite and they, too, would be caught That's hard to measure, but it would be a harmful effect.

Chairman Davis: By what means are you going to further the rehabilitation of the streams? Is this a program that the Wildlife Conservation Board has undertaken?

Mr. Croker: That's our big hope. To rehabilitate these streams. Once they are rehabilitated to the point they will carry silver salmon, then each and every stream that is given this shot in the arm of silvers for a few years, can be left to its own devices They can maintain themselves if stream conditions are suitable Then stream by stream as they are rehabilitated we can rejuvenate the silver up and down every stream

Although loss of the salmon and steelhead populations in the Smith River was blamed on many things by the sportsmen, it appears the decline has been caused by a combination of many factors

Logging undoubtedly has played a part in adding to the losses. Poor logging practices have clogged tributary streams and added to siltation of spawning beds

Mining tailings have added to siltation, and construction of roads have had its effect in adding to siltation and in opening more waters to fishing pressure

The sportsmen also include among the loss factors, damage by sea lions and fish ducks

They complain that silt and sedimentation has caused a cementing of gravel in many of the prime spawning beds of the Smith, Klamath and other rivers, thus seriously curtailing the available spawning area for both salmon and steelhead.

It has been suggested that a method of breaking up this solidification of gravel be undertaken at a time of year when it would not interfere with fishlife.

Generally, it is agreed that logging is not the sole cause of the fishery damage, since logging along the Smith River has not been extensive, but is expected to become more extensive in coming years

Forest service officials present at the hearing presented testimony that a much sharper watch on poor logging practices is underway, and if other damaging factors can be controlled, logging should cause a minimum of future stream damage.

Losses caused by natural and manmade barriers to passage of salmon and steelhead both upstream and downstream have had a telling effect on the anadromous fish populations, says Charles Bohrmann, sportsman and representative of Salmon Unlimited

These include screens, fills made for road construction, diversion ditches, and log jams caused by logging operations

Bohrmann also called for breaking up of compacted gravel spawning beds by some artificial method to provide more spawning area

Another point brought out was that in 1959 the Department of Fish and Game embarked on a silver salmon planting program for the Smith River and made one extensive planting, but a loss of eggs and fry brought on the following year by adverse conditions curtailed that program, at least temporarily

The "Quinn Law," an action aimed at halting the dumping of mining tailings into such streams as the rivers of the Klamath River Basin, was assailed by sportsmen's groups as "ineffective."

Also, in the opinion of both sportsmen and state officials who appeared as witnesses the provisions of the law in many cases are virtually impossible to enforce.

William G. Shackleton, Executive Officer of the Regional Water Pollution Control Board who also appeared as a witness, pointed out that while siltation is present to varying degrees, caused by the above mentioned factors, industrial chemical pollution is virtually nonexistent.

It was generally agreed by witnesses representing both the state and sportsmen's organizations that the salmon and steelhead decline on north coastal streams is a very real and critical problem, and that stream rehabilitation is the only answer to it

Both sportsmen and the Department of Fish and Game also agree that stocking of salmon and steelhead in these streams must at least in the immediate future, accompany any stream rehabilitation programs

But the rift over lack of summer fishing in the Smith and other rivers of the area still remains, and although through introduction of silver salmon in large quantities may improve the salmon fishery, it will not overcome the lack of summer fishing for tourists

Department of Fish and Game still remains adamant in its policy of not planting catchable-sized trout in the Smith River for three major reasons:

1 Introduction of catchable trout would bring on fishing pressure which would injure the fingerling salmon and steelhead populations

2 Planting of catchable trout could introduce disease which could effect salmon and steelhead populations

3 Department policy calls for planting catchables only where a majority of the plant could be quickly taken, and even today most of

the coastal streams, including large reaches of the Smith River do not fit this pattern, so the department states.

Department of Fish and Game officials present at the hearing did not comment on the proposal that a stram of summer run salmon be introduced into the Smith River, but this would appear to have enough merit to warrant further study.

Richard Croker testified that the Department of Fish and Game in 1960 spent $676,000 on the State's salmon and steelhead programs exclusive of federal moneys expended through operation of federally financed hatcheries

He stated the State's prime concern at present is the rehabilitation of 1,700 miles of salmon and steelhead streams and provision of additional spawning areas to provide for losses suffered through construction of dams and hydroelectric plants on the upper reaches of many streams

Croker stated "Artificial planting of salmon and steelhead will of course help the north coastal fisheries, but the best and most long-lasting method of rebuilding salmon and steelhead runs is through stream rehabilitation—and then letting nature take its course"

COMMITTEE RECOMMENDATIONS ON NORTHERN COASTAL SALMON AND STEELHEAD FISHERY PROBLEMS

1 That stream rehabilitation on the Smith, Mad, Klamath and other north coastal rivers and their tributaries be continued

2 That improvement of summer fishing on the Smith River be investigated by the Department of Fish and Game and that a special study be launched regarding introduction of a species of summer run salmon on the Smith River, the report to be submitted to the Legislature not later than January 1965, and preliminary reports to be made during this period to the Assembly Interim Legislative Committee on Fish and Game

3 That the State Department of Fish and Game, with representatives of the State Water Pollution Control Board discuss with the Legislative Counsel, ways and means of improving the "Quinn Law" which governs dumping of mining tailings into streams inhabited by anadromous fish and their report be submitted to the Legislature by March 1963

4 That further action be undertaken by the Division of Watershed Management to control erosion and stream sedimentation caused by logging operations.

5 That a full report on findings of compatibility and effects of catchable trout on salmon and steelhead populations be forwarded by the Department of Fish and Game to the 1963-64 Assembly Interim Committee on Fish and Game

SOUTHERN CALIFORNIA OCEAN SPACE CONFLICTS

Three bills relating to commercial ocean fishing and specifically types of nets used in various ocean areas and waters of the California coast, were introduced during the 1961 session of the State Legislature by Assemblyman Vincent Thomas of the 68th Assembly District

The bills, A B 535, relating to nets, A B 536, relating to purse seines and round haul nets; and A B. 1314, relating to bait nets, were referred to interim study.

As a result, the Assembly Interim Committee on Fish and Game conducted a hearing at Long Beach on September 28, 1961, on matters which would be covered by this proposed legislation.

Basically, passage of the above bills would have changed or relieved present restrictions on commercial fishing and use of fishing gear in some areas of coastal waters now closed or partially closed to commercial fishing activities.

These areas include Santa Monica Bay, Santa Catalina Island, and other islands off the coast and the coastline of Orange County.

Testimony presented at the hearing focused largely on the growing conflict between the commercial fishing industry and sport fishing, which is rapidly expanding, over available ocean space for fishing purposes.

A third factor explored was the use by the military which has in recent years, closed areas of desirable coastal fishing waters to both commercial and sport fishermen. Some of these areas remain permanently closed while others are closed periodically for military and naval maneuvers or for firing range purposes.

Pollution of certain fishing waters by municipal sewage and industrial waste also has caused loss of certain formerly desirable coastal fishing waters, adding to the problem of ocean space conflicts

The hearing's opening witness, Herbert C. Davis, Executive Officer of the California Fish Canners Association, testified that military closures have had their effect on commercial fishing.

However, Davis pointed out that he feels some equitable agreement between sports fishermen and commercial fishermen could be worked out, at least in part.

Anthony Nizetich, manager of the Fishermen's Cooperative Association, enlarged upon the problem of military closures of fishing grounds

"They (the military) comprise real competition," stated Nizetich He pointed out that the area around San Clemente Island produces heavily in mackerel and sardines He added that the west end of San Clemente Island is closed to fishermen by the military most of the time.

Arrangement must be made, said Nizetich, so that hearings can be held on proposed explosive tests by the military in order to determine if they will be detrimental to fishlife and, if so, if alternate firing locations can be arranged

Nizetich further testified that his organization feels federal legislation is necessary to hold the military responsible for the holding of conferences with the commercial fishing industry representatives and the Department of Fish and Game before setting aside any areas for the holding of tests or firing ranges

Relating to present areas closed by the Department of Fish and Game to commercial fishing, Nizetich stated

"I still say, number one, that all closed areas in Southern California, namely, Santa Catalina Island and Santa Monica Bay are not conservation closures I don't think they ever have been."

These closures, he charged, are not conservation measures, but discriminatory closures by gear, vessels and people

"Our recommendation as far as Santa Monica Bay is concerned, is that we would like to see Santa Monica Bay opened for purse seining, round haul bait, any kind of gear; and if it is necessary that we do not conflict with certain periods of time where other people might utilize that area, we could open these areas during our season"

A proposal was presented by Assemblyman Thomas, member of the interim committee and author of the bills under discussion, that Santa Monica Bay be opened to commercial fishing on a four-day basis, possibly Monday through Thursday, in order to accommodate both commercial and sports fishermen

A specific explanation of the closures to commercial fishing, presented by witness Walter Shannon, Director of the Department of Fish and Game pointed up the fact that some commercial fishing is permitted in almost every one of the closed areas, including Santa Monica Bay, but on a limited basis, as in regards to gear and species

Testimony also presented views that many of the restricted zones, while not prime spawning areas, serve as nurseries for the important sport and commercial species of fish

Specific problems of the ocean space conflict, brought out through testimony, included the fact that commercial fishermen, faced with a set price per ton of fish, in order to realize profit, must make their catch as quickly as possible

They stated a prolonged fishing expedition reduces profit, thus closure of close-in areas adds to their cost of operation

Witnesses also stated that small boats returning to port with a cargo of mackerel must detour areas closed to mackerel fishing, and in skirting them must of necessity travel further out to sea, increasing fuel consumption, man-hours, and in some instances meeting increased hazard of rough seas

Sport fishermen and commercial fishermen alike are bitterly opposed to further military closures of ocean waters Both camps presented testimony which condemned such closures and requested that steps be taken to halt further closures or damage to the ocean fishery by detonation of explosives.

But sports fishermen, represented at the hearing by Robert Vile, President of the Ocean Fish Protective Association were equally adamant against opening presently closed areas to commercial fishing

Vile stated that while commercial fishing has shown no growth in recent years, sport fishing has increased approximately 7 percent a year.

"Restricted areas are as important today as they were 30 years ago," stated Vile

"To open presently closed areas such as Santa Monica Bay, the waters around Catalina Island and others, would destroy their recreational value," Vile stated

It was agreed, however, by both commercial and sports fishermen that unrestricted netting by Mexican fishing fleets off the coast of Mexico is cutting seriously into the same resources of migratory fish upon which the American sport and commercial fishermen depend

A proposal was presented by Vile that the federal government attempt to negotiate a treaty with Mexico for the protection and preservation of these migratory fish species similar to the treaty now in effect for the protection of migratory waterfowl

Although opposed to any legislation or arrangement which would reopen areas now closed to general commercial fishing operations, Vile, speaking for the sport fishermen, expressed a willingness to negotiate the problem of ocean space conflicts.

This willingness to negotiate, which actually appears to be the only real solution, was brought out in the following testimony.

> **Assemblyman Vincent Thomas:** Mr Vile, do you think it is possible that the sportsmen and the commercial fishermen could sit down at various conferences, two or three times a year, and resolve some of their difficulties?
>
> **Mr. Vile:** I think there are many areas of co-operation
>
> **Assemblyman Thomas:** Is there a possibility of that?
>
> **Mr. Vile:** Let me say this, Mr Thomas, I feel there are some people in the commercial industry that I could not sit down with because I don't think they would be willing to co-operate
>
> Now, I've been asked to come down to talk to a couple of people already, and this I have done And we talked things around but have come to no conclusions.
>
> I've talked with Mr Herb Davis, who represents the canners, and I have also talked with Mrs Gillette
>
> There was one meeting which I attended with a commercial fishing representative and the Department of Fish and Game and we reached agreement
>
> We have not reached agreement in the entire area It was particularly in regards to the halibut bill we had this year His only statement in regard to the halibut was to get off his back
>
> Now I think we both have something here of mutual interest
>
> To go on without attempting to work out some kind of an agreement among us is foolish But there are times when we have people who don't want to sit down and try to agree For myself, I'm always willing to sit down with these people; whether we actually accomplish anything or not.

Called to the witness stand, Water Shannon, Director of the Department of Fish and Game, stated that, in his opinion, not legislation, but a meeting of the minds of sportsmen and commercial fishing interests is the only solution.

Shannon stated "It's a sociological problem It's a conflict between groups."

Shannon stated that he feels the bills under consideration would not solve the problem, nor would they be conservation measures.

Shannon added that he believes the present closures to commercial fishing are equitable, and that little would be accomplished by opening them.

In closing, the director told the committee, "I can only say as a recommendation of the department, that we can't conscientiously recommend any change in these closed areas. Over a period of time these closed areas have evolved Maybe the commercial people don't think they are equitable, maybe the sport people don't think they are equitable But, nevertheless, here they are And generally, they are pretty satisfactory for the purposes for which they were established And I think the time has come for the people to get together and forget about trying to get their will in the Legislature, because through legislation alone, this never will be resolved

RECOMMENDATIONS

1. That further co-operation be sought with the Army, Air Force, Navy, and other branches of the armed forces regarding the restricting of ocean areas to both commercial and sport fishing along the California coast

2. That through the Department of Fish and Game a series of meetings be arranged between commercial and sport fishing interests for the express purpose of reaching agreement on use of ocean fishery areas

3 That the State Legislature request the federal government to undertake a study on the possibility of arranging a treaty with Mexico for the protection and preservation of migratory fish upon which both the American and Mexican fishing fleets depend Such a bill covering migratory waterfowl now is in effect between the United States, Mexico and Canada

PROPOSED REORGANIZATION OF DEPARTMENT OF FISH AND GAME

The State Fish and Game Commission was created in its present form on November 5, 1940, by constitutional amendment.

It is a policymaking, rather than an administrative body consisting of five men, appointed at large from the State by the Governor, who also appoints the Director of the Department of Fish and Game.

As a regulatory body, the commission is charged with the setting of hunting and fishing seasons, bag limits, and methods of take of fish, birds and mammals, and the areas in which they will be taken

In addition to these powers, the power of the Fish and Game Commission was broadened in 1945, when the Legislature enacted Section 219 * of the Fish and Game Code which gives the commission in the exercise of its so-called regulatory powers, the right to supercede provisions of the code itself as adopted by the Legislature

On occasion, the commission has exercised this right, as it did in 1959 to declare a year-round season on bear in Humboldt County, and again in the setting of limits on frogs for sport purposes.

Over the years, the Fish and Game Commission, both rightfully and wrongfully at times, has been the target of criticism from sportsmen, both organized and unorganized, from commercial interests, and at times from the Legislature.

As a result of these oft-occurring complaints, Assemblyman Alan G. Pattee (34th District), during the 1961 session of the Legislature, introduced Assembly Constitutional Amendment No. 35, to abolish the State Fish and Game Commission and create a joint legislative commission of five Assemblymen and five Senators which would have all the powers and duties of the Fish and Game Commission

Assemblywoman Pauline Davis (2d District) introduced House Resolution No 307 which would provide that members of the Fish and Game Commission be selected by the Governor from specified regions of the State. It also would provide that the Director of the Department of Fish and Game be appointed by the Fish and Game Commission rather than the Governor.

Mrs. Davis also introduced House Resolution No 369, which provided for interim study of operation of the Fish and Game Commission.

As a result of these three pieces of proposed legislation, a subcommittee, of the Assembly Legislative Interim Committee of Fish and Game, held a hearing on them in San Francisco on December 6, 1961

The subcommittee was chaired by Assemblyman Pattee. Other members present included Assemblywoman Davis, and Assemblymen William Grant (70th District) and Jack T. Casey (38th District)

Although complaints of political pressure placed on the Fish and Game Commission and on the Director of the Department of Fish and Game by the California governors have been many over the years, it was established early in the hearing that few sportsmen's organizations favored supplanting the Fish and Game Commission with a joint legislative commission

It was generally agreed that the commission might well hold more hearings on various problems of fish and game management, and that

* Code section references in this report are as found in the revised 1957 code

such hearings should be held in the areas most greatly affected, but beyond that, few recommendations for change in commission status were made by sportsmen's groups present

The Associated Sportsmen, represented by John Van Assen, of Stockton, felt that at the very least, the Director of Fish and Game should be appointed by the Fish and Game Commission

But such organizations as Izaak Walton Club; Klamath River Conservation Club and Klamath Chamber of Commerce; Golden Gate Sportfishers, Inc ; Marin Rod and Gun Club, and San Diego County Wildlife Federation, opposed any change in the appointment of commissioners or Director of Fish and Game.

Fish and Game Director Walter Shannon, speaking for Resources Agency Director William Warne, defended the present departmentalization of the various agencies under the Governor's reorganization plan, and the present Fish and Game Commission arrangement.

The following testimony was presented during Shannon's defense of the reorganizational plan.

Assemblywoman Davis: Well, all right, what exactly is the reorganizational plan doing?

Mr. Shannon: The new reorganizational plan sets up an agency administrator who has authority to co-ordinate certain segments of state government

The agency administrator, particularly in the Resources Agency, has quite a few departments and commissions; and he is spread rather thin. However, without such a man, the Governor had between 25 and 30 different departments, plus, I believe, some 300 different boards and commissions, advisory and regulatory, and he had to try to handle them all In other words, he was a lot thinner than the agency administrator

Mrs. Davis: Have any of these department heads been abolished? Have any of the boards or commissions been abolished?

Mr. Shannon: Some of them, some of their duties, I think, have been combined with others. This is not so in the Department of Fish and Game or the Fish and Game Commission, or in the area which we are discussing tonight.

The director went on to state that, in his opinion, and to his knowledge, the Governor had at no time ever used his personal influence or political power to influence a decision of the Fish and Game Commission or of an individual commissioner

He admitted that the Governor had at times conferred with him and with the commission in issues concerning fish and game, but this, he said, was only in order to become better acquainted with a particular situation or problem

Testimony which centered upon this point is as follows:

Chairman Pattee: Mr Shannon, don't you think that if the Governor called the Fish and Game Commission and told them that he did not want Director Walter Shannon to testify on a certain bill, that the commission probably would listen to the Governor?

Mr. Shannon: I do not know whether they would or not

Chairman Pattee: That is why I say, a lot of the Legislators probably would not listen to him.

Mr. Shannon: I do not think the Fish and Game Commission necessarily would, either; but what I want to point out is, that the Governor has not told me not to testify on any legislation . .

The fact that Director Shannon's opinion is not shared by all sportsmen or sportsmen's groups is illustrated by excerpts from the testimony of John Van Assen, who spoke for the Associated Sportsmen

. . . The main defect that we felt, and are unhappy with, is the fact we feel that our director cannot do the job that he actually is hired to do, because of too much political influence

Van Assen presented the following recommendations

1 That one commissioner be appointed by law from each region, thereby obtaining better direct representation for all regions

2 That these same commissioners so appointed, be responsible for the hiring of the Director of Fish and Game under a noncivil service status

But Van Assen, although calling for the above changes in appointment of commissioners and the director of the Department of Fish and Game, stated that the Associated Sportsmen had gone on record opposing abolition of the Fish and Game Commission and its replacement by any group of legislators

Fish and Game Commissioner Jamie Smith, present with other commissioners at the hearing, spoke in opposition to appointment of commissioners by region

Said Smith, " With regard to the selection of commissioners from each of the five fish and game districts, I do not think it will serve a useful end We have one district—one region as we call it—comprising Southern California I am not going to get geography into this act, but I do think that a realization of the fact that practically half or little more than half of the money that supports the department comes from south of the Tehachapi, comes from Region 5, might be considered ."

Smith said he holds no argument with the fact that perhaps more meetings on specific subjects could be held by the commission He also opposed any change in procedure regarding the hiring of the Director of Fish and Game

"I cannot see where anything could be accomplished by this," he said

Generally, the tenor of the testimony brought out at the hearing was that the Fish and Game Commission should remain status quo, appointed at large from the State by the Governor

Some sportsmen's groups gave mild approval of the resolution introduced by Assemblywoman Davis that the Director of Fish and Game be appointed by the commission rather than by the Governor, and that there is to some extent at least, deficiency in the present manner of operation of the commission, concerning number and location of hearings on matters of fish and game policy, was demonstrated by testimony

at this hearing This should be rectified by more hearings, located in the regions most closely concerned with the issue at stake.

As to whether the director should or should not be appointed by the Fish and Game Commission, still remains a point of conjecture

As to abolition of the Fish and Game Commission itself, to be replaced by a joint committee or commission of legislators, the proposal, although not without merit, has incurred the bitter opposition of virtually every sports group in the State

It would appear that any move to abolish the Fish and Game Commission would meet with concerted opposition from the citizenry at large.

MIDDLE FORK OF THE FEATHER RIVER PROJECT; ITS ADVERSE EFFECTS ON FISH AND GAME

Soon after its formation in June 1961, the Assembly Legislative Interim Committee on Fish and Game became aware of a growing threat to fish and wildlife resources of the Middle Fork of the Feather River through proposed construction of an irrigation and power project on that stream by Richvale Irrigation District of Butte County

A study of the proposed project, which would affect some 60 miles of the Middle Fork of the Feather, one of California's last virgin trout streams, already had been launched by the Department of Fish and Game This study resulted in publication by the department in July of 1961, of a special report on the project

The report, compiled in detail, and covering possible effects to both fish and wildlife of the middle fork, warned of irreparable damage to the trout population and to wildlife generally, in the canyon reaches of this stream, should the project be carried out as planned by the Richvale Irrigation District

Thus, pursuant to House Resolution No 361 of the 1961 General Session of the Legislature which created this committee and directed it to: "ascertain, study, and analyze all facts relating to this subject" a hearing on adverse effects of the Richvale Project on Fish and Game of the Middle Fork of the Feather River, was held August 21, 1962, by the Assembly Legislative Interim Committee on Fish and Game

The Richvale Irrigation District plan comprises seven projected dams of varying height, which would be built on the Middle Fork of the Feather River from the Town of Cho to Bald Rock Falls some 60 miles downstream, near the confluence of the Fall River

Construction of the dams and accompanying hydroelectric plants, and subsequent diversion of water threatens to damage the entire length of prime trout streams

Dams planned by Richvale Irrigation District include:

Dam	*Stream*	*Height of dam*	*Maximum area of reservoir*	*Reservoir capacity*
Cho	Middle Fork	140	2,500	130,000
Gold Lake	Frazier Creek	28	607	15,910
Nelson Point	Middle Fork	348	1,105	116,000
Minerva	Middle Fork	45	25	577
Dogwood	Middle Fork	110	43	2,021
Hartman	Middle Fork	48	13	245
Bald Rock	Middle Fork	190	94	5,240

Under the Richvale plan, the waters of the Middle Fork of the Feather River would be impounded, diverted through tunnels into hydroelectric plants and the generated power would be sold to the Pacific Gas and Electric Company

Sale of the power would finance construction of the project and allow irrigation water to be brought to the Richvale Irrigation District and its subsidiary districts at extremely low cost

The project was planned by the Richvale district, despite the fact that it lies within the service area of the Oroville Dam and could obtain all necessary water for irrigation and domestic use from that project

Under the Richvale plan, water releases in the Middle Fork of the Feather River, would be reduced to as low as 30 second-feet during summer months and during the critical spring spawning period

It has been established that 300 cubic second-feet of water is required to maintain natural spawning levels in the canyon reaches of the stream.

At no time, records show, has the water level of the stream ever dropped below 70 cubic second-feet at any point in the river canyon even during September, which is the month when the stream reaches its lowest natural flow

As the hearing opened in the State Capitol Annex in Sacramento, representatives of the State Department of Fish and Game, sportsmen's groups and representatives of Richvale Irrigation District and Pacific Gas and Electric Company were present

Among the chief witnesses of the day was Glenn E DeLisle, fisheries biologist for the Department of Fish and Game, who made the study of the Middle Fork of the Feather River in relation to effects on its fish and wildlife resources by the proposed Richvale Project

DeLisle listed the probable effects of each of the proposed dams

Clio Reservoir

Construction of this dam would inundate the Mohawk Valley and Town of Clio The reservoir, when full, would have a depth of 50 feet, but drafts of water during the year, particularly during summer months, to maintain Nelson Point Reservoir, 16 miles downstream, would cause fluctuation from 40 to 90 feet

In the deep water areas, trout could exist, but rough fish would multiply rapidly, threatening eventual extinction of the trout population

Clio Reservoir also would inundate important deer and quail habitat and damage beaver and small game populations

Gold Lake Dam

Richvale Irrigation District, in constructing a dam at the outlet of Gold Lake, at the head of Frazier Creek, would raise the water level 28 feet

Increased size of Gold Lake would flood Little Gold Lake, destroying its population of brook trout

There would be heavy fluctuation of Gold Lake Reservior, which would damage present trout and kokanee salmon populations The fluctuation would destroy the lake's natural food supply, and fall fluctuation would hamper kokanee salmon spawning

Only possible compensation for damage to Gold Lake fishery and its recreational facilities would be possible increased flow into Frazier Creek, but this is problematical

Nelson Point Reservoir

This reservoir, a very steep, narrow canyon project, cannot be expected to provide good trout fishing Rough fish will dominate the fish population

Two and one-half miles of Nelson Creek, a popular and productive trout stream, and important trout spawning area, would be inundated

The reservoir would inundate important winter range utilized by the Middle Fork of the Feather River deer herd and cause loss of winter feeding grounds for mountain quail

Middle Fork—Canyon Area

Minerva, Dogwood, Hartman and Bald Rock Dams would provide no trout habitat

Thirty-one miles of excellent trout stream, among the finest in California, would be destroyed by construction of these dams

"Five miles of the stream would be inundated by the reservoirs, which would be suitable only for rough fish," stated DeLisle

"The remaining river between the dams and powerhouses would be destroyed by reduced flow, rough fish populations would boom due to increased water temperatures and loss of trout spawning areas and habitat," stated DeLisle

Further testimony by DeLisle brought out the following facts, later substantiated by other witnesses

Assemblyman Pattee: Is it possible to eliminate the canyon portion of the project that you have just mentioned?

Glenn DeLisle: According to Richvale officials, they say, no. They need the electricity generated to pay for the project development Without that they could not have a project

Assemblyman Grant: Is it a fact that the trout have been eliminated completely from the North Fork of the Feather River and, if so, what type of fish have taken their place?

Glenn DeLisle: Well the primary fish species are suckers, carp, squawfish, hardheads and minnows.

Assemblyman Grant: No trout to speak of at all?

Glenn DeLisle: No.

Assemblyman Grant: How long has this been the case?

Glenn DeLisle: Well, the final two dams were built in 1953, I believe it was, or 1955.

Assemblyman Grant: It has taken that number of years?

Glenn DeLisle: Well, the situation has been in existence for several years, in other words, within four years or so after construction of these dams, environmental changes began to take place and rough fish population developed

Sportsmen's groups, which included Associated Sportsmen of California; California Wildlife Federation, Save The Middle Fork League, and Sportsmen's Council of Superior California, presented written testimony opposing construction of the project

Other agencies which presented testimony in opposition included the Plumas County Board of Supervisors; Plumas County Chamber of

Commerce; Plumas County Fish and Game Commission; U.S. Forest Service and U.S. Fish and Wildlife Service.

Written into the record was a report from the Fish and Wildlife Service which stated in part: ". . . The Service (Fish and Wildlife Service) believes that the scenic values, the wilderness aspects and the naturally propagated fish and wildlife resources can only be maintained by prohibiting development in the canyon.

"It is therefore requested that a license not be granted for those features proposed in the canyon downstream from Nelson Point powerplant site, i.e., Minerva Bar, Dogwood, Hartman Bar and Bald Rock diversion dams and their connecting tunnels and powerplants . . ."

The Department of Interior also proposed that no license be granted for any part of the project unless flows of 190 cubic second-feet, or the natural stream flow, as requested by the State Department of Fish and Game, can be guaranteed.

Testimony opposing the stand of the Fish and Game Department and of the sportsmen and other agencies, concerning damage to the Middle Fork of the Feather River was presented by Frank Bonner, engineer for Richvale Irrigation District; Glen R. Harris, President of Richvale Irrigation District; and J. E. Storm, President of Biggs-West Gridley Water District, a subsidiary of the Richvale district.

All three irrigation district representatives pointed out that unless the Middle Fork of the Feather River Project could be operated with minimum waterflows, it would not be feasible.

This testimony also was brought out by representatives of the Pacific Gas and Electric Company, Robert H. Gerdes, Executive Vice President, and Donald McCrea, also a P.G. & E. official.

McCrea testified that P.G. & E. once considered construction of a similar project on the Middle Fork of the Feather, but abandoned it as unfeasible.

Following is a portion of the testimony presented by Frank Bonner, engineer for the Richvale district:

> **Chairman Davis**: Are the water releases proposed by Richvale Irrigation District based on the amount of water you feel is necessary to preserve the trout and wildlife in the Middle Fork of the Feather?
>
> **Frank Bonner**: It is based on two main factors, Mrs. Davis. The first is that those releases are in accord with releases that have been approved by the state authorities and federal authorities in other similar projects built by similar public agencies in the last 10 years.
>
> Secondly, any releases beyond that schedule would make it impossible to build the project without heavy contributions from the taxpayers. It would have to be subsidized. The way it is being financed now, there would be no charge on the general taxpayer of the State. But if the fish releases are increased an unreasonable amount, that subsidy would range from about $7 million to $30 million.

The small number of persons who actually would be benefited by construction of the project was brought out by the testimony of Glen Harris, President of Richvale Irrigation District.

Chairman Davis: How many landowners are there in the Richvale Irrigation District?

Glen Harris: In Richvale Irrigation District there are 228 separate parcels of land. Some of those, too, are owned by the same family.

Chairman Davis: How many owners?

Glen Harris: I don't have them actually down to the number of owners involved, but there would be something like 175

Both Harris and Storm admitted there is no water shortage in the district and presently the district is not utilizing all water now available to the district from other sources.

As a result, the Assembly Legislative Interim Committee on Fish and Game, at the close of the hearing, adopted the following resolution introduced by Assemblyman William Grant.

The resolution states:

> The Assembly Interim Committee on Fish and Game requests that the State Water Rights Board in its consideration of the application of Richvale Irrigation District for development of the Middle Fork of the Feather River, give proper consideration to the benefit to be derived from the use of this water for preservation of fish and wildlife and recreation as well as its use for domestic and irrigation uses pursuant to Section 1257 of the Water Code

NOTE: The committee, upon motion of Assemblyman William S Grant, authorized Chairman Davis to present the above resolution to the State Water Rights Board when she appears before it as a witness during the board's hearing in Oroville on the Richvale project

THE ARTIFICIAL TROUT PROGRAM
(CATCHABLE-SIZED TROUT)

Since its inception on an accelerated basis in 1948, California's catchable-sized trout program has been a controversial issue among the State's sportsmen, conservationists and legislators

Over the years the "put and take" trout program has gained wide acceptance, and today, although still controversial in some areas, is looked upon generally as an integral part of the Department of Fish and Game's overall trout program

Presently, under policy adopted by the Department of Fish and Game, and through introduction of a "trout stamp" system, the catchable trout program is self-supporting

Unquestionably it supplies a recreational need, particularly in southern regions of the State, that would otherwise go unfulfilled

Many of the State's legislators have long been interested in the Department of Fish and Game's trout propagation program and in its catchable-sized trout program, in relation to manner of operation, cost, and degree of success

As a result, Assemblywoman Pauline Davis, Chairman of the Assembly Legislative Interim Committee on Fish and Game, introduced during the 1961 Legislative Session, House Resolution No 275, calling for a study and cost evaluation of the State's catchable-sized trout program

The resolution was in no sense aimed at abolition or curtailment of the catchable-sized trout program, but rather at ascertaining its overall effectiveness, with the possibility of bringing about improvements in the program that could result in greater return for moneys spent

As a result, a hearing on the catchable trout program was held in San Diego by the Assembly Legislative Interim Committee on Fish and Game on August 28, 1962.

In 1960-61, the Department of Fish and Game planted 1,354,579 pounds of catchable-sized trout in some 500 lakes and streams of California

Cost of this program was set at $1.028,430 24, with the trout ranging in average size 7 to 8 inches in length, and averaging 5 1 fish per pound.

In the 1960-61 Trout Cost Report published by the Department of Fish and Game, the cost of producing subcatchable-sized trout (trout which average 4½ inches in length and 11 to the pound) was lumped in with the overall cost of producing catchable-sized trout

Cost of producing these trout—catchable and subcatchable—was quoted by Fish and Game at 76 cents per pound

However, analysis of costs which was undertaken by the office of Auditor General at request of Committee Chairman Pauline Davis, revealed that cost of producing these trout actually was 90 cents per pound

This fact also was brought out by testimony at the hearing by Harry Anderson, Deputy Director of Fish and Game, who stated:

". . . I should call to attention at this time to the fact that we have an error in our cost program as far as the composite figure, the cost of the catchable trout The report came out indicating that the catchable trout cost 76 cents per pound and it should have been 90 cents a pound, and because of this error there's been some calculations made which have given an erroneous figure on the subcatchable We consider the catchable and the subcatchable as one in arriving at a cost and the figure should be 90 cents for both . . ."

The policy of lumping together the cost of catchable and subcatchable-sized trout was questioned by both the committee and the Auditor General's office

In failing to break down the costs of raising the two sizes of fish, both of which have separate purposes in the State's trout planting program, true costs of each are hidden.

The catchable-sized trout is planted on a put-and-take basis. They are planted only in streams and lakes where they can be quickly taken, and it is the general policy of the Department of Fish and Game not to plant catchable-sized trout where less than 50 percent will be taken by fishermen in a relatively short time

Fish and game biologists admit that catchable-sized trout live only a relatively short time after planting in the average trout waters. They cannot compete for food with wild trout populations nor generally stand the seasonal and environmental changes as can wild trout

The subcatchable, testimony brought out, is a controversial fish.

Averaging 4½ inches in length, they are not of sporting size, and only in some special waters such as Crowley and Bridgeport Lakes where food and environment conditions are ideal, do they grow to a size where they can be termed "sporting fish"

Anderson stated in his testimony that ideally, the subcatchable should be, and generally is, planted only where it has chance for survival and growth

However, in fact, this has not always proven true

It was the private opinion of a number of sportsmen present and of Chairman Davis, through her close observation and association with the trout program, that subcatchable trout are too often planted in waters unsuitable for their growth or propagation.

Following is the testimony of John Booker, Chairman of the Board of Directors of Lake Tahoe Fisheries

John Booker: . . . Our catchable program of October 1961 at Lake Tahoe wasn't too successful. The fish prematurely ripened and they moved up into the spawning creeks, so we more or less went along with the agreement that we would put the subcatchables in, but it looks like they are going the opposite way too

We tried to keep an eye on them and they're suffering right now on the south shore of the lake—the subcatchables

Chairman Davis: They are, and why is this?

John Booker: They have not moved out, they are holding into the shoreline where we planted them, and naturally, fish in those numbers, there is not feed for them, and they are just beginning

to suffer quite badly That plant was two months ago, and the small fish are still trying to find a way out, or trying to find feed, but they are still there

Chairman Davis: What is your viewpoint on a subcatchable program? Do you think it's money well spent? Either by your club or by the department?

John Booker: We were willing to try anything to improve Lake Tahoe I think this was a fair enough trial on the subcatchables, and the answer is "no," I'm not for the subcatchables

Booker went on to explain that Tahoe fisheries has had best luck with larger size, 11- to 14-inch brown trout purchased in Idaho by his organization and planted in Lake Tahoe These fish appear to survive and propagate, and a creel census has shown high survival rate

It has become apparent, however, that despite limited success in some areas, where plants of subcatchable trout (fish averaging 4½ inches) are concerned, many south state sports groups would accept them without argument

Pressure has been placed on the Department of Fish and Game for more and more trout.

At the same time, the department is limited to expending on the catchable and subcatchable trout program, only the amount of funds derived from sale of trout stamps

This pressure has at times, caused the department to make plants of subcatchable trout in locations such as Lake Morena in San Diego County, which has proved unsuitable for the growth and maintenance of a trout population

Cost of planting trout fry and fingerlings, which in 1960-61, averaged $3 07 per pound, was discussed briefly These fish, used principally for stocking barren or badly depleted natural trout waters, averaged 166 per pound

Planting techniques were questioned, particularly in relation to heavy losses, such as reported at Ruth Lake in Trinity County on June 20, 1962, where observers reported 50 percent or more of 150,000 fingerling trout were lost

The losses, it was explained by Harry Anderson, Deputy Director of Fish and Game, was due to high water temperatures

"As result of this loss, it has been decided," said Anderson, "that hereafter, plantings of fingerlings will be done only in spring and fall, when water temperatures are lower."

The complaints registered by local citizens in the Ruth Lake area are similar to complaints heard in many areas of the north state where fingerling plantings have been made in lakes and streams

It was the general consensus of sportsmen present at the hearing that the program of fingerling propagation should not be curtailed and more attention should be focused on use of fingerlings for rehabilitation of barren or depleted streams, wherever possible

The cost accounting system of the department, in relation to its trout program also drew the attention of the committee, particularly in relation to cost reports by regions.

During this phase of the hearing, the following testimony was presented by John Finnstrom of the Auditor General's office·

Chairman Davis: Let me ask you, Mr. Finnstrom, you are acquainted with the existing law that has requested the department to set up its cost accounting system and do you feel that they are abiding entirely by the provisions of the law in all cases?

John Finnstrom: In order to answer that, I believe I would have to point out sections of the law

Chairman Davis: All right, would you please point out the areas in the existing law that you feel the department is not abiding by?

John Finnstrom: This is covered by Sections 13200 and 13204 of the Fish and Game Code I won't read all the law, but I will read certain parts of it 13200 states, "The department shall maintain a cost accounting system that shall accumulate costs by regions and districts for each activity in which the department is engaged" The department does accumulate costs by programs and regions, but in their report they don't break it down by regions

Chairman Davis: In this particular instance, they are not abiding by this particular section?

John Finnstrom: This section requires the department to report, and it is not

Chairman Davis: This section does require them to report by region and this is what they are not doing, according to your findings?

John Finnstrom: They haven't been reporting it, but the information is available in the records

An answer to the question was presented by Deputy Director Harry Anderson who stated·

Harry Anderson: Our interpretation of the law may have been somewhat different, but if it is the desire of the Interim Committee on Fish and Game that we furnish this report in greater detail and do it by region, we most certainly can do so It adds to the number of pages of the report, but it is interesting to me that we have been putting this report out for three years and we have never heard any complaints or received request for other information.

I think it is well worthwhile that we evaluate this and if there is need for this information, we will gladly put it out

Chairman Davis: I have been researching this and this is the reason why we are holding this hearing so we can pin down costs and accounting procedures

Harry Anderson: I think it is good that we evaluate the situation One thing I always oppose is making bigger and more reports when they don't serve a purpose.

Chairman Davis: I think it would serve the purpose in this case, if it were furnished on a regional breakdown Now, may I request of you to do this in the future, because I am very interested in knowing the costs on a regional basis and have you actually recorded this in your cost and accounting system to the Legislature.

Harry Anderson: We can change our format effective last July 1 for the current fiscal year when we report on a regional basis
Chairman Davis: This, I think, would be very helpful

Generally, it has been agreed by the Interim Committee on Fish and Game that the present trout program is as good as in the nation, but that constant effort must be made to improve it in order to meet both rising costs and public demand

As in any program or enterprise, there is room for improvement, and that certain specific fields of complaint should be remedied

As a result, the following specific recommendations are presented.

RECOMMENDATIONS

1 That cost of producing catchable-sized and subcatchable-sized trout be broken down separately by the Department of Fish and Game.

2 That subcatchable trout be planted only for purposes of propagation and that such plants be made at such a time that they will not receive heavy fishing pressure until they have had opportunity to grow to a size where they will afford sport.

3 That fingerling trout be planted at a time when water conditions are such that losses will be held to a minimum and that when plants in larger quantities are made, that immediately prior to the planting, the intended waters be checked by a fish and game biologist as to suitable temperatures and water conditions

4. That a closer accounting system on the artificial trout program be followed, with costs broken down by regions as required by Section 13200 of the State Fish and Game Code

5 That the artificial trout program continue to be maintained on a self-supporting basis, using only funds derived from sale of trout stamps

6 That the Department of Fish and Game's stream clearance and stream improvement programs be accelerated wherever possible, and that special attention be paid to restocking now-barren streams that will support natural trout populations Further, that a concurrent resolution be adopted requesting that not less than 25 percent of the funds allocated to trout propagation be expended on stream habitat improvement

THE PITTMAN-ROBERTSON ACT, ITS OPERATION IN CALIFORNIA

The Pittman-Robertson Act is a federal program designed to aid individual states in financing propagation and maintenance of wildlife and waterfowl projects

Federal funds supplied to the states are derived from federal excise tax on firearms, ammunition, and related types of sporting goods

Pittman-Robertson moneys are distributed to the states on a 75-25 percent basis, with federal allocation covering 75 percent of the cost of selected projects and the State paying 25 percent

Under terms of the Pittman-Robertson Act, moneys can be expended in five categories on wildlife restoration projects

These five categories include

1 Acquisition of lands and waters

2. Development of lands and waters

3. Maintenance of projects

4 Investigations, studies and surveys connected with wildlife

5 Co-ordination of wildlife restoration projects

For the fiscal year of 1958-59, the State of California, as its share of Pittman-Robertson funds, received $883,553 This money, along with matching state funds, was expended on 15 projects

For the fiscal year of 1959-60, California received $828,211 and this money, with state matching funds, was expended on 16 projects

For the fiscal year of 1960-61, the State of California received $711,551 35 in Pittman-Robertson funds, which were expended on 14 separate projects They included

TOTAL EXPENDITURES STATE AND FEDERAL FUNDS

	1960-61 F Y projects	*100 percent actual expenditure*	*75 percent federal share*	*25 percent state share*
W-29-C	Wildlife Management Co-ordination	$31,624.19	$23,718 14	$7,906 05
W-13-D	Gray Lodge Waterfowl Management Area	108,643 83	81,482.87	27,160 96
W-26-D	Game Habitat Development	123,355 08	92,516 31	30,838 77
W-36-D	Imperial Waterfowl Management Area	130,808 17	98,106 13	32,702 04
W-38-D	Honey Lake Waterfowl Management Area	53,394 75	40,046 06	13,348 69
W-40-D	Los Banos Waterfowl Management Area and San Luis Wasteway	79,472 07	59,604 05	19,868 02
W-43-D	Grizzly Island Waterfowl Management Area	88,783 62	66,587 72	22,195 90
W-48-D	Tehama Winter Deer Range	7,052 90	5,289 68	1,763 22
W-50-D	Mendota Waterfowl Management Area	114,704 66	86,028 50	28,676.16
W-22-R	Pheasant Investigation and Management	15,540 59	11,655 44	3,885 15
W-30-R	Waterfowl Studies	48,073 79	36,055 34	12,018 45
W-47-R	Upland Game Investigation	25,227 47	18,920 60	6,306 87
W-51-R	Big Game Investigation	63,581 34	47,686 00	15,895 34
W-52-R	Wildlife Investigation Laboratory	58,472 68	43,854 51	14,618 17
	Total	$948,735.14	$711,551 35	$237,183.79

In 1957, the Senate Interim Committee on Fish and Game included in its interim report a number of remarks and recommendations on use of Pittman-Robertson funds by the State Department of Fish and Game.

Several of the points explored by the Senate interim committee five years ago (also during the past two years) have attracted the attention of the Assembly Interim Committee on Fish and Game

As a result, to determine the manner in which Pittman-Robertson funds now are being utilized by the State of California, and to determine to what degree, the department's support funds were being used in connection with Pittman-Robertson projects, the Assembly committee met on the Pittman-Robertson question in San Diego on August 28, 1962.

It appears that as of August 1962 there is some lack of fiscal control at the Department of Finance level in connection with Pittman-Robertson projects, despite Government Code provisions to the contrary.

It was determined that fish and game still is following a procedure in which preliminary projects for use of Pittman-Robertson funds are forwarded to the federal government for approval before they are presented to the State Department of Finance.

This procedure is contrary to provision of the Government Code, Section 13326, which states:

"13326 Every state agency, when making requests or preparing budgets to be submitted to the Federal Government for funds, equipment, material or services, other than for highway purposes, shall, upon completion of such request of budget, first submit it to the department (of Finance). The department shall have authority to approve, disapprove, modify, or amend any such request or budget before it is submitted to the proper federal authority "

As the situation now stands, any change which might be insisted on by the Department of Finance would necessitate another complete review by the federal government in order to approve the revisions It means actually, that under present method of operation, money for proposed Pittman-Robertson projects actually is obligated by the Department of Fish and Game and the federal government before the proposed expenditure is referred to the Department of Finance.

On this point, the following testimony was presented:

Chairman Davis: Did I hear you correctly to say that after the Director of Fish and Game agrees to a particular expenditure or project, you then request approval of the federal government for these funds?

John Alden: Yes, that is correct

Chairman Davis: Let me ask you Is it reasonable to assume that actually the Department of Finance has no other choice but to approve what you place before it, in view of the fact the federal government has put either approval or disapproval on the request you have made? I mean, they don't have any fishery experts, so how can they challenge or question whether the decision is correct?

John Alden: That's a good point, Mrs Davis. I think since we have a representative of the Department of Finance here, perhaps he could better answer that than I could

Chairman Davis: Isn't this procedure in direct violation of the provisions of the Government Code, Section 16326? (Chairman Davis quotes Section 16326.)

John Alden: This is probable, Mrs Davis Perhaps I unwittingly confused you. If so, I'm sorry.

Chairman Davis: Your statement didn't confuse me, that's where I want clarification.

John Alden: . . . The procedure as it works, the plans, specifications and estimates for the federal program are submitted to the Department of Finance prior to their inclusion in the budget

Chairman Davis: I realize that, but that isn't what I'm talking about. I'm talking about the approval of the request of federal government as far as finances that will become available for this purpose Will you go back and read your statement where you made that comment?

John Alden: Yes. I said, "Federal-aid budget has as an additional cost control factor in that the budgetary program is submitted to the federal government for approval after which it goes through the same procedure as does the regular state budget. . . ."

Two other points which attracted the interest of the Assembly interim committee was what appears to be heavy use of state support funds in connection with operation and maintenance of Pittman-Robertson projects.

It has been clearly spelled out in the Pittman-Robertson Act that federal aid given to individual states under its provisions is to help restore and maintain wildlife, and not to force the states to spend their own support funds to maintain federal-aid projects.

It would appear in past years, including the year of 1961-62, that California's Department of Fish and Game has not subscribed to this theory, in some instances.

Even as late as 1961-62 state support funds were used heavily to augment maintenance and management costs of Pittman-Robertson projects.

An example is Gray Lodge Waterfowl Management Area During the fiscal year of 1961-62, a total of $53,148 95 in Pittman-Robertson funds was allocated to Gray Lodge

The Department of Fish and Game matched this with $17,716 31, bringing the total, on a 75 percent-25 percent basis, to $70,865 26

But in addition, the Department of Fish and Game spent support moneys from its own Fish and Game Preservation Fund on Gray Lodge in the amount of $70,342 47 This brought the total spent on Gray Lodge to $141,207 73, with the State's share amounting to $88,058 78

However, a new system of administering waterfowl management areas by which all funds spent on Gray Lodge will come from Pittman-Robertson appropriations, went into effect July 1, 1962

This is a culmination of a program started in the fiscal year of 1957-58 in the south state, and which has been extended northward from waterfowl management area to area

Under this arrangement, the State of California is reimbursed by the federal government for 75 percent of the total cost of each water-

fowl management area, less in-lieu taxes, which, in the case of Gray Lodge, are paid by the State

In turn, the federal government will receive 75 percent of revenue derived from operation of the waterfowl management area

This revenue, however, is not lost to the State, for under the Pittman-Robertson arrangement, this money, amounting to $10,500 is reappropriated to the State in use on other Pittman-Robertson projects

Under this procedure, said Department of Fish and Game Fiscal Officer John Alden, fish and game preservation funds are used to pay only the State's basic 25 percent share of the waterfowl management area costs.

This arrangement insures that any profits made on federally financed waterfowl projects will in turn be used by the State on other Pittman-Robertson projects rather than for general operation of the Department of Fish and Game

Actually, to what extent this new arrangement will continue to eliminate use of support funds on Pittman-Robertson projects remains to be seen

The question of expenditures on predator control, a function which at least theoretically has been taken over by the U S Fish and Wildlife Service, was discussed at length

Testimony revealed that the State of California in 1960-61 still expended $42,407 for this service

Upon request of the committee members, the following breakdown of these expenses was supplied by the Auditor General's office

PREDATORY ANIMAL CONTROL EXPENDITURES

Salaries and wages	$1,027
Retirement	71
Operating expenses—prorated	457
Operating expenses—identifiable	40,624
Equipment	35
Overhead allocation	102
Reimbursements (deduction)	(107)
Total	$42,407

The identifiable operating expenses included above consisted of the following

Contract expenditures under contract with the federal government for predatory animal control	$24,291
Bounties paid	8,090
County in-lieu taxes	8,243
Total identifiable operating expenses	$40,624

These identifiable operating expenses were incurred by regions as follows

Region	*Total*	*Contract expenditures*	*Bounties*	*County in-lieu taxes*
I—Redding	$8,620	$7,300	$1,320	
II—Sacramento	6,522	6,192	330	
III—San Francisco	5,860	3,600	2,260	
IV—Fresno	8,539	7,199	1,640	
V—Los Angeles	10,783	--	2,540	$8,243
Total	$40,624	$24,291	$8,090	$8,243

In analyzing this account, we discovered the following clerical errors

The $8,243 charge for county in-lieu taxes shown in Region V should have been charged to Big Game Habitat Improvement instead of to the Predatory Animal Control account

In Region II, expenditures of $120 for bounties and $1,109 for contract expenditures were charged in error to Big Game—Public Hunting instead of to this account

After correcting the above clerical errors, the identifiable operating expenses amounted to $33,610 consisting of $8,210 for bounties and $25,400 for expenditures with the federal government for predatory animal control services The total expenditures for the Big Game Predatory Animal Control Program amounts to $35,193 instead of the $42,207 reported by the department

All of the expenditures for Big Game Predatory Animal Control were made from state support funds and none from federal aid funds

The Department of Fish and Game through legislative action has been instructed to follow a cost accounting system in the handling of its expenditures

Testimony presented at the hearing tended to bring out that rather than a cost accounting, the department has been utilizing a cost accumulation system.

It is the general consensus of opinion, that further breakdown of operational costs of the Department of Fish and Game could be carried out by that department.

A cost breakdown by region and program would give legislators and sportsmen a better understanding of exactly how fish and game funds are being spent, and what is being achieved with these moneys

THE PROBLEM OF PUBLIC ACCESS AS RELATED TO FISH AND GAME

(A SUBCOMMITTEE HEARING)

Ways and means of providing and maintaining access to California's public lands and waters for the purpose of hunting, fishing and general outdoor recreation is becoming a problem of increasing seriousness

An unprecedented population boom has sharply increased recreational use of public lands and each year sportsmen are encountering greater difficulty in finding a place to hunt and fish.

As a result of this growing problem and increased competition for use of public land, Assemblyman Don A Allen, a member of the Assembly Legislative Interim Committee on Fish and Game, introduced House Resolution No 175, calling for a general study of the access problem pertaining to hunting and fishing access to public lands in California

A hearing regarding public access was held in Fresno on September 18, 1962, by a subcommittee of the Assembly Legislative Interim Committee on Fish and Game.

California contains some 24 million acres of state and federal land of which about 1 million acres is closed to public access.

But this 1 million acres, to which the public, for one reason or another, is not admitted, is, generally speaking, some of the State's most choice hunting, fishing and recreational land.

Presently, the problem of access to public lands falls roughly into five categories:

1 Lack of access on coastal and inland waters
2. Lack of access to inland public domain
3. Lack of access to lands and waters of the lower Colorado River
4. Withdrawal of levee use which would provide access to public lands and waters
5. Refusal of hunting or fishing rights on military reservations.

These problems were explained by Walter Shannon, Director of the Department of Fish and Game, the first and one of the major witnesses to testify at the hearing.

At the present time, said Shannon, vast distances of tideland waters and beaches which are below high tide mark, which are public domain, are denied to the public because they are cut off from access roads by private land

This is particularly true along vast reaches of the north coast from San Francisco to Eureka Here, miles of prime fishing and recreation beaches and shoreline are cut off from public access by strips of private ground.

In some cases, a trespass fee is charged by owners, in other instances, access under any circumstances is flatly denied.

Along the Southern California coast, the situation is much the same, said Shannon, but efforts on the part of the Department of Fish and Game and other agencies have resulted in somewhat better access conditions.

Inland, the problem of access is a major one, particularly in many areas of the coast range mountains.

Here, said Shannon, many large blocks of state and federal land are surrounded by private property, and access is denied to the general public. This land, he said, against the wishes of the Department of Fish and Game, has become, in a sense, a private hunting preserve for owners of the surrounding private property and their selected friends.

Some of these lands do have roads leading to them, built for fire protection by the State Division of Forestry or Federal Forest Service. But many of these roads have locked gates on them, as at the time the roads were built, the Forest Service agreed that gates could be constructed by owners of the property which they crossed. (It was brought out in later testimony that fire access roads in one ranger district of Mendocino National Forest contained more than 70 locked gates.)

Shannon pointed out that the State Wildlife Conservation Board, in co-operation with the Department of Fish and Game, using funds allocated from the State's share of horserace moneys, has constructed some roads opening up previously closed areas.

"The same problem, to varying degrees, exists in other inland areas of the State, and also involves stream access," said Shannon The Trinity and Russian Rivers are examples.

The Colorado River presents another problem of access to both hunters and fishermen.

The federal government and various state agencies, including the Department of Fish and Game and Wildlife Conservation Board, have taken up the problem, which at times, has brought actual threat of violence by property claimants against sportsmen who have attempted to cross the lands in question.

Levee access, particularly in the Central Valley region of California, is a particularly intricate problem, said Shannon, for the sportsmen and the Department of Fish and Game finds itself dealing with multiple agencies, ranging from the Federal Bureau of Reclamation to the individual levee or reclamation district.

Closure of levee travel to automobiles, particularly during fall and winter months, denies use of vast areas to the nonattached duck and pheasant hunter.

Some levee roads, closed on a year-round basis, deprive both the hunter and fisherman from large areas abounding in fish and game.

Levee agencies present the argument that travel over their roads during the wet season damages them and the levees themselves

Too often, the closures have the full sanction of the landowners in the levee districts, for the closures keep out the average sportsman and provides the landowner with a shooting or fishing grounds untouched by the general public

Military reservations have, in the past, been generally withdrawn from any type of public use, particularly hunting and fishing activities.

These withdrawals of public land involve vast acreages; for instance, China Lake Military Area contains some 2 million acres and some of the State's most productive chukar partridge habitat.

Shannon pointed out, however, that through efforts of his department, some progress has been made. Special public hunts have been arranged at Hunter Liggett Military Reservation in San Luis Obispo County.

Shannon also pointed out that a directive now is being drawn up in Washington regarding recreational use and hunting and fishing on national defense areas.

Until this is completed, its effect upon the California hunting scene as far as opening up more public lands, still remains a point of conjecture

Still another problem of access has been inadvertently created by the State Highway Department in the statewide construction of its freeway system

In constructing the freeways, the Division of Highways has, in some cases, abandoned the roads which the freeway replaced

This is particularly true of one section of Highway No 1 along the coast of San Luis Obispo County and some other coastal areas of California

In the case of San Luis Obispo County, where the freeway was built some distance from the coast, and the old highway which virtually skirted the shoreline was abandoned, the public lost access rights on the old road

Since 1954, the State Wildlife Conservation Board has played a major role in the State's access program, and as a result, has opened a vast number of both water and land areas to public hunting and fishing.

To date it has undertaken some 77 fishing access projects at a cost of $3,000,000, and has entered upon a road construction program that has greatly aided sportsmen

However, lack of funds has been a hampering factor, and in some areas, landowners have refused to co-operate with the Wildlife Conservation Board's proposed plans

Ray Nesbit, co-ordinator for the wildlife board, explained one of the major problems of his organization's road-building program "Many people think of hunting and fishing access roads only in terms of jeep or truck roads at the cost of a few hundred or perhaps of a thousand dollars per mile Such truck trails do serve a role in hunter distribution or they may be adequate in particularly favorable circumstances of terrain, or soil runoff conditions However, they generally will not be adequate for main arteries of travel to move large numbers of hunters into a sizable public lands area, and we believe that at this stage, this is our big problem "

Nesbit added that Wildlife Conservation Board road projects are constructed in co-operation with local government, and generally the county in which the road is built, assumes its maintenance

But to assume maintenance, the county usually requires that access roads be built at least to minimum county standards, thus again increasing cost of engineering and construction

It was also learned at this hearing, that although technically, virtually all lands under control of the Federal Bureau of Land Management are open to hunting and fishing, the bureau is not carrying out any general access program, nor is it particularly co-operating with state or other federal agencies in development of public access roads

Nolan F. Keil, Assistant State Director of the Bureau of Land Management, stated· "Naturally, our program is geared more to our administrative needs than to the needs of the general public"

Keil stated that for the fiscal year of 1961-62, the Bureau of Land Management plans 16 miles of access road in California; 5 miles (Buckhorn Mountain Road) in Lassen County, and 11 miles, Barrel Springs Road. Modoc County, California, and Washoe County, Nevada

Plans for future expansion of access roads have been made, Keil said, but they still are some distance in the future

Generally, it was found that the problem of obtaining access to public lands and waters is aggravated by a lack of co-ordination and in some cases lack of co-operation, between agencies involved.

This became apparent through testimony and information presented by the State Division of Forestry.

The State Division of Forestry, having fire control responsibility on state forest and rangelands and on some private lands, now obtains easements across private lands to public lands for fire control purposes.

These easements agreements in a majority of cases spell out specifically that the roads may be closed to the public, although they are built with public funds and extend to public lands

Under questioning, L T Petersen, Deputy State Forester, told the committee that presently only about 800 miles of roads under control of the State Division of Forestry are open to the public.

That there does exist at least to some extent, a lack of co-operation on the part of the State Division of Forestry with other agencies including Fish and Game, is demonstrated by the following testimony

Chairman Davis: In cases where your roads cross private land to connect with public lands, what are you doing to acquire public access?

L. T. Petersen: Well, I guess we don't do anything about it

Chairman Davis: This is the point, what can be done about it? How many of these situations do you feel you might have?

L. T. Petersen: Recently, we co-operated with the Department of Fish and Game Each of their regional managers sent out a list of problem areas I compared our records with their records and reports from our field administrators There are a few of those cases where there are public lands where you find barred gates on our roads Then it entails the problem of going to these individual landowners and renegotiating with them for public easement

Chairman Davis: To what extent have you attempted to carry out renegotiation?

L. T. Petersen: Our agency feels that this is a problem of the Department of Fish and Game, since they are the ones who have the basic responsibility.

Chairman Davis: Has the Department of Fish and Game come to you recently and stipulated that they are going to venture forth to renegotiate this particular right-of-way situation?

L. T. Petersen: Sure, they have been working with us and studying it with us and . .

Chairman Davis: What success has there been in the Department of Fish and Game's efforts to obtain access across your roads to public lands?

L. T. Petersen: To my knowledge, they have not been able to obtain any access across these roads that are now closed.

Chairman Davis: Have they attempted to do so?

L. T. Petersen: I believe in some cases, yes

Ben Glading (Department of Fish and Game) I am not completely certain that we share Mr Petersen's view with respect to the Department of Fish and Game's responsibility here, to this extent He states, in effect, that these agreements had been negotiated by the Division of Forestry for fire protection primarily, and that part of the agreement is that the public's use of the road would be precluded Not many cases, but in some cases, at least, these roads do lead to public lands He has suggested, and the point I am making is that it is his suggestion only, and we have not concurred in this to my knowledge, that the Department of Fish and Game be responsible for renegotiating these agreements. The point I want to make is this, that when you make an agreement or renegotiate an agreement you have to have something to offer They have something to offer in the way of fire protection to the landowner, we have nothing to offer, to my knowledge, outside of a little nuisance to the landowner in that we want the public to cross his land So we are really in a very poor position to do what he suggests we do We could only offer cold cash, which we don't have, and I just want to make the point that we never have concurred with his suggestion . .

Basically, it appears that one agency should be set up as a co-ordinator for the access program, and that both the State Division of Forestry and U S Forest Service should co-operate more closely with other agencies, Department of Fish and Game and Wildlife Conservation Board

It would appear, also, that in some cases, the State Division of Forestry, in building access roads across private lands where these roads do not connect with public lands, is acting in the role of a private protection agency.

State moneys are being spent to build these roads, the public is being kept from using them, and the roads only protect private property.

It should also be pointed out at this time that the California Farm Bureau Federation has recently completed a study of the access problem and brought forth a number of recommendations

Its findings were very similar to those brought out by the hearing held by the subcommittee of the Assembly Interim Committee on Fish and Game.

RECOMMENDATIONS

1. That one single agency, preferably the Department of Fish and Game or the Wildlife Conservation Board, be designated by the Legislature as a co-ordinating body for acquisition, development and operation of the State's access program as related to hunting and fishing on public lands.

2. That legislation be enacted making it mandatory that when expenditure of state funds is made by any agency to acquire access across private lands to parcels of public lands that public use of such right-of-way be insured in the agreement.

3 That the State Division of Forestry, in co-operation with the Department of Fish and Game, immediately begin a program of renegotiation of agreements with landowners to obtain public use of all roads and rights-of-way across private lands which were built by the State with public funds, where such roads and rights-of-way offer access to otherwise landlocked parcels of public domain A progress report by both agencies on such renegotiations shall be submitted to the Assembly Interim Committee on Fish and Game before the end of the calendar year of 1963

4 That the Department of Fish and Game, in co-operation with the Wildlife Conservation Board and other interested agencies, accelerate its program of obtaining rights-of-way to coastal waters now cut off to public access by private lands.

5. That the State Division of Highways and/or county boards of supervisors confer with the Department of Fish and Game and the Wildlife Conservation Board before abandoning any section of state highway or county road in rural areas

6 That the Department of Fish and Game continue its effort to obtain hunting and fishing access to military reservations and national defense areas where such use by the public will not conflict with military operations.

7. That a co-operative study be conducted by all interested agencies of the recreational and access potential of all lands in state ownership before such lands be put up for sale

CONCLUSIONS ON A.C.R. 114

Pursuant to Assembly Concurrent Resolution No 114, which calls for revision in form of the State Fish and Game's sport fishing regulations, representatives of the Assembly Interim Committee on Fish and Game took the matter under study.

Conferences were held with Walter Shannon, Director of the Department of Fish and Game, and with Alex Calhoun, Chief of Inland Fisheries Branch, Department of Fish and Game, by Committee Chairman Davis and members of the committee staff.

Questions presented to the department officials included

1 Why has the Department of Fish and Game chosen this particular form?

2. Why are waters listed alphabetically instead of by county or region?

3 Is there not a way of simplifying and perhaps eliminating many of the cross-references in this booklet?

4 What would be the cost and time element in revising or enlarging the present form of the booklet in the interest of simplification and efficiency?

As a result the following answers were presented by Mr Shannon and Mr Calhoun:

"The present forms used, to list the sport fishing and hunting regulations, have been developed through a number of revisions over the past years The present format has resulted from many hours of work and consultation with the Legislative Counsel's office, the Attorney General's office, and the staffs of the Fish and Game Commission and the department.

"A major factor in choice of the present format was that it was the one which could be most economically produced with the existing equipment of the State Printing Plant.

"Waters are listed alphabetically because we believe most sportsmen know the name of the water they are angling in, whereas they may not know in which county or region the water is located Prior to 1959, the waters were listed by county Since that time they have been listed alphabetically Another factor is that a certain amount of space can be saved by listing waters alphabetically in the regulations booklet As you know, the present booklet, particularly the one listing sport fishing regulations, cannot contain more material without exceeding the present 32-page size To increase the number of pages would materially increase the cost of printing these booklets To increase the size of the pages would make the booklet unhandy for use by sportsmen

"In regard to cross-references, we attempt to include these in each of the items where they are appropriate This is done by listing the number of any other items having reference to a particular water or regulation

"Mr Ralph Titus of the State Printing Plant informs us that to increase the size of the booklet beyond the present 32 pages would involve an increase in cost of about 25 percent Mr Titus tells us that 32 pages is the maximum that can be handled in a single press run by present printing plant equipment To print any extra pages would require another press run and considerable additional handling, over and above the cost for additional paper and typesetting The cost of printing the 1962 angling regulations booklets was $27,399

"We are advised, however, that the printing plant is contemplating a request to the Legislature for funds to purchase a more modern press which would considerably lower printing costs for large runs such as our regulations booklets

"If such equipment were to become available, we would, of course, want to review the format of our regulations publications, and to redesign them as necessary to take best advantage of the new equipment."

In view of the above recommendations, your committee has concluded that any revision of the regulations in form should not be undertaken until it is more economically feasible

Interested parties; i e , Legislative Counsel, Department of Fish and Game and Fish and Game Commission have been notified of the committee's decision

SUGGESTED LEGISLATION

As a result of recommendations contained in the chapters of this report, the Assembly Legislative Interim Committee on Fish and Game herewith presents the following proposed legislation which it feels implements its findings:

STATUS OF SALMON AND STEELHEAD ON THE NORTH COAST

House Resolution No. .....

Relating to the Smith River

WHEREAS, Although the Smith River is rightly renowned for its salmon and steelhead fishing, such fishing is available only during the fall and winter months, and

WHEREAS, Many thousands of tourists are drawn to this area during the summer months but find little or no fishing available to meet their needs; and

WHEREAS, The improvement of summer fishing in this area would not only benefit these many visitors to the area but would also enhance the local economy; now, therefore, be it

Resolved by the Assembly of the State of California, That the Department of Fish and Game is requested to commence a special study regarding the introduction of a species of salmon into the Smith River which would provide a summer run of salmon, and the department is further directed to transmit preliminary reports of its progress in this study to the Assembly Interim Committee on Fish and Game with a final report to be submitted to the Legislature not later than the fifth legislative day of January, 1965, and be it further

Resolved, That the Chief Clerk of the Assembly is requested to transmit a suitably prepared copy of this resolution to the Director of the Department of Fish and Game, and the Director of the Resources Agency.

STATUS OF SALMON AND STEELHEAD ON THE NORTH COAST

House Resolution No. .....

Relating to Logging Operations

WHEREAS, The protection of the existing streams is of utmost importance to present and future citizens of this State, and

WHEREAS, Erosion and stream sedimentation caused by logging operations are in some areas reaching alarming proportions; and

WHEREAS, Any attempt to solve this problem must necessarily be based upon a sound evaluation of all applicable facts, now, therefore, be it

Resolved by the Assembly of the State of California, That the Resources Agency is requested to designate and direct the appropriate department or division under its jurisdiction to submit to the Legislature, not later than March 1, 1963, all completed studies and progress reports on ways and means of controlling erosion and stream sedimentation caused by logging operations, and be it further

Resolved, That the Chief Clerk of the Assembly is requested to transmit a suitably prepared copy of this resolution to the Administrator of the Resources Agency

STATUS OF SALMON AND STEELHEAD ON THE NORTH COAST

House Resolution No. ... ..

Relating to Water Pollution by Mining

WHEREAS, Proper control of mine tailings and other refuse from mining operations on and near streams in this State is essential to properly protect anadromous fish, and

WHEREAS, Existing laws would seem to be either inadequate in their substance or impractical to enforce to sufficiently protect this valuable fish resource, and

WHEREAS, Any legislative solution to this problem must be based upon the available facts and also a consideration of the possible alternatives, now, therefore, be it

Resolved by the Assembly of the State of California, That the Director of the Department of Fish and Game, the Director of the Resources Agency, and the Director of the State Water Pollution Control Board are requested to discuss with the legislative counsel possible ways and means of improving the "Quinn Law" (Section 5800 et seq., Fish and Game Code) in order to provide the necessary protection from mine tailings and other refuse for anadromous fish and to submit a report on such discussions to the Legislature by March 1, 1963; and be it further

Resolved, That the Chief Clerk of the Assembly is requested to transmit suitably prepared copies of this resolution to the Director of the Department of Fish and Game, the Director of the Resources Agency and the Director of the State Water Pollution Control Board

OCEAN SPACE CONFLICTS

Assembly Joint Resolution No. ... ...

Relating to a Treaty on Migratory Fish

WHEREAS, A most important segment of the economy of this State is dependent upon commercial fishing, and

WHEREAS, Commercial and sport fishing in this State depends to a large degree upon the taking of fish which migrate between the ocean waters of Mexico and the United States; and

WHEREAS, The proper conservation of these fish is essential to the well-being of this fishing industry and the sportsmen in this State and also to the commercial fishermen of Mexico; now, therefore, be it

Resolved by introduction of an Assembly Joint Resolution, That the Congress of the United States and any appropriate executive agency are hereby requested to undertake a study as to the possibility of a treaty between the United States and Mexico for the protection and preservation of the ocean fish which migrate between the waters of the two countries; and be it further

Resolved, That the Chief Clerk of the Assembly is requested to transmit suitably prepared copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States

Assembly Concurrent Resolution No. .

Relating to Trout

WHEREAS, Recreational needs of this State are constantly increasing and included in these needs are the preservation and enhancement of trout fishing, and

WHEREAS, Although the present artificial catchable trout program is providing a certain amount of recreation, it is evident that with increased needs in this regard, additional methods must be found to meet future demands, and

WHEREAS, Any method which could possibly be self-sustaining over an extended length of time would be most desirable, and

WHEREAS, The improvement of the stream habitat for trout is one method which will provide more fish and more area for fishing on a self-sustaining basis; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Fish and Game Commission and the Department of Fish and Game are hereby requested to use not less than 25 percent of the funds allocated to trout propagation for stream habitat improvement, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the Fish and Game Commission and the Director of the Department of Fish and Game.

House Resolution No. .....

Relating to Public Access

WHEREAS, The citizens of this State are in great need of land to be available for hunting and other recreation, and

WHEREAS, Areas of public land which would otherwise be available for such use are surrounded by land privately owned whose owners refuse public access to the publicly owned land; and

WHEREAS, The State Division of Forestry presently has roads and rights-of-way across some of this private land which could be used to give access to the public land; now, therefore, be it

Resolved by the Assembly of the State of California, That the State Division of Forestry is directed, in co-operation with the Department of Fish and Game, to immediately begin a program of renegotiation of the agreements which it may have with private landowners for roads and rights-of-way across such private land to obtain public use of such roads and rights-of-way for access to public lands. The State Division of Forestry and the Department of Fish and Game shall report on such renegotiations to the Assembly Interim Committee on Fish and Game before January 1, 1964; and be it further

Resolved, That the Chief Clerk of the Assembly is requested to transmit suitably prepared copies of this resolution to the State Forester of the Division of Forestry, the Director of the Department of Fish and Game, and the Administrator of the Resources Agency.

An act to add Section 1355 to the Fish and Game Code, relating to the Wildlife Conservation Board.

The people of the State of California do enact as follows:

SECTION 1. Section 1355 is added to the Fish and Game Code, to read.

1355. The board shall co-ordinate all acquisitions, developments, and operations of state agencies relating to access by the public to public lands which may be used for the purpose of hunting and fishing

Other state agencies shall, upon request of the board, submit to the board any information which they may have relating to such acquisitions, developments and operations.

An act to add Section 6210 6 to the Public Resources Code, relating to public lands

The people of the State of California do enact as follows:

SECTION 1. Section 6210 6 is added to the Public Resources Code, to read·

6210 6 When state funds are used in acquiring or developing access across private lands to public lands, the right-of-way or other interest acquired shall be such as to also include use by the general public for access to the public lands

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ASSEMBLY INTERIM COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

House Resolution No. 361.16

RETIREMENT FUND FINANCING OF COUNTY FACILITIES: LEASE-PURCHASE CONTRACTS

MEMBERS OF THE COMMITTEE

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LETTER OF TRANSMITTAL

HON. JESSE M. UNRUH
Speaker of the Assembly
State Capitol
Sacramento 14, California

DEAR MR SPEAKER: The Assembly Interim Committee on Municipal and County Government submits herewith its report on Retirement Fund Financing of County Facilities: Lease-Purchase Contracts, one of the studies conducted by the committee during the 1961-63 interim, in accordance with House Resolution No. 361 16 of the 1961 Regular Session

This final report contains the findings, conclusions, and recommendations of the committee on this subject.

Respectfully submitted,

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FINDINGS

1 In general the so-called lease-purchase agreements between counties and county retirement systems are contracts by which a retirement system agrees to construct a facility according to specifications established by the county; to lease that facility to the county at a specified rate for a minimum number of years; and to give the county an option to purchase the facility at designated future dates according to a prearranged price schedule

2 In practice lease-purchasing between a county and a county retirement system has become an effective alternate to the general obligation bond method of capital financing As an alternate method, however, its use is restricted neither by a requirement for electoral approval before the incurrence of such a debt nor by statutory limitations on the amount of such debt which may be incurred by a county Final approval of a lease-purchase contract, moreover, is in the form of a resolution of the county board of supervisors, which is not subject to referendum

3 Although no adverse effects have yet been observed, the absence of limitations on the incurrence of lease-purchase obligations and/or of any requirement for regular public disclosure of the total amount of a county's lease-purchase obligations, together with the continuing use of this method of long-term financing, may operate to undermine the credit of a county Suspicion of "hidden county debt" on the part of bond buyers might well force up interest rates on future county bond issues

4 Although there has been no indication of any collusion or improper conduct between a county retirement system and a county board of supervisors, the fact remains that a complete arm's length relationship does not exist between these two bodies The County Employees Retirement Law permits one county supervisor to be a voting member of the board of directors of the county retirement system, it requires furthermore that the board of supervisors appoint three members of a seven-man board of directors It must also be noted, however, that the law does provide for minimum procedural safeguards in negotiating lease-purchase contracts between a county and a county retirement system which are designed to protect against any improper action by either the board of supervisors or the board of directors of the retirement system

5 Lease-purchase financing is generally more costly to a county than general obligation bond financing. The amount of such a difference in cost will depend on individual circumstances In each instance the effective lease-purchase interest rate charged by a retirement system will have to be compared with current rates of interest for general obligation bonds, together with the added incidental costs inherent in general obligation bond financing

6 For its part, the county retirement system does not appear to be under a statutory obligation to realize the highest possible rate of

return on its investment The County Employees Retirement Law seems to envision a county retirement system as a public trust and to authorize it to conclude relatively low-yield lease-purchase investments with a county so long as the return from such an investment continues to maintain the actuarial integrity of the retirement fund

7 An alternate, but heretofore little used, method of county capital financing is the sale of county building certificates to the State Employees' Retirement System. Such certificates are somewhat similar to revenue bonds in that they must be repaid from county "revenues, rentals and receipts" and cannot become an obligation of a county's general taxing power Although the State Employees' Retirement System has established a conservative set of investment policies governing its purchase of such certificates, the issuance of building certificates at the county level is a matter of the discretion of the board of supervisors It is not subject, therefore, to the normal safeguards of debt limitation, regular reporting, or public referendum

RECOMMENDATIONS

Realizing that at present so-called lease-purchase contracts between counties and county retirement systems have become an accepted alternate means for a county to accomplish long-term capital financing, the committee makes the following recommendations with the aim of regulating such agreements so that they may not be used as a means of incurring frivolous, excessive or irresponsible public debt

1 Because a lease-purchase contract has the effect of imposing a long-term debt upon a county, it would seem desirable to establish some means by which the electorate might be able to review such contracts Because of the difficulties and expense involved in submitting every such proposal to an actual vote, the most practicable way to achieve such control might be that of requiring that every lease-purchase contract be approved by an ordinance of the board of supervisors, which would be subject to referendum

2 Ceilings might well be established, similar to statutory limitations on bonded indebtedness, on the total amount of lease-purchase obligations which a county might incur

3 Some method of recording and publicly reporting the total amount of a county's lease-purchase obligations, similar to that requiring recording and publication of the total amount of a county's bonded indebtedness, seems necessary to insure a true, accurate and complete picture of the total of a county's long-term obligations

4 Some attention might be given to considering whether it would be desirable public policy to reduce somewhat the close relationship currently existing between a board of supervisors and a board of directors of a county retirement system, especially on those occasions when these two bodies are negotiating lease-purchase contracts

5 The building certificate alternative of capital financing also might well be made subject to salutary requirements for (a) referendum, (b) a flexible limitation on amounts of building certificate debt which could be incurred, (c) inclusion of building certificate debt in regular reports of a county's total long-term obligations

CHAPTER I

INTRODUCTION

The amount of local debt and the method of its financing has long been an object of state concern Historically, that concern is as old as California statehood The California Constitution of 1849 authorized the Legislature to restrict local jurisdictions in their powers "of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts "[1] In practice this regulation usually took the form of special legislative acts authorizing specific instances of borrowing by particular local governments Eventually, however, this procedure proved to provide powerful interest groups with undue influence in securing legislation favorable to their own promotions, as well as to proliferate laws of specific local application To correct this situation a provision was included in the Constitution of 1879 placing the immediate control of local debt beyond the reach of the Legislature Article XI, Section 18, placed the approval of local debt in the hands of local legislatures and voters, but at the same time imposed a requirement of a two-thirds vote to forestall arbitrary exercise of that power This provision has remained substantially unchanged to the present day[2] In addition California places statutory restrictions on the aggregate indebtedness which can be incurred by counties, school districts and general law cities (charter cities usually have their own debt limitations)

Recent concern about such fixed controls has revolved about the question of whether they are fully applicable to existing conditions

> It has been suggested that the conditions under which contemporary local governments operate have rendered unnecessary the system of stringent state controls which dates back to the 1870's Economic stability, a much more sophisticated electorate, and more responsible local legislative bodies are only three features of the current scene which set it apart from the 1870's In addition, there have been other institutional, professional and informational developments which have greatly improved the management of local government finance A corps of experienced professional finance officers has come into being and there have been vast improvements in the professional management of local affairs At the same time, standards, procedures and techniques for financial administration have been developed and refined Performance budgeting, long-term capital improvements planning, and effective fiscal reporting are . . increasingly used by local governments Finally the money market is very different from what it was in the 1870's and all of the changes are such as to reduce the likelihood of overextended indebtedness on the part of local jurisdictions[3]

[1] Art IV, Sec 37
[2] Calif Const Art XI, Sec 18 For a more complete chronicle of the development of state regulation of local debt see Frances L. Starner, *General Obligation Bond Financing by Local Governments*, Bureau of Public Administration, University of California, Berkeley (1961) pp 4-16
[3] Starner, *op cit*, pp 10-11

Over a period of time local government has developed alternative means of capital financing to meet new situations One of the oldest of these is the use of revenue bonds More recently some local governments have employed lease-purchase agreements to finance capital improvements Under a lease-purchase agreement a local jurisdiction enters into a long-term lease for a particular facility The lease, however, usually contains a provision giving the local jurisdiction an option to purchase the facility at a future date for a specified sum.

A desire to assess the general effects of all such financing procedures led to a study during the 1957-59 legislative interim by the Subcommittee on Public Indebtedness of the Assembly Revenue and Taxation Committee [4] In general the subcommittee concluded that all long-term public debt of any political subdivision, regardless of the method by which it was financed, ought to be submitted to the voters for approval A 60 percent vote, it was suggested, would be sufficient The 1959 Legislature, however, failed to approve legislation embodying these recommendations

Because the purpose of the 1959 study was to provide only a broad picture of the relative costs of alternate means of public financing, its treatment of lease-purchasing was necessarily a generalized one It did not attempt, for example, to consider in detail the various circumstances in which such contracts might occur The present study, on the other hand, is confined to a single type of lease-purchasing Its aim is to examine in depth the specific situation authorized by the County Employees Retirement Law of 1937, in which a county is the lessee and a county retirement system is the lessor

Authority for committee study in this area derives from referral to interim study of the subject matter of A B 1921 (Bradley) by the 1961 Legislature In its final form this measure would have required a four-fifths vote of a county board of supervisors before a lease-purchase agreement could be concluded with a county retirement system. A major hearing was held on this subject on November 17, 1961, at which time lengthy presentations were made to the committee by the County Supervisors Association of California and by individual counties with extensive experience in the use of these agreements The Investment Bankers Association, California Group, presented additional information about the financial and constitutional implications of this procedure In preparation of this report the committee staff has also consulted independent economists and private investment counselors and has sought the advice of the Legislative Counsel in an effort to arrive at a thorough evaluation of the present situation

This report is organized according to the following format Chapter II deals with general objections to the lease-purchase procedure These objections are characterized by the fact that they are directed solely at the procedure and its effects and thus do not require extensive consideration of the contracting parties Specifically, the section is confined to an exploration of the constitutional status of lease-purchasing and the possible effect of the practice on California municipal bonds Chapter III examines objections to lease-purchase contracts which arise

[4] Assembly California Legislature, Interim Committee on Revenue and Taxation, Vol 4, No 5, *The Cost of Public Financing for Necessary New and Expanded Facilities on the State and Local Level* (April 1959)

when the contracting parties happen to be a county and a county retirement system The section considers the question of arm's length dealing between a county and a retirement system and the question of the financial implications of such a transaction for both the county and the retirement system Chapter IV evaluates similar methods of capital financing involving the State Employees' Retirement System It examines the possibility of lease-purchase contracts between counties and the retirement system, and also evaluates the sale of county building certificates to the retirement system as a source of capital outlay funds.

CHAPTER II

GENERAL OBJECTIONS TO THE LEASE-PURCHASE PROCEDURE

1. CONSTITUTIONAL STATUS OF LEASE-PURCHASING

Article XI, Section 18, of the California Constitution, establishes the conditions under which counties of this State may incur long-term indebtedness

> No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed 40 years from the time of contracting the same; . .

As noted previously, the original intent of this article was to place the power to issue general obligation bonds in the hands of local voters and local legislative bodies, and at the same time to prevent the incurring of local debt except in circumstances of obvious necessity These provisions have changed little since their original adoption in 1879 [1] The period since World War II, however, has witnessed substantial change in California's growth patterns A rapidly expanding population presented—and continues to present—local jurisdictions with the necessity for providing a variety of capital improvements in a relatively short period of time. Under such circumstances local jurisdictions have found increasing occasion to feel unduly restricted by the constitutional provisions governing general obligation bond financing [2] and thus to turn to alternate means of financing capital expenditure One such alternative has been the increased use of revenue bonds Most recently there has been a sharp increase in the use of another alternative—the so-called "lease-purchase" agreement The latter procedure is essentially a long-term lease. Such leases, however, contain a provision allowing the lessee to purchase the leased facility after a specified period of time in accordance with a prearranged price schedule In recent years counties have concluded increasing numbers of these agreements both

[1] Starner, *op cit* pp 6-7

[2] It ought to be noted in passing that the limitations of Article XI, Section 18, are not applicable to California's vast number of special districts The statutes authorizing the creation of such districts, however, normally require elections before general obligation bonds may be issued Most such statutes require a two-thirds vote in such elections, although a significant number require only a 60 percent or simple majority vote See Assembly, California Legislature, Interim Committee on Municipal and County Government *Analysis of California District Laws* (1964 and regular biennial supplements)

with private and with public investors In particular, counties with retirement systems organized under the County Employees Retirement Law of 1937 have used the provisions of that statute to conclude a substantial volume of lease-purchase transactions [3] In such instances the statute requires that the lease be concluded between a county and a county retirement system before the facility in question is constructed Thus the county, in effect, is enabled to acquire the exclusive use and eventual ownership of a tailormade facility This point is especially apparent when the building involved is a jail or other specialized structure In any case it is apparent that the lease-purchase procedure enables a county to determine the construction of, and eventually to purchase, almost any type of public facility it may desire.

The practice of lease-purchase raises an immediate constitutional issue Is this procedure a legitimate alternative to general obligation bond financing, or is it no more than a device to circumvent the constitutional requirement that long-term county debt be approved by the electorate? In some measure this question has been answered Lease-purchase has not gone unchallenged in the courts The resulting litigation has at least served to establish some admittedly general ground rules governing the use of the procedure; it has, furthermore, established the broad confines within which the procedure may be employed constitutionally.

The following analysis, prepared by the Legislative Counsel, delineates succinctly and thoroughly the present status of county lease-purchase financing·

> Under Section 31595 of the Government Code the funds of a county employees' retirement system established under the County Employees Retirement Law of 1937 (commencing with Section 31450, Gov C) may be invested in real property or improvements constructed or to be constructed on real property when such real property or improvements are acquired for sale or lease to a county. Such an investment may be made only if the assets of the system exceed $1,000,000 and the total investments in real property do not exceed 25 percent of the assets of the retirement system (Sec 31602, Gov C) Furthermore, such an investment must first be approved by the unanimous vote of the retirement board and by a four-fifths vote of the members of the board of supervisors (Sec 31601, Gov C).
>
> Before an investment is made in real property, the retirement board is required to enter into a lease or lease option agreement with the county under which the county agrees to rent the property at a monthly rental and for a period not to exceed 50 years The agreement may contain options to purchase (Sec 31604, Gov. C) For the purposes of these provisions, the retirement board is authorized, for investment purposes only, to purchase, sell, or lease real property and to construct buildings (Sec 31605 Gov.C).
>
> Under the usual type of lease-purchase agreement for the construction of county buildings, pursuant to these provisions, the county owns real property and leases it to the retirement system under an agreement whereby the retirement system constructs a

[3] Govt Code, Sec 31604

building thereon and the county agrees to lease the building for a term of years The county has an option to buy the building at some future time

The constitutional issue presented by such a lease-purchase arrangement is whether it creates a liability or indebtedness in excess of that authorized by the constitutional provision reading:

> No county shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose (Cal Const Art XI, Sec 18)

Such lease-purchase arrangements have been upheld by the California Supreme Court on the three occasions they have been litigated.

In *City of Los Angeles* v *Offner* (1942), 19 Cal 2d 483, the court upheld the validity of an arrangement whereby the city leased land to a contractor for 10 years at a rental of $1 per month The contractor agreed to build an incinerator to be erected thereon for nine years and nine months, at a specified monthly rental The city was given an option to buy the incinerator at various intervals during the term of the lease at a minimum price fixed by a schedule.

It was contended that this arrangement was in reality an installment contract for the purchase of the incinerator over a period of nine years and nine months, and that, as so construed, the city would incur an indebtedness or liability for the rentals for the entire term of over nine years, and, since such indebtedness would exceed the city's revenues for one year, it would violate Section 18 of Article XI of the State Constitution.

The court stated that the test as to whether such an arrangement violated the constitutional provision was whether the agreement was entered into in good faith and created no immediate indebtedness for the aggregate installments but confined liability to each installment as it fell due and each year's payment was for the consideration actually furnished that year The court found that the particular arrangement met this test

The next case was *Dean* v *Kuchel* (1950), 35 Cal 2d 444 This case involved the validity of an instrument for the leasing of state property to a company for 35 years for the sum of $1, the erection of an office building thereon by the company, the leasing of the property and the building to the State for 25 years at a monthly rental of $3,325, the granting of an option to the State to terminate the agreement after 15 years and on 60 days' notice if certain amounts had been paid to the company, and the vesting of all title to the property and to the building at the end of the 25-year period

It was contended that the instrument violated Section 1 of Article XVI of the State Constitution, prohibiting the Legislature from creating any debts or liabilities exceeding $300,000 except with the approval of the electorate

The court rejected this contention, stating that the same principles applied here as in the *Offner* case with respect to the debt limitation on local governments The court found no logical distinction between the *Offner* case and this one

> It is true that there was an option to purchase in the former rather than a vesting of title at the end of the term in the instant case, but as far as liability is concerned, the state under the instrument here is in a better position, for it gets title without the payment of anything other than the rental The essence of the Offner rule is that the payments are for a month to month use of the building Here it is clearly stated that the rentals are for that purpose There is no substantial or logical difference between the option to purchase in the Offner case and the vesting of title at the end of the term in this case True, the city was not bound to execute the option and thus pay the purchase price, but it was required to pay the rentals Here the rentals also must be paid but the state need not pay any more We are satisfied therefore that the instant transaction qualifies as a least for the purpose of the debt limitation (35 Cal 2d at pp 447, 448)

In *County of Los Angeles* v *Byram* (1951), 36 Cal 2d 694, the court considered the validity of a lease-purchase contract between the County of Los Angeles and the Retirement Association of the County of Los Angeles under the authority of the Government Code Under this contract, the county was to lease its property to the retirement board, the retirement board would build a courthouse costing $6,000,000 thereon, and the county would lease the building for a 50-year term at a monthly rental of $25,000 The lease could be terminated by either party after 40 years The county would have an option to buy the building during the term of the lease for the investment of the retirement board less 2 percent a year.

It was contended that this contract created an indebtedness in violation of Section 18 of Article XI of the State Constitution The court rejected this contention for two reasons

First, the court held the construction of a courthouse was an obligation imposed by law and, therefore, did not constitute an indebtedness or liability within the meaning of the debt limitation provision of the Constitution

Secondly, the court held there was no substantial distinction between the problem here and that involved in the *Offner* and *Kuchel* cases.

The test outlined in the above cases as to whether a lease-purchase transaction violates the debt limitation provisions of the Constitution is whether an immediate liability is created for the total of the payments which the county is to make as opposed to a true lease situation in which each payment is for consideration furnished during the period to which the payment relates If the lease-purchase arrangement is substantially similar to those upheld in the three cases discussed above, it seems clear that the California

courts will uphold them against a contention that they violate the debt limitation provisions of the State Constitution [4]

In some quarters, however, this status of lease-purchasing is not regarded as entirely permanent Mr Philip Gregory, representing the Investment Bankers Association, California Group, has told this committee that " it is accurate to say that so far lease-purchase has successfully withstood challenge in the courts This is not a complete statement, however, because there is a substantial body of legal opinion in the State that believes that when the question is properly presented to the courts, lease-purchase will be held to be a clear violation of the Constitution " [5] This point was amplified in a subsequent legal opinion filed by Mr Gregory with the committee in which he commented directly on the Legislative Counsel's analysis of lease-purchase

> In stating there is a substantial body of legal opinion in the State to the effect that when the question of the validity of lease-purchase is properly presented to the courts, it will be held to violate Article XI, Section 18 of the State Constitution, I also said that lease-purchase had been upheld in court tests
>
> I restate this to try to be completely accurate . with respect to the outcome to date of the cases concerning lease-purchase
>
> (An) opinion of Legislative Counsel . . states that the Supreme Court in several cases has evolved a test of the validity of these transactions which is, substantially, whether an immediate liability is created for the total of payments, as opposed to a *bona fide* lease transaction
>
> I do not see a contradiction . between this opinion and my statement. There is no question but what the Supreme Court in several cases has discussed and stated a test for the determination of whether these lease-purchase transactions are in fact violative of the Constitution In essence, the test is as the writer of the opinion states. This brief statement of the rule, however, omits the further important point.
>
> > If, however, the instrument creates a full and complete liability upon its execution, or if its designation as a "lease" is a subterfuge and it is actually a conditional sales contract in which the "rentals" are installment payments on the purchase price for the aggregate of which an immediate and present indebtedness or liability exceeding the constitutional limitation arises against the public entity, the contract is void (*City of Los Angeles* v *Offner* (1942) 19 C 2d 483, 486)
>
> Therefore, it is obviously not sufficient merely to state, as does the opinion, that if the lease-purchase arrangement is substantially similar (presumably in form) to those upheld in the cases cited in the opinion, it would clearly be upheld in future litigation It is necessary to add that either the *bona fides* of such a transaction must be such as to satisfy the test enunciated by our Supreme

[4] Legislative Counsel Opinion 979 "County Lease-purchase Agreements" December 18, 1961

[5] Assembly Interim Committee on Municipal and County Government *Transcript*, Hearing of November 17, 1961 p 3

Court or, as before, only a "friendly" suit is involved which successfully conceals the true nature of the transaction.

The belief that reliance on the validity of these lease-purchase transactions will be found to have been misplaced if this question is properly placed before the courts is based on the fact that the three cases cited in the opinion have been "friendly" suits Such a suit may or may not be rigged to produce an agreed result and may or may not involve collusive co-operation of the supposedly opposite parties litigant While we need not import wrongfulness to parties engaged in such a "friendly" suit, the fact cannot be overlooked that such litigation will likely produce the very result intended, namely, the validation by the court of the law or transaction in question

The point being made is, I believe, that the real party in interest, the taxpayer, has not had true representation in these lawsuits This does not appear open to serious question, but in any case is not the writer's opinion alone, as it has been enunciated in one of the two strong dissents written in the cases we have been discussing. See *Dean* v *Kuchel* (1950) 35 C 2d 444, 449, *County of Los Angeles* v *Byram* (1951) 36 C 2d 694, 702 In these dissents Justice Edmunds wrote a detailed and documented expose of the so-called lease-purchase transactions and stated they were disguises and cleverly designed subterfuges to evade the constitutional debt limitation provision

The legal cloud that hangs over lease-purchase is that under the ruling test the *bona fides* of the transaction is subject to the review of the court in each case This means that each individual transaction can—and should be—examined on its own merits It seems obvious that if the proof of what is actually involved is properly presented to the court in a true adversary proceeding, then the court in many, if not all, cases involving these lease-purchase transactions will be able to determine that the transaction is not "only a lease" transaction, but is a cleverly designed subterfuge and evasion of our constitutional provision against incurrence of long-term debt without a vote of the people [6]

SUMMARY It is safe to say that at present the constitutionality of the lease-purchase procedure has been established Such a contract is constitutional if no immediate liability is created for the total of the payments which the county is to make Each payment must be made only for the reasonable value of the consideration furnished during the period to which the payment relates Whether this test will eventually be discarded by the courts is, at best, a conjectural point Such an eventuality does not appear imminent, nor has fear of it served to discourage the use of lease-purchase between counties and county retirement funds The debate about the constitutionality of this procedure, however, does raise a significant legislative policy question—that of whether lease-purchase as it is presently being used between counties and county retirement funds serves the intent of Article XI, Section 18, by discouraging arbitrary incurrence of local debt The

[6] Philip J Gregory, letter addressed to Thomas H Willoughby, Committee Consultant, April 25, 1962

factual information necessary to resolve such an issue is contained in the balance of this report

2. LEASE-PURCHASE AND CALIFORNIA MUNICIPALS

It has been alleged that the use of lease-purchasing might have a generally adverse effect on the market for California municipals Specifically, counties (and other jurisdictions) are warned that continued use of the procedure threatens to undermine their credit and to force up interest rates on subsequent county bond issues Mr Claude Richards, a member of the municipal bond underwriting firm of R. H Moulton and Co and Chairman of the Municipal Securities Committee of the Investment Bankers Association, California Group, has told the committee

> The point I want to emphasize is the necessity of California's maintaining the high quality of the credit of its political subdivisions Heretofore such credit has been highly accepted throughout the United States because (California) has had sound laws . regulating the maximum debt ratio to assessed valuation Lease-purchase is a hidden debt and, in effect, is another way of creating debt beyond the statutory debt limitations If this practice were permitted to continue and to increase, the quality of California municipal bonds would deteriorate in the general market and every community which financed would pay a higher price .
>
> The rating services, an objective group of statisticians which reviews municipal finances and statistics and gives ratings on new bond issues, are very much aware of any gimmicks to circumvent either sound debt policies or debt ratios or debt limitations They inquire rather specifically about these things and want to be assured that our house is still in order, that everything is above board and that figures are accurate and dependable and represent the full story Everybody in the State has a real stake in this situation and should not support any type of gimmick that would circumvent the normal channels of issuing bonded debt for needed public facilities [7]

Compensation to an investor for the risk involved in lending his money is a significant factor in determining the market price of any bond issue [8] Under conditions of greater risk an investor is obviously able to demand greater compensation Mr Richards' comments imply that continued use of lease-purchase will increase the risk factor in subsequent issues of county general obligation bonds Thus a county would have to pay higher, and allegedly excessive, rates in order to market its bonds.

Why should lease-purchasing operate to undermine the security behind general obligation bonds? The answer lies in the fact that such contracts provide for annual commitments of county funds In addition the contracts usually provide that the annual rental payments be

[7] *Transcript* pp 22-23

[8] In addition to compensation for risk, compensation for use of funds is also an important factor in determining the market price of a bond issue The latter, however, is determined by the operation of the money market, while compensation for risk depends on the financial security of the issuing entity

made for a 15- to 20-year period before the county may exercise its purchase option. For practical purposes, therefore, when a county negotiates such a contract, it incurs a long-term debt In terms of the fixed annual expenses of a county there is little distinction between amounts required to retire general obligation bonds and amounts required to satisfy long-term leases The significant difference between these two types of long-term indebtedness lies in the limitations placed on each. Counties are limited in the total amount of their bonded indebtedness to 5 percent of their taxable property as shown by the last equalized assessment roll This limit may be increased to 15 percent, however, if bonds are issued for "water conservation, flood control, irrigation, reclamation or drainage works" [9] At present there is neither statutory nor constitutional limitation on the amount of debt which a county may incur through long-term leases Thus, there are no safeguards to prevent lease-purchase from being used to exceed statutory debt limitations Since the purpose of such limitations has been that of guarding against excessive expenditures, thereby preventing defaulting on bonds and securing the credit of counties, it is apparent that lease-purchase will undermine a county's credit to the extent that the practice is used to circumvent statutory debt limitations The total amount of a county's lease-purchase commitments, moreover, is difficult to ascertain under present circumstances Unlike county bonded indebtedness, which must be reported annually to the State Controller and is in turn published by him, lease-purchase obligations are neither listed together nor published Annual payments for such leases are itemized in county budgets, but the total indebtedness from this source is not a generally available statistic

Although lease-purchase, because of the lack of control in its use, presents a ready means of exceeding statutory debt limitations, there is no indication that it has been thus abused The committee has found no indication of any instance in which the total amount of county bonded indebtedness together with lease commitments to a county retirement fund exceed, or even approach, the statutory debt limitation Los Angeles County, perhaps the most extensive user of lease-purchase, has lease commitments which are roughly equivalent to the amount of its bonded indebtedness of $68 6 million Its total long term debt is therefore approximately $137 2 million Since the assessed valuation of Los Angeles County is approximately $12 billion, the county is several hundred million dollars away from its 5 percent statutory debt limitation of $600 million [10] Table I lists the assessed valuation of California counties for the fiscal year 1961-62 together with the bonded indebtedness of each county as of June 30, 1961 Although no accurate statistics are available on the amount of lease-purchase debt in each county, it is clear from Table I that this amount would have to be relatively large in order for *total long-term county commitments* to exceed the 5 percent statutory limitation

In short, the counties do not appear to be using the lease-purchase procedure to exceed their debt limitations The practice, moreover, has had no measurable effect on the sale of county bonds, although some investors have evidenced reservations about the procedure [11] Under

[9] Govt Code, Sec 29909
[10] *Transcript*, pp 22 and 50
[11] *Ibid*, pp 23-25

present circumstances the possibility of exceeding debt limitations admittedly remains open Such a possibility may well inspire extra caution on the part of an investor, who does not have easy and open knowledge of county lease-purchase debt as he has of bonded indebtedness Thus it

TABLE I

ASSESSED VALUATION SUBJECT TO LOCAL TAX RATES

County	*Fiscal year 1961-62*	*Bonded indebtedness as of June 30, 1961*
Alameda	1,495,255,160	
Alpine	2,362 965	
Amador	45,267,455	
Butte	168,525,757	
Calaveras	29,132,320	
Colusa	50,204,071	
Contra Costa	918,308,410	7,830,000
Del Norte	28,771,260	
El Dorado	93,882,630	
Fresno	818,694,400	36,000
Glenn	56,230,520	
Humboldt	172,882,005	2,640,000
Imperial	133,470,138	11,500
Inyo	43,142,810	
Kern	744,919,790	
Kings	133,056,135	
Lake	39,862,745	
Lassen	23,847,050	
Los Angeles	12,374,473,247	60,944,000
Madera	108,039,202	
Marin	268,366,585	
Mariposa	13,648,225	
Mendocino	87,784,330	275,000
Merced	161,675,340	
Modoc	26,878,645	
Mono	25,065,510	
Monterey	384,979,060	
Napa	94,222,290	
Nevada	44,231,950	
Orange	1,466,943,550	6,955,000
Placer	151,200,245	
Plumas	75,520,450	
Riverside	652,769,430	4,504,000
Sacramento	884,888,890	4,260,000
San Benito	47,755,005	
San Bernardino	937,233,760	6,756,000
San Diego	1,663,495 210	18,080,000
San Francisco	1,482,218,908	
San Joaquin	451,580,900	
San Luis Obispo	171,249,070	935,000
San Mateo	887,677,771	2,875,000
Santa Barbara	390,492,932	
Santa Clara	1,416,867,070	26,708,000
Santa Cruz	171,481,945	
Shasta	148,359,074	
Sierra	6,885,840	
Siskiyou	64,877,825	
Solano	184,091,110	
Sonoma	267,951,220	
Stanislaus	246,972,352	3,550,000
Sutter	66,903,600	
Tehama	58,260,104	
Trinity	14,710,910	
Tulare	336,541,230	
Tuolumne	40,244,723	
Ventura	508,266,940	530,000
Yolo	142,439,913	
Yuba	64,012,255	

is not unreasonable to expect that increasing incurrence of lease-purchase debt which is unregulated and unrecorded might operate to raise bond interest rates There is no indication, however, that such a possibility could not be forestalled by proper regulation and reporting procedures, even though Mr Claude Richards of the Investment Bankers Association told the committee that he would not wish to specify an "acceptable" limit to lease-purchase debt.[12]

SUMMARY. County lease-purchasing may adversely affect the interest rates on county bond issues This possibility is largely due to the fact that lease-purchase represents a long-term commitment of county funds and in this respect is indistinguishable from bonded indebtedness Lease-purchase debt, however, is not subject to the statutory limitations of bonded debt, nor is the total of such debt required to be reported as is the total of bonded indebtedness The existence of lease-purchasing under these circumstances admits the possibility of a county's exceeding its debt limitations Although heretofore the use of lease-purchase has had no noticeable effect on bond interest rates, it is reasonable to expect some suspicion on the part of investors if the practice is known to be increasing These suspicions, and the pressures they generate for increasing bond interest rates, originate with the lack of safeguards surrounding lease-purchase rather than with the procedure itself Although the committee has been informed that "acceptable" safeguards and limitations would be difficult to establish, there has been no indication that effective regulation would be impossible. If the incurrence of lease-purchase debt were regulated in much the same way as the incurrence of bonded debt, the possibility of an accumulated "secret debt" would no longer remain to erode the security of county bond issues

[12] *Ibid*, p 25

CHAPTER III

OBJECTIONS TO LEASE-PURCHASE BETWEEN COUNTIES AND COUNTY RETIREMENT SYSTEMS

The Legislature has recognized the public obligation of each county to provide adequate retirement and pension benefits for regular county employees In the County Employees Retirement Law of 1937 [1] it has provided a means for establishing a public corporation to discharge this duty Under the terms of the statute a county employees' retirement system may be established by a four-fifths vote of the board of supervisors or by a majority vote of county electors at a special election Once established, a retirement system is entrusted with the management of a retirement fund maintained by regular contributions from both the county and individual employees, it is this fund which secures future retirement and pension claims The retirement system, moreover, is obliged to credit all contributions to the retirement fund with interest at the rate of at least 2 5 percent, compounded semiannually The primary responsibility of a retirement system, therefore, is that of investing the retirement fund so that it may meet the obligations credited against it When such investments are in capital outlay projects which are to be leased (or lease-purchased) by a county, significant questions of public policy are raised There is, first of all, the matter of whether negotiations between a county and a retirement system can be considered an "arm's length" dealing. There is also the issue of whether or not the lease-purchase procedure is a relatively costly one to the county and at the same time one which yields a relatively low rate of return on the investment of the retirement system. This chapter attempts to explore and answer both issues

1. ARM'S LENGTH DEALING

Membership on the retirement board, the governing body of a county retirement system, is fixed by statute as follows· the county treasurer; two members of the retirement system, elected by the membership thereof; three qualified electors of the county who are not connected with county government in any capacity, except that one may be a supervisor, who are appointed by the board of supervisors, and a safety member of the retirement system elected by fellow safety members [2] (In counties with a population of less than 295,000 as of September 1953 one public member and the safety member are omitted from board membership [3])

Under these circumstances a question of conflict of interest arises if and when a retirement system contemplates a lease-purchase transaction with a county. Mr Philip Gregory, representing the Investment Bankers Association, California Group, has alleged that

[1] Govt. Code, Secs 31450 et seq
[2] *Ibid*, Sec 31520 1
[3] *Ibid*, Sec 31520

> The clear result of this type of board's representing the county retirement system is that there is not really an arm's-length dealing between the retirement board and the county That's self-evident. There is no need to belabor the point This is not to suggest that they are going to act improperly It's just not an arm's length transaction, it's an interlocking board The business of attempting to negotiate a transaction that would be beneficial to both sides is virtually impossible because of the makeup of the retirement fund board .
>
> It is the type of self-dealing which, if engaged in by an insurance company or a trust company as a trustee of pension funds, would be regarded as a flagrant breach of their trust obligation [4]

Dual board memberships, which would be the most obvious occasions for possible conflicts of interest, are not presently at issue in any county The experience of Alameda County with such membership is typical Douglas R Dunning, Assistant District Attorney of Alameda County, informed the committee that since the organization of that county's retirement system in 1948, a county supervisor had sat on the retirement board—an arrangement which provided "closer knowledge and liaison" between the two bodies In January 1961, however, when Alameda County decided to negotiate lease-purchase transactions with the retirement system

> the question was raised that there could be some possible conflict of interest and the supervisor immediately resigned He did not want to be placed in that position nor did the board [5]

When any of the 13 counties which have independent retirement systems has contemplated lease-purchase contracts with a county, the supervisor member of the retirement board has invariably been replaced with a public member [6] Although dual membership is therefore an admitted possibility under the existing statute, it is nowhere an issue under present circumstances

The several ad hoc county decisions to restrict dual membership where lease-purchase is involved have not, however, completely laid to rest the conflict of interest issue In a more subtle fashion the same consideration is raised by the manner in which the public members are selected for the retirement board The fact that these members are selected by the board of supervisors presents the possibility at least that decisions on lease-purchase transactions might be unduly influenced by the wishes of that board The point is amply illustrated by the following exchange between committee members and George W Wakefield, Chief Assistant County Counsel for Los Angeles County, who at the time was also spokesman for the County Supervisors Association of California

> ASSEMBLYMAN BROWN About the question of arm's length dealing—the supervisors appoint three members of the retirement board, do they not? In a private organization, for example a corporation and a subsidiary in which

[4] *Transcript* pp 8 and 14
[5] *Ibid*., p 42
[6] The counties with independent retirement systems were all circularized to confirm this situation

the parent corporation appointed three members of the subsidiary board, would you consider that to be arm's length dealing?

MR WAKEFIELD If those individuals could control the ultimate outcome, I would think not, but if they are just part of the governing body, I would *think that it was completely arm's length* As a matter of fact there have been many proposals made to our retirement board by our board of supervisors that the retirement board has turned down

ASSEMBLYMAN BROWN I can understand that, but it still seems to me that you have less than a clear-cut arm's length dealing here under the present composition of the retirement board You can't deny that there is some possibility of some influence by the board of supervisors, not only on the three members that they appoint but also on the three that are elected by the employees

MR WAKEFIELD There is always the possibility of some outside influence in a situation where one agency is bound to work in close co-operation with another

ASSEMBLYMAN LANTERMAN Let me rephrase that question Is there any conflict of interest between the composition of the retirement board and the best interests of the public? This is the question that I would be interested in

MR WAKEFIELD Not that I would know of, Mr Lanterman

ASSEMBLYMAN LANTERMAN What's your opinion, Mr Chairman?

CHAIRMAN BRADLEY I would say that a board of supervisors which has the power to appoint three members of a retirement board necessarily retains some influence over the opinion and the thinking of those three individuals I don't know how you could regard it in any other way This is a problem in government in many fields, here it is particularly important because there is supposed to be independent opinion from the retirement board as to the best policy for the investment of retirement funds[7]

It seems clear that in lease-purchase negotiations with a board of supervisors a retirement board cannot function as a completely independent agency Although there has been no evidence that this relationship between a board of supervisors and a retirement board has ever resulted in any obvious breach of public interest, the question remains of whether it is desirable public policy to continue lease-purchase negotiations under these circumstances Some mention of the limitations imposed on both parties to lease-purchase negotiations is appropriate to proper consideration of this point

County retirement systems are specifically authorized to invest in real property and/or improvements thereon on the condition that such real property and/or improvements are to be leased or sold to a county [8] Such investments, however, must have the prior approval of four-fifths of the board of supervisors and of the unanimous retirement board [9] To qualify financially to make such an investment, a retirement system must have total minimum assets of at least one million dollars At no time, furthermore, may the system's total investment in real property exceed 25 percent of its total assets [10] In addition to these prerequisites for investments in real property which the statute fixes for the retirement system, it also establishes standards which such an investment itself must satisfy The retirement system is required to pay an annual interest of at least 2 5 percent on all contributions to the retirement

[7] *Transcript*, pp 65-67
[8] Govt Code, Secs 31595, 31605, 31606
[9] *Ibid*, Sec 31601
[10] *Ibid*, Sec 31602

fund unless a different interest rate has been set by the retirement board [11]

At the very least, therefore, the investments of the retirement system must return their principal together with sufficient earnings to meet mandatory interest payments When a retirement system invests in real property the statute imposes restrictions intended to insure such a return For example, a separate independent appraiser must be employed by the retirement board and by the board of supervisors Each appraiser must examine the plans for a proposed project and determine what in his opinion will be the fair rental price of the completed facility If the completed building is only to be leased to the county, it must have a projected rental sufficient to return the investment together with interest at a rate ¼ percent higher than the interest rate which the retirement system must pay on contributions to the retirement fund [12] In the event that the lease contains an option to purchase the facility, the purchase price together with the rental payments must be sufficient to return the investment together with interest at a rate ¾ percent higher than what must be paid on contributions to the retirement fund [13] This requirement of a minimum projected return as a condition of a lease-purchase agreement between a county and a retirement system is at least an attempt to obviate any adverse effects which might stem from the close relationship between the retirement board and the board of supervisors.

It should also be noted in passing that a retirement system is authorized to employ separate legal counsel in real property negotiations Such employment, however, is contingent upon approval of the board of supervisors and counsel must be paid from county funds [14]

In short, although under present circumstances a retirement system cannot be said to be completely free from the influence of the board of supervisors, there are procedural safeguards which apply in the case of lease-purchase investments and which are aimed at maintaining the actuarial integrity of the retirement fund There is no evidence that such safeguards have not achieved their purpose Suggestions for altering or modifying these procedures (e g , by requiring independent counsel for the retirement system or by establishing an independent agency to represent the public interest in lease-purchase transactions) represent decisions that such alternate procedures would better serve the public interest than the present ones To make such a choice transcends the scope of this report and is more properly the decision of the Legislature

SUMMARY The County Employees Retirement Law of 1937 specifically contemplates lease-purchasing between retirement systems and boards of supervisors At the same time it provides for a relationship between these two bodies which raises some question about the

[11] *Ibid* , Secs 31472 31591 Compulsory actuarial valuations of retirement systems as required by Govt Code Section 31453 have resulted almost uniformly in higher rates of interest on contributions In practice the actuary's assumed rate of interest has quickly been adopted as the official rate
[12] *Ibid* , Sec 31603
[13] *Ibid* , Sec 31604
[14] *Ibid* , Sec 31607

possibility of true arm's length dealing between them The statute, for example, allows a member of the board of supervisors to be appointed to the retirement board (This prerogative is not now exercised in counties which have lease-purchase contracts with their retirement systems) There is some possibility, moreover, that a board of supervisors may exercise a degree of influence over the public members appointed by them to the retirement board To guard against any unwarranted and arbitrary pressures by a board of supervisors, the statute also embodies a series of procedural safeguards aimed at preserving the actuarial soundness of the retirement system Thus, only retirement systems with assets of one million dollars can invest in lease-purchase transactions, and such investments are restricted to 25 percent of the retirement system's total assets Two independent appraisers, furthermore, must certify that a proposed lease-purchase investment will return not only the principal and the amount of interest which must be paid on contributions to the retirement fund, but also an additional margin of safety of ¾ percent Since there has been no indication that these procedures have been abused or disregarded, they may be judged at the least to have accomplished their minimum objective.

2. FINANCIAL CONSIDERATIONS

Financially, lease-purchasing is alleged to be an inferior procedure both from the viewpoint of a county retirement system and from that of the county A county, it is argued, can finance needed capital outlay projects at a substantially lower cost with general obligation bonds A retirement system, because it is a tax-exempt public corporation, is held to be capable of realizing substantially greater returns from investments in high-grade corporate securities Mr Philip Gregory, spokesman for the Investment Bankers Association, outlined the situation in the following language

> . . . I think that only three situations can exist when the county deals with the county retirement fund The first of the three possibilities is that the county retirement board fully does its duty and obtains the highest return on its money that it can get. This would mean a rate about 1 percent above the municipal bond rate, or 5 percent. The county, in this case, obviously has a bad deal. It's paying approximately 1 percent more for its money than it has to The second possibility is that just the reverse occurs, and that the county so dominates these negotiations that the county gets a very good deal at a low rate of interest That means that the county retirement board necessarily is getting an improper return on its money because it could have purchased triple-A gilt-edged bonds The third possibility is that these two boards get together and they compromise They try to find a happy medium, and they split the difference That means both sides lose Necessarily
>
> Admittedly (lease-purchase) gets the job done It's a question of whether we are so rich that we can afford to get needed structures without regard to cost Necessarily these lease-purchase transactions are more costly There is, however, a mechanical advantage to such an arrangement. If that's the main thing

involved, maybe lease-purchase is a fine thing . . . But that isn't the only thing involved

Let me give you a specific example At the present time one California county is financing a $7,150,000 building program by a lease-purchase arrangement with the county employees retirement system at a net interest cost of 4 6 percent At the time of these negotiations, general obligation bonds of this county could have been sold on the open market at interest rates . . from 3 25 percent to 3 45 percent It has been computed that if this one program is carried forward, the interest cost to the taxpayers, over and above what it would cost the taxpayers if general obligation bonds were used, will amount to $2,653,935 At the same time that the project is costing the taxpayers over $2,600,000 more than if general obligation bonds were used, the retirement system is obtaining a lower interest rate than it could by purchasing the highest grade of public utility and corporation bonds As a result, the taxpayers lose in increased interest costs and the county employees lose by a lower yield on the funds held to insure the payment of pensions [15]

A realistic evaluation of this issue involves thorough consideration of the two essential elements in it The balance of this section, accordingly, will discuss separately (a) the relative cost to the county of general obligation bond and of lease-purchase financing and (b) the relative return to the retirement system from lease-purchase and from other investments

Cost of Lease-purchasing to the County: As discussed above, the constitutional prohibition against a county's incurring a long-term debt without a vote of the electorate has not been interpreted as an outright prohibition of lease-purchase financing The Supreme Court has held, however, that rental payments must represent only payment for the consideration actually furnished during a particular period Payments in excess of the value of such a consideration are regarded as payment of part of the purchase price and therefore an unconstitutional incurrence of long-term debt In order to comply with this legal form both the county and the retirement system employ separate appraisers to determine the "fair rental value" of a projected structure in relationship to other buildings of comparable size, use, quality and location When lease-purchase negotiations are successful, a county will pay a monthly "fair rental" for the building and will have an option to purchase it at its projected fair market value at specified future dates

In this type of financing the retirement system is limited to receiving "fair rental" payments and the projected "fair market" purchase price. As noted previously, the law prohibits lease-purchase contracts unless these rental and purchase amounts represent a return of at least ¾ percent greater than the rate at which interest must be credited to contributions to the retirement fund [16] In practice, retirement systems often require that lease-purchase investments return a higher rate of interest than this statutory minimum Because the rate for building

[15] *Transcript*, pp 12-14
[16] Govt Code, Sec 31604

rental and the amount of future purchase are always set according to "fair market" standards, the effect of a retirement system's establishing a higher rate of return than the legal minimum is to limit the number of projects in which the system may invest. Many retirement systems, nevertheless, have established their own minimum interest rates for lease-purchase investing which exceed the present minimum statutory rate of 3¼ percent.

An effective interest rate of 3¼ percent, it must be noted, is the absolute statutory minimum rate which may be charged by a retirement system County retirement systems may, and usually do, charge rates in excess of this minimum In the latter situation the effective interest rate is usually determined according to one of the following methods

LEGAL MINIMUM The statutory minimum interest rate is ¾ of 1 percent higher than the interest required to be paid on contributions to the retirement fund Although the interest required on contributions must be at least 2½ percent,[17] retirement boards as a general practice have set this rate at the actuary's assumed interest rate [18] In most counties the actuarial assumed rate is 3 percent so that for practical purposes the current legal minimum becomes 3¾ percent

FLAT RATE Some retirement systems have established one interest rate for all lease-purchase investments Such a rate is usually based on an estimate of what securities purchased over a comparable period of time might return The Los Angeles County Retirement System, for example, established in 1953 a flat rate of 4 5 percent for lease-purchase investments, which it still maintains More recently the Alameda County Retirement System established a flat rate of 4 6 percent when it undertook lease-purchase investing in 1961.

YIELD ON MUNICIPAL BONDS This methods requires rates comparable to those which the county would have to pay on general obligation bonds Proponents of this method of establishing interest rates argue that it makes lease-purchase equivalent in cost to bond financing and thus is the best way in which this financing can be justified to the taxpaying public

CURRENT BEST INVESTMENT Although there is no record that this method has been used, it would establish the interest rate for lease-purchase at that of current "best yields" in the portfolio of a retirement fund on the theory that funds could otherwise be invested at such a rate of return One argument against the use of this method of establishing interest rates is that current high yield bonds will be refunded at lower rates as soon as there is a break in the bond market In such a case the "paper" yield on the bonds would not be realized and thus the lease-purchase rate would be an artificial one

Representative county retirement systems are currently charging the following interest rates on lease-purchase investments [19]

[17] *Ibid*, Secs 31472, 31691
[18] *Ibid*, Sec 31453
[19] County retirement systems were circularized to ascertain this information

County	*Percent rate*	*Method used to determine rate*
Alameda	4 6	Flat rate
Contra Costa	3 75	Legal minimum
Los Angeles	4 5	Flat rate
San Diego	3 4 (Average)	Municipal bond yield
San Mateo	3 75	Legal minimum

It is apparent that extensive generalization about the costs of lease-purchase financing is impossible, effective lease-purchase interest rates are likely to vary substantially in different counties A somewhat more uniform situation occurs in regard to municipal bonds

There is a general bond market in which bonds of "triple-A" or "double-A" quality represent highly secure bonds on which interest rates are correspondingly low An examination of the interest rates on triple-A and double-A municipal issues in the bond market will provide a general idea of the interest cost of this method of financing capital outlay Table I lists the average monthly yields (i e, interest rates) on triple-A and double-A municipals from January 1961 through September 1962 The variations observable from month to month together with overall trends toward slightly higher interest rates are the result of the operation of the bond and money markets and are not within the control of municipalities issuing bonds

TABLE I

MUNICIPAL BOND YIELD AVERAGES

January 1961 Through September 1962

(expressed in percentages)

Month	*Triple-A*	*Double-A*
January (1961)	3 15	3 37
February	3 14	3 35
March	3 23	3 42
April	3 27	3 48
May	3 25	3 45
June	3 35	3 52
July	3 35	3 50
August	3 33	3 51
September	3 33	3 51
October	3 28	3 45
November	3 27	3 42
December	3 32	3 51
January (1962)	3 21	3 44
February	3 08	3 28
March	3 03	3 19
April	2 98	3 11
May	2 98	3 09
June	3 06	3 16
July	3 10	3 24
August	3 10	3 23
September	3 01	3 12

SOURCE Moody s Municipal Bond Yield Averages—Moody's Bond Survey

Table I would indicate that a county might expect to issue general obligation bonds at interest rates of from 3 3 to 3 5 percent These rates compare quite favorably with the so-called flat rates of 4 5 and 4 6 percent used by Los Angeles and Alameda County Retirement Funds in lease-purchase financing As has been pointed out by the Investment Bankers Association, general obligation bond financing in these instances can be accomplished at effective interest rates approximately

1 percent lower than lease-purchase financing.[20] If lease-purchase financing is done at present so-called "legal minimum" rates of interest, however, this savings is significantly reduced Thus Contra Costa and San Mateo Counties currently pay an effective interest rate of 3 75 percent for lease-purchasing In any event, it seems clear that financing through general obligation bonds can always be accomplished at somewhat lower interest rates than lease-purchase financing

There can be little question that a fixed principal amount of 3 3 to 3 5 percent interest would cost a county less than the same principal at 4 5 or 4 6 percent interest Offsetting the bond interest rate are two other factors which must be included in a true picture of the costs of bond financing The first of these is the relative inconvenience and expense of calling special bond elections George Wakefield, Chief Assistant County Counsel of Los Angeles, estimated the cost of such an election to his county

> . school districts and other special districts can call special bond elections and can submit such questions to the people at almost any convenient time with a minimum of expense On the other hand, if the County of Los Angeles calls a countywide special election to submit a bond issue to the people, the minimum cost is over a million dollars In other words, expenses for special elections would be so high that as a practical matter, it's impossible to submit bond propositions to the people at any time other than when there is a regular primary or general election [21]

Douglas R Dunning, Assistant District Attorney for Alameda County, advised the committee that in his county such an election would cost a minimum of $250,000, a cost felt prohibitive by the board of supervisors [22] As a practical matter, therefore, special bond elections in urban counties must be planned to coincide with primary or general elections Such a procedure may involve a delay of a period of months between the time when the decision is made that construction of a new facility is needed and the day of the bond election During this period, it is pointed out, bond interest rates are likely to rise slightly and construction costs are likely to increase significantly Alameda County, for example, which formally decided in January 1961 that it required new administration facilities, would have had to wait until the June 1962 primary election to submit a bond proposition to the voters The county administrator estimated that during this 16-month period construction costs would increase 10 to 15 percent [23]

It is quite true that in many instances such delays between approval of a project and a bond election might be obviated by careful planning In any event, however, some time lag will occur between a bond election and the time when bonds can be issued and construction funds obtained Available evidence indicates that there is likely to be some increase in costs during this period Table II provides a monthly index of average California construction costs from January 1960 through September 1962 Although relatively short delays in construction may not add appreciably to project costs, delays of six months or more may

[20] *Transcript*, p 5
[21] *Ibid*, p 64
[22] *Ibid*, p 24
[23] *Ibid*, p 34

TABLE II

AVERAGE CALIFORNIA CONSTRUCTION COST INDEX *

(Based on average California construction costs for January 1946 which have been assigned an index value of 100)

Month	Average index cost		
	1960	1961	1962
January	291 74	289 26	302 09
February	291 74	288 50	302 24
March	291 41	290 78	302 89
April	286 20	297 49	303 05
May	291 58	305 48	304 85
June	285 56	305 15	308 83
July	291 54	305 15	313 37
August	291 21	303 39	312 31
September	290 56	302 90	315 73
October	289 75	302 49	
November	289 10	302 33	
December	289 10	302 01	

* Based on data supplied by Estimating Section, State Division of Architecture

mean average cost increases of from 4 to 7 percent When the facility involved is one costing several million dollars initially, such delays are likely to involve sums of several hundred thousand dollars Nor is this situation likely to change in the immediate future According to the Estimating Section of the State Division of Architecture, construction costs have risen steadily since 1946 and the trend is toward gradually rising costs in the future

The percentage increases in construction costs cited in the preceding paragraph are only averages Certainly in specific instances actual increases may be less or greater than the averages cited. (In the previously cited case of Alameda County the costs apparently were greater than these averages) The significant point, however, is that some such increase is likely to occur in all general obligation bond financing and must be considered in addition to bond interest rates in order to establish the true cost of municipal bond financing.

An additional, and almost unassessable, factor which affects the cost of bond financing is that of bond market fluctuations There is no guarantee that present rates will continue for the period of time necessary to get voter approval and perform the other tasks necessary to prepare a bond issue for sale Thus interest costs to be paid on bond financing cannot be precisely determined until the bonds are actually offered for sale on the market

SUMMARY In short lease-purchasing is always likely to be a somewhat more expensive method of financing than is a bond issue The amount of this additional expense will vary according to the method used by a retirement system in establishing the interest rate that it will claim on such investments Note that under high or low interest rates a county would pay the same "fair rental" price A lower interest rate, however, allows a retirement system to amortize the cost of a facility more quickly and thus to obtain its statutorily required return over a shorter period of time In this event a county may exercise its purchase option sooner and save itself several years of rental payments No comparison of costs, however, is complete which considers only the bond interest rate as opposed to the lease-purchase

interest rate The additional costs connected with the approval and sale of bonds must be included to give a true cost picture of bond financing After the relative costs of each method of financing have been determined for a specific project, it falls to the county board of supervisors to decide the policy questions of the proposed expenditure, viz,

(a) Whether the additional cost of lease-purchasing in this case is excessive or nominal

(b) Whether considerations other than cost make lease-purchasing more feasible and practicable

The Retirement System—Its Investment Alternatives:

> A retirement system involves the total attitude and atmosphere of a trusteeship We are sympathetic of the necessity of retirement (systems') having the highest return on their investments commensurate with the soundness of that investment Our point is that when retirement (systems) can get a top quality industrial bond or (that of) a large, well known, sound manufacturing company, why should they go into a lease-purchase arrangement at the same, or in some instances lower, interest rates? To the extent that they entered into such agreements too much and their earnings were inadequate on an actuarial basis, then the taxpayer would have to make up the deficiency [24]

This charge that retirement systems do their members (and sometimes county taxpayers) a disservice by investing in lease-purchases when alternate investments in high-grade corporate securities will yield equivalent, or higher, returns is one which deserves careful evaluation In the first place there must be consideration of the investment experience of county retirement systems Secondly, some attempt must be made to define more clearly their purpose and functions in a lease-purchase situation

A general idea of the interest rates which might have been realized from relatively recent purchases of high grade corporate securities can be had by examining recent corporate bond yield averages Table III lists these averages from January 1961 through September 1962

Theoretically a retirement system could have realized an investment yield during the period January 1961 through September 1962 of between 4 22 and 4 45 percent on triple-A securities and between 4 33 and 4 59 percent on double-A securities Such a yield is admittedly one-half to three-quarters of a percent higher than the "legal *minimum*" lease-purchase rate of 3 75 percent used by Contra Costa and San Mateo Counties This rate does not compare quite so favorably, on the other hand, with the 4 5 and 4 6 percent "flat rates" used by Los Angeles and Alameda County Retirement Systems It must also be noted that many corporate bonds are callable and that in such instances there is no guarantee that the full extent of the paper value of the bonds will be realized

[24] Claude Richards, Vice Chairman, Municipal Securities Committee, Investment Bankers Association *Ibid*, p 27

Although it is important to compare the interest rates which retirement systems *might* have realized on investments in corporate securities with those rates which are realized on lease-purchase investments, such a comparison by no means presents a complete picture The total investment portfolio of a retirement system seldom achieves such a theoretical maximum yield

TABLE III

CORPORATE BOND YIELD AVERAGES

January 1961 Through September 1962

(expressed in percentages)

Month	*Triple-A*	*Double-A*
January (1961)	4 32	4 48
February	4 27	4 40
March	4 22	4 33
April	4 25	4 37
May	4 27	4 41
June	4 33	4 45
July	4 41	4 53
August	4 45	4 57
September	4 45	4 59
October	4 42	4 56
November	4 39	4 54
December	4 42	4 56
January (1962)	4 42	4 55
February	4 42	4 56
March	4 39	4 53
April	4 33	4 49
May	4 28	4 43
June	4 28	4 44
July	4 34	4 49
August	4 35	4 49
September	4 32	4 46

SOURCE Moody's Corporate Bond Yield Averages—Moody s Bond Survey

In short the investment experience of California retirement systems would indicate that, at the very least, lease-purchasing as it is presently practiced is not a markedly deficient investment alternative Returns on lease-purchase investments will compare more or less favorably with returns on other investments depending on the effective interest rate which each retirement system chooses to establish for such transactions In any event such investments are required to return a minimum of 0 75 percent more than the amount required to pay interest on contributions to the retirement fund [25] Admittedly, there are many factors which go to determine the actuarial soundness of a retirement system, the fact remains, however, that at present there are no actuarial inadequacies in retirement systems having lease-purchase investments (and which are thereby subject to the above-mentioned minimum interest requirement) It appears possible, therefore, for a retirement system to realize a smaller return on lease-purchase investments than it might obtain from alternate investments without thereby threatening its actuarial integrity

Under such circumstances the financial issue presented to a retirement board becomes that of whether the function and purpose of a retirement system permit investment of the retirement fund at less than maximum rates of return Mr Philip Gregory and the Investment Bankers have emphatically denied that such procedure is desirable

[25] Govt Code, Sec 31604

> As a matter of common sense the retirement (system) should invest in order to obtain the highest return possible consistent with safe investment practices I would assume we would all agree to this as a matter of sheer logic I wouldn't think it necessary, or even appropriate, for us to amend the code section to say that the (retirement) board shall do this. It's just obvious that they should do that [26]

An opposing viewpoint is urged by George Wakefield, speaking for the County of Los Angeles and for the County Supervisors Association of California

> We talk about an accumulated capital outlay fund, and we build up such a fund in anticipation of spending it for a particular project. . . . The retirement fund, however, provides a built-in accumulation of the taxpayers' money. True, it's earmarked for a particular purpose, viz, it's set aside to meet the obligations of taxpayers to retiring county employees The money exists, however, it's taxpayers' money; and it is subject only to the discharge of the ultimate obligation of paying retirement benefits to employees What we are doing, in effect, is utilizing that money on a basis which assures that the taxpayer will replace it over the life of a building.[27]

In support of this contention Mr Wakefield cites Section 31592 2 of the County Employees Retirement Law, which states in part.

> . . . earnings of the retirement fund during any year in excess of the total interest credited to contributions and reserves during any such year shall remain in the fund as a reserve against deficiencies in interest earnings in other years, losses on investments, and other contingencies, except that when such surplus exceeds 1 per cent of the total assets of the retirement system, the board may transfer all or any part of such surplus in excess of 1 per cent of the said total assets into county advance reserves

In practice retirement systems complying with this provision have advanced significant amounts to county advance reserves These sums in turn have usually been used to reduce the regular county contributions to the retirement fund In 1960, for example, the Los Angeles County Retirement System, in compliance with this section, deposited over $5 million in the advance reserve fund of the county [28]

Other sections of the County Employees Retirement Law tend further to substantiate this position. Consider the following statutory provisions

a. A retirement system is a public corporation established either by a four-fifths vote of the county board of supervisors or by a majority vote of the electorate [29]

b. Investments in real property are specifically authorized to a retirement system; the system, however, may invest only 25 percent

[26] *Transcript*, p 21
[27] *Ibid*, pp 58-59
[28] *Ibid*, p 53
[29] Govt Code, Sec 31500

of its assets in real property and furthermore may undertake such investment only if its total assets exceed $1 million [30]

c Lease-purchase investments with the county are specifically authorized [31]

d. For the protection of the retirement system lease agreements are required to be concluded before any actual investment is made of retirement funds [32]

e For the further protection of the retirement system lease-purchase agreements are prohibited unless the rental rates will be sufficient to return the original investment together with interest at a rate three-fourths percent higher than that required to pay interest on contributions to the retirement fund [33]

f In addition to the foregoing, general enabling sections authorize both the county and the retirement system to "take any other action necessary" to conclude lease-purchase agreements [34]

SUMMARY Available evidence indicates that the lease-purchase investments of county retirement systems often return lower yields than high grade corporate bonds The effective interest rate set by each retirement system on its lease-purchase investments is a major factor in determining the amount of such difference For example, the difference between yields will be more dramatic in a retirement system which has established a 3 75 percent interest rate for its lease-purchase investments than in one which uses a 4 5 or 4 6 percent lease-purchase rate It must be noted, however, that many high interest bearing bonds are callable, in the event of refunding, a retirement system would not realize the full amount of a relatively high paper yield

More fundamentally, it is argued that county retirement systems ought not to be bound by the same investment practices applicable to private trust funds The former organization is a public corporation and the laws governing its operations seem to envision large degrees of co-operation and interaction between it and the county Thus statutory provisions allow for transfer of retirement fund surpluses to county advance reserves Moreover, the statute specifically approves lease-purchase investment with a county—not at interest rates which would demand the maximum return consistent with safe investment policies, but at rates which would yield a safe return adequate to meet claims against the retirement fund In short the intent of the law, from a strictly financial viewpoint, seems to be that of recognizing county lease-purchase financing with a retirement system as a legitimate means by which a county may effectively borrow at relatively low interest rates from publicly administered trust funds

[30] *Ibid*., Sec 31602
[31] *Ibid*., Secs 31603, 31604
[32] *Ibid*., Sec 31604
[33] *Ibid*., Sec 31604
[34] *Ibid*., Secs 31605, 31606

CHAPTER IV

CAPITAL OUTLAY FINANCING THROUGH THE STATE EMPLOYEES' RETIREMENT SYSTEM

Only a portion of California's 58 counties are in a position to enter into the type of lease-purchase agreements which have been discussed in the previous sections of this report As it is authorized by the County Employees Retirement Law of 1937,[1] this type of lease-purchase procedure is restricted to county retirement systems organized under the provisions of that law The statute provides, moreover, that only retirement systems with assets of over one million dollars will be qualified to conclude such agreements with their counties [2] As might be expected, independent retirement systems which in turn possess the substantial minimum assets required as a prerequisite for lease-purchase agreements have been organized only in the larger and more populous counties of the State This circumstance, however, does not mean that the less heavily populated counties, and the counties which do not have large independent retirement systems have been completely denied this general type of alternative to the general obligation bond method of capital outlay financing At present there are two such methods—one operative and one only potential—by which these latter counties may, in effect, borrow from a public corporation to finance capital expenditure A brief outline and explanation of each of these methods is included at this point in order to present as complete as possible a picture of the alternate methods of capital financing available to counties

Lease-purchasing: Although it is not presently being utilized, statutory authority does exist for counties to conclude lease-purchase contracts with the State Employees' Retirement System The State Employees' Retirement Law [3] specifically authorizes the State Employees' Retirement System to "invest money in the retirement fund in real property or improvements thereon, or to be constructed thereon, when such real property, or improvements, are acquired, or to be made by or for sale or lease to the State or a public agency "[4] The statute further provides that the term "public agency" includes any county [5] Thus the State Employees' Retirement System may purchase or lease real property and improvements and/or pay for the construction of such improvements, then lease, or sublease, the facility to a county. It is specifically provided that such a lease may contain an option to purchase the property and/or the facility in question [6] While the State Employees' Retirement Law specifically authorizes the investment of retirement system funds in lease-purchase transactions with local governments, it does not require that such investments be made

[1] Govt Code, Secs 31450-31822
[2] *Ibid*, Sec 31602
[3] *Ibid*, Secs 20000-21500
[4] *Ibid*, Sec 20209
[5] *Ibid* Sec 20007
[6] *Ibid*, Sec 20209

Discretion in this case rests exclusively with the board of administration of the retirement system. This type of investment, moreover, has not yet been authorized by the board of administration and therefore, " . the retirement system does not enter into any lease-purchase contract with counties or any political units for any purpose whatsoever As a consequence there are no items of this type of financing under consideration "[7]

Should the board of administration ever decide to exercise this option, however, counties seeking to conclude lease-purchase contracts with the State Employees' Retirement System would face most of the same issues and questions of public policy which now confront the larger counties which have negotiated such agreements with county retirement systems In order to be constitutional, for example, such a contract would have to represent a true lease situation, i e, one in which each lease payment represented the true value of the services which have been received [8] More important, the impact of such procedure on the fiscal stability of individual counties would be the same as that of lease-purchase contracts between a county and a county retirement system Lease-purchase contracts would be approved by resolution of the board of supervisors, consequently no formal public oversight of such transactions would exist, even through the possibility of referendum There would be no ceiling on the amount of lease-purchase obligation a county might incur; nor would such obligation be published or otherwise included in any formal account of a county's total long-term obligations.[9] Thus it would be possible at least, for a county to accumulate a "hidden debt" which in turn might have some adverse effect on its future bonding capacity Under such circumstances the most salutary legislative approach might be that of establishing some general rules applicable to all lease-purchase procedures used by counties Such an approach would regulate the lease procedure yet leave individual counties free to contract with various potential lessors, for example, requirements making lease-purchase contracts subject to referendum, providing for regular public disclosure of the extent of county lease obligations, and imposing some flexible ceiling on the amounts of lease-purchase obligations which a county might incur— such steps as these would retain the value of the lease-purchase process as an alternate method of capital financing and, at the same time, go far toward insuring that lease-purchasing would not be used by a county to incur frivolous or excessive debt

County Building Certificates: Although the State Employees' Retirement System does not at present enter into lease-purchase contracts with local political units, it has elected to extend credit to these jurisdictions through an alternate procedure Chapter 2070 of the Statutes of 1959 added Sections 53800-53814 to the Government Code This article generally authorizes all local jurisdictions to finance capital construction through the sale of building certificates to the

[7] C B Blank, Investment Officer, California State Retirement Systems Letter to the committee, April 25 1962

[8] Legislative Counsel Opinion No 3791, "Financing County Buildings" May 11, 1962 The test for the constitutionality of this general type of lease-purchase contract is discussed in detail in Chapter II of this report

[9] The points are discussed in detail in Chapter II of this report

State Employees' Retirement System.[10] Broadly speaking, such a certificate amounts to a note which will be repaid from all or part of "the revenues, rents and receipts" which a local jurisdiction has at its disposal.[11] The local jurisdiction may not pledge its credit or general taxing power to secure such a debt.[12] The certificates themselves must mature within 25 years and may not bear in excess of 6 percent interest.[13] In the case of a county, full responsibility for the preparation of plans and specifications for proposed buildings falls to the board of supervisors,[14] who then authorize the sale of building certificates by resolution.[15]

In the opinion of the Legislative Counsel the issuance of building certificates in such a manner does not violate the constitutional requirement that the local electorate approve of the incurrence of long-term debt. Citing Section 53803 of the Government Code, which provides that a legislative body issuing such certificates has no power at any time or in any manner to pledge the credit or taxing power of the local agency as security for such certificates, the Legislative Counsel continues:

> . It would appear that it was the intention of the Legislature in enacting this provision to limit the authority of the local agency, in issuing certificates under the particular section, to a pledge of only such revenues and income as could be constitutionally pledged without a two-thirds vote of the electorate under Section 18 of Article 11 of the Constitution
>
> In any event, it is our opinion that Section 53803 is the controlling section as to the power of the legislative body to pledge income and revenues of the county to pay the principal and interest on the certificate We construe this provision as permitting the legislative body to pledge only such revenues and income of the county as the county could pledge for the payment of the certificates without submitting the question to the electorate pursuant to Section 18 of Article 11 of the Constitution This would permit the pledge of the revenues from the buildings to be constructed from funds realized from the building certificates It would also permit the pledge of other revenues of the county for the construction of a building which the county is required by law to construct . . so long as the credit or taxing power of the county is not pledged as prohibited by Section 53803. As so construed, the provisions of Section 18 of Article 11 of the California Constitution would not apply to an indebtedness to be created by the issuance of building certificates.[16]

For its part the State Employees' Retirement System is not compelled to invest in county building certificates but has the statutory option to do so at the discretion of its board of administration.[17] Shortly

[10] Govt Code, Sec 53800
[11] *Ibid*, Sec 53801
[12] *Ibid*, Sec 53803
[13] *Ibid*, Sec 53806
[14] *Ibid*, Sec 53804
[15] *Ibid*, Sec 53806
[16] Legislative Counsel Opinion No 3791, "Financing County Government" May 16, 1962
[17] Govt. Code, Sec 20209

after the passage of the 1959 statute authorizing local agencies to issue building certificates, the board of administration decided to exercise this option and established formal investment policies to govern its purchase of building certificates Among other requirements, these policies stipulate that a county seeking to market its building certificates must have·

a A minimum population of 10,000
b. A minimum assessed valuation of $550 per capita based on the latest assessment.
c A maximum net, direct and overlapping debt of $250 per capita (The net direct debt means all outstanding debts after deducting the amount of any sinking funds available for the payment of such debts, and after deducting self-supported public service enterprise debt The net overlapping debt is the net direct debt of any other public agency located wholly or partially within the boundaries of the subject unit, allocated in proportion to the assessed valuations of the real property subject to taxation)
d A maximum net debt ratio of 17½ percent (This is the ratio of the net direct and overlapping debt to the assessed valuation)
e A maximum annual tax delinquency of 4 percent for the most recent fiscal year. In addition, a structure to be financed must be an administrative office building and it cannot have been turned down in a recent local bond election The interest rate on building certificates has been fixed by the retirement system at ⅜ of 1 percent above the current rate of long term government securities and for the present the retirement system has decided to invest no more than $100,000.000 retirement funds in such securities [18]

To date the building certificate program has not been widely utilized by counties The State Employees' Retirement System reports that its board of administration has authorized total loans to counties of $2,250,-000, the entire amount of which has been authorized for the County of Yuba At the close of 1961-62 fiscal year Yuba County had issued certificates for $2,120,000 of its authorized $2 25 million loan Because of this limited response to building certificate financing, the State Employees' Retirement System is presently unable to assess the extent to which counties will utilize this approach to capital financing in the future At one time or another since 1959, the Counties of Butte, Lake, Monterey, Placer and Los Angeles have all made some inquiries about such loans but no specific requests are now pending and none are presently anticipated [19]

Although county building certificate financing is at best in an embryonic state of development, it does represent an operative alternative for county capital financing Within the scope of this report, such an alternative must be evaluated on the grounds of (1) whether it might serve to encourage excessive indebtedness and (2) whether it might have adverse effects on other county credit It must be noted that since building certificates are authorized by resolution of a county board of

[18] For a complete statement of the policies of the State Employees' Retirement System in regard to building certificates, see Appendix I
[19] C B Blank *Letter*

supervisors and therefore are not subject to referendum, there is no possibility that the electorate may review such obligations Neither is there any statutory limitation on the amount of building certificates which a county may sell, nor any statutory requirement to report the amount of building certificate debt as part of the county's total obligation The possibility of excessive county debt through the use of building certificates is somewhat obviated by the insistence of the retirement system on a net direct and overlapping county debt which does not exceed $250 per capita and on a maximum debt ratio not to exceed 17½ percent [20] These are not statutory requirements, however, and have been imposed by the retirement system primarily to protect its own investment rather than to insure the fiscal integrity of counties

It must also be noted, however, that building certificates, since they are secured only by "revenues, rentals and receipts" and do not involve county credit or taxing powers, are more similar to revenue bond financing than to general obligations of a county The point might be validly pressed therefore that under such circumstances there could be little accumulation of the type of general "hidden debt" discussed in connection with lease-purchasing, which might tend to erode county credit Because of the limited use of building certificates however, there is an almost complete lack of factual information on this point In any event there would seem to be little objection to a general approach to all methods of county capital financing which would require (a) electoral review of proposed capital expenditures, at least through the possibility of referendum (b) establishment of some flexible limitations on the amount of long-term obligations which a county might incur (c) requirement of regular public reporting of the extent and scope of all long-term county obligations

SUMMARY In addition to lease-purchase contracts with county retirement systems other alternatives are available to counties to finance their capital expenditures

The State Employees' Retirement System has the authority to conclude lease-purchase contracts with counties at the discretion of its board of administration Under present circumstances this is a moot issue because the board of administration's policy has been that of not exercising this option and therefore of not investing retirement funds with counties through lease-purchase procedure Should this form of investment ever be utilized, however, the same criticisms of the lease procedure would apply which were raised in Chapter 2 There would be no possibility of electoral review of such a procedure, there would be no effective limitation on the amount of long-term obligations which could be incurred by the county by this procedure, and there would be no requirement for regular reporting of the amounts of such leases as part of a county's total long-term obligation

The State Employees' Retirement System is also authorized to lend money to counties for capital construction by purchasing county building certificates Such certificates are somewhat like revenue bonds in that their principal and interest must be paid from county "revenues, rentals and receipts" and can never be secured by a county's general credit or taxing powers Since the 1959 Legislature authorized this

[20] For an explanation of these concepts see the discussion above and also Appendix I

type of financing for local agencies, only one county has taken advantage of it The present requirements for fiscal solvency which a county must meet before the State Employees' Retirement System will purchase its building certificates tend to discourage use of this procedure to encourage excessive debt. The retirement system, however, has established such regulations primarily to insure the integrity of its own investment On the local level provisions are lacking for public disclosure or popular review of this type of financing A county issues building certificates by resolution of the board of supervisors, which is not subject to referendum There are no limitations, moreover, on the amount of local building certificate debt which may be incurred by a county, nor are there requirements for the inclusion of building certificate debt in statements of a county's total long-term obligations

CHAPTER V

CONCLUSION

The so-called "lease-purchase" contracts between counties and county retirement systems have been objected to on at least four major grounds 1 They evade, if not the letter at least the spirit of, the constitutional provision that citizens be required to approve the incurrence of long-term county debt (Article IX, Section 18). 2 They have a generally debilitating effect on a county's credit and therefore imperil interest rates on future issues of municipal bonds 3 It is possible for a county supervisor to have a seat on the board of directors of the retirement system. In any event the board of supervisors appoints a substantial minority of the members of the board of directors of the retirement system, this circumstance raises the question of whether true arm's length dealing is possible between the two boards 4 Such contracts are allegedly financially disadvantageous to both contracting parties The cost to counties of lease-purchase financing is likely to be greater than that of general obligation bonds The retirement system, on its part, could usually obtain a higher rate of return from investing in high-grade corporate securities

The committee's evaluation of each of these allegations follows

Incurrence of Long-term Debt. The courts have consistently held that lease-purchase contracts do not constitute a long-term county debt, technically, the county is obligated only to make an annual payment for the fair value of the particular services it has received during that year In paying such annual rental payments over a 20- or 30-year period the county reimburses the retirement system for the cost of a particular facility and then has an opportunity to acquire title to the facility The effect of lease-purchasing therefore is that of providing an alternate means of public financing to the general obligation bond method Because lease-purchasing is not constitutionally regarded as long-term debt in the same sense as is a general obligation bond issue, however, the procedure is not protected by the safeguards applicable to bond financing For example, no opportunity is provided for public review of lease-purchase contracts Approval of such a contract is by resolution of the board of supervisors, which is not subject to referendum and which may be adopted by less than an absolute majority of the board Finally, because lease-purchase indebtedness is not technically considered long-term debt it is not subject to the statutory debt limitation and may in fact be used to exceed such limitations

Because lease-purchasing is for all practical purposes an *alternate* method of capital outlay financing, it is not too surprising that it is not governed by the statutory and constitutional restrictions applicable to bond financing It is somewhat of a surprise, however, that lease-purchase financing has not heretofore developed its own particular set of restrictions and regulations to discourage use of the device as a way of incurring excessive or frivolous debt Such regulation might take the

form of one or all of the following (a) a requirement of a three-fifths or four-fifths vote by the board of supervisors before a lease-purchase contract might be signed, (b) a requirement that lease-purchase contracts be approved by an ordinance of the board of supervisors, which would be subject to referendum, (c) establishment of statutory limits for lease-purchase obligations

Effect on California Municipals. There is no indication that the practice of lease-purchasing has as yet had an adverse effect on California municipals Because it does not have the legal status of long-term debt, however, lease-purchase indebtedness is not listed as part of a county's long-term obligation In this sense, therefore, lease-purchase debt is truly hidden debt which may have the effect of weakening a county's credit standing At present, furthermore, lease-purchasing presents a county with the possibility of effectively exceeding its statutory limitations—a possibility which in itself might make a county a less desirable credit risk The probability that lease-purchase financing might have debilitating effects on California municipals could be obviated by a statutory restriction requiring publication of the amounts of county lease-purchase indebtedness as well as county bonded indebtedness, and further by the imposition of a statutory limitation on lease-purchase obligations similar to that on bonded debt

Arm's Length Dealing. The County Employees' Retirement Law envisions some degree of connection between a retirement system and a county Although one county supervisor may sit on a retirement board, this provision is not exercised in any county which has lease-purchase contracts with its retirement system A board of supervisors admittedly does exercise some influence over the conduct of the retirement system through the choice of its appointees to the retirement board More subtly it does so through whatever influence it as an employer may exercise on the employee members of the retirement board. While there is no evidence that the public interest has been ignored in such circumstances it is possible to incorporate additional public safeguards in the contract procedure Consideration might well be given to prohibiting members of the board of supervisors from serving as members of the retirement board and also to establishing an independent review board to study a proposed lease-purchase contract

Financial Considerations. The expense of lease-purchase financing to a county is usually somewhat greater than that of general obligation bond financing True cost comparisons, however, must be figured individually and must include not only a statement of the effective lease-purchase interest rate established by an individual retirement system but also an estimate of the additional costs inherent in bond financing, viz, election costs and construction costs which might increase while the bonds are being prepared for sale On the whole however lease-purchase financing does represent an alternate method of financing major capital improvements In individual situations its somewhat higher cost may well be offset by other considerations The problem in this context seems to be that of insuring that the lease-purchase alternative will not be used as a device to incur frivolous or excessive debt Such insurance might adequately be provided by the steps suggested

above of making these contracts subject to referendum and of establishing limitations on lease-purchase debt

From the viewpoint of the retirement system, it is often the case that retirement funds will yield higher rates of return if invested in corporate securities than if invested in lease-purchase arrangements with a county It may also be noted in passing, however, that corporate bonds run the risk of being refunded and that therefore the full paper profit figured on an initial high interest rate may not be realized. A retirement system, for its part, does not appear to be under either a statutory or a moral compulsion to obtain the highest possible rate of return on its investment The County Employees Retirement Law demands that a lease-purchase investment return a rate sufficient to pay the interest on contributions to the retirement fund and to build up adequate contingency reserves If a retirement system's return on its investments exceeds 1 percent of its total assets, the law pointly suggests that such excess be transferred to the county. In this context the county retirement system may be characterized as a public corporation formed for the purpose of managing a retirement fund accumulated from both public and private contributions The obligation of the retirement board appears primarily that of obtaining a sufficient return on the investments of the retirement fund so that the fund itself remains able to satisfy all claims against it The retirement board, consequently, is not under an express obligation to invest at the highest possible rate of return, it may in fact invest at lower rates if these rates are sufficient to preserve the fund's actuarial soundness The County Employees Retirement Law, furthermore, expressly provides for the application of such an investment policy to the advantage of the county through lease-purchase contracts Thus a county may borrow retirement funds through the lease-purchase procedure at rates which are relatively low for this type of financing In short, a retirement system may be classified as a publicly administered trust which is authorized to conclude relatively low-yield lease-purchase investments with a county so long as these investments continue to maintain the integrity of the retirement fund.

Building Certificates. A relatively unused alternate means of financing capital outlay is that of selling county building certificates to the State Employees' Retirement System These certificates are essentially notes but are similar to revenue bonds in that they can be repaid only from county "revenues, rentals and receipts" and can never become obligations of the county's general taxing power The State Employees' Retirement System has adopted a conservative investment policy in regard to building certificates which does much to guard against irresponsible use of this method of financing On the local level, however, there is the same lack of public review of this procedure which was observed in evaluating lease-purchase financing Building certificates, for example, are issued by resolution of the board of supervisors and are not subject to referendum There are no statutory limits on the amount of building certificate debt which a county may accumulate; and building certificate debt is not included in any accounting of a county's total long term obligation

APPENDIX

POLICIES ADOPTED BY THE BOARD OF ADMINISTRATION, STATE EMPLOYEES' RETIREMENT SYSTEM, RELATIVE TO INVESTMENTS IN BUILDING CERTIFICATES FOR CITY AND COUNTY BUILDINGS

1. *Cities and counties to be considered*

   Initially only those contracting with the system until demand can be assessed Of these, only those that qualify under the applicable subsections of item 3 of the board's standing investment resolution * A recent failure by majority vote in any agency of a bond election for the purpose of constructing the civic building under question will disqualify that project

2. *Type of building to be considered*

   One administrative office building in an agency (exclusive of any movable office equipment), including garage or parking facilities adequate to serve the building No other buildings will be considered The building is to be of new construction Loans for remodeling or renovating existing structures will not be considered

3. *Maximum amounts to be invested in building certificates*

   Not to exceed $100 million including that now committed for state buildings

4. *Maximum to be invested in the building of any single agency*

   To be determined by the investment committee in consideration of the size and needs of the agency and the agency's credit status

5. *Applicable interest rates*

   Three-quarters of 1 percent above the current rate of long-term U S. governments calculated in the same manner as for State of California certificates This rate to apply to future loans for cities, counties, and the State of California

6. *Administrative costs*

   The agency will bear the legal, insurance, and all other necessary costs in completing the construction of the building, the issuance of the certificates, etc

7. *Other procedural and policy items*

   Other procedural and policy decisions are delegated by the board of administration to its investment committee for final determination

* Following are the applicable subsections of item 3 of the board's standing investment resolution

(c) Minimum population of 10,000 based on latest available official sources
(d) Minimum assessed valuation of $550 per capita, based on latest assessment
(e) Maximum net direct and overlapping debt of $250 per capita The net direct debt means all outstanding debts after deducting the amount of any sinking funds available for the payment of such debts and after deducting self-supported public service enterprise debt The net overlapping debt is the net direct debt of any other public agency located wholly or partially within the boundaries of the subject unit, allocated in proportion to the assessed valuations of the real property subject to taxation
(f) Maximum net debt ratio of 17½ percent, this being the ratio of the net direct and overlapping debt to the assessed valuation
(g) Maximum annual tax delinquency of 4 percent for the most recent fiscal year

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SUPERVISORIAL REDISTRICTING

AND

CONSOLIDATION OF SPECIAL TAXING DISTRICTS

FINAL REPORT OF THE

ASSEMBLY INTERIM COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

House Resolution No. 361.16

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON
MUNICIPAL AND COUNTY GOVERNMENT
CALIFORNIA LEGISLATURE
November 26, 1962

HON JESSE M. UNRUH
Speaker of the Assembly
State Capitol, Sacramento 14, California

DEAR MR SPEAKER The Assembly Committee on Municipal and County Government submits herewith its report on supervisorial redistricting and the consolidation of special taxing districts, studies conducted by the committee during the 1961-63 interim, in accordance with House Resolution No. 361 16 of the 1961 Regular Session

This final report contains the findings, conclusions, and recommendations of the committee on these subjects.

Respectfully submitted,

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COMMITTEE REPORT ON SUPERVISORIAL REDISTRICTING

FINDINGS

1 There is a strong indication that the Legislature intended that county supervisorial districts be apportioned primarily on the basis of population equality Discretion to decide the need for reapportionment however, together with the decision of the weight to be accorded to factors other than population was placed in the counties. The law imposes no positive duty to change boundaries of supervisorial districts to reflect population changes

2 In a significant number of counties substantial population inequities exist among supervisorial districts One such county, for example, has a district which contains only 7 percent of the county population as opposed to another district which contains over 60 percent

3 A significant number of local study committees, appointed in accordance with Section 25009 of the Government Code, have acknowledged population inequities among supervisorial districts and have recommended changes based on considerations of population equality

4 The Legislative Counsel has concluded that the rationale of the United States Supreme Court in the Tennessee apportionment case of *Baker* v *Carr* is applicable to supervisorial districts Under this interpretation it would be appropriate for courts to review cases of population disparity in supervisorial districts to determine if such disparities are the result of "arbitrary or capricious" action

CONCLUSIONS

1 The committee's studies have indicated that only a minority of California's counties oppose outright a requirement for regular reassessment of supervisorial district boundaries Many counties, however, have emphasized that other factors, in addition to that of population, warrant consideration in determining district boundaries and that ample local discretion should be allowed in deciding which factors will be emphasized in particular instances Because of the number of different factors which have been suggested as important (including such considerations as estimates of population growth and per capita assessed valuation) it would seem advantageous to have some broad statutory determination of those factors which are to be considered primary and those which are to be considered secondary

2 More far-reaching, the implications of the *Baker* case suggest that if no standard is established for judging the representational adequacy of county supervisorial districts, many counties might become involved in prolonged and costly litigation

3 Accordingly, the committee recommends the establishment of such a standard by the enactment of legislation (1) to require mandatory decennial supervisorial redistricting and (2) to provide a flexible standard for redistricting which, while insuring maximum county discretion in weighing specific local circumstances, would establish population equality as a general goal in any redistricting

COUNTY SUPERVISORIAL REDISTRICTING

Each of California's 57 counties [1] is governed by an elected board of five supervisors [2] In each county the five supervisors are elected by district California law seems to have contemplated that these districts would be apportioned primarily on the basis of population Although the statutes do not compel supervisorial redistricting to conform with population changes, they specify that equality of population shall be a primary consideration whenever such a reapportionment is undertaken

Discretionary supervisorial redistricting, however, has failed to produce regular district readjustments There is substantial evidence, moreover, that this discretionary policy has resulted, in many counties, in substantial population inequities among supervisorial districts A B 2100 (Bradley) was introduced at the 1961 Legislature in an attempt to remedy this situation It proposed first of all to require mandatory decennial supervisorial redistricting, and secondly to provide a flexible standard for redistricting which would emphasize the factor of population equality

Because of the controversy engendered by this proposal the 1961 Legislature referred the subject matter to this committee for interim study Accordingly, the committee held a major hearing on January 17, 1962 in an attempt to determine if some feasible measure might be worked out to guarantee regular reapportionment of county supervisorial districts In addition, the committee staff maintained close liaison with the County Supervisors Association and sought the aid of the Legislative Counsel's office in defining and interpreting the implications of recent court decisions in this field Each county in the State was also contacted in an attempt to obtain individual local evaluation of supervisorial districts as they were currently apportioned The following report summarizes the committee's study of supervisorial apportionment and suggests possible legislative action in light of recent developments in this area

LEGISLATIVE INTENT: EQUAL APPORTIONMENT

There is considerable indication that the Legislature intended for supervisorial districts to be apportioned primarily on the basis of population equality Since 1907, the statutes have required that newly created counties be divided into five supervisorial districts containing "as nearly as practicable an equal population" [3] In the case of existing counties, moreover, the statute provided that

> "By a two-thirds vote of the members, the board (of supervisors) may change the boundaries of any or all of the supervisorial dis-

[1] The City and County of San Francisco is unique in California local government, it is therefore, specifically and intentionally omitted from the present analysis

[2] The 16 "charter" counties, so called because each has a separate charter which sets down the scope of its political authority, may have larger or smaller boards of supervisors, currently none do The 41 "general law" counties, the political authority of which is established and limited by the general statutes applying to counties, are restricted to five-member boards of supervisors

[3] See Government Code, Sec 23361

tricts of a county The (new) districts shall be as nearly equal in population as may be [4]

This provision has been undisputedly interpreted by the courts as granting a discretionary power of redistricting to boards of supervisors

> "There is nothing therein (i e in the statute) imposing a positive duty on boards of supervisors to change the boundaries of supervisorial districts by reason of inequalities resulting from the movement or change in population "[5]

In 1943 the statutory provisions applicable to existing counties were amended to read

> "By a two-thirds vote of the members, the Board may change the boundaries of any or all of the supervisorial districts of a county. The districts shall be as nearly equal in population as may be, *except that in establishing the boundaries of the districts the Board may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts* "[6]

In examining the circumstances surrounding the enactment of this amendment the Legislative Counsel has concluded that there was a "clear legislative intent that the supervisors are still to have equality of population as their primary goal, but may vary from that goal if they deem it reasonable to keep certain areas together in a district because of one or more of the factors they are authorized to consider "[7]

In the context of the above considerations the presumption of the Legislature seems fairly clear Both initial apportionment in newly created counties and reapportionments in existing counties are specifically required to place principal emphasis on the factor of population equality Only the question of *when* reapportionment is necessary, is left to local discretion Although the local boards of supervisors do not have a positive duty to reapportion regularly, it may be reasonably inferred that the Legislature presumed that the local boards would in fact do so whenever they judged that population equities demanded such action

EVIDENCE OF DISPROPORTIONATE REPRESENTATION

There is considerable evidence that substantial inequities exist among the supervisorial districts of many California counties A 1960 survey by the Grass Valley Junior Chamber of Commerce, for example, disclosed that in 45 of the State's 57 counties, less than one-half of the registered voters elected a majority of the county supervisors [8] A comprehensive study of the situation was prepared by Stuart C Hall and

[4] Government Code, Sec 25001
[5] *Peterson v Board of Supervisors of San Mateo County*, 93 Cal App 490, 494 (1928)
[6] Government Code, Sec 25001
[7] "County Supervisorial Districts" Legislative Counsel Opinion No 3915 June 17, 1960
[8] Grass Valley Junior Chamber of Commerce, *Supervisorial District Representation Survey* (May 2 1960), pp 1-4

published by the Bureau of Public Administration of the University of California at Berkeley in February 1961.[9] The Hall study summarizes that

> "... 21 counties have not been redistricted since 1900. In 18 of these counties the supervisorial district boundaries today are identical with the original district boundaries drawn 70 to 100 years ago. The population in these counties has increased by as much as 4,800 percent during the last eight or nine decades."[10]

In many instances, concludes the report, a combination of population shift and the inactivity of incumbent supervisors has resulted in a system of representation which might be compared with the "rotten burroughs" which formerly dominated the English Parliament. (Since the publication of the Hall report, it must be noted, 2 of the 21 counties referred to have been reapportioned. Nevada County was reapportioned by initiative and Santa Clara County by action of the board of supervisors. From all indications, however, the Santa Clara redistricting was largely a token one which did not materially alter existing population inequities.)

Although some redistricting has taken place in individual counties since the publication of these two studies, there has been no indication that the general situation described by them has ceased to exist. An informal survey made before this committee's January 17, 1962, hearing indicated that 19 counties had not been redistricted since the year 1900, and that many of these had never been redistricted since they had been formed. In most of these instances county population increases have been large—in some cases as much as 2,000, 3,000, or even 4,000 percent. In extreme cases such population increases have resulted in supervisorial districts containing 3 or 4 percent of a county's population, while others contain in excess of 45 percent of the population. At the time of the committee's hearing, furthermore, only 22 counties had redistricted within the preceding 10 years.

A.B. 2100

During the 1961 Legislative Session, A.B. 2100 (Bradley) was introduced in an effort to clarify the responsibility of boards of supervisors in regard to supervisorial redistricting and to eliminate existing population inequities. The aim of the proposed legislation was twofold: (1) to require every board of supervisors to redistrict following each federal census, using that census as a basis for redistricting, and (2) to emphasize population equality as the principal goal of redistricting. Thus, in addition to decennial redistricting, the legislation would have required that the new districts not vary more than 25 percent from the average of population. Supervisorial districts apportioned strictly on a mathmatical basis, for example, would each contain 20 percent of a county's population. A.B. 2100 would have allowed individual districts to vary up to 25 percent from such an average. Thus, a district might contain as much as 25 percent or as little as 15 percent of a county's total population.

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[9] *County Supervisorial Redistricting in California*.
[10] *Ibid.*, pp. iii and iv.

The legislation would not have changed the existing statutory language which allows a board of supervisors to give consideration to the factors of "(a) topography, (b) geography, (c) cohesiveness, contiguity, integrity and compactness of territory, and (d) community of interests of the districts." Proponents of the measure felt that such factors could reasonably be accommodated within the limitations of the flexible 25 percent formula

In the event that the supervisors failed to redistrict, the measure provided for a special redistricting commission to do so The commission would consist of the county assessor, the district attorney, and the county clerk, if the latter was an elective county office If the clerk was not an elected county officer, he would be replaced on the commission by the superintendent of schools, or if that office was not an elected one, by the sheriff

A B 2100, however, engendered opposition from the County Supervisors Association While acknowledging that "grave population inequities" existed, representatives of the association pointed out that there was some doubt whether the 25 percent formula would have general application to all of California s counties, and that in some counties it might in fact have undesirable effects.[11] Accordingly, the measure was referred to interim study in an effort to determine the feasibility of the proposal

COMMITEE HEARING

At its January 17 hearing the committee accepted statements from representatives of a number of counties which had substantial population inequities among their supervisorial districts In most instances these inequities were explained by reference to factors other than population Emphasis on such additional factors, it was pointed out, was necessary to make the districts properly representative In most such cases, it was argued, a 25 percent variation in population might not be sufficient, i e , it might result in inconvenient, unmanageable, or unrealistic districts The following paragraphs summarize the major statements presented to the committee

Supervisor James Franzen of Stanislaus County, whose rural district comprises 43 percent of the area of his county but only 7 percent of its population, explained the effects of the 25 percent formula in his situation Compliance with this formula, he pointed out, could be achieved only in two ways by retaining his district as a primarily agricultural district and expanding it so that it would include 65 percent of the area of the county, or by including in it a substantial urban population The first alternative, he alleged, would result in an unmanageable and inconvenient district, while the second alternative would destroy the community of interests of an essentially agricultural area Supervisor Franzen's recommendation was that both the initiative for redistricting and the choice of the standards to be employed in drawing new district boundaries be left to local discretion.[12]

[11] *Monterey Peninsula Herald* June 2, 1961, p 6
[12] Assembly, California Legislature Interim Committee on Municipal and County Government Hearing of January 17, 1962 *Transcript*, pp 3-6

Supervisor Robert Paillex of Sutter County, whose district represents 62½ percent of the county's voters, called for regular redistricting which would take into account the factor of assessed valuation in addition to that of population. In general he felt that the 25 percent formula was realistic and ought to be employed.[13] His fellow supervisor, Eber Beilby, acknowledged some need for periodic redistricting and stressed that assessed valuation ought to be acknowledged as an important factor in any redistricting. Per capita assessed valuation, he pointed out, was higher in rural areas and this factor ought to be reflected in supervisorial apportionment. An allowable population variable of 40 percent, it was suggested, would "best give equitable representation based on *population and assessed valuation*." (Emphasis supplied.)[14]

Supervisor Tom Hudson of Monterey County, whose district encompasses one-half of his county's population as well as one-half of its assessed valuation, emphasized the need for some regular method of redistricting. He expressed the fear that if gross population inequities were allowed to persist, the State might intervene. His fellow supervisor, Chester Deaver, on the other hand, endorsed the permissiveness of the present redistricting statute. Individual boards of supervisors, he maintained, are best able to decide when redistricting is necessary. Not only are major portions of Monterey County's assessed valuation in relatively sparsely populated areas, he contended, but undue emphasis on population would disrupt existing communities of interest.[15]

Ventura County Supervisor J. K. MacDonald also endorsed discretionary supervisorial redistricting. Local circumstances, he maintained, may require that different factors be taken into consideration in different counties. Thus one county might wish to give more weight to a consideration of geography, and another to the consideration of a community of interests. The Legislature, therefore, should not set a strict policy for redistricting but should allow each county to judge for itself the relative importance of various factors.[16]

Supervisor William Birmer of Placer County introduced the situation of a county which encompasses a substantial vacation area. Although vacation areas, especially those in the Sierras, do not generally have large resident populations, they have high seasonal populations and consequent need for high levels of permanent county services (roads, police protection, health and sanitary services, etc.). While endorsing the idea of decennial redistricting, the supervisor proposed the following standards: (a) no district to contain less than 5 percent of a county's population, (b) no district to contain more than 30 percent of the total county population, (c) the three smallest districts to contain at least 40 percent of the county's total population. Such a standard, he maintained, would allow "proper recognition" of the factors of geography, topography, etc., and still provide the maximum amount of local discretion. His fellow supervisor, J. O. Anderson, disagreed, stating his belief that a board of supervisors represents an entire county, and that therefore the board should be elected in such a

[13] *Ibid.*, pp. 7-12.
[14] *Ibid.*, pp. 13-16.
[15] *Ibid.*, pp. 21-22, 32-37.
[16] *Ibid.*, pp. 22-23.

way that it speaks for the entire county A minority of county residents, he maintained, should not be able to elect a majority of the board Population equality therefore should be the major factor in supervisorial redistricting [17]

From Orange County came the unique suggestion population trends were an important consideration in redistricting Supervisor William Hirstein pointed out that projected population increases would resolve present population inequities in his county within the next few years In such cases, he commented, redistricting on the basis of a county's present population would in fact create new inequities when such growth occurred [18]

Various other counties also presented statements and suggested some additional standards. Del Norte County, for example, suggested a requirement that no three districts would equal less than 50 percent of a county's population, and no single district would contain less than 10 percent or more than 30 percent of a county's population. Contra Costa, Riverside, and Mendocino Counties preferred to retain complete county discretion over the entire matter of supervisorial redistricting, while Santa Barbara, Tulare, and Sierra Counties agreed that some requirement for periodic redistricting would be acceptable to them but emphasized the necessity for taking into consideration factors other than population

In short, only a minority of those counties represented at the committee hearing opposed outright the requirement for regular reassessment of supervisorial district boundaries Many counties, however, emphasized that other factors in addition to population warranted consideration It was emphasized, furthermore, that there ought to be considerable local discretion in deciding which factors would be emphasized in individual counties The wide range of factors (including such elements as projected population growth and per capita assessed valuation) would almost seem to necessitate some broad general standard, in the light of which the representational adequacy of a district might be judged

In addition, it must be noted that apparently there is some feeling on the part of rural residents that they ought to have a voice on the board of supervisors commensurate with the per capita taxes paid by them There is a corresponding apprehension of any redistricting method which might place domination of the board of supervisors in the hands of urban elected representatives This attitude is a real one, even though no evidence, nor even any charges, of urban bias against agricultural interests have been discovered in counties where such a situation does exist Thus a workable standard for supervisorial redistricting would seem to be one which would permit some recognition of the political interests of agricultural communities

LOCAL EVALUATIONS

Although the 1961 Legislature failed to pass legislation requiring mandatory supervisorial redistricting, it did act to insure individual local studies of the situation Chapter 1855 of the Statutes of 1961 [19]

[17] *Ibid*, pp 28-31
[18] *Ibid*, pp 16-19
[19] Government Code, Sec 15009

required each board of supervisors to appoint a citizens' committee to study the matter The committee was to be appointed by March 1, 1962 and would have six months in which to report its findings to the board of supervisors The recommendations of such committees would be advisory only In addition, the statute required that an equivalent study be made decennially within one year after new federal census figures were released

Although most counties furnished this committee with copies of their respective supervisorial redistricting committee reports, it is difficult to generalize on the basis of these documents There is, for example, a lack of uniformity among the reports themselves In some instances the reports are comprehensive documents which contain extended explanations of the local committee's findings and recommendations In other cases the reports state only the conclusions of the local committee without including supporting data or working papers Instances of large population disparities, moreover, did not always elicit a recommendation to improve the situation In Contra Costa County, for example, the redistricting committee strongly disapproved of existing supervisorial districts which placed over 40 percent of the county's population in one district and approximately 8 percent in another In Stanislaus County, however, the redistricting committee wholeheartedly endorsed the present districting, which gives one district approximately 32 percent of the county's population and another only 7 percent And the redistricting committee in Sutter County recommended no change in the existing apportionment which places 7 percent of the county's population in one district and 63 percent in another

The following chart summarizes the recommendations of the supervisorial redistricting committee in each county

County	*Recommendation of County Redistricting Committee*
Alameda	County charter requires regular decennial redistricting based primarily on population
Alpine	(No information received)
Amador	Recommended no changes in existing districts
Butte	Recommended no change in existing districts (County charter requires regular decennial redistricting based primarily on population)
Calaveras	Recommend no change in existing districts
Colusa	Recommend no change in existing districts
Contra Costa	Committee found that sparsely populated areas of the county had political strength "far out of proportion to their population" The situation is described as having 'debauched the precept of political equality" Committee recommended that supervisorial districts be reapportioned to achieve relative population equality The recommended standard is that new districts not vary more than 25 percent from average
Del Norte	Some boundary changes recommended in three districts, district No 5 would remain unchanged with approximately 11 *percent of the county population*
El Dorado	(No information received)
Fresno	Recommend no change in existing districts

County	*Recommendation of County Redistricting Committee*
Glenn	The committee report acknowledges that an imbalance of representation presently exists among the supervisorial districts, it concludes, however, that because the county was last redistricted in 1956, and because there has been no public demand for redistricting, that no change in district boundaries be made at present Additional recommendation for board of supervisors to fix a time for redistricting on a population basis
Humboldt	The committee recommended some changes in existing boundaries, the general effect of which would be to bring each district close to a population which did not deviate more than 25 percent from average In addition it was recommended that as soon as possible district lines be changed to provide for two urban districts and three rural ones
Imperial	Committee found no need for boundary changes
Inyo	Various boundary changes recommended Net effect would have four districts of fairly equal population, fifth district, however would be reduced to a population of approximately 7 percent of that of the county
Kern	Unanimous recommendation that a need exists for redistricting Majority report recommends change based on population but taking into consideration other factors also (geography, topography, community of interest, etc) Minority report recommends more emphasis on population equality
Kings	Majority report recommends changes which would result in districts which would not vary from the average more than 20 percent Minority report saw no need for change, it alleged that projected population increases would alleviate existing inequities
Lake	Committee recommended changes which would result in districts which would not vary more than 25 percent from the average, also recommended that supervisorial district boundaries be made to coincide with school district boundaries
Lassen	Committee found that an 'inequality of representation and of assessed valuation' existed A redistricting ordinance was drawn up but failed to pass the board of supervisors
Los Angeles	No recommendation for change pending outcome of November 6, 1962, election on ballot proposition to increase membership on board of supervisors from five to seven (Charter county)
Madera	Committee recommended no change in boundaries because (1) there had been no demand, locally, for a change, (2) there had been no evidence of favoritism or sectionalism by the present board, and (3) projected population growth would tend to equalize the county's population by 1980 (At present two districts contain 6 percent and 8 percent, respectively of the county's population, while one contains 16 percent)
Marin	Committee found an "urgent need" to redistrict Committee recommended redistricting based on population, but recognizing other factors (geography, topography, etc)
Mariposa	Committee recommended redistricting, new districts would be based primarily on population with allowances for other relevant factors
Mendocino	Committee found that 'a majority of the people do not and cannot elect a majority of the board of supervisors unless redistricting is done on a population basis" Committee also found that the intent of the Legislature was that a majority of the board be elected by a majority of the people Committee recommended regular redistricting with new districts required to be within 25 percent of average

County	*Recommendation of County Redistricting Committee*
Merced	Committee recommended redistricting to be based primarily on factor of population Board of supervisors did not concur with committee recommendations and boundaries remain unchanged
Modoc	County was redistricted in 1952 and has no recommendations for redistricting at present
Mono	Committee recommended no basic change in existing districts
Monterey	Majority report recommends no change, minority report recommends change based on several factors including, but not necessarily emphasizing, population
Napa	Recommended no change since existing districts produce no apparent injustice in county government Recommended further that a redistricting plan be adopted which would emphasize only the factors of topography, geography, cohesiveness, contiguity, integrity and compactness of territory and communities of interest.
Nevada	Reapportioned in 1960 by initiative ordinance New districts based on population
Orange	Committee found an "obvious need" to change existing supervisorial boundaries because of population inequities and other factors (The three smallest districts presently included only 3 4 5 percent of the county population) Suggested changes were recommended to make the new districts as equal as possible in population
Placer	Committee found that existing districts, with one exception, were "fairly equal" in population The smaller district was located in a major recreation area, seasonal influxes of tourists into which were felt to demand a high level of year-round county services (roads, police, health, etc) No change was recommended, therefore, in district boundaries
Plumas	Committee found that existing districts were "as close as could be" in population Recommended no changes
Riverside	Present districts were judged reasonably equal in population (All are within 25 percent of average) Some minor adjustments suggested
Sacramento	County charter requires regular decennial redistricting based primarily on population
San Benito	Majority report recommends no changes Minority report recommends changes based on population (smallest district presently contains 3 6 percent of population, largest—47 percent)
San Bernardino	Committee found that a "need exists" for boundary changes (All districts, however, were found to be within 25 percent of average) The board of supervisors by formal resolution held that "no great inequity exists" at present and directed that boundaries remain unchanged
San Diego	Committee found "adequate and realistic" districts existing under the standards provided by the county charter (Charter requires regular decennial redistricting based primarily on population)
San Joaquin	Some minor boundary changes recommended (Present districts are within 25 percent of average)
San Luis Obispo	Some redistricting recommended, population to play major factor in new districts
San Mateo	Committee found generally satisfactory the present method of electing supervisors at large, but requiring residence in individual districts Some boundary changes recommended, primarily to equalize supervisor workload
Santa Barbara	Committee recommended no change in existing districts
Santa Clara	Majority report recommended no change, having observed no inequities under present districting Minority report found 'clearcut need' for redistricting, recommendation for decennial redistricting with emphasis on population
Santa Cruz	Recommendation for change in boundaries which would accomplish an "approximate equalization of voting strength" in each district

County	*Recommendation of County Redistricting Committee*
Shasta	Recommended changes to effect a more equitable population distribution
Sierra	County redistricted by ordinance in 1961, because of recent redistricting no study committee was appointed
Siskiyou	No change recommended at present, redistricting study recommended every five years, population equality recommended as a major factor when redistricting becomes necessary. The board of supervisors has concurred in this recommendation
Solano	No change recommended. Should be left to discretion of board of supervisors to decide need for redistricting
Sonoma	Committee recommended that district lines be drawn so as "to approach the equal division of population among districts." An appropriate ordinance was recommended to the board of supervisors
Stanislaus	Committee recommended no change in existing districts. (Smallest district currently contains approximately 7 percent of population, largest district—approximately 32 percent.)
Sutter	Committee recommended no change in existing districts. (Smallest district currently contains approximately 7 percent of population; largest district—approximately 63 percent.)
Tehama	(No information received.)
Trinity	Committee concluded that the "geographical situation" would make reapportionment on a strict population basis impractical. Committee recommended apportionment of supervisorial districts "geographically and not according to population."
Tulare	Committee found existing districts satisfactorily apportioned, recommended only minor boundary adjustments
Tuolumne	Committee recognized that "inequality of population" exists but found no feasible solution at this time
Ventura	Committee recommended extensive redistricting which would effect a good measure of population equality
Yolo	Time extended for committee report. (Report not available at this printing.)
Yuba	Committee recommended no change in existing boundaries

Despite the difficulty in generalizing from such materials, these recommendations, in their aggregate, appear to justify one broad conclusion. A significant number of local study committees have acknowledged a need for supervisorial redistricting. Such redistricting, in turn, has largely been recommended out of consideration for, and in order to achieve, equality of representation for county residents.

One additional factor should also be noted, viz. whether local boards of supervisors appear willing to correct large population disparities in accordance with the findings and recommendations of the local study committees. On this point too, generalization is difficult. Admittedly there has not been an extended period of time in which boards of supervisors might study and act upon the recommendations of local committees. On the other hand there have been few indications of the boards of supervisors approaching this problem with excessive zest. In Lassen County, for example, the board of supervisors rejected the redistricting ordinance proposed by the local redistricting committee. In Orange County the local committee's finding of "an obvious need to change present supervisorial boundaries" must be contrasted with the statement of the board of supervisors to this committee that projected population growth would equalize present disparities. The case

of Tuolumne County might also be mentioned, in which the local committee found that "inequality of population" existed, but found "no feasible solution."

In short, the reports of the local study committees seem to imply that a broad statewide standard for redistricting might be helpful to individual counties. The basic problem seems to be that of deciding upon a standard which would also preserve wide latitude for each county to deal with individual local circumstances.

IMPLICATIONS OF THE BAKER v. CARR DECISION

The case of *Baker* v *Carr* decided by the United States Supreme Court on March 26, 1962, appears to be of major significance in its application to elected legislative bodies which are apportioned, to some degree at least, on the basis of representational equality. In this case the complainants challenged the apportionment of the Tennessee Legislature. They alleged that the failure of the legislature to reapportion itself since the year of 1901 in effect gave a rural voter 20 times the vote of his city counterpart. This neglect, it was alleged, constituted arbitrary and capricious state action, which deprived voters of their rights under the equal protection provisions of the Fourteenth Amendment. The Supreme Court held in essence that such a complaint was a proper subject for judicial review, and thus implied that questions of legislative apportionment could properly be considered by the courts.

The general implications of this decision for local government have been discussed by Spencer M. Williams, the County Counsel of Santa Clara County, in a paper delivered to the County Home Rule Congress of the National Association of County Officials. Referring to the situation in California's supervisorial districts, Mr. Williams commented:

> it appears to be established state law that the board of supervisors cannot be compelled to redistrict the supervisorial districts and that if the district were "approximately" numerically equal at the time of creation, movements in population will not invalidate them. Furthermore, one court has recognized that the board of supervisors may consider other factors, such as geographical ones, in reapportioning these districts. To date there seems to be nothing in the Supreme Court decisions which would require a court to invalidate California's legislative standard, and it would appear to be a rational one. On the other hand, it would seem to follow from Baker v. Carr that an elector could obtain a judicial review both as to the validity of the standard and the validity of its application to a given factual situation.[20]

In a formal ruling on the application of *Baker* v *Carr* to supervisorial districting in California, the Legislative Counsel has issued the following opinion:

> In *Baker* v *Carr*, 7 L. Ed. 2d 663, March 26, 1962, the facts were that the Tennessee Constitution provided for representation based on population (more exactly, qualified elector population) in both houses. Although that constitution provides for legislative

[20] "What are the Legal Implications of the Recent Supreme Court Decisions on Apportionment?" New York, July 10, 1962.

reapportionment within every 10 years after 1871, the last reapportionment was made in 1901 Plaintiffs, who were electors in several counties in the state asserted this statute is arbitrary and capricious and denies them equal protection

The plaintiffs brought suit on their own behalf and on behalf of other voters against various state officers under Section 1983 of Title 42, United States Code, which provides:

> "1983 Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress"

These plaintiffs asked for a declaration that the 1901 statute is unconstitutional and for an injunction restraining the defendants from acting under it They also asked that unless and until a valid statute is enacted, the court should direct a reapportionment by mathematical application of the Tennessee constitutional formulae to the most recent federal census or direct the holding of elections at large

The district court dismissed the case on the grounds that the court lacked jurisdiction to decide the case, and that the complaint failed to state a claim upon which relief could be granted

The United States Supreme Court reversed The court held (1) that the case is within the jurisdiction of the federal courts, because the violation of a federal right, i e , the right of equal protection, is alleged, (2) that a justiciable controversy is presented—that this is not a "political question" which federal courts will not decide, and (3) that these electors have the status to bring the suit

We assume a case in which suit is brought pursuant to Section 1983 of Title 42 by electors in a supervisorial district which, the electors claim, has been created by the board of supervisors arbitrarily and capriciously (see Sec 25200, Gov C), e g , it has a population greatly in excess of other districts so that the vote of the electors bringing the suit and that of other electors in the district is greatly diluted, and thus these electors have been denied equal protection It appears to us that each of the three questions answered in the Baker case would be answered the same way in such a case That is, the claim of denial of equal protection (not so attenuated and unsubstantial as to be absolutely devoid of merit) would give the court jurisdiction (see 7 L Ed 2d at p 675) That the plaintiffs who assert the denial of equal protection allege disadvantage to themselves and seek to protect or vindicate an interest of their own, as well as of those similarly situated, would as in the case of the plaintiffs in the Baker case, provide standing to sue (see 7 L Ed 2d at pp 678-680) And the question raised in this

suit would, no more than the question in the Baker case, have any of the indicia of a nonjusticiable "political question," i e, the court could as well say in this case, as in the Baker case (7 L Ed 2d at p 691)

> "We have no question decided, or to be decided, by a political branch of government coequal with this court Nor do we risk embarrassment of our government abroad, or grave disturbance at home if we take issue with Tennessee as to the constitutionality of her action here challenged Nor need the appellants, in order to succeed in this action, ask the Court to enter upon policy determinations for which judicially manageable standards are lacking Judicial standards under the Equal Protection Clause are well developed and familiar, and it has been open to courts since the enactment of the Fourteenth Amendment to determine, if on the particular facts they must, that a discrimination reflects *no* policy, but simply arbitrary and capricious action "[21] (Emphasis supplied)

In a supplementary opinion the Legislative Counsel ruled further that even though the initiative procedure was guaranteed to county residents, this procedure would not have to be exhausted before judicial review of supervisorial districting could be sought [22]

In short, the rationale of *Baker* v *Carr* appears to open the door to taxpayers' suits in every county in which large population disparities exist among supervisorial districts In these situations the possibility of protracted and costly litigation seems likely It is admittedly impossible to forecast the outcome of any particular litigation The Baker decision, however, emphasized the power of the judiciary to decide whether a specific circumstance reflects "arbitrary and capricious" action, which deprives voters of the right of equal representation Under these circumstances a statutory provision not only requiring periodic redistricting but also providing board standards to guide the redistricting procedure would appear to be the most salutary course of action Such a statute would provide maximum insurance against "arbitrary and capricious" action and at the same time would retain the greatest possible discretion at the local level

The committee's conclusion, therefore, is to recommend enactment of a statute, similar in general form to A B 2100, which would provide for regular supervisorial redistricting, which would give primary emphasis to the factor of population in drawing new district lines, but which would leave ample room for county discretion to acknowledge other significant local factors

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[21] Legislative Counsel *"Baker* v *Carr*—County Supervisorial Districts" Opinion No 4688 August 1, 1962

[22] Legislative Counsel "County Supervisorial Districts" Opinion No 5287 October 31 1962 This opinion, it must be noted, also speculated that the availability of the initiative procedure might provide a court with sufficient grounds to refuse judicial review of alleged malapportionments "In such an event it would be immaterial whether the initiative process had been exhausted or not since the mere availability of the remedy would cause the court to refuse judicial relief "

COMMITTEE REPORT ON CONSOLIDATION OF SPECIAL TAXING DISTRICTS

FINDINGS AND RECOMMENDATIONS

In light of its studies of selected special assessment districts, the committee has reached the following conclusions

1 The Municipal Sewer District Act of 1911 (Health and Safety Code, Sections 4600 to 4648) and the Municipal Sewer District Act of 1939 (Statutes of 1939, Chapter 24) may readily be consolidated The committee recommends that such consolidation be accomplished by repealing the 1939 act, with an appropriate saving clause for outstanding bonds The 1911 act may them be updated and revised to satisfy the purposes of both statutes

2 There is little opportunity for genuine consolidation of the Vehicle Parking District Law of 1943 (Streets and Highways Code, Sections 31500 to 35518) and the Parking District Law of 1951 (Streets and Highways Code, Sections 35100 to 35705) The committee therefore recommends that no attempt be made to consolidate these statutes

3. Extensive search has failed to unearth any instance in which the Municipal Parking Revenue Bond Law of 1949 (Streets and Highways Code, Sections 33800 to 34859) has been used California bond counsel, furthermore, indicate that there is little likelihood that such a statute will ever be used in the future The committee recommends, therefore, that this act be repealed with an appropriate saving clause for outstanding bonds in case there may possibly be such.

INTRODUCTION

For a period of some years the Committee on Municipal and County Government has engaged in a continuous effort to improve and clarify the laws applicable to local political subdivisions In many instances these efforts have resulted in the consolidation and restatement of confusing, contradictory and superfluous statutory provisions As part of this continuing task the committee reviewed during the 1961-62 legislative interim, selected special assessment statutes The specific statutes reviewed by the committee include the following·

1 The Municipal Sewer District Act of 1911 (Health and Safety Code, Sections 4600 to 4648).

2 The Municipal Sewer District Act of 1939 (Statutes 1939, Chapter 24)

3 The Vehicle District Parking Law of 1943 (Streets and Highways Code, Sections 31500 to 31518)

4 The Parking District Law of 1951 (Streets and Highways Code, Sections 35100 to 35705)

5 The Municipal Parking Revenue Bond Law of 1949 (Streets and Highways Code, Sections 33800 to 34859)

The committee labored to establish general procedures by which prospective consolidations might be accomplished among these statutes and then evaluated individually each proposed consolidation

A full hearing was held on this subject in Los Angeles on November 17, 1961 At that time the committee sought the advice of authorities in the field of public law and public finance, including representatives from the Legislative Counsel's Office and from leading counsel in this field The results of that hearing and of committee deliberations are set forth in the following paragraphs

CONSOLIDATION OF SPECIAL ASSESSMENT DISTRICTS: GENERAL PRINCIPLES

Special assessment districts of the type established by the above-mentioned statutes are much less complex political entities than independent special districts which have their own governing boards Such a special assessment district refers to a particular area upon which a special tax has been levied to pay for a specific improvement which benefits only that area A system of trunk sewers, for example, may be installed in a particular area and a special tax assessed against the area to pay for that improvement Since such a district exists primarily to insure payment of debt rather than to provide a continuing service, it has no governing board; its administrative needs are tended to by the city or county in which it may be located Under most of the statutes studied the initial funds needed for a public improvement are obtained from a bond issue, the special tax procedure is employed to guarantee the safe and orderly payment of this bonded debt by those who benefit from the improvement—payment, moreover, at rates which will not impose an undue financial burden on such individuals

Various statutes prescribe various methods of incurring, financing and repaying such special debt In many instances, moreover, different enabling acts provide for the same basic financial proceedings, thus a variety of public improvements (sewers, offstreet parking, water, etc) may be provided using essentially the same method of financing In such circumstances it is possible to effect significant consolidation of special assessment enabling acts This may be done by bringing together all enabling statutes with the same financial provisions One section of such a consolidated statute would list the various types of public improvements which could be financed by these procedures Mr Ray H Lindman, of the Los Angeles law firm of O'Melveney and Myers, has explained to the committee the operation of this general principle and its application to special assessment districts

> In connection with (the committee's) whole general program of consolidation and elimination of duplications, I would like to point out what I consider to be the basic distinction between districts which have "corporate life" and those which do not

We have a large number of districts in California which are independent public corporations having corporate life They are formed under enabling acts of the Legislature, usually initiated by the board of supervisors, followed by an election in the proposed district We have these types of districts in many fields In water we have the county waterworks districts, the county water districts, the irrigation districts In the sewage disposal field we have the county sanitation districts and the county sanitary districts, etc We have hospital districts, and we have a number of other districts to solve special problems All of these types of districts which I have mentioned are independent public corporations, separate and apart from any other public corporations, they have their own governing boards and they exist as organizations with what we call "corporate life"

On the other hand, we have a large number of so-called districts which do not have corporate life (it is unfortunate that the word "district" was ever used in this context because it does create confusion) These districts consist of areas within a public corporation such as a city They are "formed," but only in the sense of being designated as an area within that public corporation which is to bear a special assessment to pay for a public improvement which benefits, primarily, that area [1]

The point I am trying to make is that, particularly in these types of districts that do not have corporate life, you should think in terms of identifying and putting them together, not on the basis of the purpose of the improvement, but rather on the basis of the method of financing If the method of financing is the same, they can be put together [2]

THE MUNICIPAL SEWER DISTRICT ACTS OF 1911 AND 1939

If similar methods of financing are to provide the basis for consolidation of districts without "corporate life," it appears that a significant amount of consolidation may be effected between the Municipal Sewer District Act of 1911 and the Municipal Sewer District Act of 1939 The basis for such a consolidation and the form which it might take are expressed succinctly and completely in the following exchange between Mr Ray Lindman and Chairman Bradley:

Mr. Lindman: (The 1911 and 1939 Municipal Sewer District Acts) provide for taxing districts which do not in themselves have corporate life, but are simply areas within which a special tax may be collected The 1911 act as originally enacted is pretty clearly of this type It states that the bonds are issued in the name of the city and that property is acquired by the city and in the name of the city, not the district All proceedings are undertaken by the governing body of the city, and in no place is this body referred to as the governing body ex officio of the district. The proceedings are still a city operation; the only meaning of the word "district" is a special area formed to bear this special tax-

[1] Assembly, California Legislature Interim Committee on Municipal and County Government Transcript, *Hearing* of November 17, 1961, p 77
[2] *Ibid*, pp 79-80

ing assessment I must say that some of the more recent amendments to the 1911 act give rise to some confusion about this point These provide for the existence of districts in two or more cities and specify further that the governing body of the initiating city should be the governing board of the district Such a provision is an anomaly and does not fit in with the basic act The 1939 act has been amended only once since it was enacted, it has never been codified, it is still part of the General Laws It has only been used in two cases as far as I know

There is no reason why these two acts cannot be consolidated I want to make this point clear the reason that these two acts can be put together is not because they both deal with sewage disposal, but rather because the method of financing is the same in each statute, viz, the formation of a district within a city for the purpose of issuing bonds supported by a special tax within that district In this regard the two acts are practically identical and therefore can well be put together An even simpler way of doing this would be to repeal one of the acts and update the other one

Chairman Bradley: Mr Lindman, you recommend repealing one of the statutes and updating the other Which would you repeal?

Mr. Lindman: I would say probably the 1939 act In examining the two, I think that the 1911 act is of more general form If the 1939 act were repealed and at the same time any necessary amendments were made to the 1911 act to bring it up to date and to correct obvious flaws and ambiguities, we would have a single tool which would accomplish anything that either one of these acts was designed to do The result would be achieved, furthermore, not by enacting still a third act, but keeping only one of the acts in existence In this connection, I do not think it would be particularly necessary to provide for reorganization of the districts formed under the 1939 act in the new 1911 act because, as I say, they do not have corporate life You would of course, have to provide that the rights of bondholders would be preserved despite the repeal This has been done in connection with many acts

Chairman Bradley: Would it also be feasible to consider enacting a new municipal sewer district act which would consist of the two acts of 1911 and 1939, and then to repeal both of these acts?

Mr. Lindman: That would certainly be an acceptable solution. I am merely throwing out the other idea as possibly a simpler way to do the same job I throw it out particularly to emphasize this distinction that I have made between districts which have corporate life and districts which do not [3]

[3] *Ibid*, pp 77-79

THE VEHICLE PARKING DISTRICT LAW OF 1943 AND THE PARKING DISTRICT LAW OF 1951

A B 1847 (Bradley), as introduced at the 1961 session of the Legislature, attempted to effect a consolidation of the Vehicle Parking District Law of 1943 and the Parking District Law of 1951 This measure was referred to interim study where its provisions and implications might be more fully examined Because both of these statutes provide for creation of special assessment districts without "corporate life," their consolidation can be evaluated in the same manner as that of the Municipal Sewer District Acts of 1911 and 1939 Once again, Mr Ray Lindman has provided a succinct statement of the issues and problems involved

> **Mr. Lindman**: Please keep in mind the reason why I maintained that the sewer district acts of 1911 and 1939 could be conveniently combined, viz., not because they dealt with sewers but rather because they provided a duplication of the same method of financing. In the case of these two parking district acts the situation is exactly the reverse The only two things the acts have in common is that they both deal with offstreet parking in cities Beyond that point they provide two entirely different methods of financing The 1943 act provides a method of financing which is essentially the same as that of the Improvement Act of 1911, i e., a specific assessment upon benefited property The 1951 act, on the other hand, is essentially a revenue bond act The bonds are payable from the revenues from parking facilities and from revenues from street parking meters, with a provision for a standby ad valorem assessment in any year when the revenues are insufficient There are some superficial similarities between the acts There is, for instance, a petition required by both of them, but the petition contains quite different material in one case than it does in the other because of the different methods of financing There are also hearings which are superficially the same Basically, however, the two acts are quite different It is my estimate that if the two acts were put together there is probably about 10 percent of duplication that could really be eliminated The other 90 percent of each act would have to be dealt with separately even if you put both in the same statute This distinction and separation would have to go right straight through the new act or at least through 90 percent of it Therefore, I suggest that in a situation of this sort it is not desirable to combine the two acts We do not recommend it, in fact, we pray that you do not do it because we feel it would result only in trouble in the use of these two methods [4]

[4] *Ibid*, pp 82-83

THE MUNICIPAL PARKING REVENUE BOND LAW OF 1949

It was suggested to the committee that the Municipal Parking Revenue Bond Law of 1949 might be an unused and unnecessary statute which might easily be repealed [5] Use of this act involves issuance of municipal bonds, which in turn require prior approval by municipal bond counsel The accuracy of this allegation could be checked by inquiring of the relatively few such law firms in California about the status of the act. At the request of the committee the municipal bond counsel, O'Melveny and Myers, undertook to circularize the other California firms As was alleged, it appears that no use has ever been made of the Municipal Parking Revenue Bond Law of 1949, no bond counsel, furthermore, anticipates that this statute will be of any use in the future There is, therefore, every reason to recommend its repeal

[5] *Ibid.*, pp 83-84

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MULTIPURPOSE DISTRICTS

FINAL REPORT OF THE

ASSEMBLY INTERIM COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

House Resolution No. 361.16

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON
MUNICIPAL AND COUNTY GOVERNMENT
CALIFORNIA LEGISLATURE

November 28, 1962

HON. JESSE M UNRUH
Speaker of the Assembly
State Capitol, Sacramento 14, California

DEAR MR. SPEAKER.

The Assembly Committee on Municipal and County Government submits herewith its report on multipurpose districts, a study conducted by the committee during the 1961-63 interim, in accordance with House Resolution No 361 16 of the 1961 Regular Session

This final report contains the findings, conclusions and recommendations of the committee on these subjects

Respectfully submitted,

CLARK L BRADLEY, *Chairman*

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FINDINGS AND CONCLUSIONS

FINDINGS

1 The highly urbanized, continually expanding population centers of this State have, in a number of aspects, become new regional communities At times the needs and problems of these communities, or of various sections of them, exceed the scope and the authority of individual and local governments The fundamental metropolitan problem consists in deciding upon a method by which such needs can most effectively be met under existing circumstances

2 In two reports to the 1959 Legislature, prepared by a planning consultant firm for the Assembly Committee on Conservation, Planning, and Public Works, it was suggested that a multipurpose agency of areawide jurisdiction, which in turn would be organized as a limited federation of local governments, would be both a feasible and a theoretically suitable device for dealing with this state's areawide needs and problems No attempt was made, however, to assess whether local governments liked and would put to use the suggested technique of federation In fact committee-sponsored multipurpose district enabling legislation was defeated in the 1959 Legislature.

3 In December 1960 the Governor's Commission on Metropolitan Area Problems also recommended establishment of the "limited federation" type of multipurpose districts The published records of the Commission, however, do not contain data which would justify the multipurpose district approach over other possible alternatives In this connection the executive secretary of the Commission, who was also a principal author of both Assembly reports mentioned above, confirmed that the Commission endorsed the multipurpose district approach on the same grounds set forth in the preceding Assembly reports—viz, that this type of organization was theoretically suited for California problems. He also confirmed that the Commission made no attempt to assess whether local governments liked the multipurpose district approach and would in fact use it. Additional multipurpose district enabling legislation was defeated in the 1961 Legislature.

4 This committee's hearings on the unsuccessful 1961 multipurpose enabling legislation (A B 2728) have elicited from local governments a long list of specific objections, both procedural and substantive, to the multipurpose district approach At the same time the committee's study unearthed little positive support for this organizational device The official policy positions of both the League of California Cities and the County Supervisors Association of California, while not specifically rejecting the multipurpose approach, emphasize co-operative local action as a more preferable and more feasible alternative to supply needed metropolitan integration

5. The experience of the San Francisco Bay Area in regard to regional planning, furthermore, suggests that any effective approach to an areawide problem must have the support and confidence of local governments It also suggests that voluntary association of local governments may prove capable of taking initial steps to meet areawide needs

6 This committee's study of existing methods of dealing with areawide problems indicates that present laws provide a substantial number of organizational devices which may be used in coming to grips with areawide needs Co-operative agreements among various types of local agencies provide especially flexible and wide-ranging alternatives for serving areawide needs Local governments, moreover, appear more inclined to use the present methods of dealing with areawide problems (and actually have done so) than to accede to the creation of new areawide governmental agencies

CONCLUSIONS

1 In their sum total the many objections to the provisions of A B. 2728 indicate that at the very least extensive revision, both procedural and substantive, would be necessary before the present multipurpose district enabling legislation might be claimed even to present a practicable solution for use in California's metropolitan areas

2 Moreover, the manner in which the multipurpose proposal was originated and developed, as well as the manner in which the unsuccessful legislation was drafted, did not include the participation and the involvement of local governments This circumstance has apparently engendered deep apprehension and resistance to the multipurpose approach at local levels

3 Under these conditions it seems apparent that further efforts to force the use of the multipurpose organizational device might well have the effect of distracting local efforts from other more promising methods of providing needed areawide services In short, such efforts could well retard needed steps toward metropolitan integration.

4. In light of the prevalent sentiment among the local governmental agencies, the most tractable and most feasible approach to areawide problems appears to lie in greater utilization of existing remedies In this regard two general steps may be taken at the state level The many statutes authorizing various approaches to areawide problems might be gathered into one compilation Such a compilation, made available to local governments, would increase local awareness of the full range of alternatives available to meet areawide problems Secondly, additional study is necessary to define the role of state aid, including matching funds and other devices, to encourage further utilization of these devices.

CHAPTER I

INTRODUCTION

Throughout the nation vast population growth around centers of manufacturing, industry, commerce, and agriculture, has resulted in what may be demographically described as highly urbanized, expanding, regional concentrations of people Metropolitan problems originate within such areas whenever the needs of the regional community exceed the scope and the authority of individual local governments Thus metropolitan areas have regional problems of air pollution, of planning, of rapid transit, etc , which no single, political subdivision can solve The solution to such problems requires a uniform and concerted approach over the entire problem area The principal obstacle to such an approach, and perhaps the real metropolitan "problem," has been that of devising and selecting adequate organizational tools which the metropolis could use to satisfy its regional needs and which, at the same time, would not undermine the authority and autonomy of existing local governments Solutions which have been suggested for California's metropolitan problems have included incorporation, functional consolidation, city-county consolidation, and special purpose metropolitan districts such as the Metropolitan Water District of Southern California and the San Francisco Bay Area Air Pollution Control District A lengthy series of both private and government publications have discussed the relative merits of these and other alternatives for metropolitan organization [1] The present report becomes involved in this general debate only incidentally Primarily, it is directed to the specific task of analyzing in detail both the potential value and the practical applicability of the most recent organizational device which has been proposed for California's metropolitan areas—the metropolitan multipurpose district

House Resolution 467, adopted on June 16 by the 1961 Legislature, directed this committee to study the question of "the organization, powers, and establishment of areawide multipurpose districts " In addition, the 1961 Legislature also referred A B 2728 (Rees) to this committee for interim study This latter legislation was an enabling act which would have prescribed the procedures for organizing a multipurpose district and would have defined the functions, duties, and powers of such a public corporation

Beginning in 1959, proponents of multipurpose district enabling legislation have alleged that this form of metropolitan organization was both feasible and politically acceptable to a majority of the local jurisdictions in metropolitan areas The present interim study is aimed

[1] Summaries of these organizational devices, together with further references and bibliography may be found in *Adapting Government to Metropolitan Needs A Review of Organizational Devices,* Assembly, California Legislature, Interim Committee on Conservation, Planning and Public Works January 1957, and *Concepts in Metropolitan Government* Assembly, California Legislature, Interim Committee on Municipal and County Government January 1959

at evaluating this assertion Specifically, the committee sought to gain some indication of the degree of support for multipurpose districts which actually existed among local governments Accordingly, major hearings were held in San Francisco on October 26, 1961, and in Los Angeles on November 16, 1961, at which an attempt was made to acquire the opinions of as many local jurisdictions as possible The committee also considered the related subject of the creation of a San Francisco Bay Area Regional Planning District at a hearing in San Francisco on October 25, 1961, the results of which will be commented upon in an appropriate section of the following report To round out its evaluation, the committee held a hearing on November 13, 1962, in Los Angeles in an effort to assess the contention that the co-operative efforts of existing local governments represented, in fact, the most feasible approach to solving areawide problems

The committee hearings, as will be demonstrated at length in the body of this report, disclosed an almost complete lack of confidence in a multipurpose district type of metropolitan organization on the part of local administrators and elected local officials Accordingly, the committee staff conducted further research into the origin and backgrounds of the multipurpose district proposal in an effort to explain this antagonistic attitude on the part of local government In short, it was found that the multipurpose district proposal, in its conception and development, had been the product of a small, closed group of planners who had been successful in presenting their ideas to legislative and executive study groups at the state level; that local officials had never been given a genuine opportunity to participate in the development of this plan, and that consequently local government was both suspicious and hostile toward the proposal These conclusions are best demonstrated by a chronological review of the development of the multipurpose district proposal in California Accordingly, this report is organized on the following format Chapter II deals with the original expression of the multipurpose district plan in May of 1958 Chapter III covers the proposal as it was presented to a legislative interim committee in December of 1958 and in January 1959 Chapter IV discusses the proposal as it was adopted by the Governor's Commission on Metropolitan Area Problems during its 1959–60 study. Chapter V analyzes the objections to the proposal which were recorded at this committee's 1961–62 hearings, and Chapter VI reviews the ability of voluntary associations of local governments to achieve needed areawide organization

CHAPTER II

ORIGIN AND BACKGROUND OF THE MULTIPURPOSE DISTRICT PROPOSAL

The idea of using a metropolitan authority or district to cope with a regional problem is neither new, unique, nor particularly startling The Port Authority of New York, for example, has long regulated various types of transport within its multistate jurisdiction In California the Metropolitan Water District of Southern California, which was organized under the provisions of a 1927 enabling statute [1] encompasses a vast intercounty complex of cities and districts Similarly, the idea that a metropolitan district might provide more than one service has been equally well established The Municipal Utility District Act [2] permits districts organized under its provisions to provide light, water, power, heat, transportation, telephone service, garbage and sewage disposal, and, in addition, to "do all things necessary or convenient" to providing these services—a general authorization which has remained substantially unchanged since the original enactment of this statute in 1921 [3] Several of these districts, furthermore, of which the East Bay Municipal Utility District is a noteworthy example, have had a successful history of supplying a number of services to district residents

What then is new or different about the multipurpose district proposal which is evaluated in this report? The multipurpose district concept is new in the sense that it is advanced as a general organizational solution which would be applicable to any areawide problems anywhere in the State. In this respect it would differ significantly from single-purpose metropolitan districts, such as the Metropolitan Water District, and from metropolitan districts which provide only one generic class of services, such as the municipal utility districts In brief, a multipurpose district would be an areawide metropolitan authority which would be able to provide virtually any areawide service, or combination of areawide services, which had been approved by district voters

AN EARLY PROPOSAL—UNAUGMENTED

Although almost every report on California's metropolitan problems seems to contain at least one reference to the possibility of employing some type of metropolitan agency to provide areawide services, remarkably few such studies have discussed the organization, composition and administration of such an authority An early description of what such an agency might entail was that mentioned briefly in the concluding pages of a 1955 Haynes Foundation Study of Metropolitan Los Angeles The concluding chapter mentions a multipurpose authority as one

[1] The Metropolitan Water District Act Water Code, Act 9129 (Chapter 429, Statutes of 1927)
[2] Public Utilities Code Secs 11501-14509
[3] Chapter 218, Statutes of 1921

alternative among several possible courses of action for the Los Angeles area and describes how such a district might be organized

Preferably, the report suggests, such a metropolitan agency would be governed independently of local governments and would be given responsibility for the administration of areawide functions which the local governments could "ill afford to support as separate units"—for example, the functions of "water supply, sewage collection and disposal, flood and air pollution control, rapid transportation, regional planning, protection of lives and property, schools, libraries, and recreational facilities" The government of such an agency would be based on the principle of direct representation The Los Angeles metropolitan area, for example, might be divided up into 80–90 geographical units, each with a population of approximately 50,000 The multipurpose agency would then be organized from among these representative units "underlying the existing municipalities and unincorporated areas" The basic legislative body, or "assembly," of the district would consist of 80–90 members elected directly by the voters of each unit There would also be a seven-member "council" elected by the full assembly from among its members The council would be delegated subordinate administrative and legislative authority in the areas of budget making, enactment of district ordinances, district borrowing and construction of capital improvements To round out the plan, the report recommended that the council select a chief administrative officer to supervise the day-to-day administration of the agency [4]

There was little apparent enthusiasm for this type of organization, however, either in Los Angeles or throughout the rest of the State The idea does not seem to have been developed further and no attempt was ever made to establish the statutory machinery for creating such a district

THE SIMPSON PROPOSAL OF 1958

Considerably more attention, however, has recently been devoted to another proposal which was first drafted in 1958 In May of that year Philip G Simpson, a graduate student at Sacramento State College, submitted a master's thesis entitled "A Metropolitan Government Proposal for California" in which he advocated a type of multipurpose district which, he argued, would be applicable to all metropolitan areas of the State Since 1958, a combination of circumstances has propelled this proposal to the level of a statewide controversy and has operated to retain it at that level The remainder of this chapter outlines the multipurpose organization suggested in Mr Simpson's thesis Succeeding chapters will recount the circumstances which have maintained it as an object of controversy

Structurally, such a multipurpose district would be coterminous, insofar as possible, with the general area of the metropolitan community it would serve It would include contiguous territory, both incorporated and unincorporated; its boundaries would be able freely to cross county lines In order to retain its compactness and effectiveness, moreover, it could exclude portions of counties which were not geographically, culturally, or economically part of the metropolitan community

[4] Edwin A Cottrell and Helen L Jones *The Metropolis Is Integration Possible?* The Haynes Foundation, Los Angeles 1955 Pp 106-108.

The voters within the proposed boundaries of a multipurpose district would make the final decision to establish the district The procedure leading to such an election, however, would be initiated either by resolutions of the local governing bodies or by petition of area residents It was recommended that resolutions from at least one-half of the cities and counties proposed to be included in the district, or petitions signed by a number of voters in the proposed district equal to at least 10 percent of the votes cast in that area at the last gubernatorial election, would be sufficient to initiate election proceedings Results of such an election would be final, and within district boundaries no exceptions would be allowed to district jurisdiction

Ideally, the governing board of a multipurpose district would be chosen in such a way that it would be subject to some degree of popular control, yet would also represent a limited federation of the local governments within the district A district board composed of representatives from each local government was suggested to satisfy this twofold demand Each city council and each board of supervisors would select one of its members to serve on the district board This plan of representation was admittedly adapted from the system of representation used in the San Francisco Bay Area Air Pollution Control District,[5] and it was stressed as a key factor in the popular acceptance and ultimate political feasibility of the multipurpose district

> [A] favorable feature of the Bay Area Air Pollution Control District is that of the composition of the governing body This feature allows essentially for a limited federation of the constituent cities and counties of the district by composing the district governing board of members selected from the city and county governing bodies This feature provides representation of the local governments and their residents, indirect popular control of the district governing boards, and co-ordination of those functions assigned to the metropolitan districts Each of these provisions is essential to the political feasibility and structural adequacy of a metropolitan government [6]
>
> The political feasibility of a metropolitan government rests essentially upon public acceptance To obtain public acceptance the metropolitan government must be a representative government, be able to perform its assigned functions while preserving a high level of local autonomy to its component local government It is suggested that a federal form of government could best allow for these elements essential to public acceptance [7]

Finally, the organizational structure of the multipurpose district would include a district executive officer appointed by the district board to administer the day-to-day affairs of the district and to oversee the performance of district functions

[5] See Health and Safety Code, Secs 24345 ff

[6] Philip G Simpson "A Metropolitan Government Proposal for California" Unpublished Masters Thesis Sacramento State College May 1959 Pp 82-83

[7] *Ibid* It must be acknowledged that the thesis also considered the possibility that a district might have a directly elected governing body (pp 98-99) The limited federation type of representation, however, seems clearly designated as a more preferable type of organization

Operationally, the multipurpose district would be empowered to perform whatever areawide functions had been assigned to it Suggested as possible services were land use planning and zoning control, air and water pollution control, sewers and sewage disposal, traffic and transportation, water supply, law enforcement, fire protection, metropolitan parks and recreational facilities; civil defense [8] A multipurpose district might start by providing one or two areawide services, it was suggested, and then additional functions might be assigned to it at later dates All functions would have to be approved by the voters of the district Voters would approve initial district functions at the election called for establishing the district, additional functions would be added after they had been approved at special elections

In the performance of its functions a multipurpose district would have the traditional powers possessed by independent local governments to sue and be sued; to have perpetual succession, to conclude contracts; to acquire and dispose of property, to tax, to issue bonds; and to hire employees and to provide a personnel system for them A district might also be granted whatever additional authority the performance of a specific function might require In keeping with the idea of providing one areawide organization to administer areawide functions, a multipurpose district would be empowered to dissolve single-purpose special districts within its boundaries which would otherwise be providing duplicate services Thus a multipurpose district which had been authorized to provide areawide sewerage services would be able to dissolve single-purpose sewage districts within its boundaries. In such an instance the multipurpose district would assume the assets and liabilities of the dissolved district The multipurpose district would also have the power to annex territory—either at the request of an area desiring annexation or at the initiation of the district board A public hearing, it was suggested, would be held in the area to be annexed but final approval of the annexation would be by formal resolution of the district board which would be subject to referendum

Many district operating expenses, it was anticipated, could be paid for by service charges and special assessments Capital outlay, administrative costs, and other additional expenses would be apportioned among member counties on the basis of both population and assessed valuation One-half of such costs would be apportioned on the basis of the relative population of a county to that of the district; the other half would be apportioned on the basis of the relative assessed valuation of a county to that of the district The district might issue revenue bonds and, when necessary, general obligation bonds The latter would be issued only subject to approval of a two-thirds vote at a special election. The total general obligation bond debt, moreover, could not exceed 25 percent of the assessed valuation of all real and personal property in the district [9]

[8] *Ibid*, pp 102-103
[9] For a more complete explanation of the foregoing structural and operational features see *ibid*, pp 84-113

SUMMARY

Such, in brief, was the type of metropolitan organization contemplated by Philip Simpson in his 1958 proposal—preferably a limited federation of existing local governments into an areawide organization with adequate authority to cope with any areawide problem

It is important to note at this juncture that the Simpson proposal was no more than an hypothesis—a plan for metropolitan organization which had not been evaluated by the local governments which would have to participate in it Admittedly, the San Francisco Bay Area Air Pollution Control District had been organized on the limited federation principle Agreement on this type of organization, however, had come only after long and arduous negotiations among the local governments involved [10] This type of organization, furthermore, had been assented to only for a single-purpose, metropolitan district More important, the idea of a multipurpose metropolitan agency had never been formally submitted to California local governments for their evaluation and approval Mr Simpson's thesis argued only that a multipurpose district, organized on a limited federation basis, was theoretically possible The ultimate desirability and feasibility of such a proposal, however, would depend to a great extent on whether local governments judged it to be a practicable, acceptable and salutary plan In short, actual utilization of this type of multipurpose district would depend on whether the local governments liked it

The following chapter describes the way in which this multipurpose proposal first came to the attention of a subcommittee of the Assembly, the procedure used by that subcommittee to measure local reaction to the plan, and the action taken on the proposed multipurpose district enabling legislation by the full Assembly

[10] For a thorough discussion of these negotiations see Assembly, California Legislature, Joint Subcommittee on Air Pollution of the Interim Committees on Conservation, Planning and Public Works and Public Health *Air Pollution in the San Francisco Bay Area* February 1955

CHAPTER III

INITIAL LEGISLATIVE STUDY OF THE MULTIPURPOSE DISTRICT

(1957-58 Interim Period)

The Assembly Committee on Conservation, Planning and Public Works had been closely associated with developing the concept of, and with actually establishing, an areawide district organized as a limited federation of cities and counties. During the 1953-54 legislative interim a joint subcommittee of that committee and the Assembly Public Health Committee met extensively with representatives of the local governments in the San Francisco Bay Area in an attempt to devise an air pollution control agency for the Bay region.[1] The formal report of the joint subcommittee, which was prepared in part by Mr. Samuel E. Wood, the Research Director of the Committee on Conservation, Planning, and Public Works, proposed a limited federation as a possible basis of local government representation in the new areawide district.[2] After considerable negotiation the local governments of the Bay area finally agreed to this type of representation, and it was embodied in the 1955 Bay Area Air Pollution Control Law.[3]

During the 1955-56 legislative interim the Subcommittee on Planning of the Assembly Committee on Conservation, Planning and Public Works explored the need for regional planning throughout the State. In its final report, which was also prepared in part by Samuel E. Wood, the subcommittee recommended enabling legislation under which areawide planning agencies might be organized.[4] The report referred specifically to the limited federation type of organization which had been used in the Bay Area Air Pollution Control District and recommended its use in regional planning districts. "(This) principle (of organization) ... is now the basis for the organization of the Bay Area Air Pollution Control District. The principle is sound in concept and workable in practice and should be adopted in other parts of the State."[5] The 1957 Legislature accepted these conclusions and enacted the recommended enabling statute, the District Planning Law,[6] which required the above-mentioned limited federation type of government in districts established under its provisions.

Also, during the 1955-56 period the Bureau of Public Administration of the University of California, Berkeley, had prepared for the Committee on Conservation, Planning and Public Works a background survey of the organizational devices which had been used in various metro-

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[1] *Air Pollution in the San Francisco Bay Area*—See Footnote 10, Chapter II.
[2] *Ibid.*, esp. pp. 47-50 and pp. 21-22.
[3] Statutes of 1955, Chapter 1797. Health and Safety Code, Sec. 24345 ff.
[4] Assembly, California Legislature, Subcommittee on Planning on Zoning of the Assembly Interim Committee on Conservation, Planning and Public Works, *Regional and Metropolitan Planning in California*, May 1957.
[5] *Ibid.*, pp. 55-56.
[6] Statutes of 1957, Chapter 2001. Government Code, Sec. 66100 ff.

politan areas in attempts to come to grips with metropolitan problems.[7] The aim of this background study was that of providing a more complete foundation from which state and local officials might assess California's metropolitan problems and the possible governmental forms which might be used to cope with them. In its discussion of the use of areawide metropolitan agencies, the report cites the possibility of using some type of multifunctional metropolitan districts. Such an areawide agency, in theory at least, would be able to administer all the functions which needed areawide co-ordination.[8]

Pursuing further its studies of metropolitan problems, the Committee on Conservation, Planning and Public Works submitted a final report at the conclusion of the 1957-58 interim period recommending a metropolitan agency which would combine multifunctional operations with a limited federation type of organization. Specifically, these recommendations resulted from the efforts of its Subcommittee on Planning to devise a general organizational vehicle for metropolitan government in California. The final recommendations included elements from each of the above-mentioned committee studies. The following sections describe the manner in which this subcommittee arrived at its conclusions and the elements it adapted from previous committee projects.

THE COMMITTEE'S APPROACH TO METROPOLITAN ORGANIZATION

At its programming conference for the 1957-58 legislative interim period the Committee on Conservation, Planning and Public Works authorized its Subcommittee on Planning to work with the Sacramento consultant firm of Pacific Planning and Research. The aim of this cooperative venture was to devise a general metropolitan government proposal for California. Subsequently, Pacific Planning and Research submitted to the committee two reports which claimed to have achieved this goal. The first was a general background report which argued that multipurpose metropolitan districts were both theoretically feasible and structurally adequate to deal with California's metropolitan problems. The second report proposed specific enabling legislation under which such multipurpose districts could be organized, and argued further that such a plan of metropolitan organization was quite acceptable to local governments. Both reports are reviewed in the following paragraphs. In view of the contents of these reports, however, and of the substance of their recommendations, it is significant to note at this point that the President of Pacific Planning and Research was Mr. Samuel E. Wood, and that Mr. Philip G. Simpson was employed on the staff of that firm.

THE SIMPSON MULTIPURPOSE DISTRICT PROPOSAL

From its work in previous years, the committee was already somewhat familiar with the use of the limited federation principle as an organizational basis for areawide districts. Largely through committee efforts the limited federation approach had been employed in the Bay

[7] Assembly, California Legislature Interim Committee on Conservation, Planning, and Public Works, *Adopting Government to Metropolitan Needs: A Review of Organizational Devices*, January 1957.
[8] *Ibid.*, p. 27.

Area Air Pollution Control Law of 1955 and in the District Planning Law of 1957. In December 1956, furthermore, Stanley Scott of the Bureau of Public Administration of the University of California, Berkeley, had formally suggested to the committee that the type of organization used in the Bay Area Air Pollution Control District might ultimately be utilized as a basis for a multifunctional Bay Area government [9] Under these circumstances it was not unreasonable to proceed a step further and to consider whether such an areawide district might not have general application in all metropolitan areas of the State

Pacific Planning and Research answered this question affirmatively in a background report to the committee which was authored by Philip Simpson Subsequently published by the committee under the title *Metropolitan Government in California* the Simpson report was an almost verbatim copy of the master's thesis described in the preceding chapter [10] The emphasis of the report was unchanged from that of the original thesis Essentially it argued that a multipurpose district organized as a limited federation of local governments was both a structurally adequate and organizationally feasible answer to problems of metropolitan organization With one exception the structural details and operational powers of such a multipurpose district were also identical with those which had been enumerated in the original thesis [11] Where the original thesis, however, had allowed some leeway in selecting the manner in which the limited federation of local governments might be accomplished, the report strongly urged a duplication of the pattern which had been employed in the Bay Area Air Pollution Control District

> It is proposed that the multipurpose metropolitan district legislation provide for selection of board members by and from the governing bodies of the component cities and counties, who would therefore be representative of these local governments and their residents
>
> This method would operate as follows The county boards of supervisors would select their representatives directly while the cities of each county would form a city selection committee made up of the mayors or chairman of each city council, and would then select the city representative, or representatives, from among all the city councils Such a method is presently used to form the governing body for the Bay Area Air Pollution Control District [12]

Impressed by these arguments, the committee decided that a multipurpose district might indeed have general application to problems of metropolitan organization The next step, it determined, would be to test popular reaction to such a proposal

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[9] Stanley Scott, "The Problem of Organizing for Regional Planning and Other Areawide Functions in the Bay Area" A statement presented at a public hearing of the Subcommittee on Planning and Zoning of the Assembly Interim Committee on Conservation Planning and Public Works San Francisco, December 7, 1956

[10] Compare Assembly, California Legislature Interim Committee on Conservation, Planning and Public Works, *Metropolitan Government in California* March 1959 and Philip G Simpson, "A Metropolitan Government Proposal for California," unpublished masters thesis, Sacramento State College, May 1958

[11] *Ibid* Compare *Metropolitan Government in California*, pp 41-49, and "A Metropolitan Government Proposed for California," pp 84-113

[12] *Metropolitan Government in California*, pp 44-45

This committee is convinced that the pattern utilized in (the Bay Area Air Pollution Control Law and the District Planning Law) might also be used in general permissive legislation that could be passed permitting the establishment of multipurpose metropolitan districts The legislation should carry easy definable functions of an areawide, or metropolitan nature, and could at the same time, permit the selection of one or more of these functions on action of the boards of supervisors or majority vote of all persons within the district

Additional study by this committee is necessary to determine the "climate" for general law provisions permitting a metropolitan pattern of organization If these studies indicate feasibility of permissive legislation at this time, then the legislation should be drawn for submission to the 1959 session [13]

FINAL COMMITTEE REPORT ON MULTIPURPOSE DISTRICTS

In due course the "climate" for such multipurpose district enabling legislation was assessed and the Committee on Conservation, Planning, and Public Works submitted its final report and recommendations to the 1959 Legislature [14] Prepared by the firm of Pacific Planning and Research, and authored by Samuel E Wood and Philip G Simpson, the report concluded that the multipurpose district approach to metropolitan organization which had been proposed in Mr Simpson's earlier study was both adequate and politically acceptable, the report formally approved and recommended the enactment of accompanying enabling legislation

> The two factors upon which metropolitan government proposals normally are judged, and upon which most, if not all, have been found to be wanting are political feasibility and structural adequacy Political feasibility is a measure of whether or not the proposed metropolitan government arrangement is acceptable to those seeking such a government; while structural adequacy is a measure of whether or not that unit of government is equipped to perform effectively the job intended of it
>
> The committee, through hearings and staff investigation, is convinced that the metropolitan, multipurpose district as proposed in the legislation submitted with this report is both acceptable and structurally adequate [15]

The pages which followed this declaration were replete with statements from several representatives of local governments which apparently expressed support for the multipurpose district proposal A closer examination, however, reveals that none of these representatives had proferred an actual endorsement of the committee's multipurpose district plan

[13] Assembly, California Legislature *Daily Journal*, 1958 First Extraordinary Session March 31, 1958 "Progress Report Subcommittee on Planning of the Assembly Interim Committee on Conservation, Planning and Public Works" pp 356-57

[14] Assembly, California Legislature Subcommittee on Planning of the Assembly Interim Committee on Conservation, Planning, and Public Works *A Metropolitan Multipurpose District for California* March 1959

[15] *Ibid*, p 31

In an effort to sample the "climate" for multipurpose district enabling legislation, the Subcommittee on Planning of the Interim Committee on Conservation, Planning and Public Works had held a public hearing in San Francisco on December 15-16, 1958 No transcript was made of this hearing but some of the statements presented by local government representatives were included as appendices to the committee's final report These include formal statements by Claude B Hutchison, Mayor of Berkeley; Wes McClure, the City Manager of San Leandro, Richard Carpenter, Executive Director and General Counsel of the League of California Cities, and Lohn R Ficklin, City Manager of Vallejo [16]

Examination of these statements discloses that the witnesses at the December 15 and 16 hearings were apparently unaware of the multipurpose district proposal authored by Mr Simpson which had previously been approved by the committee Admittedly, each witness was concerned with the possible use of a multifunctional, metropolitan agency That concern, however, was a general concern, there is no record that any witness was requested to evaluate the multipurpose district proposal which had already been submitted to the committee The object of Mayor Hutchison's statement, for example, was to suggest to the committee five general criteria by which future specific proposals for metropolitan agencies might be initially evaluated [17] Wes McClure discussed the general emerging patterns of metropolitan organization in the San Francisco Bay Area and suggested that metropolitan districts be established as they were needed to deal with areawide problems In addition he suggested that all such districts be required to be organized on a similar pattern, such as that used by the Bay Area Air Pollution Control District, so that they might be consolidated under one administrative body when such a move would become feasible [18] Richard Carpenter had urged a general attitude of caution in creating new metropolitan agencies "I am suggesting that before we rush into any new supergovernment we take a very close look at the real problem, alternative solutions possible under existing governmental devices, and the effect any supergovernment will have upon our present democratic institutions " In fact, he summarized his presentation with the admonition to "identify the problem before you determine the structure of government to solve it " [19] Lohn Ficklin had generally endorsed the suggestion of Mr McClure that whatever future metropolitan agencies would be established in the Bay Area should be similar enough in pattern eventually to be consolidated, and he had urged that local governments increasingly work together to solve areawide problems [20] In short, the remarks of each witness were general in scope and were directed at the broad subject of planning for future metropolitan organization in the San Francisco Bay Area

The committee report, however, interpreted these statements as a full endorsement of the political feasibility of the multipurpose district proposal Admittedly, the proposed multipurpose district plan did satisfy

[16] *Ibid*, pp 57-71
[17] *Ibid*, pp 57-61
[18] *Ibid*, pp 62-65
[19] *Ibid*, p 68
[20] *Ibid*, pp. 69-71.

Mayor Hutchison's five criteria for metropolitan governments. Its organizational form, furthermore, would enable it eventually to consolidate with the Bay Area Air Pollution Control District, a concern of Mr McClure's Its elements of indirect local control would guard against hasty entry into full scale metropolitan government against which Mr Carpenter had warned And the operation of the district, finally, would conform to Mr Fieklin's suggestion for increased cooperation between local governments to solve metropolitan problems. [21] These statements were all accurate, they were, however, no real measure of the political acceptability of the multipurpose enabling legislation endorsed in the committee report The fact remains that the witnesses had gone no further than to list general attributes which they hoped for in some future San Francisco Bay Area metropolitan government. They had never commented on the multipurpose district as such The indication that a multipurpose district might satisfy all of these general criteria showed only that it might be a promising approach to problems of metropolitan organization Clearly, it did not necessarily indicate widespread political support for the specific committee plan

It must be noted, furthermore, that the multipurpose district proposal embodied a form of organization which had been originated specifically for use in the Bay Area Air Pollution Control District As previously noted, this form of organization had in fact been first agreed upon for the air pollution control district only after lengthly negotiation among Bay Area local governments The committee report provides no indication that such a plan would be adaptable to other metropolitan areas of the State; or that if it should prove adaptable, it would also be politically feasible in these areas

The fact that there had been no real assessment of the political feasibility of the multipurpose district proposal became graphically apparent when the committee-sponsored legislation (A B. 1896 Rees) was introduced at the 1959 legislative session Immediately the bill became an object of controversy, the major responsible opposition came from local government—the cities and counties which the committee report had concluded would welcome multipurpose districts Such opposition raised the serious question of whether multipurpose districts were in fact politically feasible, and whether such enabling legislation, if enacted, would ever be used Accordingly, the Assembly Committee on Municipal and County Government recommended that the measure be referred to further interim study in an attempt to assess the true feasibility of the proposal

SUMMARY

The Assembly Committee on Conservation, Planning, and Public Works, together with its research director, Samuel E. Wood, had been intimately associated with the origin of the limited federation approach to metropolitan districts They had been instrumental in its development for the Bay Area Air Pollution Control District and with its further use in the District Planning Law of 1957. During the 1957-59 interim period the possibility of a multipurpose agency, organized on this same limited federation principle, was suggested to the committee

[21] *Ibid*, pp. 32-35

as a solution to general problems of metropolitan organization This proposal was authored by Philip Simpson and prepared under the direction of Mr Wood A further report submitted to the committee, which was prepared jointly by Mr Simpson and Mr Wood, argued in essence that since the multipurpose district proposal tended to fit a series of general criteria for metropolitan organization which had been suggested by some local governments in the San Francisco Bay Area, it would be a politically feasible proposal The multipurpose district proposal, however, was not submitted to local governments for their analysis and evaluation There was no indication, furthermore, that such an agency would be adaptable to metropolitan areas in the State other than the San Francisco Bay Area Widespread opposition to multipurpose district enabling legislation introduced at the 1959 Legislature made it apparent that further study was necessary of the feasibility of the multipurpose district approach

That the multipurpose district plan was a thoughtful and perhaps potentially useful tool for metropolitan organization has never been seriously in question The previous association of the committee, and particularly of its staff, with the limited federation approach to metropolitan districts for the San Francisco Bay Area, together with the failure of the committee and its staff to submit the multipurpose district proposal to extensive analysis and evaluation by local governments, however, properly raises the question of whether the committee's conclusions about the political feasibility of multipurpose districts did not suffer from an excess of "staff direction " In any event, reaction to the multipurpose district proposal at the 1959 Legislature should have made apparent the necessity both for submission of the multipurpose plan to local governments and for extensive negotiations with these governments before any general purpose enabling legislation would become politically feasible

The following chapter outlines the development of the multipurpose plan during the 1959–60 interim period

CHAPTER IV

THE GOVERNOR'S COMMISSION ON METROPOLITAN AREA PROBLEMS

The interim study of multipurpose districts recommended by the Assembly Municipal and County Government Committee during the 1959 Legislature was never officially undertaken When the Assembly Rules Committee, at the conclusion of the 1959 legislative session, formally assigned to the Municipal and County Government Committee the list of authorized subjects for study during the coming interim period, the assignment pointedly omitted reference to multipurpose metropolitan districts The principal author of the 1959 measure (Assemblyman Thomas M Rees), the Rules Committee Chairman explained, had indicated that he was "not particularly interested" in having his proposal studied during the interim period [1]

At this same time, however, other circumstances were at work which resulted in a purportedly independent consideration of multipurpose districts as an answer to problems of metropolitan organization By the end of the 1959 legislative session an executive commission had already begun a study of metropolitan problems and had been directed to give particular emphasis to problems of metropolitan organization Accordingly, the Municipal and County Government Committee decided to refrain from formal consideration of multipurpose districts during the 1959–60 interim period but to keep itself closely informed of the activities and progress of the executive study commission During this period the committee's staff maintained close liaison with the staff of the study commission and regular memos on the commission's activities were prepared for the information of committee members This chapter describes the commission's studies during the 1959–60 period and offers an assessment and evaluation of the commission's recommendations on the subject of multipurpose districts

THE GOVERNOR'S COMMISSION ON METROPOLITAN AREA PROBLEMS

On March 26, 1959 Governor Edmund G. Brown established by executive order the Governor's Commission on Metropolitan Area Problems.

> California's growth, occurring mainly in urban regions, has crowded our streets, over-burdened our transit lines, threatened a dangerous pollution of our air, created water shortages, and led to new cost and complexity in local government These tensions and troubles, popularly called metropolitan area problems, require our earnest and immediate study

[1] Hon Allen Miller, Chairman, Assembly Rules Committee Letter to Hon Clark L Bradley, Chairman, Assembly Interim Committee on Municipal and County Government September 2, 1959

> I am deeply convinced that it is the responsibility of the State and my personal duty to begin this needed study at once Accordingly, I am establishing a Governor's Commission on Metropolitan Area Problems. . . .[2]

Among the commission's duties it was specifically charged with the study of governmental organization in metropolitan areas

> . . . It is obvious that you will need to give attention to larger governmental structures, now called "authorities" and "districts" What are the values and limitations of these supergovernmental agencies? Should they exist for but a single purpose, for example, transportation, or for many? Can they be made responsive to the will of the people? By what local or state legislative machinery should any such district be created? How should its governing members be selected? By election? By drawing its members from the elected governing bodies of the cities and counties? By gubernatorial appointment? Or by other means or a combination? . . .
>
> I want the commission to take a new and fresh look at the structure of local government in metropolitan areas . .[3]

To comprise this commission, the Governor appointed 20 "interested and capable Californians" Table I (see below) lists the commission members and their respective professional and vocational affiliations. While all of these distinguished citizens had a strong interest in and awareness of the various general problems of the State's metropolitan areas, it is significant that only two of them had had extensive firsthand association with the conduct of local government, with the procedures of local policymaking, and with the intangibles of local political sentiment. It may be suggested, therefore, that the majority of the commission membership had not had the opportunity to develop a thorough appreciation for the significance of local feelings for home rule and autonomy. It must also be mentioned in passing that the commission subsequently appointed Philip G Simpson as its executive secretary to oversee the administration of its activities.

TABLE I

GOVERNOR'S COMMISSION ON METROPOLITAN AREA PROBLEMS

Roy Sorenson, *Chairman*
Executive Director, YMCA
San Francisco

J Edward Day, *Vice Chairman*
Vice President, Western Home Office
Prudential Insurance Company
of America
Los Angeles

James B Boyle
Attorney at Law
Boyle, Bissell & Atwill
Pasadena

Mrs Rudd Brown
Educator
La Canada

Alan K Browne
Vice President, Municipal Bond
Department, Bank of America
San Francisco

Richard Carpenter
Executive Director and Legal Counsel
League of California Cities
Berkeley

[2] Edmund G Brown, Governor of California Proclamation of March 26, 1959
[3] *Ibid.*

TABLE 1—Continued

GOVERNOR'S COMMISSION ON METROPOLITAN AREA PROBLEMS

Reverend Maurice A Dawkins
Peoples Independent Church of Christ
Los Angeles

Joseph L Eichler
President, Eichler Homes
Palo Alto

Evelio Grillo
Juvenile Control Co-ordinator
Oakland

Mortimer W Hall
President and General Manager,
Radio Station KLAC
Los Angeles

Frank E. Hurd
Industrial and real estate consultant,
Frank E Hurd Investments
Beverly Hills

Dr S C Joyner
Business Manager, Los Angeles City
School District
Los Angeles

John J. King
Grand Lodge Representative,
International Association of
Machinists
Oakland

Don B Leiffer
Executive Secretary, Board of
Trustees, State Colleges
Sacramento

Charles I. Luckman
Charles Luckman Associates
Los Angeles

George T McCoy
State highway engineer (retired)
Sacramento

William R MacDougall
General Counsel and Manager,
County Supervisors Association
of California
Sacramento

Thomas W Mathew
Secretary, Building and Construction
Trades, Council of Orange County
Santa Ana

Victor H Palmieri
Executive Vice President, Janss
Investment Corporation
Thousand Oaks

Charles Wellman
Executive Vice President
Glendale Federal Savings and Loan
Association
Glendale

The early activity of the commission was of a factfinding nature. Beginning in June of 1959, the commission requested a number of experts in the field of California's metropolitan growth and growth-connected problems to prepare a series of background papers explaining and defining the various metropolitan area problems within the State In a further attempt to isolate the general problems facing local governments in metropolitan areas the commission held two days of hearings at which it received testimony from local government representatives from each of the state's metropolitan areas Each witness presented his views about the unsolved problems facing his community These background papers and the statements of the local government representatives were subsequently collected and published as a book of readings entitled *Metropolitan California*[4] A careful reading of these materials discloses that all were descriptive and explanatory in content; none proposed the initiation of a particular form of metropolitan organization or otherwise recommended specific action to deal with metropolitan problems The first stage of the commission's study, therefore, was clearly factfinding in nature It considered its first order of business that of arriving at a reasonably clear description of California's metropolitan problems A clear definition of the state's metropolitan problems and their sources might in itself go a long way toward suggesting possible solutions

[4] The Governor's Commission on Metropolitan Area Problems Sacramento, 1961.

RECOMMENDATIONS OF THE COMMISSION

The only other document published by the commission was that containing its conclusions and recommendations which it presented to the Governor on December 17, 1960 [5] This short document cannot in any genuine sense be termed a full "report" It simply summarizes the commission's general conclusions about the state's metropolitan problems and lists general recommendations for action The commission's conclusions may be said to represent an accurate assessment of the type of metropolitan problems within the State and also a handy classification of the principal sources of these problems The commission's statement, for example, classifies sources of the state's metropolitan problems into generic categories such as, complexities in local government, waning citizen control of local government, an uninformed citizenry, and the lack of areawide policymaking bodies [6] Correspondingly, the commission's recommendations for action are general measures which are expressed as solutions to these generic shortcomings The fact that the conclusions and the recommendations of the commission are addressed to the state's metropolitan problems generally, and not to specific metropolitan situations, is further illustrated by the series of highly colorful, graphic illustrations included in commission report, designed to show at a glance general metropolitan problems and equally generalized solutions to them [7]

Consider the commission's statement about the present lack of any formal body for making areawide policy

> Local governments have been ingenious in adapting their service and administrative operations to the needs of the metropolitan area By means of functional consolidation, intergovernmental contracts, and other organizational and financial arrangements, local units of government have been able to fulfill basic service needs Almost every metropolitan area resident has an acceptable water supply, his garbage and trash are hauled away, traffic still moves in and through the area, his children have a school to attend In other words, local services are being performed
>
> Although our local governments have kept things going in the metropolitan areas, they are severely limited in one crucial area of public responsibility—they cannot plan, budget, and program ahead for the entire metropolitan region The attention of this commission has been called repeatedly to the lack of unified control among local governments for metropolitan problems For example, while the county maintains jurisdiction over unincorporated areas, and the city over incorporated areas, there is usually no co-ordination between the two jurisdictions concerning metropolitan matters Beyond city limits no agency is responsible for the extension of municipal services on a metropolitan basis
>
> Maintaining some semblance of an orderly community existence, and providing minimum levels of services, is not enough. The metropolitan resident needs to be made fully aware that to preserve the essential character of the metropolitan area, and to

[5] The Governor's Commission on Metropolitan Area Problems, *Meeting Metropolitan Problems* December 1960
[6] *Ibid*, pp 9-13
[7] *Ibid*, pp 6, 11, 14, 18-19.

create a satisfying urban environment, policies for the growth and development of the metropolitan area must be formulated and acted upon for the metropolitan area as a whole

There is no such co-ordinated action or mechanism for such action existing in any one of our metropolitan areas today The independent action of several municipalities, special service districts, counties, the state and federal agencies, simply cannot formulate policy or make the decision needed on areawide matters.

These and other metropolitan area problems are not subject to solution except on an areawide basis and, hence, are beyond the reach of local governments as presently constituted The key to metropolitan problem solving, it appears, is the establishment in metropolitan communities of an areawide organization or framework through which truly areawide matters can be presented, discussed, decided, and acted upon on an areawide basis. [8]

The commission's recommended solution to this broadly defined problem was a multipurpose agency defined in equally broad terms.

Permit the establishment by metropolitan areas of an areawide governmental framework through which areawide matters can be presented, discussed, decided, and acted upon on an areawide basis, as follows·

(a) Enact enabling legislation permitting the establishment of a metropolitan area multipurpose district by a majority vote of the voting electorate within a defined metropolitan area, said district to be governed by a metropolitan council to be selected by, and from the membership of, the governing bodies of the cities and counties within the proposed metropolitan area multipurpose district The enabling legislation should grant these districts taxing and bonding powers

(b) Enabling legislation recommended above should further provide that those functions permitted to be performed by any metropolitan area multipurpose district on an areawide basis must include comprehensive metropolitan planning, and one or more metropolitan functions such as

1 Air pollution control
2 Metropolitan water supply
3 Metropolitan sewage disposal and drainage
4 Metropolitan transportation, terminals and related facilities
5 Metropolitan parks and parkways
6 Metropolitan law enforcement
7. Metropolitan fire protection
8 Urban renewal
9 Civil defense
10. Any other metropolitan areawide functions which may be requested by the respective metropolitan areas

[8] *Ibid*, pp. 10-13.

The number and nature of the metropolitan functions originally included in the formation of a metropolitan area multipurpose district will differ in each area.

(c) At any time subsequent to the establishment of such a metropolitan district, additional functions may, by majority vote of its electorate, be added to its powers and no new and separate districts to perform government functions for substantially all of such metropolitan area shall be formed

(d) Enabling legislation should also include the provision that each metropolitan area in the State should submit to its electorate a proposal for a metropolitan governmental structure as soon as possible, and must submit such a proposal by January 1, 1964.

(e) The commission recognizes that as a metropolitan area multipurpose district is given an increasing number of functions it may be desirable to have some or all of the members of the metropolitan council chosen directly by the electorate in order to broaden representation by a cross section of groups in the metropolitan area, therefore, the enabling legislation should provide that the question of direct election shall be submitted to the electorate each five years after such district is established. [9]

Admittedly a solution phrased in such broad language provides a satisfactory answer to the commission's generic definition of the state's metropolitan problems At the same time, however, it raises the critical question of whether such a solution will in fact have extensive application to the specific individual conditions existing in each of the state's metropolitan areas. Other than noting that its recommendations for action are potentially able to overcome the general metropolitan problems it had defined, the commission does not provide any additional justification of, or support for, the feasibility of its recommended solution. No attempt was made, for example, to discuss the multipurpose recommendation with representatives of local governments or to assess the effect of such a proposal on the vital interests and political outlook of local governments. It is significant that the only reservations to the commission's multipurpose district recommendation came from the two commission members who perhaps best understood the intangibles of the local political viewpoint In expressing his reservations to the commission's recommendation, Richard Carpenter, Executive Director and General Counsel of the League of California Cities, stated in part

I cannot agree that every municipal service listed in the report should be listed as a metropolitan function As a practical matter, similar, all-inclusive proposals have been repeatedly rejected by voters in other areas of the country

I firmly believe that such enabling legislation authorizing the creation of metropolitan area, *multipurpose districts should, at least initially, include only those functions upon which there is general agreement as to their metropolitan character* . . .

[9] *Ibid*, p. 17.

. . . I cannot support the recommendation of the commission which mandatorily requires the submission of a metropolitan government to the electorate of a metropolitan area in which it is perfectly apparent that the people neither want nor are ready for metropolitan government The powers and function of county and city government should be carefully defined and delineated. *It is quite possible that county government and city government, having carefully defined authority and responsibility, can meet and solve many of the so-called metropolitan area problems.* Their impressive record of co-operative contracts providing local services efficiently and economically should not be ignored by a mandatory provision that notwithstanding such successful co-operative arrangements, and adequate provision of services, the people must vote for or against metropolitan government even though they neither need nor want it.[10] (Emphasis supplied.)

William R. MacDougall, General Counsel and Manager of the County Supervisors' Association of California, expressed additional reservations.

I am in agreement with the bare skeleton of the . recommendations of the commission as they are stated in the December 17 transmittal letter to the Governor. I am in serious disagreement with many of the details of the body which the commission has seen fit to fit upon this skeleton. The counties of California have also devoted much time to the study of these same problems with the same factors, and witnesses available to them, and they, have not reached the same conclusions as the commission. . . .

. . . The report gives short shrift to the magnificent work which has been done, and is being done, by the cities and counties of California co-operating in the solution of their own metropolitan problems.

It ignores completely the fact that many metropolitan problems common to other parts of the world simply do not exist in California because the services and functions in these potential problem areas are being adequately performed by the existing local government. . . .

The report also shunts aside with a two-line reference the entire matchless record of functional consolidation and intergovernmental co-operation of California's counties and cities . .

Metropolitan multipurpose districts are theoretically possible now by virtue of agreements under the Joint Exercise of Powers Act and other legislation. Enactment of new legislation for a metropolitan multipurpose district would serve to dramatize the availability of this governmental device and would offer certain organizational advantages possibly not now available However, *the Metropolitan Multipurpose District Law must not be a "back-door" method of forcing unwanted and undesirable regional governments on an unsuspecting public.*

[10] *Ibid*, pp 22-23.

> Any new enabling legislation for such districts should provide for a governing body composed of representatives from the governing bodies of the cities and counties within the district
>
> There should be no forcible entry into this field as proposed in the report in its requirement that some kind of proposal must be placed on the ballot in every metropolitan area in the State within the next three years California's cities and counties, and their citizens who control them, can be trusted to take advantage of the multipurpose district device wherever it will prove to be meritorious [11] (Emphasis supplied)

Because the commission's published recommendations do not contain any record of the considerations which prompted it to recommend multipurpose districts over alternate forms of metropolitan organization, a request was made of Philip Simpson, the executive secretary of the commission, to supply this information Mr Simpson replied that

> After reviewing several possible forms of metropolitan organizations, including contractual arrangements, extraterritorial powers, special districts and city-county consolidation or separation, and in reflection of the basic consideration that any metropolitan organizational arrangement proposed for use in California must be based upon existing forms of local government, the Governor's Commission concluded that the only form of metropolitan organization suitable for use in California was that of the areawide multipurpose district as described and recommended by the Assembly Interim Committee Report, Vol 13, No 23, *Metropolitan Government in California*
>
> In short, this form of regional organization is capable of both (1) *political feasibility*, which includes the features of adequate representation, ultimate control in the hands of the governed, and preservation of a high degree of home rule through existing local government; and (2) *structural adequacy*, which includes the features of areawide jurisdiction, sufficient authority and power to perform assigned functions, and adequate financing to provide the required functions [12]

The report cited in the letter, it will be noted, has already been discussed [13] This was the original multipurpose district proposal as authored by Mr Simpson, the content of which went no further than to justify multipurpose districts as theoretically feasible

In response to a further question, whether local officials had been asked to comment before the commission on the practicability and actual feasibility of multipurpose districts, Mr Simpson replied

> The answer is *no* The formal appearances of the local officials before the commission were early in the factfinding phase of this study At that time the commissioners were more concerned with the identification and assessment of metropolitan problems than with the testing of preliminary ideas concerning possible solution Further, the commission recognized that what in its analysis and

[11] *Ibid*, pp 23-24
[12] Philip G Simpson, Letter to Thomas H Willoughby, Committee Consultant, Assembly Interim Committee on Municipal and County Government August 7, 1962.
[13] See Chapter III

best judgment was developed and recommended for meeting metropolitan problems would need to be discussed and tested for broad acceptibility through such appropriate established institutions as the State Legislature and the popular ballot[14] (Emphasis supplied)

In effect, therefore, when the Governor's Commission made its recommendation for multipurpose district enabling legislation in December of 1960, it was restating and resubmitting the 1959 conclusion of the Assembly Interim Committee on Conservation, Planning and Public Works that such an approach to metropolitan problems was theoretically feasible The commission took no actual steps to insure the political feasibility and local acceptance of its multipurpose district proposal.

Nevertheless, multipurpose district enabling legislation was introduced at the 1961 session of the Legislature Two such measures, quite similar in content, were presented by Assemblyman Thomas Rees, author of the unsuccessful 1959 multipurpose enabling legislation The first of these measures, A B 267, was in fact a resubmission of the final version of the 1959 measure[15] The second, A B 2728, was not substantially different from the first, it varied only in a relatively few procedural and organizational provisions The net effect of these changes, however, would have given local governments some additional discretion in the matter of creating a multipurpose district and in limiting its jurisdiction

Thus, A B 2728 provided that an election to authorize a multipurpose district would have to be called by resolutions from all the cities and all the counties within the proposed district This was a change in the former provision that such an election might be called by *either* resolutions from all the counties to be included within a district *or* resolutions from one-half or more of the cities to be included within the district[16] A B 2728 would also have required a multipurpose district to include more than one county, in place of the provision which would have allowed a single county, or even an intracounty, multipurpose district[17] Again, where A B. 267 would have allowed the multipurpose district governing body to initiate an election to add additional functions to the district, A B 2728 stipulated that such an election would be initiated only by resolutions from each city and county within the district[18] In addition, A B 2728 omitted a detailed exposition of the multipurpose district's authority in the areas of regional planning and regional parks, which had been contained in A.B 267. It added, furthermore, the significant provision that the adoption of any district plan would not operate to affect, change, or modify any county or city zoning ordinance[19] Finally, A B 2728 omitted a detailed listing of the specific local affairs in connection with which a multipurpose district might provide co-ordination and centralized special services[20] In short, the changes embodied in A B 2728 seem to have been administrative

[14] Philip G Simpson, "Letter"
[15] Compare 1959 legislative bill A B 1896, May 11 version with 1961 legislative bill A B 267
[16] Compare 1961 legislative bills A B 267 and A B. 2728—Sections 63016
[17] *Ibid.*, Section 63015
[18] *Ibid.*, Section 63022
[19] *Ibid.*, Article 5 of A B 2728 and Article 6 of A B 267
[20] *Ibid.*, Section 63070 of A B 2728 and Section 63080 of A B 267

ones designed primarily to grant local governments an additional degree of authority over the creation of a multipurpose district and over the powers which might be given to it.

Of the two measures, the attention of the 1961 Legislature became focused almost exclusively on A.B. 2728. The concessions which this measure made to local jurisdictions, however, were apparently insufficient to mollify local opposition to it. As in 1959, the proposed legislation almost immediately became an object of controversy, the major opposition once again coming from local governments. The Governor's Commission on Metropolitan Area Problems, for its part, did not officially sponsor or otherwise indicate approval of or support for the pending legislation. A.B 267, it must be acknowledged, was listed among the legislative measures which the Governor's office had designated as "The Governor's Legislative Program." A.B 2728, the somewhat more moderate measure, was omitted, perhaps inadvertently, from this list. At any rate, there is no indication that the Governor's office pressed hard for adoption of multipurpose district enabling legislation in the face of mounting local opposition.

Under these circumstances, the Committee on Municipal and County Government referred the more moderate proposal, A.B 2728, to interim study in a long-overdue attempt to discover whether the multipurpose district approach to metropolitan organization was in fact politically feasible and might actually be employed.

SUMMARY

Through its studies, hearings, and specially prepared background papers, the Governor's Commission on Metropolitan Area Problems was able to present a concise and accurate general report of the broad metropolitan problems facing the State of California. Its subsequent recommendations for action, however, were based on solutions which appeared theoretically adequate to solve these general problems. In effect, the commission resubmitted the conclusions of the 1959 Assembly Interim Committee on Conservation, Planning and Public Works that multipurpose districts were a theoretically feasible form of metropolitan organization for California. No efforts were made to submit the multipurpose district proposal to local jurisdiction for their evaluation or in any other way to measure the actual feasibility of such an approach. The fact that major opposition to the multipurpose enabling legislation in the 1961 session of the Legislature came primarily from local government, tends to indicate that although the Governor's Commission seemed accurately to have classified the general metropolitan problems of the State, it had not come to grips with the political considerations necessarily involved in any solution to these problems.

The following chapter describes the 1961–62 attempt of the Assembly Interim Committee on Municipal and County Government to effect a long-overdue evaluation of the impact of the multipurpose district proposal on local governments.

CHAPTER V

A.B. 2728: 1961-62 STUDY OF THE MULTIPURPOSE PLAN

I. THE ASSEMBLY INTERIM COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

Initially, the Assembly Interim Committee on Municipal and County Government directed its 1961–62 multipurpose district study at an objective which had been omitted from all previous evaluations of this organizational device The committee determined to explore at length the attitude of local governments toward multipurpose district enabling legislation It undertook, therefore, to solicit specific detailed comments on A B 2728, the multipurpose district enabling legislation which had been presented unsuccessfully to the 1961 Legislature. Such an approach seemed likely to determine whether the local objections to the multipurpose district proposal had been only procedural and technical objections or whether the substantive provisions of the proposal were unacceptable to California local governments

Accordingly, the committee held hearings in San Francisco on October 26, 1961 and in Los Angeles on November 16, 1961 By this time the League of California Cities, in response to growing concern among its members, had retracted the qualified support which it had given to the Governor's Commission's general recommendation for multipurpose district legislation, and had called a special conference for the spring of 1962 to re-evaluate League policy on this subject. Some cities, consequently, were reluctant to present official statements to the committee before the conference A representative number of cities did appear before the committee, however, and their observations are particularly meaningful in light of the outcome of the subsequent League conference. In addition, the County Supervisors Association and various independent special districts were able to submit their views on A B 2728. This section summarizes and evaluates the major criticisms which were presented to the committee.

SUMMARY OF A.B. 2728

The following broad summary of A B 2728 is intended to provide a frame of reference for the commentary about A B 2728 which follows. The complete text of A B 2728 is found in the Appendix [1]

Formation of a Multipurpose District A multipurpose district would encompass two or more counties, or parts thereof, and would be created by a majority vote at a special election held throughout the proposed district Such an election would be called by resolutions of the boards of supervisors and the city councils of each city and county proposed to be incorporated into the district The deci-

[1] See Appendix I, pp. 70-86

sion to request inclusion in a proposed district would thus be left to the discretion of each local government

Functions of the Multipurpose District. A multipurpose district would exercise only those functions delegated to it by a majority of the voters at the initial election Additional functions could be added subsequently by the same procedures used to create the district. Suggested functions are: water supply, sewage disposal, public transportation, civil defense and disaster preparedness, planning, and administrative planning and co-ordination in local affairs.

Powers of the District The enabling statute would authorize broad grants of authority to a district in connection with each of the above-mentioned suggested functions Procedurally, a district would also possess those powers common to most public corporations to acquire, lease and dispose of property, to sue and be sued; to contract with other persons for various services, to have perpetual succession, to employ personnel; to collect rates; to construct necessary public works, and to exercise the power of eminent domain in the manner prescribed by law.

In addition, a district would have one unique power Whenever a special district was performing a function within the boundaries of a multipurpose district which the latter had also been authorized to perform, the multipurpose district might dissolve the special district by unilateral action. In such event the multipurpose district would assume the property of the dissolved district and might, at its discretion, assume also the outstanding obligations of the dissolved district.

Governing Body of the Multipurpose District The governing body of the district would be organized on a federation basis, members of the governing board would be representatives of the cities and the counties within the district Each member county would be represented by one of its supervisors The member cities in each county would also be entitled collectively to one representative, he would be chosen from the combined membership of the city councils at a conference of mayors convened to make such a selection

District Personnel The district governing board would appoint a chief administrative officer Other district personnel would be employed on a merit system basis

District Finances A district would be able to borrow money and to incur indebtedness. A two-thirds vote, however, would be required to approve general obligation bonds and such indebtedness would be limited to 15 percent of the assessed valuation of all real and personal property within the district The annual district budget would be apportioned among the member counties, one-half on the basis of the relative assessed valuation of each county to that of the entire district, and one-half on the basis of the relative population of each county to that of the entire district.

Modification of the District No procedures would be provided for withdrawal of any area from a multipurpose district An entire district, however, could be dissolved if the boards of supervisors of the counties and the city councils of the cities, representing more than 50 percent of the population of the district, adopted resolutions calling for dissolution

SUPPORT FOR A MULTIPURPOSE MEASURE

The committee's hearings disclosed a general lack of militant support for multipurpose district enabling legislation—especially from local governments The support which was expressed, moreover, emphasized the need for an areawide approach to metropolitan problems and dwelt upon the potential ability of a multipurpose district to provide a suitable areawide organization While such an approach did not ignore the possibility that the provisions of A B 2728 might occasion some operational difficulties, it tended to minimize the likelihood of an organizational impasse A multipurpose district, the argument ran, would be organized initially to perform only those areawide tasks which were relatively noncontroversial Thus there would be little problem in obtaining local assent to formation of a district. After a period of time, when a multipurpose district had proved itself and had demonstrated its usefulness, other more controversial areawide functions might be added to its jurisdiction

In an extended presentation to the committee [2] Assemblyman Thomas Rees, author of A B 2728 and of the unsuccessful 1959 measure, A B 1896, urged such a viewpoint Citing the areawide nature of most of the state's metropolitan problems, Mr Rees stated his feeling that "another device (is) needed to respond to present needs which are not being met" [3] A multipurpose district, he maintained, because it would be a federation of local governments, would be an effective means of dealing with areawide problems through an extended form of local action Because membership in a multipurpose district would be at the discretion of local governments, Mr Rees admitted that the first multipurpose districts would have to be "relatively noncontroversial districts" They would, however, constitute a needed "first step" toward a genuine local federation capable of dealing with major areawide problems In Mr Rees's own words,

> . . A B 2728 (would be) an improvement in establishing local control of affairs because there is no existing device whereby citizens can get together and form districts that encompass an entire regional area This measure would provide a tool that is definitely needed to meet the problem of metropolitan expansion The problem of dealing with 60 or 70 independent chartered cities in Los Angeles County, the problem of having over 1,000 special assessment districts in Los Angeles County, the problems of transportation, air pollution, sewerage, water supplies—all of these are matters which sprawl over a large area The multipurpose district is a device which local jurisdictions can use to help meet these problems

[2] Assembly Interim Committee on Municipal and County Government. *Transcript*, Hearing of October 26, 1961, San Francisco, pp 2-32.
[3] *Ibid*, p. 2.

> . . We have proposed that participation be very permissive. As it is now, the act could be used primarily for very noncontroversial functions that all the cities and counties agree should be solved through this type of district. . . *For a real tough problem involving different assessments and taxing bases, and three or four districts, this bill would not be effective* In trying to solve metropolitan problems, however, we have to take a first step and A.B 2728 is that first step "[4] (Emphasis supplied)

Only two of the State's incorporated cities, and none of its counties volunteered their support for Mr Rees's position Both the cities of Berkeley and Walnut Creek endorsed the principle of voluntary local federation as an approach to metropolitan problems Admittedly optimistic, they tended to discount current controversies over specific provisions of A B 2728 and to emphasize their hope that local governments eventually would realize the value and effectiveness of multipurpose districts once an initial use had been made of them The presentation of John D Phillips, City Manager of Berkeley, is particularly illustrative of this position After reading a formal statement on behalf of the Berkeley City Council which emphasized that any multipurpose district enabling legislation would have to acknowledge and to preserve home rule and local control in all local matters, Mr. Phillips explained further that

> (Berkeley's) position is that A B 2728 would provide an acceptable method for placing a multipurpose district into operation There must be an initial resolution by the city council, or the county board of supervisors, indicating that they desire to form a district and specifying the functions which they desire to have the people vote on A district is activated by local government action and ratified by vote of the people . We believe that each function proposed to be included in such a district should be areawide in nature, lend itself to areawide performance, and should be included only after studies indicate that it is of such a nature [5]
>
> We have to rely on the hope that (1) the cities and counties shall recognize regional problems as they come up and will want to do something about them, and (2) that once a multipurpose district is organized, its value will become more apparent and there will be more co-operation There are inherent weaknesses in voluntary associations but we believe that these are preferable to mandatory ones [6]

OPPOSITION TO A MULTIPURPOSE APPROACH

The discussions at each committee hearing took the form of section by section commentary on A B 2728 Such a procedure produced a long list of specific individual objections to the various sections of the proposal In order to present these objections in an organized and meaningful fashion, however, this report classifies them into four

[4] *Ibid*, pp 5-6, 23
[5] *Ibid*, p 35.
[6] *Ibid*, p. 48.

broad generic categories, viz, problems occurring because the physical boundaries of various service areas are alleged not to be coterminous, problems occurring because of the policy of discretionary admission to a multipurpose district, problems occurring because of alleged inapplicability to all of the State's metropolitan areas of the proposed system of representation on the multipurpose district board; and problems occurring because of the broad and extensive authority granted to multipurpose districts On the basis of this general classification, it may be stated that the multipurpose district approach was individually and collectively opposed as an organizationally inadequate, jurisdictionally unsuited, representationally inapplicable, and a dangerously powerful solution to California's metropolitan problems. The following paragraphs discuss and analyze the specific difficulties which were noted under each of the above-mentioned classifications.

It is appropriate to begin such a chronicle with a consideration of those objections to the multipurpose district which in essence contend that it is not an adequate organizational device, i e., that it is not an appropriate tool for coming to grips with the state's metropolitan problems. Each of these objections stems from the assertion that various metropolitan problems seldom have coterminous physical boundaries. Thus a multipurpose district would, in fact, have to administer different programs for different areas, a circumstance which allegedly would produce chaotic and confusing results. George A. Terhune, Administrative Officer for the City of Los Angeles, who appeared before the committee on his own behalf, graphically illustrated this problem as it exists in the Los Angeles area Using a series of slides for emphasis, Mr. Terhune stated

> In general, areawide organization has typically been used in the fields of water supply, sanitation, sewage disposal, flood control, rapid transit or mass transportation, and air pollution control. In the Los Angeles metropolitan area these functions are being handled almost exclusively by a series of areawide single-purpose districts. . . . The point I am trying to illustrate is that all these different single-purpose districts have no coterminous area. The legal and administrative problems of bringing them all together under one agency, therefore, would be quite difficult to solve.

A good example of different areawide jurisdictions and the considerations which necessitate them, Mr Terhune proceeded to point out, is afforded by a comparison of the air pollution control and sewage disposal facilities in the Los Angeles metropolitan area. Sewage lines have been designed to depend to a considerable extent on gravity flow of effluents; thus physical terrain is important in determining the boundaries of areas to be served by the same sewage disposal facilities The Los Angeles air pollution basin, on the other hand, is determined by other factors and, in fact, extends over a substantially different area.[7] These conclusions are set forth in greater detail in the report *Metropolitan Government for Los Angeles: A Workable Solution,* prepared

[7] Assembly Interim Committee on Municipal and County Government *Transcript,* Hearing of November 16, 1961 Los Angeles, pp 45-46

independently by Mr. Terhune and by Samuel Leask, Jr The report concludes in part

> Concern over the "metropolitan area problem" is not confined to the Los Angeles area alone The same concern can be found elsewhere throughout the country As a result of the general study of this problem which has been conducted by the American Municipal Association and the intensive studies of specific metropolitan areas by public and private research organizations, the one outstanding conclusion is that *no magic formula nor panacea can be applied universally* (Emphasis supplied)
>
> In our metropolitan area most of the areawide problems which are plaguing other areas have already been or are being solved Our water supply problem has been solved through the Metropolitan Water District of Southern California
>
> Our sewage disposal problem is being capably handled through the Los Angeles City Sewerage Disposal System and the Joint Sanitation Districts Sewage Disposal System Flood control and air pollution control is the responsibility of two single-purpose special districts with the Board of Supervisors of Los Angeles as the governing body. The recently established Los Angeles Metropolitan Transit Authority has been entrusted with the task of solving the transit problem, and the State Division of Highways is responsible for state highways and freeways in this area and throughout the State Although these regional-type functions have not been brought together under the jurisdiction of a single metropolitan government, we are certain that everyone will agree that the legal and administrative aspects of such a consolidation will be most difficult to reconcile
>
> . . We have reached the conclusion that what is really required (in the Los Angeles metropolitan area) is co-operative metropolitan administrative planning and co-ordination through provision of centralized services of a specialized character, promotion of co-operation between governmental agencies rendering such municipal type services Aside from those matters, all other aspects of the above-named functions should be continued under the jurisdiction of the existing agencies performing the service for their respective areas [8]

These conclusions with respect to the Los Angeles metropolitan area were endorsed by Francis M McLaughlin, speaking on behalf of the County of Los Angeles, by Carl M Thompson, a city councilman from the City of Monrovia, and by Harry C Williams, City Attorney for West Covina and Azusa, and Chairman of the Government Organization Committee, Los Angeles County Division, League of California Cities All of these witnesses stressed that the truly metropolitan problems in the Los Angeles area are being satisfactorily administered by various areawide single-purpose agencies To shift the administration of such diverse and satisfactory programs to a multipurpose district allegedly would be unneeded and would provide no obvious benefit to the Los Angeles area [9]

[8] pp 5, 8-9
[9] Los Angeles *Transcript*, pp 2-8, 36-57, 67-70

The fact that the various functions administered by a multipurpose district might have different operational areas raised a major impasse with the provision of A B 2728 which prescribed the apportionment of a district budget The point was well illustrated in the following exchange between Chairman Bradley and Robert T Durbrow, Executive Secretary of the Irrigation Districts Association of California

> **Chairman Bradley:** In regard to the powers of multipurpose districts to tax, Section 63119 provides that the board of a multipurpose district, on or before the 15th day of June of each year, "shall inform the boards of supervisors of each county of the amount apportioned to the county Each board of supervisors shall levy an ad valorem tax on the taxable property, but not including the intangible personal property, within the county included within the district sufficient to secure the amount so apportioned to it " Is it not true that on the basis of this section the boards of supervisors have no power to reduce any apportionment which is set by the board of a multipurpose district but must accept the amount that the multipurpose district assesses?
>
> **Mr. Durbow:** Mr Bradley, the assessment provisions could be extremely inequitable All of the work of one of these larger districts might be going on in one county and yet according to the enabling act the cost would have to be apportioned according to the population and real estate values in all of the counties of the district [10]

The same point was also raised by Mr Harry C Williams:

> It is essential that the same area be taxed for all functions? Is it even logical to maintain that exactly the same area should be charged for any metropolitan function that is charged for a sewage disposal function? Would it not be more equitable to provide that a district should keep its books according to the functions it performs and charge each county and each city for the services it receives? [11]

If a functioning multipurpose district is in fact providing different services to differing physical areas within its jurisdiction, the question arises of which representatives on the district board are to make decisions about district services which are less than areawide in scope. The solution which A B 2728 suggests for this problem seems to be a source of further confusion Note the following exchange on this point between Chairman Bradley and Robert Durbrow of the Irrigation Districts Association

> **Chairman Bradley**: . . The governing body of a multipurpose district would be a wholly appointive type composed of city councilmen and county supervisors who in the original instance had been elected but who would be serving on the multipurpose district board on a purely appointive basis

[10] *Ibid*., pp 22-23.
[11] *Ibid*., p 42

(In this respect) I would like to call your attention to Section 63136. This section says that members of a board in multicounty districts shall enter into deliberations of that board only in regard to that function, or to those functions, which are properly established within their component counties This has been a puzzler to me.

Mr. Durbrow: . (Chuckling) It should go one step further and provide that a city member should only apply his efforts to the city district and the county man to the county district.

Chairman Bradley: That might be a way to further compound the confusion! Seriously, however, this provision would appear to limit the board's powers very severely if it means what it says. Two board members from one county, for example, couldn't talk about any particular phase of a problem except as the particular function, or functions, under debate related to their own counties That also leads to the question of what the rest of the governing body would do in arriving at a decision on the remainder of the problem [12]

In short, it may be said that a general question exists of the adequacy and applicability of the multipurpose district approach to the state's metropolitan areas This question arises from the fact that to a large extent the present metropolitan needs in the State are being met, not only adequately but well, with existing organizational devices A changeover to a multipurpose district approach does not present any obvious indication that vital metropolitan services will be better supplied. On the contrary, there is a definite possibility that such a changeover might fail, or might at least create political and administrative problems which would impair these services for an indefinite period.

Even assuming that multipurpose districts could be used in the state's metropolitan areas as they now exist, there would be other barriers to their use. Perhaps the most formidable of these is that admission to a multipurpose district is planned to be voluntary A voluntary organization, however, is alleged to be jurisdictionally unsuited to perform the type of tasks envisioned for a multipurpose district The following paragraphs cite a series of specific objections to the jurisdictional adequacy of a voluntary organization which attempts to provide vital metropolitan services

In an attempt to preserve a measure of autonomy and local control in the formation of a multipurpose district, A B 2728 provided that a district would be created by majority vote of the electors residing within its proposed boundaries A special election on the formation of a district would be called by resolutions adopted respectively by the city councils and the boards of supervisors of the cities and counties which desired to be included within the proposed district [13] At the same time the electorate would vote on which functions were to be delegated to the multipurpose district Thus only those jurisdictions which desired membership would be included in a multipurpose district and the district itself could exercise only those functions which had specifically been delegated to it.

[12] *Ibid*, pp. 27-28.
[13] Section 63016.

This approach has been objected to as a fundamentally ineffective way to deal with problems which are genuinely metropolitan in scope. As Assemblyman Houston Flournoy phrased the objection:

> To the extent that you have a bona fide regional problem—one that must be handled regionally—how can you justify less than full regional response to it? With only a voluntary association, nonmember cities and counties would be able to avoid their responsibility.[14]

It seemed apparent to Assemblyman Flournoy that district membership, if left on a discretionary basis, would be avoided whenever such an alternative would appear advantageous to individual cities and counties. In an exchange with the author of A B. 3728, Assemblyman Thomas Rees, Mr Flournoy commented·

> The financial features of your multipurpose district are an ad valorem tax and bonding, as well as service fees Areas which have large assessed valuation and are incorporated in tax protection districts, however, are going to be the same cities which will not pass the resolution for any multipurpose district and you are going to have the same problem By granting such a veto to the cities (A B. 2728), tacitly assumes that cities are all somewhat rational creatures of some degree of similarity. This is unfortunately not true I recognize that you are on the horns of a dilemma, but I am afraid that (this provision makes) the whole proposal self-defeating[15]

In his comments before the committee, City Councilman Carl M Thompson of the City of Monrovia gave ample evidence that Assemblyman Flournoy was not engaging in idle speculation Mr Thompson stated·

> We in Monrovia take tremendous pride in our community, its efficiency and its management Our services in all departments are outstanding. We have a new civic center, including a city hall and police building . Our bonded indebtedness is less than $175,000, our assessed valuation, over 50 million dollars Consequently we are concerned that we might be a financial "plum" for any district formed.[16]

In fact, concluded Assemblyman Flournoy, such a procedure would likely not result in any areawide agency at all, but rather would produce a "layering" of geographically dissimilar, single-purpose districts.

> Doesn't this approach result in just another layering of single-purpose districts? (A city), for example, may want to join a district for civil defense and regional planning but not for sewage disposal The sewage disposal district would then be different from the multipurpose district for regional planning and civil defense You would not have any single multipurpose regional district[17]

[14] San Francisco *Transcript*, p 48
[15] *Ibid*, p 16
[16] Los Angeles *Transcript*, p 5
[17] San Francisco *Transcript*, p 41.

An illustration of this latter point is to consider the situation which currently exists in the San Francisco Bay Area in regard to rapid transit and air pollution control Each of these functions is now performed by an independent agency The Bay Area Air Pollution Control District, however, extends over a six county operating area while the rapid transit authority is currently operating in only three Bay Area counties The remaining counties, in fact, have declined to join the transit district at this time A voluntary multipurpose district injected into this situation would seem to hold no promise of change from the present operating program The multipurpose district would probably still provide air pollution control to six counties and rapid transit to three counties Its effect would be little more than a "layering" of the present operating agencies

In such a situation a multipurpose district might even be a source of jurisdictional anomaly. A B 2728 is silent, for example, on the point of whether a multipurpose district must be composed of contiguous territory As Harry C Williams commented,

> There is also nothing in the bill that indicates whether or not a multipurpose district must be contiguous, i e , whether all the territory in it be contiguous as one solid parcel of territory A B 2728 says that portions of two or more counties may be included in a multipurpose district But may separated portions of Los Angeles County, for example, be included, or must the portion of Los Angeles County that is included be contiguous? Another question is whether the two or more counties which are included must themselves be contiguous [18]

Additional jurisdictional paradoxes seem rooted in the procedures for organizing a multipurpose district A resolution calling for an election to form a district, it has been pointed out, might be adopted by less than an absolute majority of a city council or county board of supervisors Since only a resolution is required, moreover, it would not be subject to referendum procedures as would an ordinance The requirement for a districtwide vote, furthermore, seems to present a situation in which local governments might be forced into a multipurpose district which the local electorate had repudiated in the special election Carl M Thompson of the Monrovia City Council outlined the problem.

> It seems apparent that under the proposed act the following hypothetical situation could occur Our community of Monrovia, represented by its city council, could by resolution vote to join in an election for the formation of a district If a majority of the communities in the proposed district approved the plan, even though the City of Monrovia might have voted 100 percent against it, Monrovia would be included in the district and its citizens would lose their right of home rule [19]

[18] Los Angeles *Transcript*, p 39
[19] *Ibid*, p 4

On the other hand, the formation procedure seems also to allow for the exclusion of all cities from a multipurpose district Chairman Bradley commented on this point

> I assume that if you had two counties acting upon a resolution and calling a successful election, the resulting district would be formed on a countywide basis and would not include the cities in those two counties, unless the cities in turn had adopted resolutions and held elections within their boundaries on the question of forming the district If this is true, it is certainly a questionable feature of the bill It ought to be in the record that this may not be an effective means of creating a metropolitan, multipurpose district inasmuch as you can, in effect, eliminate a city, or all cities, by virue of the fact that they do not adopt resolutions [20]

Another series of objections was presented to the committee centering around the system of representation envisioned for a multipurpose district Larger cities, it was pointed out, might consider inimical to their interests a system which would select city representatives from the cumulative membership of all city councils in a county Such an arrangement, it was suggested, could minimize a large city's voice in district decisions while making available that city's tax base as a major source of district revenue [21] Faced with such a possibility, major cities might be understandably reluctant to join a multipurpose district

A more important objection to the system of representation, however, is that the system itself does not seem applicable to all of the state's metropolitan areas. Prior sections of this report have pointed out that the proposed system of representation was originally developed for use by the San Francisco Bay Area Air Pollution Control District It is a system of representation which presumes that there will be several member counties, that each member county will contain a somewhat equivalent number of incorporated cities, and that each county will receive roughly equivalent benefits from district services None of these circumstances prevail, for example, in the Los Angeles area George Terhune, Administrative Officer of the City of Los Angeles, pointed out that the Los Angeles metropolitan area was generally considered to include 1,540 square miles, and that approximately 1,200 of these were within the boundaries of Los Angeles County In addition, Los Angeles County has 74 incorporated cities within its boundaries, the most populous and wealthy of which is the City of Los Angeles [22] Under the system of representation proposed by A B 2728 the cities of Los Angeles County, and especially the City of Los Angeles, would be underrepresented on a multipurpose district governing board in comparison with cities in surrounding counties The same conclusion would apply to Los Angeles County compared to other counties which would be members of a Los Angeles area multipurpose district In short, the system of representation proposed by A B 2728 seems decidedly unrepresentative in a situation in which one city and/or county geographically dominates the metropolitan area

[20] San Francisco *Transcript*, p 13
[21] *Ibid*, p 8
[22] Los Angeles *Transcript*, p 52

A final series of objections to the multipurpose district approach stems from the fact that, from the viewpoint of local governments, the powers granted to a multipurpose district seem excessively broad

A dramatic illustration of the potential authority of a multipurpose district which had been authorized to provide water service is provided in Chairman Bradley's comments at the committee's San Francisco hearing·

> Section 63024 of the bill reads, "Whenever an existent special district is performing one of the functions to be performed by a proposed multipurpose district within the area of the proposed multipurpose district, the special district shall continue in existence until the board of the new multipurpose district adopts and files with the governing body of the special district a certified copy of a resolution requesting the dissolution of the special district Upon the filing of the resolution with the governing body of the special district, the special district is dissolved and the property of the district becomes the property of the multipurpose district The board shall have the power to decide whether the multipurpose district shall assume any outstanding obligation of the dissolved district" Since a special district is not defined in the act, but in most instances is a single-purpose, single-county district, or a single-purpose multicounty district, does not this very broad section in effect mean that if Los Angeles, Orange County, and San Diego County were to be formed into a district under this act, they would have the power to take over and dissolve the Metropolitan Water District, which is nothing more than a special district? Admittedly, I am thinking of a most extreme example [23]

At the committee's Los Angeles hearing Chairman Bradley pursued this point in a discussion with Robert Durbrow of the Irrigation Districts Association

> **Chairman Bradley**: Among the functions of a multipurpose district, as authorized under A B 2728, is that of water supply Page 8 of the bill goes into a detailed discussion of this broad power Under Section 63066 a multipurpose district authorized to supply water would have the power (1) to acquire water and water rights within or without the State; (2) to develop, store, and transport water, (3) to provide, sell, and deliver water at wholesale for municipal or domestic uses and purposes, (4) to provide, sell, and deliver water and water services to the United States of America, to any board, department, or agency thereof, or to the State of California for any purpose pursuant to contract therefor
>
> From your experience with water in irrigation districts, would you say that the proposed broad authority which would be given to a multipurpose district would be almost comparable to the powers of the State of California insofar as the broad water program of the State is concerned? Would this authorize the district to acquire water outside of the State of California—much as the Metropolitan Water District now does from the Colorado River—or possibly to bring water down from Oregon, if this was in the realm of possi-

[23] San Francisco *Transcript*, pp 19-20

bility? To say the least, am I correct in interpreting this section as granting to a multipurpose district some very, very wide powers?

Mr. Durbrow: Part of the explanation for the breadth of the powers, I believe, was that the drafters of the bill wanted to cover all the existing powers of some of the present larger districts Undoubtedly they had in mind that conduit that gets water from out of the State and didn't want to overlook it in the legislation

Chairman Bradley: Let me ask you a hypothetical question. Suppose that a multipurpose district was formed that included Los Angeles County, Orange County and San Bernardino County If one of the district's functions was water supply, would it be in direct conflict with the Metropolitan Water District?

Mr. Durbrow: Yes, I certainly think a district could be formed which would be in direct competition It would have its own water rights to acquire, which might take some doing, but certainly a district of that nature could be set up

Chairman Bradley: Do you think that a multipurpose district could possibly take over the Metropolitan Water District under this special district "takeover" provision?

Mr. Durbrow: If the multipurpose district were formed over the same area that is served by the Metropolitan Water District, I see no bar, but I can see no point particularly in doing such a thing

Chairman Bradley: My object was simply to point out that such a course of action would be possible under this legislation

Mr. Durbrow: It could, in effect, put the Metropolitan Water District in the hands of a group of supervisors and councilmen rather than the officials as they are now selected [24]

The projected power of a multipurpose district to dissolve special district which would otherwise be providing competing services was not without its confusing aspects Assemblyman Flournoy pointed out that this procedure, together with the circumstance of voluntary entry into a multipurpose district, could provide a means of perpetuating weak, inefficient, or emasculated districts

> I would like, in connection with Section 63024 to point to the situation of a special district within a multipurpose district Suppose all of Los Angeles County, San Diego and Orange Counties organize a multipurpose district for water supply Suppose that one city in that area which had formerly been served by the Metropolitan Water District decides not to join the new multipurpose district Is that city within the new district or not? What happens to the Metropolitan Water District? It cannot be dissolved because it still has one service area which is not within the new multipurpose district All a special district would have to do, in my judgment, would be to get one city *not* to pass the resolution and it could stay in business [25]

[24] Los Angeles *Transcript*, pp 18-20
[25] San Francisco *Transcript*, p 23.

Harry C. Williams, City Attorney of Azusa and West Covina, made the same point in somewhat more detail

> Section 63024 of A B 2728 states that whenever an existing special district is performing one of the functions to be performed by a proposed multipurpose district within the area of the proposed multipurpose district, the multipurpose district may take over that function and the assets of that special district Does that section mean that in order to be taken over, a single-purpose district must be performing its function entirely within the multipurpose district? If only a portion of a single-purpose district overlapped a multipurpose district, this section would seem to apply, as the single-purpose district would be performing a function to be performed by the multipurpose district within the area of the multipurpose district Suppose, however, that the area of a special purpose district which is within the multipurpose district, is only 10 percent of the area served by the single-purpose district Now, if the multipurpose district caused the dissolution or the surrender of the assets of the single-purpose district, what would happen to the territory outside of the multipurpose district? Does the multipurpose district, without any prior authority, perform the function previously performed by the single-purpose district? I don't know [26]

It was also pointed out that the functions which A B 2728 suggests as proper functions for a multipurpose district (water supply, sewage disposal, public transportation, civil defense and disaster preparedness, planning, and administrative planning and co-ordination) are not exclusively areawide functions and would not always demand areawide performance As Chairman Bradley phrased this point .

> Hasn't it been taken for granted that the suggested functions of the multipurpose district are necessarily areawide functions? Water supply for example, doesn't have to be a multidistrict or a multicounty function My point is that (the suggested functions) do not necessarily constitute problems that cannot be handled on a local basis The proposed multipurpose enabling legislation seems to assume that they cannot be, that they can be handled only on a broad, multicounty basis This is a broad assumption which in my opinion is unwarranted [27]

In this connection, Chairman Bradley cited Section 63025 of A B 2728 that any city or county within a new district, which is already performing one or more of the functions to be performed by the district, may, if it desires, discontinue performing such function and turn over all property used to perform the function to the new district Such a provision, he pointed out, could result in a city gradually delegating the performance of many genuinely local functions to a multipurpose district [28] On the other hand, it also appeared possible that a city might desire to continue to perform a function which had been taken over

[26] Los Angeles *Transcript*, p 28
[27] San Francisco *Transcript*, pp 46-48
[28] *Ibid*, pp 20-21

by a multipurpose district In such a case, there is no indication which public body—the city or the multipurpose district—would have the primary right and jurisdiction to administer the service in question [29]

A B 2728 acknowledged that specific localized problems might occur within the broad boundaries of a multipurpose district Accordingly, it provided a multipurpose district with the authority to create and maintain special improvement districts to supply needed services to limited areas Assemblyman Thomas Rees admitted that such districts would approximate many single-purpose districts which were presently providing these services Because all such area would be under the administration of the multipurpose district, however, Mr Rees contended that there would be better co-ordination and administration of central services than under the present circumstances [30] No claim was made, nor was any evidence presented, that a multipurpose district type of organization would by itself tend to reduce the cost of such subsidiary programs or, for that matter, of areawide programs

Finally, many local jurisdictions were uneasy at the degree of finality which would be contained in a decision to join a multipurpose district Section 63139 of A B 2728 does provide that an entire multipurpose district may be dissolved if the city councils and the county boards of supervisors representing 50 percent of the district's population adopt resolutions calling for dissolution There is no provision, however, for withdrawal of an individual city or county Thus a single local government would be unable to withdraw from a multipurpose district even if circumstances might clearly indicate that such action was advisable

It may be disputed whether or not any of the foregoing objections to the general provisions of the multipurpose district plan, or to a particular provision of A B 2728, presents an unreconcilable problem Taken together, however, the objections seem to indicate clearly (1) that local governments were not consulted when the specific provisions of the multipurpose plan were worked out and (2) that extensive procedural and substantive revision would be necessary before the present multipurpose district enabling legislation might be claimed even to present a practicable type of organization Because local governments were not allowed to participate in the development of the multipurpose district proposal, or in the preparation of any version of the ill-fated enabling legislation, there have been strong indications that the local governments have developed considerable apprehension of, and resistance to, such an approach A significant question consequently is whether the multipurpose district approach, even if it could be made practicable, could in addition ever become politically desirable

The following sections evaluate the general attitudes toward the multipurpose district approach which have been expressed by the cities and the counties of California

EVALUATION BY THE COUNTY SUPERVISORS ASSOCIATION

As an aid to its member counties, the County Supervisors Association of California has formulated and officially adopted a series of general

[29] Los Angeles *Transcript*, p 43
[30] San Francisco *Transcript*, pp 28-29

policy positions in the areas of county home rule and of metropolitan area problems, respectively entitled "Principles of County Home Rule" and "Metropolitan Area Principles for Counties" They present broad standards against which specific proposals may be measured and evaluated During the 1961 legislative session the County Supervisors Association had expressed limited support for A B 2728 on the basis that its provisions did not contravene any of the association's "principles." William R MacDougall, General Counsel and Manager of the County Supervisors Association, appeared before the committee at its San Francisco hearing to affirm that A B 2728, at least in its general aims and provisions, was "in conformity with the policies of the Association."

Most important, however, in the context of the present attempt to evaluate the multipurpose approach to metropolitan problems was Mr MacDougall's statement of the basic consideration which prompted his organization to endorse multipurpose district enabling legislation In Mr MacDougall's words

> Our Association has viewed A B 2728 as one more weapon in the arsenal of local government defense against supergovernment It may never be fired, it may never be used, you may never get the requisite number of counties and cities to go together and start even one multipurpose district, but the legislation would be for them if they wanted it .
>
> . The selfish concern of local governments is to insure the participation of existing cities and counties in every areawide district which is established Then, if these areawide districts are ever consolidated (by the State Legislature) the cities and counties will still retain their voices That's why A B 2728 can't hurt us We couldn't get into a multipurpose district until every county and every city has agreed, and until the people have voted upon it While nobody may ever use the provisions of A B 2728, *it would be a defense against State establishment of a regional authority* (Emphasis supplied) [31]

In this context the endorsement of the County Supervisors Association for multipurpose district enabling legislation has significant implications That endorsement does not appear to be based on any conclusion that multipurpose districts would be a particularly salutary, or effective, or desirable, or practicable answer to problems of metropolitan organization—but rather on a conclusion that the existence of multipurpose district enabling legislation would be an effective prophylaxis against State encroachment of county home rule prerogatives A multipurpose district enabling statute might best fulfill this latter function if, in fact, local governments had no desire to use it In any case, it seems apparent that the County Supervisors Association does not consider the multipurpose district plan to be an ideal approach to California's metropolitan problems, and that it has little enthusiasm or positive desire to see functioning multipurpose districts established

[31] *Ibid*, pp 53-56.

EVALUATION BY THE LEAGUE OF CALIFORNIA CITIES

As mentioned at the beginning of this chapter, the League of California Cities speaking through Richard Carpenter, its Executive Director and General Counsel, had given qualified support to the general recommendation of the Governor's Commission on Metropolitan Area Problems which had called for enactment of some kind of multipurpose district enabling statute This endorsement was apparently tendered as a result of the judgment of League officers and staff that such an enabling statute did not appear to contravene the league's "Statement of Principles on Metropolitan Problems" The "Statement of Principles" is an official policy statement of the League which was adopted in April 1959 Its announced purpose is twofold to provide member cities with a general check list against which they might evaluate specific local proposals, and to provide the officers and staff of the League with some type of standard against which to evaluate proposed legislation and other recommendations relating to metropolitan area problems After serious study, League officers concluded in effect, that the general concept of a multipurpose district enabling statute was not incompatible with, or destructive of, the League's formal policy position in regard to metropolitan problems

When A B 2728 was introduced in 1961, however, local reaction to the various provisions of the measure tended to be one of general disapproval Many cities, moreover, apparently had interpreted the League's general support of some type of multipurpose enabling legislation as a specific endorsement of A B 2728 In the face of increasing dissent from among its members, the League retracted even its general support for the principle of multipurpose districts and adopted an official position of "no policy" on the subject At the same time, the League summoned a special conference to review and to reconsider its own orientation toward metropolitan problems

When this conference convened in Sacramento on February 1, 1962, the delegates were reminded that they had been assembled for "the single purpose of considering basic matters relating to metropolitan issues in our State" They were charged, moreover, to "formulate basic principles" which would direct California's cities in meeting the future needs of metropolitan areas in an orderly and effective manner [32] As the conference progressed, the provisions of A B 2728 were analyzed, discussed, and compared with alternative approaches to metropolitan organization in general conference sessions participated in by all delegates Committee staff in attendance at this conference reported that the delegates generally viewed A B 2728 with almost unanimous disfavor and disapproval The conference climaxed with the unanimous adoption of two major policy statements a revision of the League's "Statement of Principles on Metropolitan Areas" and a resolution "Opposing Super-Metropolitan Governments" [33]

In terms of this report the principal significance of these policy statements does not seem to be in the explicit provisions of each document but rather in the fact that, taken together, they denote a change in

[32] Charles C Dail, Mayor, City of San Diego and President, League of California Cities, "Opening Remarks," *Proceedings of Special Conference on Metropolitan Issues* Sacramento, February 1-2, 1962

[33] See Appendix, pp 87-90

emphasis and outlook in the League's approach to metropolitan area problems The language of both the "principles" and the anti "supergovernment" resolution, for example, does not mention A B 2728, nor does it specifically repudiate the concept of multipurpose districts Both statements lay down guide lines, however, which emphasize that metropolitan problems should be approached through mutually co-operative efforts of local governments, both contain only oblique references to metropolitan multipurpose districts, and imply that this type of organizational device should be employed only as a last resort when a co-operative approach becomes clearly inadequate

The following paragraphs review the significant changes made in the League "principles" at the Sacramento conference, the total effect of which is to emphasize a stronger reliance on intergovernmental co-operation as an answer to metropolitan problems

To the first and third paragraphs of the preamble to the "principles," which formerly expressed the need and desire for new solutions to metropolitan problems, the conference added the qualifying term "additional" Thus the preamble now expresses the "possible" need for "additional solutions" to metropolitan problems[34] Staff observers at the League conference reported that the apparent intent of this addition was to acknowledge that provisions of existing statutes already permitted satisfactory solutions to many metropolitan problems

"Principles 3, 5, and 7" originally distinguished in broad terms those functions which were exclusively the prerogatives of local government from those functions which under appropriate circumstances might be performed by "metropolitan governmental units" or "metropolitan agencies" The conference changed these references to read "metropolitan districts"—a shift in emphasis which seems to indicate some concern that in addition to agencies for full scale metropolitan government, metropolitan districts might also be capable of usurping local authority if not reviewed closely[35] "Principle No 6" originally cautioned against centralization or consolidations which might result in a "loss" of local standards of performance, or a "loss" of the character of a local community The conference made this admonition more restrictive by changing the cautionary language to apply to centralizations and consolidations which would tend toward the "lowering" of any local standards of performance, or the "weakening" of the character of a local community[36] To be sure "Principle No 11," which acknowledged that metropolitan districts might have to be created, was retained It had formerly stipulated that such districts "must" include provision for local control of the district and "must" be approved by a majority vote of both the electorate within the proposed district and that of each local legislative body therein To these stipulations was added the following section further restricting the authority of such a district

> Legislation governing formation and operation of districts to provide municipal services should prohibit inclusion of cities without the consent of the legislative body of the city, should permit withdrawal of included cities by majority vote of the city electorate

[34] See Appendix, p 87
[35] See Appendix, pp 87-88
[36] See Appendix, p 88

> at an election called by the city, or by a majority vote of the entire membership of the legislative body (subject to referendum), and should authorize the withdrawal of district territory included within a city providing the same type of service by annexation or incorporation, through action of the legislative body of the city [37]

The change most illustrative of this new emphasis, however, occurred in "Principle No 9" In this case the conference adopted an entirely new "principle" Formerly this section had acknowledged that certain broad categories of service and functions lent themselves to areawide performance and to possible inclusion in some form of metropolitan government The section had even enumerated these services and functions utility type services, such as water, electricity, transportation, service functions such as sewage disposal, flood control, garbage and waste disposal, laboratory services, and functions areawide by their very nature, such as air pollution control and regional planning The new Principle No 9, however, omits all reference to these categories and specifically shifts emphasis to local co-operation as a basis for providing needed areawide services

> Cities should, through intercity and city-county co-operation, provide insofar as may be possible, every governmental service required within metropolitan areas, and to this end the Joint Exercise of Powers Act should be re-examined and amended, if necessary, to permit maximum functional co-operative efforts by cities and by cities and counties [38]

The "Resolution Opposing Super-Metropolitan Government" adopted by the special conference is also significant in that it too is highly illustrative of the League's stronger emphasis on local co-operation to meet areawide problems After reciting opposition to any new unit of government for metropolitan areas which might replace or usurp local authority, the resolution concludes that

> Cities and counties can and will, through co-operative efforts and the full use of joint powers, solve most, if not all, of the problems of metropolitan areas, and if any regional problem does not lend itself to such a solution, cities and counties will jointly create and control the formal entity necessary to provide regional services or functions [39]

In short, therefore, it may be said that while the League of California Cities has not completely repudiated the multipurpose district approach to metropolitan problems, its announced policy statements imply a de-emphasis and devaluation of this type of approach The League's new policy emphasizes strong reliance on mutual co-operation among local governmental units to meet and to solve areawide problems Only when co-operative measures are clearly inadequate may an areawide district approach be considered Even then there is no indication that such districts ought necessarily to be multipurpose in nature

[37] See Appendix, p 89
[38] See Appendix, p 88
[39] See Appendix, p 90

II. A CASE STUDY: A REGIONAL PLANNING DISTRICT FOR THE SAN FRANCISCO BAY AREA

Efforts to establish a San Francisco Bay Area Regional Planning District parallel in many ways the circumstances surrounding the development and advocacy of multipurpose district enabling legislation Review of the Bay Area planning situation, therefore, can be a helpful element in analyzing the multipurpose district approach, at least to the degree that such a review is able to indicate in a general fashion the use which is likely to be made of multipurpose districts In this case such a comparison appears both relevant and acceptable

As mentioned in Chapter 3, the Subcommittee on Planning of the Assembly Interim Committee on Conservation, Planning and Public Works conducted a study during the 1955–56 legislative interim on the need for regional planning throughout the State In its final report the subcommittee recommended enabling legislation under which area-wide planning agencies might be organized by local governments The report specifically referred to the limited federation type of organization which had been developed for the Bay Area Air Pollution Control District, and recommended its use in the regional planning enabling statute This method of organization the report stated, "is now the basis for the organization of the Bay Area Air Pollution Control District The principle is sound in concept and should be adopted in other parts of the State "[40] The 1957 Legislature accepted these conclusions and enacted the recommended enabling statute which became designated as the District Planning Law [41] No record exists of the degree to which local governments supported the enactment of the District Planning Law It seems safe to conclude, however, that such support was not widespread because during the years since the enactment of the statute, local governments have not availed themselves of its provisions to create even one regional planning district

After the passage of the District Planning Law professional planners in the San Francisco Bay Area attempted to initiate the formation of a Bay Area Regional Planning District When local governments in the Bay Area balked at organizing such a district, the planners formalized their campaign The Bay Area Federation of Planning Councils was formed early in 1959 An organization of city and county planning commissioners, it represented a consolidation of the East Bay Metropolitan Planning Council, the Tri-County Planning Council (San Francisco, San Mateo and Santa Clara Counties), and the Marin County Planning Council The purpose of this new group was to work for the creation of an effective regional planning agency in the Bay Area In spite of the arguments of the Federation, however, the Bay Area local governments remained unwilling to use the District Planning Law

[40] Assembly, California Legislature, Subcommittee on Planning and Zoning of the Assembly Interim Committee on Conservation, Planning and Public Works *Regional and Metropolitan Planning in California* May 1957, pp 55-56
[41] Government Code, Section 66100 ff

In such a situation the Bay Area Federation of Planning Councils turned to other means to accomplish its objectives The Federation developed specific legislation to establish a "San Francisco Bay Area Regional Planning District" which was introduced at the 1961 legislative session as A.B 2560 (Rumford). The provisions of A B 2560, and in fact even its language, were identical with that of the District Planning Law The significant distinction of course was that A B 2560 would have created a nine-county regional planning district by state, rather than local, action

The district would have encompassed the nine Bay area counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma It would have been constituted in the following manner

District Functions: In keeping with its general goal of regional planning, the district would have been assigned the following four specific functions (1) to prepare, and to review regularly, a regional plan for the Bay area, (2) to conduct relevant studies of the region; (3) to publish relevant materials and reports, (4) to promote regional understanding and co-operation

District Powers: In the performance of its assigned functions, the district would have the following powers to have perpetual succession; to sue and be sued, to contract for various services, to establish necessary offices, and to lease or purchase property for this purpose, and to do all other acts deemed necessary and appropriate by its board of directors

District Personnel: The governing board of the district would appoint a regional planning director as district administrative officer The board would decide whether or not to establish a merit system for additional district personnel

District Finances. The district would be authorized to borrow money and to incur indebtedness in anticipation of the revenue for the current year (or the ensuing year) in which the indebtedness was to be incurred

The district budget would be apportioned according to the following formula one-half of the budget according to the relative value of the property in each county and one-half of the budget in the proportion that the population of each county would bear to the total population of the district

District revenues would be collected in each county through an annual ad valorem property tax not to exceed 5 mills per $100 of assessed valuation

District Governing Body: Membership on the district governing board would be apportioned on the basis of the population of the member counties Representatives of each county would be chosen by the respective boards of supervisors from among their own membership Representatives of the cities within each county would be chosen by a committee of mayors from every city in the county. Each county would be represented on the district board by at least one representative from the board of supervisors and one representative of the cities

Alteration or Dissolution of the District: The State Legislature would reserve the exclusive right to alter or to dissolve this district.

After considering A B 2560, the Assembly Committee on Governmental Efficiency and Economy recommended on May 24, 1961 that further interim study be made of the feasibility of establishing this type of regional planning organization in the San Francisco Bay Area The Assembly Rules Committee subsequently assigned the subject to this interim committee, which, in turn, held a hearing on the matter in San Francisco on October 25, 1961 Significantly, that hearing clearly indicated (1) that a planning district was not a politically feasible means of establishing needed areawide planning in the San Francisco Bay Area and would not be supported by local governments; (2) that local governments in the Bay Area admitted the necessity of regional planning but preferred to approach the subject through voluntary associations of their own; and (3) that the professional planning groups had reconciled themselves to this political situation and were working with co-operative associations of local governments to effect needed regional planning

The fact that a formal and on-going program for regional planning in the Bay Area has been begun seems due in no small measure to the existence of the Association of Bay Area Governments (ABAG), a voluntary association of local governments Organized early in 1961 pursuant to the provisions of the Joint Exercise of Powers Act,[42] ABAG currently includes 62 out of the 83 Bay Area cities and 7 of the 9 Bay Area counties The general purposes of the Association are (1) to identify and study metropolitan and regional problems, functions and services, (2) to review proposals for the San Francisco metropolitan area or for regional units or agencies within that area, and (3) to make policy or action recommendations in such cases Association policy is made at semiannual sessions of its General Assembly In these sessions each member county and each member city has one vote A dual system of voting, however requires counties and cities to vote separately on policy matters Only if a proposal is approved by a majority vote of both the city and the county representatives does it become Association policy

Although ABAG's regional planning program was only in its initial stages at the time of the committee's hearing in October 1961, John F McInnis, Mayor of the City of San Rafael and Chairman of ABAG's Committee on Regional Planning, appeared before the committee to explain why needed regional planning under the auspices of ABAG seemed preferable to the creation of a planning district

> From the earliest stages of the discussions which led to the formation of the Association, the development of regional planning was cited as one of the primary reasons for creating such an organization There was criticism of the independent and unrelated courses being followed by single-purpose agencies and agencies of limited geographical jurisdiction There was recognition that no co-ordinated consideration was being given to the overall service and welfare of the entire Bay Area, although the Bay Area is a single community in a broad sense And, there was the observation

[42] Government Code, Sections 6500-6578

that only through regional planning could the various activities be co-ordinated properly and that this kind of planning could best be developed under the sponsorship of an association of local governments

Our Regional Planning Committee has examined the area-wide planning needs of the Bay Area in general and . . has found little support for a regional planning district among either local or state legislators There is a definite reluctance to set up new special purpose districts possessing independent taxing authority and responsibilities

Furthermore, there is a sincere concern among local legislators over the emphasis on a "regional plan" *per se,* as opposed to the practical use of regional planning to assist local administrators and legislative bodies in the daily process of making decisions and formulating policy. . .

Although we reject a formal regional planning district at this time, the multiplying and changing problems of the Bay Area require the development of sensible regional planning

It is our position that proper regional planning should be a co-operative undertaking of the politically independent county and city governments through the Association of Bay Area Governments Co-operative regional planning should be advisory and should not require counties or cities to follow regional planning recommendations Co-operative regional planning should provide, however, a general framework to serve as a guide and advisory pattern for counties and cities developing their own programs for growth and development

The quality and quantity of planning by county and city governments in the Bay Area is superior to that generally found anywhere else in the United States Due to their long experience and active participation in the planning process, our county and city governments know what the planning job is and, by and large, have established the fact that they are willing to do it well We believe that the Association of Bay Area Governments can make the greatest possible contribution to effecting regional planning by capitalizing on this large reservoir of planning talent and experience through a *voluntary, co-operative* program Interest in and understanding of regional planning should spread rapidly through county and city participation in this kind of program

In conclusion, it should be made clear that the Association first envisions this procedure as one that will produce practical and usable information in a relatively short period of time and that will not require a project of several years' duration to produce beneficial results Secondly, the Association does not consider this program the final pattern for developing a regional plan It is believed to be a practical first step—attainable now—that will provide the foundation on which a regional plan can be built As county and city planning staffs become involved in the mechanics of this operation, there will gradually evolve the mechanics for developing regional planning [43]

[43] Assembly Interim Committee on Municipal and County Government, *Transcript,* Hearing of October 25, 1961, pp 27-30

Representatives of the Bay Area Federation of Planning Councils also appeared before the committee to endorse a regional planning program conducted through ABAG A regional planning district, they acknowledged, was not politically feasible in the Bay Area, and ABAG seemed to represent the only practicable way to achieve needed planning Michael A Goodman, Chairman of the Bay Area Federation of Planning Councils stated in part

> The board of directors of our Federation and the Association of Bay Area Governments appear to be in complete agreement on the most important basic issues regarding regional planning in the Bay Area . . . We also agree with the Association of Bay Area Governments that at the present time there is insufficient local understanding and support for a regional planning district . .
>
> It is therefore the present policy of the board of directors of our Federation to continue to co-operate with the Association of Bay Area Governments and *not* to urge cities and counties to actively seek creation of a regional planning district at this time
>
> Our Federation intends to continue to work toward the most effective regional planning agency, whether this is to be (our) original proposal for a regional planning district or whether it turns out to be another permanent alternative.[44]

This position was echoed in the statement of James R McCarthy, Chairman of the Bay Area Planning Directors' Committee of the Bay Area Federation of Planning Councils and Planning Director of the City and County of San Francisco

> The need for regional planning in the Bay Area is now accepted by the majority of public jurisdictions Significantly, the climax to this acceptance is the recent adoption by the membership of the Association of Bay Area Governments of a policy statement in support of regional planning
>
> Any controversy now remaining revolves around the question of how we can best accomplish regional planning within an acceptable political framework
>
> The Bay Area Planning Directors' Committee has historically embraced the concept of a regional planning district However, to date, the district technique has generated little sustained or growing support In fact, it appears to us that organized support for a district is waning
>
> Recently the chairman of the Bay Area Planning Directors' Committee appointed a special subcommittee to review and report upon the present position of our committee regarding regional planning The subcommittee was to review the committee's present position in light of recent events, and most significantly, the policy statement adopted by the Association of Bay Area Governments, and to make such amending recommendations as were deemed in the interests of regional planning .
>
> The committee recognizes and accepts the prevailing attitude that a regional planning district, *at this time*, has little chance of adoption in the State Legislature; and it has little chance for

[44] *Ibid*, pp 5-6

adoption, as we see it, because it has not had the degree of unified legislative support within the Bay Area cities and counties.

It is the position of the Bay Area Planning Directors' Committee that currently a district is not a politically acceptable device for accomplishing regional planning It is the committee's belief that a more modest workable alternative can provide an acceptable beginning point for regional planning [45]

Local confidence in the political viability of this voluntary approach to areawide planning was perhaps best exemplified in the position taken by the City of Berkeley. Although originally a strong proponent of the planning district approach, Berkeley was quick to endorse the ABAG approach as soon as the latter organization had determined to enter the field of planning John D Phillips, City Manager of Berkeley, explained this change to the committee

We did not have strong support from the cities and counties in the Bay Area for the adoption of (A B. 2560) I believe that this lack of broad support was one of the principal reasons that A B 2560 was not adopted It seemed to be the opinion of the Assembly committee, and I believe correctly so, that unless such legislation is desired by the cities and counties which would be included within the district, the Legislature should not impose the district upon them

ABAG's position is that we should not at this time attempt to create a separate governmental agency for regional planning, but that a start on regional planning should be made by voluntary co-operation through the Association of Bay Area Governments By resolution adopted by the Council of the City of Berkeley, our city fully supports this position by the Association of Bay Area Governments and recommends to this committee that no action should be taken at this time to form a Bay Area Planning District. Further, no action should be taken by the State Legislature until after the Association of Bay Area Governments has had an opportunity to have actual experience with this voluntary co-operative effort at regional planning [46]

In the context of the present report, which attempts to evaluate the political feasibility of the multipurpose district approach to the state's metropolitan problems, the relevance of the Bay Area's experience with regional planning seems obvious That experience seems closely to parallel the situation which now exists statewide with regard to multipurpose districts. If there may be drawn from the Bay Area situation any guide lines or principles which will be helpful in evaluating the multipurpose district approach, they appear to be the following

1 There seems little chance that local governments will use a new enabling statute to form a new agency to deal with areawide problems if those same governments did not express a widespread desire for such legislation and did not support its passage (For

[45] *Ibid.*, pp 38-39
[46] *Ibid.*, p. 36

that matter, there seems little likelihood that the Legislature would create such an agency by special act in the face of strong and widespread local opposition)

2 An approach to an areawide problem which enjoys the confidence and support of local governments becomes a politically viable approach Thus ABAG, in spite of the fact that it is a voluntary organization, has made important progress toward the goal of Bay Area regional planning, whereas the planning district approach, although unquestionably more organizationally efficient, was unable to make any progress at all

By way of relating these principles to proposed multipurpose districts enabling legislation, the studies of this committee have demonstrated that the multipurpose district concept from its inception lacked widespread support among local governments At the present time, moreover, there appears to be arising among the local governments of the State a new and widely endorsed emphasis on co-operative local action to meet areawide problems Under these circumstances effective metropolitan action would seem to lie, at least for the present, in the direction of co-operative local action rather than in the creation of new types of regional agencies

SUMMARY

The primary aim of this committee's interim investigation of multipurpose districts has been that of determining the political feasibility and practicability of this organizational device in California Previous to this study the multipurpose district type of organization had been reported on by the Assembly Interim Committee on Conservation, Planning and Public Works (1959) and by the Governor's Commission on Metropolitan Area Problems (1960) Both of these reports, however, were prepared by essentially the same staff personnel and went no further than to conclude that the multipurpose district form of organization appeared adequate to supply needed areawide co-ordination in the State's metropolitan areas At no time did either of these studies attempt to evaluate whether the multipurpose type of organization was politically practicable, i e , whether it would be accepted and used by local governments The general attitude of local government toward multipurpose district enabling legislation at both the 1959 and 1961 sessions of the Legislature, moreover, was one of relatively uniform opposition Under these circumstances, this committee undertook to solicit specific, detailed comment on A B 2728, the unsuccessful 1961 multipurpose district enabling legislation Such a procedure, it was felt, was likely to determine whether the local objections to the multipurpose district proposal had been only procedural and technical objections or whether the substantive provisions of the proposal were unacceptable to California local governments

The committee's hearings produced a long list of specific objections to the provisions of A B 2728 These have been outlined in the body of

this chapter Generally, however, there appeared four broad generic types of objections to multipurpose districts·

1 Objections that the physical boundaries of various service areas were not coterminous and that in such cases a multipurpose district would represent little more than a layering of existing special districts

2 Objections that the policy of discretionary admission to a multipurpose district, while desirable from the viewpoint of local government, would likely result in an anomalous situation in which a district's membership would be so scattered that its effectiveness would be seriously curtailed

3 Objections that the system of representation for the multipurpose district governing board, originally designed for use in the San Francisco metropolitan area, was inapplicable to the other metropolitan areas of the State and would result in considerable inequity and underrepresentation, for example, if used in the Los Angeles metropolitan area

4 Objections that the authority granted to a multipurpose district was in many instances exceptionally broad and sweeping to the extent that existing local governments felt threatened

In short, local governments seemed generally to regard multipurpose districts as an organizationally inadequate, jurisdictionally unsuited, representationally inapplicable, and a dangerously powerful solution to California's metropolitan problems

In addition, the County Supervisors Association indicated that it regarded a multipurpose district enabling statute primarily as a defensive measure which would tend to deter state involvement and intervention in local affairs A special conference on metropolitan issues called by the League of California Cities, furthermore, although it did not reject the principle of multipurpose districts, did produce a new emphasis in the League's approach to problems of metropolitan organization Areawide problems, the League's revised policy statement emphasizes, should be met whenever possible through the co-operative action of existing local governments Finally, the experience of the San Francisco Bay Area in regard to regional planning suggests that an effective approach to an areawide problem must have the support and confidence of local governments It also suggests that voluntary associations of local governments are capable of taking initial steps to meet areawide needs

In their sum total, the many objections to the provisions of A B 2728 indicate that at the very least extensive revision, both procedural and substantive, would be necessary before the present multipurpose district enabling legislation might be claimed even to present a practicable organization for use in California's metropolitan areas More important, there is considerable evidence that the multipurpose district approach, because it did not include the participation and involvement of local governments, both at its inception and throughout its advocacy,

has engendered deep apprehension and resistance at local levels Further efforts to force the use of this organizational device in metropolitan areas might well have the effect of distracting local efforts from other more practicable methods of providing needed areawide services In short, such efforts could well retard needed steps toward metropolitan integration

The most feasible method for coping with areawide needs would seem to be one which could demonstrate widespread support and political viability. This committee's studies indicate that under the present circumstances in California the most effective approach would seem to be through intergovernmental co-operation on the local level, rather than the creation of new public agencies.

CHAPTER VI

METROPOLITAN INTEGRATION THROUGH CO-OPERATIVE LOCAL AGREEMENTS

No one disputes that the highly urbanized, continually expanding population centers of this State have, in a number of aspects, become new regional communities Nor will anyone deny that at times the needs and the problems of the entire regional community, or of various sections of it, exceed the scope and the authority of individual local governments. The fundamental metropolitan problem consists in deciding upon a method by which truly metropolitan, or areawide, needs can *most effectively* be met.

In this connection there has been considerable emphasis on the creation of some type of regional agency whose physical boundaries, and therefore its jurisdiction, would encompass various problem areas To many professional planners and public administrators such a solution has seemed a particularly salutary method of achieving an initially high level of administratively efficient metropolitan integration In fact, the multipurpose district approach to California's metropolitan problems was advocated on the grounds that only some kind of regional agency could provide the administrative integration necessary to minister to truly regional problems.

To individual communities, on the other hand, values of areawide efficiency must compete with the value of and the desire for local control The experience of California local government with the multipurpose district approach indicates that local political jurisdictions have little desire, under any circumstances, to take the step of creating a multipurpose agency of general areawide jurisdiction This experience suggests, furthermore, that voluntary action by local governments, because it preserves the values of local autonomy and control, might be the most feasible and, under present circumstances, most effective method of accomplishing needed metropolitan integration

Because it seems politically feasible, the co-operative approach to metropolitan problems is receiving increased attention in the writings and analyses of professional political scientists and public administrators This chapter outlines briefly the case for local co-operation, as presented by representative writers, then reviews the results of this committee's hearing of November 13, 1962, at which the committee sought to evaluate how such co-operation might best be facilitated and encouraged

I. THE CASE FOR LOCAL COLLABORATION

The majority of professional analysts and students of metropolitan areas, including those who hold no particular brief for the alternative of local co-operation, seem agreed that there is no organizational tech-

nique which might be expected to have general application in almost any metropolitan situation [1] In such circumstances emphasis on local co-operation in effect guarantees a tailormade solution to fit the vagaries of each areawide problem The basic case for metropolitan integration through co-operative local action has been stated completely and succinctly by the longtime student of metropolitan problems, Edward C. Banfield

> In many discussions of metropolitan organization, there is a strong bias toward simplicity, uniformity, and symmetry of structure It is often taken for granted that the presence of a large number of independent local governments in a single area means waste and duplication That there may be even administrative advantages in decentralization is often overlooked entirely. Beyond problems of efficiency and economy, issues of community independence, sociability, and status are involved Technical considerations concerning optimum areas for given services must compete for priority with political issues concerning the best organization for the public control of public officials. Issues of philosophy intrude: when does self-government in one locality impede self-government in another? Values of local control compete with values of area efficiency A consideration of what is desirable in the way of organization ought to take into account the full range of problems Intangibles—for example, the suburbanite's satisfaction in remaining apart from any central city—should be accorded some value. If a careful accounting is made with all relevant factors taken into consideration, the present "Balkanization" of government in the metropolitan areas may not be as undesirable as it is often made to appear At any rate, arguments in favor of metropolitan integration on the grounds of administrative efficiency must compete with other arguments that favor independence and separateness
>
> When the needed distinction is made between "problems which exist in metropolitan areas" and "problems which exist by virtue of the inadequacies of governmental structure in metropolitan areas," the latter are relatively few. Transportation is probably the most common and the most pressing of real metropolitan area problems Other common and important problems are air pollution control and civil defense, and in some areas water supply and waste disposal. Opinion, rather than technical considerations, may add other functions to this list Even the few named do not require the same jurisdiction, a fact which makes it extremely difficult to say what the boundaries of an all-purpose general government should be Moreover, there is no reason in technology why most of these functions cannot be carried on effectively by metropolitan governments which do not have general jurisdiction, or by several governments acting collaboratively

[1] For a fairly representative sampling of opinion see U S Congress, Committee on Government Operations, *Governmental Structure, Organization and Planning in Metropolitan Areas* U S Government Printing Office, Washington, 1961, and also *Government in Metropolitan Areas,* U S Government Printing Office, Washington, 1962 In addition see Max A Pock, *Independent Special Districts A Solution to the Metropolitan Area Problems* University of Michigan Law School, Ann Arbor, 1962 (Esp pp 185-193)

> . . . The fact is that sweeping programs of governmental integration will be politically impossible in most metropolitan areas for a long time to come Those who push for perfectionist schemes can do the cause of reform more harm than good The very energy poured into allegedly ideal solutions diverts attention from less symmetrical but no less desirable steps. And in exciting opposition to grandiose schemes of complete integration, proponents of such schemes also stimulate opposition to the lesser alternatives . .
>
> If the twin questions of what is desirable and what is possible in metropolitan organization are considered in all their complexity, it will be apparent that no single scheme of reform will be applicable everywhere Every metropolitan area presents a special case and only detailed consideration of the intricacies and idiosyncrasies of a specific local situation can produce a "plan" that is both desirable and feasible Recommendations found in reports like this one have their uses but they are no substitute for the arduous process of local study, discussion, negotiation, and compromise .
>
> . . . In the light of political and social obstacles to sweeping plans of governmental integration, (a practicable beginning) places emphasis upon collaboration and the exchange of contractual services among independent governmental units From the start, this creates a de facto local confederation; in the long run it looks forward to a scheme of local federalism .
>
> These suggestions obviously do not add up to a "solution" to the metropolitan organization problem There is no solution in any absolute or final sense There is, however, the possibility of moving step by step from where metropolitan organization now is to where it ought to be . . The advances that are to be made through this scheme of development may be slow; but they have the positive virtue of respecting local options, and the negative one of avoiding complete failure that may follow insistence upon politically unattainable "ideal programs "[2]

More recently, Victor Jones of the University of California has commented on what he has termed the beginning of a "trend" toward voluntary associations of local governments in metropolitan areas

> A voluntary metropolitan association of local officials has many attractive features In the first place, local officials can take full credit for voluntarily associating without any legal compulsion to meet the problem of overcoming geographical fragmentation of our urban regions. Secondly, such an association is said to make unnecessary the creation or imposition of a "supergovernment" for the metropolis Furthermore, it recognizes the local sovereignty of each county and each municipality in the metropolitan area And, finally, it provides an instrument for common defense against local or state attacks on local sovereignties.[3]

The long-range significance of such associations, concludes Professor Jones, with a specific reference to the efforts of ABAG in the San Francisco area, is that they appear to be the first step in the establishment

[2] E C Banfield, "The Desirable and the Possible" in *Urban Government* Glencoe Free Press, Glencoe, Ill 1961, pp 52-58

[3] Victor Jones "Associations of Local Governments Patterns for Metropolitan Cooperation," Bureau of Public Administration, University of California, Berkeley. April, 1962, p 1

of a truly local federation—a federation which not only will be able to meet its own areawide needs, but which eventually will be able to present a united position in the face of both federal and state proposals.

> I view voluntary metropolitan associations of local governments as the most promising development in our American federal system. First, they demonstrate an awareness on the part of local elected officials of the problem of the metropolitan implications of some of their own problems, needs, and activities A forum of this kind would have been most unlikely a decade ago
>
> Second, a forum is in itself good, provided the discussion is about real and important matters, and steps have been taken to define the issues, identify alternative ways of dealing with them, and bring to bear upon the discussion a body of organized and relevant information. The danger is not that a forum will raise conflicts, but that the organization will be used to avoid or tone down conflicts.
>
> Third, an association can participate in the discussions of federal-state-local or state-local policies as an equal partner with federal and state agencies It can insist that the side effects on local government of particular programs are as important as the efficacy of the program itself.
>
> Nevertheless, we must realize that the field in which local government is operating has already changed, and will change even more as the country becomes more and more metropolitan. The fourth reason for thinking that the voluntary metropolitan association of local governments is important is that it appears to be a necessary and viable first stage of the "emergent federalism" of metropolitan communities [4]

II. OPPORTUNITIES FOR CO-OPERATIVE LOCAL ACTION

The committee met in Los Angeles on November 13, 1962, to review the various statutes which currently authorize co-operative areawide action by local agencies Although a number of statutes have incidental provisions which authorize an exchange of services, the principal single vehicle for this purpose is the Joint Exercise of Powers Act. [5] Briefly, this statute provides that two or more public agencies may contract to exercise jointly any power common to the contracting parties In each case a formal contractual agreement is required which outlines the powers which have been delegated and the extent to which they will be exercised jointly. In many cases this agreement designates one of the contracting agencies to execute or administer the terms of the agreement, although an independent body may be organized for this purpose

The Association of Bay Area Governments (ABAG), mentioned earlier in this report, is perhaps the most ambitious use of the Joint Exercise of Powers Act by local governments in order to meet areawide needs Representing 62 cities and 7 counties in the San Francisco Bay Area, ABAG has sought to become "an extension of local government to the regional area" and to provide a basis for the co-ordination and communication necessary to the orderly development of the entire Bay

[4] *Ibid*, pp 4-5
[5] Government Code, Sections 6500-6578.

Area. Although only two years old, ABAG has developed ongoing programs in seven important areas regional planning, regional transportation, regional recreation, water pollution control, air pollution control, uniform standards, and special districts John McInnis, Mayor of San Rafael and Vice President of ABAG, outlined for the committee the status of each of these areawide programs

Regional Planning Faced with a growth rate of 11,000 persons per month in the Bay Area, we have attempted to expedite our regional planning efforts to the maximum extent possible During the past year, we have achieved our immediate goal of preparing an inventory of existing land use, a composite map presentation, and a comparison with the Rapid Transit Commission's 1954 land use inventory This project was accomplished through the voluntary staff contributions of all counties and cities in the Bay Area. The next short-range goal is the analysis and composite map preparation of the future general plans of all counties and cities in the area

Regional Transportation The Regional Transportation Committee (of ABAG) has worked closely with the Bay Area Transportation Co-ordination Committee in the past months in carrying out ABAG policies on the proposed regional transportation study We supported the preparation of a prospectus concerning the study by the State Division of Highways with the assistance of the State Office of Planning and other pertinent groups Our executive committee supported the Bay Area Rapid Transit District bond issue in carrying out the policies of the General Assembly that a balanced system of transportation is needed in the Bay Area

Regional Recreation Also completed in the last year is the inventory of regional recreation facilities, parks, and open-space areas Again, this project was done through the co-operative efforts of the counties and cities of the Bay Area A report has been prepared showing the regional situation as it exists today In addition several maps have been prepared indicating areas now owned by public jurisdictions and committed to recreational use, publicly owned land such as watersheds and military reserves with a potential for recreational use which may become surplus in the future, projects presently proposed but not finally approved and financed, and the urban population densities in the metropolitan core and the various community centers In carrying out this project we brought together representatives of all organizations concerned with the recreational resources of the area, for example, state and federal governments, public utilities, counties, cities and special districts

Water Pollution Control A refuse disposal site study for the Bay Area has been undertaken for us by the California State Department of Public Health with the assistance of the Regional Office of the Public Health Service A technical advisory group of county and city officials, working with our Water Pollution Control Committee, is guiding the study operation The study will (1) provide an inventory of existing disposal sites, (2) project our future needs under present methods of disposal, and (3) evaluate the need for and suggest possible demonstration projects

for the development of new disposal methods and/or practical combination of methods

Air Pollution Control Representatives of the Air Pollution Control District frequently meet with us, and we are closely following the district's activities For example, the General Assembly has just authorized ABAG's executive committee to—

Support an increase in the maximum tax rate authorized for the Air Pollution Control District, providing the increase is sought by the district, and is, in the executive committee's judgment, justified on the basis of facts presented

Support state legislation giving misdemeanor powers to the district on open burning.

Support state legislation requiring terms of office of the board of directors of the district to automatically expire when a board member ceases to be a member of the board of supervisors or a mayor or city councilman

Uniform Standards With the assistance of a technical advisory group of building officials, a "Proposed Model Ordinance Establishing Minimum Requirements for the Construction of Fallout and Blast Shelters" was prepared and distributed to counties and cities Under review is the uniform adoption, interpretation and enforcement of building, electrical and plumbing codes.

Special Districts A study of special district problems in the Bay Area is being made for ABAG by the University of California's Bureau of Public Administration The study is limited to local special districts which provide municipal-type services in unincorporated urban communities, such as fire protection districts and sanitation districts The study excludes large multicounty districts and school districts, and is concentrating on autonomous special districts having their own locally elected boards of directors [6]

In short ABAG seems to have marked an effective beginning by the local governments of the Bay Area to develop needed regional co-ordination ABAG's initial success in the area of planning is especially significant in light of the previous unsuccessful attempts to organize an independent governmental agency to perform this task [7] Most important, however, ABAG may be regarded the tangible result of a new awareness on the part of Bay Area local governments It is becoming increasingly apparent, not only in the Bay Area but throughout the State, that if local governments in urban areas do not soon seize the initiative in meeting areawide needs, the State may interfere directly A widespread realization of this possibility occasioned the creation of ABAG to insure that areawide plans would not be developed "in other ways and by other groups not necessarily responsive to the county and city governments of the area "

In general ABAG has found that the provisions of the Joint Exercise of Powers Act are adequate for its purposes, and had no changes or additions to recommend.

[6] John McInnis Statement before Assembly Interim Committee on Municipal and County Government, Los Angeles November 13, 1962 See *Transcript*, Hearing of November 13, 1962

[7] See Chapter V

The corresponding situation in the Los Angeles metropolitan area was outlined to the committee by Roger Arnebergh, City Attorney of Los Angeles, by Gordon W McGinley, Mayor of the City of San Gabriel and President of the Independent Cities of Los Angeles County; by William J McCann, President of the California Contract Cities Association, by Joseph C Gill, representing the County Sanitation Districts of Los Angeles County; and by George W Wakefield, the Chief Assistant County Counsel of Los Angeles County, and Arthur G Will, the City-County Co-ordinator of Los Angeles County [8] Although the circumstances of the Los Angeles metropolitan area do not particularly lend themselves to the formation of an organization on the ABAG model (for example the County of Los Angeles alone comprises the core of the metropolitan area), all witnesses agreed on the necessity for increased local co-operation In this regard all uniformly considered the Joint Exercise of Powers Act an adequate and flexible vehicle for such co-operation

In some respects, however, the Los Angeles area appears to lag behind the efforts of the San Francisco Bay area Although Los Angeles County does have a city-county co-ordinator, whose job is to co-ordinate the programs of the 73 cities in Los Angeles County with those of the county itself, a beginning has not been made, for example, on the development of a regional plan for the entire area There was also some indication from the statements of the witnesses that co-operative agreements were not being utilized as fully as might be possible and that perhaps the possibilities of such action were not fully apparent to all local agencies Mr Gill stated this general criticism most succinctly·

> On the whole, the existing statutory provisions have not been as fully utilized as they could be by local governments generally I do not believe that new legislation or statutory changes would encourage co-operative action among local governments The main problem, as I see it, is the lack of awareness on the part of many local agencies of what can co-operatively be done under existing statutes The solution to the problem would therefore seem to lie in the utilization of the existing statutes rather than in the enactment of new legislation [9]

This observation, moreover, appears indicative not only of the Los Angeles area, but of all metropolitan areas in the State Comment from a statewide viewpoint was given by representatives of the League of California Cities and the County Supervisors Association Both organizations wholeheartedly agreed on the fundamental principle that areawide needs should be met whenever possible through the co-operative action of existing local governments The emphasis on "existing local governments," it was stressed, was intended to distinguish this approach from other proposals to solve areawide needs by creating regional districts Both organizations acknowledged that the Joint Exercise of Powers Act was a generally suitable basis for such co-operation, although each organization acknowledged that it was preparing some suggestions for submission to the Legislature for relatively minor changes in this statute Also emphasized was the fact that the

[8] See Statement by these witnesses in *Transcript*, Hearing of November 13, 1962
[9] Joseph C Gill, *ibid*

State, thus far, had not acted in any positive way to encourage or to facilitate local co-operation

In summary it is obvious that the committee's hearing of November 13 provided only an overview of the use of co-operative agreements by local government The purpose of the hearing, however, was not to compile an exhaustive record of the number and complexity of existing co-operative arrangements, but rather to secure an indication of those aspects of the situation which might require further study In this respect the following general conclusions are indicated

1. The local governments of this State have expressed their desire to solve areawide problems through co-operative local action whenever such an alternative is possible
2. Some success has already been experienced in the use of co-operative agreements, principally under the provisions of the Joint Exercise of Powers Act
3. At present the Joint Exercise of Powers Act and other statutory provisions appear generally adequate vehicles for such co-operation
4. In varying degrees many local agencies appear to lack an awareness of all the alternatives available to them for mutual co-operation
5. At this time there is no positive state program which would facilitate or encourage local governments to use co-operative devices in meeting areawide needs

Two general steps immediately suggest themselves as proper state action First, a compilation could well be made of the various opportunities for local co-operation and of the circumstances in which these alternatives might be used [10] The availability of such information to local governmental agencies might in itself serve to encourage greater local co-operation in dealing with regional problems Secondly, and perhaps most important, there is a serious need to determine the role of the State in this situation Quite obviously the State has a genuine and legitimate interest in the orderly development of its urban and metropolitan areas. As yet, however, the State has taken no positive action to facilitate or encourage local co-operation—the one alternative which currently appears as the most promising immediate answer to many areawide problems An adequate consideration of the state's proper role in this regard is properly the subject of another study From the viewpoint of local governments such a study ought speedily to be made because co-operative action, alone among the other alternatives for meeting areawide needs, holds the promise of effectiveness, together with the ability to preserve the largest possible measure of local autonomy In this context, Assemblyman Frank Lanterman's remarks seem to augur the most profitable course for future action.

> There should be inducements from the State to persuade local government to co-operate to do a job without having to impose a new taxing and administrative structure [11]

[10] A small beginning has already been made See Appendix III for a list of the major statutory provisions authorizing exchange of services between cities and counties

[11] *Transcript*, Hearing of October 26, 1961 San Francisco, p 18

APPENDIX I

CALIFORNIA LEGISLATURE, 1961 REGULAR (GENERAL) SESSION

ASSEMBLY BILL No. 2728

Introduced by Mr. Rees

April 19, 1961

REFERRED TO COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

An act to add Division 3 (commencing with Section 63001) to Title 6 of the Government Code, relating to multipurpose districts

The people of the State of California do enact as follows:

SECTION 1 Division 3 (commencing with Section 63001) is added to Title 6 of the Government Code, to read:

DIVISION 3 MULTIPURPOSE DISTRICTS

CHAPTER 1 MULTIPURPOSE DISTRICT ACT

Article 1 Definitions

63001. The definitions in this article govern the construction of this chapter.

63002 "District" means a multipurpose district.

63003 "Component city" means an incorporated city within a multipurpose district.

63004 "Component county" means a county which is included within a multipurpose district

LEGISLATIVE COUNSEL'S DIGEST

A.B 2728, as introduced, Rees (Mun & C G) Multipurpose districts

Adds Div 3 (commencing with Sec 63001), Title 6, Gov C.

Enacts the Multipurpose District Act providing for the formation of such districts in any one or more entire counties or portions of counties.

Authorizes such districts to render a wide variety of services to the inhabitants of the district

Provides for a system of administering and financing such districts and a system of election procedures to be used in creating, abolishing or changing the services to be rendered by such districts

63005. "Board" means a multipurpose district board of directors which is the governing body of a multipurpose district.

63006. "District function" means any of the functions of government named in Article 5 of this chapter.

63007. "Special district" means any municipal corporation of the State other than a city, county, or multipurpose district.

Article 2. Creation of a District

63015. Two or more entire counties, or portions of two or more counties, may constitute a district.

63016. A district may be created by vote of the qualified electors residing within the area of the proposed district in the manner provided in this chapter. An election to authorize the creation of a district may be called pursuant to resolution in the following manner:

By a resolution or concurring resolutions calling for such an election adopted by both:

(a) A resolution of the board of supervisors of the counties to be included within the district; and

(b) A resolution of the city councils of the city or cities to be included within the district.

63017. The resolution provided for in Section 63016 shall recite the following:

(1) The names of the counties or a description of the portions thereof proposed to be included in the proposed district which will be benefited by the formation thereof.

(2) The function or functions or any portion thereof to be performed by the district.

(3) That it will be beneficial to the public interest to create the district.

63018. At least 30 days before an election to create a district, the board of supervisors of the counties, all or any portion of which are to be included therein, to be included shall issue an election proclamation calling for such election. The proclamation shall contain:

(a) A statement of the time of the election.

(b) A statement of the functions or any portion thereof to be performed by the proposed district.

(c) All other details relevant to the proposed district

63019. The election shall be conducted in accordance with the general election laws of this State, where applicable, and every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election.

63020. The ballot shall be printed substantially in the following form:

(1)

Shall the ("name of area") Multipurpose District be created and established?	Yes
	No

(2)

If established, shall the above-mentioned district be allowed to perform the function of ("name of function")	Yes
	No

(3)

Other functions to be voted on shall be presented as separate items in the same manner as (2) above	Yes
	No

63021. If, in any election called for voting on a proposed district, a majority of the qualified electors vote to form a district, said district shall be established to perform the function-or functions or any portion thereof for which a majority vote shall have been cast; but if a majority of such electors fail to vote favorably on any of the proposed functions to be performed by the district, the adoption of the district is null and void.

63022. Additional functions may be added to a district's responsibility at any time subsequent to the establishment of the district by the same procedures as for the creation of a district.

63023. A certified copy of the results of an election called for the purpose of forming a district shall be transmitted to and filed with the Secretary of State, whereupon the district shall be deemed created and organized and shall exercise all the powers granted in this chapter.

63024 Whenever an existent special district is performing one of the functions to be performed by a proposed multipurpose district within the area of the proposed multipurpose district, the special district shall continue in existence until the board of the new multipurpose district adopts and files with the governing body of the special district a certified copy of a resolution requesting the dissolution of the special district Upon the filing of the resolution with the governing body of the special district the special district is dissolved and the property of the district becomes the property of the multipurpose district. The board shall have the power to decide whether the district multipurpose shall assume any outstanding obligations of the dissolved district.

63025. Any city or county within a new district which is already performing one or more of the functions to be performed by the district may, if it desires, discontinue performing such function and turn over all property used to perform the function to the new district

Article 3. City Selection Committee

63030. There shall be a separate and distinct city selection committee for each district The membership of such committees shall consist of the mayor of each city within such district or, where there is no mayor, the chairman or president of the city council.

63031. A majority of the members of each city selection committee shall constitute a quorum.

63032 The City and County of San Francisco is both a city and a county for the purpose of this article

63033 The city selection committee of each district may meet, on the call of any mayor or where there is no mayor, the chairman or president of the city council, for the purpose of making the first appointment to the board as prescribed in Article 4. The committee of each district shall, thereafter meet at 10 o'clock a m on the second Monday in May of each year that it is necessary to make succeeding appointments to the board At least two weeks prior to the date of each meeting the clerk of each district shall give notice of such meeting to each member of the city selection committee of such district. The meeting of the city selection committee of each district shall be conducted in the presence of the clerk of such district who shall act as the recording officer for the meeting. It shall be the duty of the clerk to give an appropriate notice signed by the chairman of the committee to the Secretary of State of each appointment made by the city selection committee

63034. Each committee shall appoint a chairman from among its members and such other officers as may be necessary.

63035. Members of the committees shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties as may be authorized by the board.

Article 4. Governing Body

63040 The board shall be the governing body of the district and shall be selected as provided in this article.

63041. The number of members of the board to which each county within a district is entitled shall be determined as follows:

(1) If the area to be included consists of two counties, each county shall have three members of the board. One member shall be appointed by the board of supervisors from among its own members, one member shall be appointed by the city

selection committee from the members of the city councils in the county, and one member shall be appointed by a majority of the board of supervisors and by a majority of the city selection committee from the members of the city and county legislative bodies. Whenever the governing body consists of less than seven members the board may provide for a governing body of not more than seven members, the additional members of which shall be selected from among supervisors, mayors, and councilmen in the district in the manner and for the terms provided by the board.

(2) If the area to be included consists of three or more counties, each county shall have two members of the board. One member shall be appointed by the board of supervisors from among its own members. One member shall be appointed by the city selection committee from the members of the city councils in each county. Whenever the governing body consists of less than seven members, the board may provide for a governing body of not more than seven members, the additional members of which shall be selected from among supervisors, mayors, and councilmen in the district in the manner and for the terms provided by the board.

63042. The members of the board appointed by the city selection committee shall be mayors or members of the city councils of the cities.

63043 The term of office of each member of the board, except a member appointed jointly by a majority of the board of supervisors and a majority of the city selection committee in any county, shall be four years and until the appointment and qualification of his successor

63044 The term of office of each member of the board appointed by a majority of the board of supervisors, and a majority of the city selection committee in any county, shall be four years or until such time as a third county joins the district, appoints and qualifies its members, whichever is shorter

63045. The power which originally appointed a member whose term has expired shall appoint his successor for a full term of four years except that the term of office of a successor to the member of the board appointed by a majority of the board of supervisors and a majority of the city selection committee shall be as set forth in Section 63044 Any member may be removed for cause by the power appointing him if notice is given and a hearing is held.

63046 No supervisor, mayor, or city councilman shall hold office on the board after ceasing to hold the office of supervisor, mayor or city councilman, respectively, and his membership on the board shall thereafter be considered vacant, except that any mayor who continues to hold office as a city councilman, or city councilman who continues to hold office as a mayor, shall not be considered to have ceased to hold office under this section

63047. Each member of the board appointed by a board of supervisors shall be appointed by a resolution of that board. Each member of the board appointed by a city selection committee shall be appointed by a majority vote of the committee evidenced by a notice signed by the chairman of said committee. Each member of the board appointed jointly by a board of supervisors and a city selection committee shall be appointed by a resolution of the board of supervisors and a majority vote of the city selection committee Certified copies of all said resolutions and all said notices shall be forwarded without delay to the Secretary of State

63048 Any vacancy on the board shall be filled for the unexpired term by appointment by the power which originally appointed the member whose position has become vacant

63049 No person while serving as a member of a board shall be eligible to be appointed to any salaried office or employment in the service of the district nor shall he become eligible for such appointment within one year after he has ceased to be a member.

63050. Within 30 days after the Secretary of State has received certified copies of the resolutions appointing the city and county members of the board he shall call the first meeting of these members of the board and shall designate an appropriate time within said 30-day period for the meeting, which shall be held in any city in the district as designated by the Secretary of State.

63051 The board is the governing body of the district and shall exercise all of the powers of the district, except as otherwise provided

63052. A majority of the members of the board constitutes a quorum for the transaction of business and may act for the board

63053 The board may elect a chairman and other officers as it deems necessary from among its own members.

63054 If the area to be included consists of six or more counties, the board may appoint an executive committee, consisting of a chairman of the board and as many other members of the board as the board deems appropriate and such executive committee may carry on the administrative and executive functions of the board between full meetings

63055 The board shall meet at least eight times in each year and may call additional meetings at its own discretion, or, during periods between meetings, at the discretion of a majority of the executive committee.

63056 Each member of the board shall receive the actual and necessary expenses incurred by him in the performance of his duties, plus a compensation of twenty-five dollars ($25) for each day attending the meetings of the board, but such compensation shall not exceed one thousand dollars ($1,000) in any one year.

63057 The provisions for the executive committee set forth in this article shall not be construed to limit the board or the

executive committee from setting up any other committees or groups which it may see fit.

63058. If any member of the board is recalled from his office of member of the board of supervisors or of mayor or member of the legislative body of a city pursuant to the provisions of Division 13 of the Elections Code, his office as a member of the board shall be deemed to be vacant

Article 5. District Functions and Powers

63060. The district may perform one or more of the following functions when properly delegated as provided in this chapter:

(1) Water supply.

(2) Sewage disposal

(3) Public transportation.

(4) Civil defense and disaster preparedness.

(5) Planning

(6) Administrative planning and co-ordination in local affairs.

(7) Any other areawide function when delegated as provided in Section 63022

63061 All functions of local government which are not authorized as provided in this chapter to be performed by a district, shall continue to be performed by the counties, cities and special districts within the area of the district as provided by law.

63062. The district may, as a primary function, prepare, maintain, and regularly review and revise, a district plan and shall, after at least one public hearing in the district and such other public hearings as may appear to it advisable, adopt such plan as the district plan for the district, and shall, after at least one public hearing and such other public hearings as may appear to it advisable, adopt revisions of such plan from time to time when in the judgment of the board such revisions are necessary in the light of changing conditions Such plan shall be based on comprehensive studies of the physical, economic, social and governmental conditions of the entire district and related areas, and shall aim at the co-ordinated physical development of the district in a manner best designed to promote the general welfare and prosperity of its people. In preparing, adopting, maintaining, reviewing and revising the district plan, the board shall take account of and seek to harmonize, within the framework of the needs of the district community as a whole, the master or general plan of cities and counties within the district, and the plans and planning activities of state, federal and other public and private agencies, organizations and instrumentalities within the district and adjacent to it Before adoption of the district plan or of any revisions of the plan, the board shall refer the proposed plan or proposed revisions to each city and county government for review, and shall allow a reasonable time for the formulation

of recommendations by city and county governments on the proposed district plan and proposed revisions of the plan. Adoption of the district plan shall not affect, modify or change any county or city zoning ordinance. In preparing, adopting, maintaining, reviewing and revising the district plan, the board shall actively seek the co-operation and advice of cities and counties, of state and federal agencies, organizations and instrumentalities, of educational institutions and research organizations, whether public or private, and of civic groups and private persons or organizations

63063 To facilitate effective and harmonious planning and development of the district, all county and city legislative bodies, and all county, city, or other planning agencies within a district shall file with the board, for its information, all county or city master or general plans, the elements of such master or general plans, and any other plans, zoning ordinances, official maps, building codes, subdivision regulations, or amendments or revisions of any of them, as well as copies of any regular and special reports dealing in whole or in part with planning matters. All agencies, organizations and instrumentalities of the State within the district shall file with the board, for its information, all public plans, maps, reports and other documents which are related to district planning or other activities of the district.

To facilitate further the effective and harmonious planning of a district, the board of any district may request from the federal government, its agencies and instrumentalities, and from private organizations, agencies, or individuals, copies of those plans, maps, reports and other documents which are related to district planning or the other activities of the district.

63064 The board may make recommendations to county and city legislative bodies and city or county planning agencies within the district, and to agencies, organizations and instrumentalities of the State and federal government.

63065 A district may, if authorized, develop a program for the purpose of developing, storing and distributing water for domestic purposes.

63066. A district authorized to supply water shall have the power to: (1) acquire water and water rights within or without the State; (2) to develop, store and transport water; (3) to provide, sell and deliver water at wholesale for municipal and domestic uses and purposes; (4) to provide, sell, and deliver water and water service to the United States of America, or to any board, department or agency therefor, or to the State of California, for any use or purpose, pursuant to contract therefor, which contract may be for permanent service, but shall provide for the furnishing of such water or water service upon terms and conditions and at rates which will apportion an equitable share of the capital cost and operating expense of the district's works to the contractee, and every such contract shall provide that at the end of five years from

the date of its execution and every three years thereafter there shall be such readjustment of the contract, upon the demand of either party thereto, either upward or downward as to rates, as the council may find to be just and reasonable in order to effectuate such equitable apportionment of the said capital cost and operation expense, and all water so contracted to be furnished by the district shall be deemed not to be surplus water available for sale pursuant to the provisions of Section 63076.

63067. A district shall also provide, sell and deliver surplus water of the district not needed or required by municipalities, the corporate area of which is included in such district, for domestic or municipal uses therein, for beneficial purposes, but giving preference to uses within the district. The supplying of such surplus water shall, in every case, be subject to the paramount right of the district to discontinue the same, in whole or in part, and to take and hold, or to provide, sell and deliver, such water for domestic or municipal uses within the district, upon one year's written notice to the purchaser or user of such surplus water, such notice to be given by the board whenever it shall be determined and declared by resolution adopted by said board by a two-thirds vote thereof that such water is needed or required by any municipality, the corporate area of which is included within said district, for domestic or municipal uses therein

63068. If a district is authorized to perform the function of sewage disposal, it shall have the following powers:

(1) To prepare a comprehensive sewage disposal and storm water drainage plan for the area

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for sewage disposal and storm water drainage within or without the area, including trunk, interceptor and outfall sewers, whether used to carry sanitary waste, storm water, or combined storm and sanitary sewage, lift and pumping stations, sewage treatment plants, together with all lands, properties, equipment and accessories necessary for such facilities.

(3) To fix rates and charges for the use of metropolitan sewage disposal and

(4) To acquire by purchase, condemnation, gift, or grant, to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local collection of sewage or storm water in the area

63069 If a district is authorized to perform the function of public transportation, it shall have the following powers·

(1) To prepare and develop a comprehensive plan for public transportation service which will best serve the residents of the area.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve. replace, repair, maintain,

operate and regulate the use of transportation facilities, including systems of surface, underground or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including passenger terminal and parking facilities, together with all lands, rights-of-way, property, equipment and accessories necessary for such systems and facilities Public transportation facilities which are owned by any city may be acquired or used by the district.

(3) To fix rates and charges for the use of such facilities.

63070. A district, when authorized to perform the function of administrative planning and co-ordination in local affairs, may provide centralized specialized services, promote co-operation between member agencies, realign territorial jurisdictions by mutual consent of the member agencies, develop minimum standards by mutual consent of the member agencies, and conduct periodic review of minimum standards.

63071. The provisions of centralized specialized services may include but not be limited to such services as: central records and fingerprint files, police and fire training, police and fire communication, scientific police investigations, arson investigation, health laboratories, and vital records and statistics

63072. The promotion of co-operation between member agencies may include, but not be limited to such services as reciprocal service agreements, development of such areawide plans as are appropriate to local affairs, and the development of mutual assistance plans.

63073. The development of mutually agreed upon minimum standards may include, but not be limited to, such services as: minimum uniform standards for major streets and county roads and for traffic control devices; uniform fire code; minimum fire prevention program; minimum uniform health standards; and minimum uniform building and related technical codes; as well as such periodic revisions which might be required by the introduction of new techniques, materials and equipment.

63074. To the extent that it is not inconsistent with the California Disaster Act, a district may, if authorized, perform the function of civil defense.

63075. Those powers necessary to the complete and proper performance of any one of the functions delegated to the district shall be considered vested in the district upon the assignment of that function to the district, or as otherwise provided in this chapter.

63076. A district may contract with the United States or any agency thereof, any state or agency thereof, any other municipal corporation, any county, city, special district, or governmental agency for the operation by such entity of any facility or the performance of any function, or any portion of any function, which the district may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties.

63077. Whenever a district has been authorized to provide the function of administrative planning and co-ordination in local affairs, the governing body thereof shall declare its intention to use the services of existing agencies capable of rendering any necessary specialized services in effectuating such district's powers and responsibilities, wherever possible, instead of setting up a separate organization unit of its own for such purpose.

Article 6. General Powers and Duties

63090 A district may take or acquire real or personal property of every kind within or without the district by grant, purchase, gift, devise, lease, or condemnation pursuant to eminent domain proceedings in accordance with Title 7, Part 3 of the Code of Civil Procedure, provided, the district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wire, cables or poles of any public utility which is required to be removed to a new location.

63091. A district may hold, use, enjoy, lease or dispose of any of its property

63092 A district may sue and be sued in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

63093 A district may make contracts for any and all purposes necessary or convenient for the full exercise of its powers.

63094 A district has perpetual succession.

63095. A district may adopt a seal and alter it at pleasure.

63096. A district may employ labor and professional services.

63097. A district may perform any work of construction or operation under its own superintendence or may contract for the performance of such work by others

63098 A district may prescribe, revise and collect rates or other charges for the services and facilities furnished by it.

63099 A district may construct any works along, under, or across any street, road, highway, or other property devoted to a public use subject to consent of the governing body in charge of such public use.

63100. A district may enter into an agreement with any public or private corporation whereby any work or improvement may be operated and maintained by the corporation. The power to make such an agreement is conditioned upon a finding by the board that the residents of the district would be better served by such operation and maintenance

63101 A district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. A district may take any property necessary or convenient to the exercise of the powers

granted in this chapter, whether the property is already devoted to the same use or otherwise In the proceedings, venue, and trial relative to the exercise of the right the district has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this chapter. A district shall proceed in the name of the district in condemnation proceedings.

63102 The board shall establish and provide for the operation and maintenance of a personnel merit system for the employment, classification, promotion, demotion, suspension, transfer, layoff and discharge of its appointive officers and employees solely on the basis of merit and fitness without regard to political influence or affiliation

63103 Where a district employs a person employed immediately prior thereto by a city or county, or by a special district, such employee shall be deemed to remain an employee of such city, county, or special district, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the city, county, or special district, until the district has provided a pension plan and such employee has elected, in writing, to participate therein.

Until such election, the district shall deduct from the remuneration of such employee the amount which such employee is or may be required to pay in accordance with the provisions of the plan of such city, county, or special district and the district shall pay to the city, county, or special district any amounts required to be paid under the provisions of such plan by employer or employee

63104. Where the district employs a person employed immediately prior thereto by a city, county, or special district, the employee shall be deemed to remain an employee of such city, county, or special district for the purposes of any sick leave credit plan of the city, county, or special district until the district has established a sick leave credit plan for its employees, whereupon the district shall place to the credit of the employee the sick leave credits to his credit in the plan of such city, county, or special district.

Where a district employs a person theretofore employed by a city, county, or special district, the district shall, during the first year of his employment by the district, provide for a vacation with pay equivalent to that which the employee would have been entitled had he remained in the employ of the city, county, or special district

Article 7 District Chief Administrative Officer

63110. The district board shall appoint a duly qualified chief administrative officer who shall receive an annual salary fixed by the district board

63111. The chief administrative officer shall be the executive officer of the district and technical adviser to the board. He shall prepare the annual budget of the district, submit said

budget to the board for its consideration and adoption; and upon adoption of the budget, shall be responsible for its execution

63112. The chief administrative officer shall, subject to the supervision of the board.

(1) Direct, administer and execute all of the functions and duties of the district set forth in this chapter.

(2) Appoint and remove personnel of the district.

(3) Serve, or designate personnel to serve, as executive secretary to the council

(4) Serve, or designate personnel to serve, as secretary to the official representatives and technical advisory committees, including reasonable services in respect to the organization, calling of meetings, distribution of reports, and any other activities which such official representatives or technical advisory committees, or any subcommittees thereof, may wish to undertake in the furtherance of their own functions

(5) Have access, or designate personnel to have access, to information, reports, and data which relate to the functions and duties of the district in the possession of departments, agencies, or instrumentalities of the State, or in the possession of departments, agencies or instrumentalities of cities or counties within the district

(6) Enter upon, or designate personnel to enter upon, at reasonable times and in such manner as to cause no unnecessary injury, any land in order to make examinations and surveys related to the functions of the district.

(7) Perform such other duties and exercise such other power as the board may delegate to him.

Article 8. Financial Provisions

63115 A district may borrow money and incur or assume indebtedness and it may issue bonds or other evidences of such indebtedness, provided, however, that no district shall incur any funded indebtedness which shall in the aggregate exceed 15 percent of the assessed valuation of all real and personal property situated within the district. The limitation of this section applies only to indebtedness which is to be paid by an ad valorem tax on real property.

63116. Before issuing bonds, the board shall adopt a resolution calling an election within the district upon the issuance of bonds, and such resolution shall be published as a notice of the election, in accordance with the provisions of Sections 58006 and 58007 of the Government Code.

63117. At the election any qualified and registered elector residing within the district may vote If at the election, two-thirds ($\frac{2}{3}$) of the voters, voting thereat, shall vote in favor of the issuance of the bonds, the board is thereupon authorized to issue the bonds.

63118 Before the 15th day of June of each year the board shall estimate and determine the amount of money required by

the district for purposes of the district during the ensuing fiscal year, including the amount needed to meet the bonded indebtedness of the district and the interest thereon, and shall apportion this amount to the counties included within the district, one-half according to the relative value of the real and personal property of each county within the district as determined by the board and one-half in the proportion that the population of each county bears to the total population of the district. For the purposes of this section the board shall base its determination of the population of the several counties on the latest official information available to it.

63119. On or before the 15th day of June of each year, the board shall inform the boards of supervisors of each county of the amount apportioned to the county. Each board of supervisors shall levy an ad valorem tax on the taxable property, but not including intangible personal property, within the county included within the district sufficient to secure the amount so apportioned to it and such taxes shall be levied and collected and paid to the treasurer of each of the counties to the credit of the district.

This section is not intended to prohibit the use of other appropriate and available means by each county to meet the obligation of the amount apportioned to it by the district

63120 Taxes levied by the board of supervisors for the benefit of the district shall be a lien upon all property within such county lying within the district and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced

63121. Improvement zones may be formed in a district for any authorized purpose of the district in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement zones shall be governed in the same manner as improvement districts in irrigation districts

63122. The board shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement zones in districts as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts.

63123. Assessments in an improvement zone in a district shall be levied, collected and enforced at the same time and in as nearly the same manner as practicable as annual taxes for purposes of the district in which formed, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts.

63124 The improvements to be constructed or acquired are restricted to those permitted to be constructed or acquired pursuant to Section 63060.

63125. Bonds issued pursuant to this chapter shall be issued as follows:

(a) A part, to be determined by the board, which shall be not less than one-thirtieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.

(b) The date of the first bonds maturing may at the discretion of the board, be postponed not more than five years from the date of issuance

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on the issuance of such bonds

(d) The denomination of the bonds shall be fixed by the board, but shall not be less than one hundred dollars ($100) or more than one thousand dollars ($1,000) each.

(e) The bonds shall be signed by the district chief administrative officer. One of the signatures may be facsimile by use of an engraved or lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the district chief administrative officer in like manner as the bonds.

63126. Such bonds shall be sold by, or on behalf of the district for not less than the face value thereof. Before selling the bonds, or any part thereof, the board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the district inviting sealed bids in such manner as the board shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

63127. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon, or if the term of office of such officer expires or he is removed from office or resigns or his office is otherwise vacated before the bonds and coupons have been signed, then the signature of his elected or appointed successor shall be placed on the bonds or coupons and shall be valid for all purposes connected with such bond or coupon.

63128. The proceeds of sale of all bonds so issued shall be deposited and shall be withdrawn only upon the order of the board or pursuant to its directions and only for carrying out of the purposes for which the bonds were issued.

63129. Notwithstanding any other provision of this chapter, a district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6, Part 1, Division 2, Title 5 of the Government Code to provide funds for the acquisition, construction, improving or financing any one or more revenue producing enterprises for any one or more of the purposes specified in Section 63060 for which such district has been authorized to perform.

Article 9. Modification and Dissolution of a District

63135 Any county, or any portion thereof, which is contiguous to a district may join said district for the purpose of the performance of any or all of the functions of the district upon appointment and certification of its proper number of members to the board as provided in Article 4, and upon the affirmative resolution of the board of the annexing district.

63136 Members of a board in multicounty districts, shall enter into the deliberations of that board only in regards to that function or those functions as are properly established within their component county.

63137. Notice of meeting for the convening of the board shall specify the agenda of that meeting as well as the representatives of which component county should be in attendance.

63138. The board shall at all times be properly constituted for the transaction of business as provided in Article 4.

63139. A district may be dissolved in the following manner:

1. The boards of supervisors of the counties, or the city councils of the cities, containing more than fifty percent (50%) of the population of the entire district shall adopt a resolution or resolutions stating that the existence of the district is no longer necessary or desirable for the public welfare, and announcing the intention to withdraw therefrom and to dissolve the district.

2 The resolutions so adopted shall be communicated to the clerks of the boards of supervisors of all counties comprising the district and also to the council.

3. If it appears that the resolutions were adopted by the boards of supervisors or city councils in the counties desiring to withdraw, and that such counties or cities contain more than fifty percent (50%) of the entire population in the district, the board, by resolution, shall call an election to determine the question of dissolution The resolution shall state the time and place and purpose thereof, establish election precincts, designate polling places, and appoint election officers and, in all respects not provided in this section, the election shall be held and conducted, as nearly as practicable, in the same manner as elections for county officers in the counties In the event such election shall be consolidated with any other election, the resolution calling the election hereunder need not describe the precincts, polling places, or appoint officers of election, but may refer to the ordinance, order, resolution or notice calling or providing for such other election, or listing or designating the precincts, polling places, and election officers therefor for the precincts, polling places and officers of election for the election called hereunder Such resolution shall be published pursuant to Section 6066 of the Government Code in each county within the district and the first publication shall be at least 30 days prior to the date of election.

4. If a majority of the qualified electors voting at such election vote in favor of such dissolution, the board shall declare

the results of the election, proceed to wind up the affairs of the district, and pay all indebtedness thereof. Any surplus funds shall be paid over to the counties in which the district lies in proportion to the amount last previously apportioned by the board to each county for purposes of levying taxes. The board shall exercise only such powers and secure such revenue from taxation as shall be necessary to wind up the affairs of the district.

5. Upon the completion of the process of winding up the affairs of the district, the board shall, by resolution, entered upon its minutes, declare the district dissolved. A certified copy of such resolution shall be filed with the county recorder of each county within the district and with the Secretary of State Upon the adoption of such resolution the district shall be dissolved.

APPENDIX II

A STATEMENT OF PRINCIPLES ON METROPOLITAN PROBLEMS

PREAMBLE

With the vast increase in urban living and urban population has come the growth of urban areas which extend beyond the boundaries of a city or a county and include numbers of cities and counties and urban unincorporated areas.

Within these metropolitan areas, problems and needs have arisen which require action on an areawide basis Great public interest and some demand has arisen for the development of additional means for satisfying these areawide needs and solving the areawide problems.

Theories, ideas and proposals are being advanced from many sources. Various types of districts are being proposed and formed. Many of the theories and proposals fail to distinguish between area problems and needs, and local problems and needs in a metropolitan area, and propose to treat both in the same manner.

Recognizing the possible need for additional workable solutions to the areawide problems and at the same time firmly believing in the necessity for the continuance of strong cities providing local services and functions on a local basis and determining policy on municipal affairs, the League of California Cities believes that the time has arrived for the cities of this State to adopt a basic set of principles to be used as a uniform guide in judging and formulating proposals for additional solutions of metropolitan area problems, and to establish an orderly procedure for isolating area problems and proposing solutions therefor

GENERAL PRINCIPLES

To serve these purposes the following general principles and procedures are formulated and proposed to the cities of California:

1. The right of local self-determination should remain with the citizens acting through their closest units of local government

2 The best interests of the people of this State and nation require the maintenance of strong, healthy cities which have the right of home rule and which provide local governmental services and perform local governmental and policymaking functions

3 Local municipal affairs, involving policymaking, enforcement of laws and regulatory measures, and governmental activities, are not proper subjects for inclusion in regional or metropolitan districts and should be retained by the cities

4. Any political consolidation of existing local governmental units (cities and/or counties) to form a regional government for any California metropolitan area is basically unsound

5. Functions and services performed by a city or a county should not be removed from a city or county and incorporated in a regional or metropolitan district without the consent of the electorate of the city or the county, or a majority vote of the entire membership of the legislative body of the city or county, subject to referendum.

6. Centralization or consolidation of services does not *per se* result in efficiency, economy or better government. Any proposal for centralization or consolidation of any function performed by a city or a county on the basis of reducing costs and increasing efficiency should be rejected until after such proposed savings and increased efficiency are demonstrated and equated against noneconomic losses, such as. surrender of vital municipal powers, loss of responsiveness to needs and desires of the people, lowering of standards of performance or enforcement, weakening of the character of the community, and creation of a large unwieldly administrative organization

7. There is no single solution for all problems in a metropolitan area. Each problem and each function or service proposed or considered for action on an area basis or for inclusion in an areawide district must be carefully examined and a determination made only after complete studies which include consideration of the principles herein enumerated.

8. The problems of metropolitan areas vary and the solutions for one may not be applicable to another.

9. Cities should, through intercity and city-county co-operation, provide insofar as may be possible, every governmental service required within metropolitan areas, and to this end the joint Exercise of Powers Act should be re-examined and amended, if necessary, to permit maximum functional co-operative efforts by cities and by cities and counties.

10. The area proposed to be included in a district must be in fact the area best suited for the purpose proposed or in which to render the service or services proposed, as determined by all factors relevant to the particular case, including geography, economics, engineering, social and cultural factors, and the requirements of the particular service or services to be rendered.

11. Legislation permitting the creation of metropolitan districts must include the following provisions:

a. Provide for local control and direct local responsibility through a governing body responsible to the cities and counties within the district and selected by and serving at the pleasure of the legislative bodies of the cities and counties This shall not preclude the selection of any member of such legislative bodies and such members may serve concurrently as members of such legislative bodies and as members of the governing body of the district

b. A majority vote of the electorate within each city and county or a majority vote of the entire membership of the legislative body of the city or county (subject to referendum) shall be required within every district, authorized or created by the Legislature prior to complete creation and operation of the district

c Legislation governing formation and operation of districts to provide municipal services should prohibit inclusion of cities without the consent of the legislative body of the city, should permit withdrawal of included cities by majority vote of the city electorate at an election called by the city, or by a majority vote of the entire membership of the legislative body (subject to referendum), and should authorize the withdrawal of district territory included within a city providing the same type of service by annexation or incorporation, through action of the legislative body of the city.

RESOLUTION

Opposing Super-Metropolitan Government

WHEREAS, The explosive increase in the population of the United States generally and California in particular, has changed the primary character of the country and the State from rural to urban and urban to metropolitan; and

WHEREAS, Surveys, studies, investigations and reports have been made about the problems of metropolitan and urban areas and the problems caused by the increasing number of cities, districts and other local agencies created to provide general or special services for people living in such areas; and

WHEREAS, Examination of the problems of metropolitan areas, the existing and increasing number of cities and special districts and forms of metropolitan government created elsewhere in the United States or in other countries leads some to suggest that creation of one new level of super-government between the State and cities or counties will solve all or most metropolitan problems; and

WHEREAS, There is ample evidence in California that most of the major problems of true regional, rather than local, concern in metropolitan areas caused by congestion and growth are being met (e g., air pollution, water supply and distribution, sewage and refuse disposal, transportation) either by special regional or metropolitan-type districts or co-operation between cities and counties and that creation of large super-governments to replace existing local governments is both unnecessary and undesirable, and

WHEREAS, super-metropolitan government would be less responsive and less accessible to the people than either city or county governments which are to be replaced or greatly weakened in the plans of the proponents of super-metropolitan government, and

WHEREAS, There also is evidence indicating that big government imposed from above is more costly per capita than city government which is created and controlled by people locally and that municipal and county governments have avoided most of the alleged duplication and overlapping of local governments by utilization of functional consolidation and the exercise of joint powers; and

WHEREAS, There is no real evidence that large metropolitan areas under a single metropolitan government have had any greater success at solving truly regional as opposed to purely local problems than city-

county co-operative arrangements or regional or metropolitan districts now in existence in California; now, therefore, be it

Resolved, By the General Assembly of the League of California Cities, assembled in Special Conference on Metropolitan Issues in Sacramento February 1-2, 1962, that:

1. The cities of California are opposed to the creation of super-metropolitan government for any purpose.
2. The cities of California are opposed to the imposition from above of any form of super-metropolitan government.
3. No district shall be created, nor shall the powers of any existing district be enlarged, to provide any regional-type service, or perform any regional-type function performed by any county or city in the region as a local service without the consent of a majority of the voters within each such county or city or the consent of a majority of the entire membership of the legislative body of the county or city (subject to referendum) included within the district.
4. It is recommended that no regional district possessing multipurpose powers not now exercised shall exercise such power without the consent of a majority of the voters of such district.
5. Cities and counties can and will, through co-operative efforts and the full use of joint powers, solve most, if not all, of the problems of metropolitan areas, and if any regional problem does not lend itself to such a solution, cities and counties will jointly create and control the formal entity necessary to provide regional services or functions.

APPENDIX III

State of California
Office of Legislative Counsel
Sacramento, California, September 20, 1962

STATUTES AUTHORIZING CITIES AND COUNTIES TO PERFORM SERVICES FOR EACH OTHER OR JOINTLY—No. 3875

Section	
	AGRICULTURAL CODE
504	Counties and cities may contract with each other for the maintenance of a milk inspection service and laboratory.
	EDUCATION CODE
16655	Cities and counties may co-operate in any way to promote community recreation.
27154	If a county has established a county free library, any city in the county may become part of the county library system
27158	A county and a city, each maintaining a free public library, may contract with each other to allow their residents privileges of the other's library
27159-27161	A county may contract with another county for privileges of its free library, or for employment of a single librarian to serve both counties
27163	A city may contract to perform the services of a county free library.
27452	A city library may contract with a neighboring city or the county to lend its books to residents of the neighboring city or the county
27573 and 27873	Cities and counties may contract to lend their library books to other cities and counties
	ELECTIONS CODE
9483-9484	Unless prohibited by its charter, a city may have the county registrar of voters render some election services
10050-10058	City, county, and district elections, when held on the same day in the same territory, may be consolidated
	FISH AND GAME CODE
13101	Counties may agree on the expenditure of their fish and game propagation funds in either county for the joint benefit of both
	GOVERNMENT CODE
6500-6578	Two or more public agencies may jointly exercise any power common to them
23008	A county may lease equipment, perform work or furnish goods to any city in the county
23010 2	A county may lend to a city incorporated for less than a year an amount not exceeding 85 percent of the city's anticipated revenues for the fiscal year in which the loan is made
25204	A county board of supervisors may discharge such municipal functions of the cities as are authorized by the county charter
25210 10a and 25210 80a	All or part of a city may be included in a county service area County service areas may provide extended police protection, structural fire protection, park and recreation facilities, extended library services, and miscellaneous extended services

GOVERNMENT CODE—Continued

Section	
25351 3	Los Angeles County may grant free use of property to a city for 99 years on agreement of the city to use the property for certain public uses
25364	A county may sell to or exchange with any city surplus plants, trees, shrubs and nursery stock
25365	A county may convey property not required for county purposes to a city, or may exchange property with a city
25380-25384	A county may agree to let a jail be maintained within its limits by another county
25550-25550 5, 25550 7	A county owning property in a city may convey it to the city for use as a park, but may later release the city from its agreement under certain conditions
25551-25557	A county may contribute funds, property, or services to a city to improve a park in the city
25558	A county may combine with a city to provide music in parks
25682	A county may engage in flood control work within the county, or within another county or city, at its own expense, or at the joint expense of the county and the county or city in which the work is done
25690, 25698	A county may supply water to the inhabitants of a city
25701-25705	A county may contract with a city for its sewage or waste water, and after reclaiming it may sell it to a city
25821-25823	A county may allow the use of its dumps by a city
25844	A county may co-operate with a city for the purpose of providing weather data
25901	A county may build county fair buildings on city owned land
25904	A county may contribute to the support of a fair maintained by any public agency, or by a group of counties of which the contributing county is one
26021-26025	A county may extend aid for the maintenance of city-owned and operated airports
26301 and 26387	A county may contract and co-operate with any city in the development and operation of public beaches, small boat harbors, public golf courses, and skung areas
26401 and 26476	A county may contract and co-operate with any city in the construction and operation of public incinerators
29610	A county may pay the necessary expenses of certain officers and attachés of municipal and justice courts to attend association conventions
29610 1	A county may pay the necessary expenses for judges in the traffic division of a municipal court to attend traffic courses or conferences
31103	A county may contract with any county or city for the conducting of civil service examinations
31204-31208	A public agency (city or county) taking over the functions and employees of another public agency (city or county) may contract with that agency regarding retirement rights of such employees
33011-33013	A city may include its city police officers and firemen under a County Peace Officers and Fire Service Retirement Plan
34333	When a city is incorporated the county continues all services furnished prior to incorporation for the remainder of the fiscal year
34721	If a city disincorporates, the county will wind up its affairs
37391	A city may lease land to the county for fair or exhibition purposes
37392 1	A city may lease or grant the use of sewers, sewage treatment and disposal facilities, and appurtenant lands, to any city or county

GOVERNMENT CODE—Continued

Section	
37468	A city may join with the county to maintain homes for veterans, or memorial halls and meeting places for veterans' organizations
38731	Two or more cities may jointly acquire and develop a water supply
39567.1 and 39579	In cities where the county assessor acts as city assessor, the county assessor shall mail the city clerk a list of persons owning property found to be a nuisance because of weeds or rubbish If the city taxes are collected by the county tax collector, he shall collect the assessment for weed and rubbish removal
39963	Two cities or a city and county may join to operate a ferry
45008	A city may contract with any city or county for the conducting of civil service examinations or performance of any other service in connection with personnel selection and administration.
45308	A city may contract with any city or county for the operation of a retirement system
50024	Cities and counties may join to aid or prevent passage of legislation by the Legislature or Congress
50474	A city or county may co-operate with any other city or county in constructing or maintaining airports
50531	A city owning property on a public square may grant or lease it to the county for erection of a county building
50787	A city or county may contract or co-operate with any city or county in the development or operation of golf courses, marinas, and small craft harbors financed by revenue bonds
51301-51308	A county may contract for its officers to perform for a city any city functions named in the contract
51330-51335	If permitted by its charter, a chartered city may provide for its functions to be performed by the county
51500-51519	A city may have its tax functions performed by the county This applies to chartered cities and counties if their charters permit
51540-51561	Alternative method for a county to perform tax functions for a city
51700-51703	A city and county may join in the construction, ownership and use of a public building in the city
51800	A county collector who collects taxes for a city may also be empowered to collect special assessments for the city
53019-53024	A city or county which aids another city or county in an extreme emergency, such as fire, storm, flood, etc , may bear the cost itself.
54281	Cities and counties may contract together to maintain a sea water conversion demonstration plant
54613-54615	Cities and counties may assist each other in any enterprise authorized by the Revenue Bond Law of 1941
55000-55115	Cities may contract for the joint construction and maintenance of sanitary facilities
55300-55367	Cities and counties may jointly construct and maintain sanitation and electrical lines
55500	Cities and counties may acquire and operate joint cement projects.
55600-55609	A county may contract with the city for the prevention and suppression of fires.
55630-55634	A city or county may contract with another city or county to furnish it supplementary fire or police protection
65091-65094	Cities and counties may co-operate in establishing an area planning commission
65302	A city and a county may create a planning commission, or may combine their existing planning commissions.

HARBORS AND NAVIGATION CODE

5710	Two or more counties may form a joint harbor improvement district to be governed by the board of supervisors of the county with the largest acreage in the district

HEALTH AND SAFETY CODE

Section	
476-477	When a city consents, the county health officer shall enforce in the city public health statutes and state rules and regulations
480-484	A county and city may contract for the county to perform functions relating to public health and sanitation in the city, or for the city to perform functions relating to public health in unincorporated territory adjacent to the city
3294 and 3302-3310	Counties may jointly maintain a tuberculosis ward, hospital, or sanatorium
3299	Cities, counties, and groups of counties may arrange for an exchange of tuberculosis patients. Counties may contract for the care and treatment of their tuberculosis patients by cities, counties, or groups of counties which maintain tuberculosis wards or hospitals
4614 15	Cities and counties may jointly acquire, construct, or use joint sanitary sewage facilities, flood control works, and storm water drainage systems
33018 and 33330-33333	Public agencies, which include cities and counties, may co-operate in the planning, undertaking, construction and operation of redevelopment projects
35488	Cities and counties may jointly exercise their powers under the Temporary Housing Projects Law

MILITARY AND VETERANS CODE

1121 (f)	A county may join with a city to provide and maintain a home for veterans.
1262 (h)	A county may join with a city to provide and maintain buildings for the use of veterans' associations
1562	Local governmental agencies, including cities and counties, may provide for mutual aid during periods of local peril or emergency.

PENAL CODE

4004 5	A city may provide facilities for holding prisoners for the county
4007	Where there is no jail in the county, a superior court judge may designate the jail of a contiguous county for confinement of the prisoners.
4115	Two or more counties may enter into an agreement for commitment of misdemeanants
4118-4119	A city may request to have its prisoners cared for at a county industrial farm or road camp.

PUBLIC RESOURCES CODE

4980	Public agencies shall consult and may contract with each other in respect to conservation projects to be undertaken by California Conservation Camps.

PUBLIC UTILITIES CODE

10103	With regard to municipally owned public utilities, two cities may enter an agreement for one to use the other's streets for water or gas pipes, sewer mains, power lines, telephone lines, etc

STREETS AND HIGHWAYS CODE

130	Counties and cities may enter into contracts with each other and the State Highway Department relative to the proportion of the expense of a state highway to be borne by each
202	A city, with approval of the State Highway Department, may contract with the county for the performance of street work in the city.
1680-1686	A county may assist a city in constructing or maintaining the city's streets by furnishing money, materials, labor or machinery

STREETS AND HIGHWAYS CODE—Continued

Section	
1700-1706	A county may construct a county highway through a city and later relinquish it to the city
1710-1711	A city and a county may agree that either one or the other shall construct and maintain a county highway in unincorporated territory of the county, the cost to be paid by the other
1720-1731	A city and a county may co-operate in various ways in the construction and maintenance of a county highway within the city
1754	Two counties may co-operate in operation of a ferry across a river between them
1803	A city may rent county equipment to maintain its streets, or may contract to have the county maintain them
1850	A city may permit its streets to be part of the county road system
2210	Counties may enter co-operative agreements to do what is necessary to secure federal aid for county highways
18401, 18403	A county may collect assessments levied by a city under the Street Lighting Act of 1931.

WELFARE AND INSTITUTIONS CODE

203 1	Two or more counties may operate joint welfare services
870	Two or more counties may operate a joint juvenile hall
888	A county having a juvenile home, ranch or camp, may accept children from another county by mutual agreement
9004	Two or more cities or counties may establish a joint mental health service

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COMMITTEE REPORT ON THE
USES OF SPECIAL ASSESSMENT PROCEDURES AND INDEPENDENT SPECIAL DISTRICTS TO AID LAND DEVELOPMENT

FINAL REPORT OF THE
ASSEMBLY INTERIM COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

House Resolution No. 361.16

MEMBERS OF COMMITTEE

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON
MUNICIPAL AND COUNTY GOVERNMENT

December 18, 1962

HON JESSE M UNRUH
Speaker of the Assembly
State Capitol
Sacramento 14, California

DEAR MR SPEAKER The Assembly Committee on Municipal and County Government submits herewith its report on the uses of special assessment procedures and independent special districts to aid land development, a study conducted by the committee during the 1961-63 interim, in accordance with House Resolution No 361 16 of the 1961 Regular Session

This final report contains the findings, conclusions and recommendations of the committee on these subjects

Respectfully submitted,

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2—L-905

FINDINGS

1 The expanding economy and population of this State, together with the concurrent need for new residential and industrial sites, has created an atmosphere particularly favorable to the subdivision and marketing of tracts of raw land

2 Increasingly land developers are availing themselves of so-called "auxiliary" financing devices to provide public utilities, streets, and other public improvements for their subdivisions The advantage of these auxiliary devices is that construction money is obtained through essentially public procedures and thus no commitment is required of a developer's own capital or credit Most commonly, special assessment procedures are used or independent special districts are created to finance the above-mentioned improvements

3 With few exceptions these special assessment and special district procedures were largely designed for use in different situations and in answer to different needs Consequently, when used in land development situations, some of these procedures have been found to contain possibilities for their abuse together with the potential for encouraging highly speculative and marginal developments

4 The following specific findings are made

A **Special Assessment Procedures Under the Improvement Act of 1911 and the Municipal Improvement Act of 1913**

Without exception the potential dangers in the use of these special assessment procedures have been associated with the 1913 Act This is explained in large degree by the fact that the 1913 assessment procedure makes bond funds available at the beginning of a project and pays them out in progress payments as work progresses, whereas under the 1911 procedure no assessments are levied until all work has been completed

1913 Act assessment procedure has been used to raise funds to "acquire" improvements prior to their actual construction The improvement is "acquired" in stages as it is completed, and funds are disbursed at each stage of construction Since the procedure is technically an "acquisition," however, the developer can avoid posting a performance bond together with labor and materialmen's bonds. If 1911 Act assessment bonds are used to provide financing, as they normally are, there is no one financially responsible for the completion of the project or for payment of workmen or subcontractors if the developer himself should fail

The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 allows a waiver of debt limitations in special assessment projects upon petition of 60 percent of the property owners Under this provision it is possible for a single owner-developer to burden his land up to 85 to 90 percent of its market value In such instances secondary encumbrancers, and occasion-

ally assessment bondholders also, are placed in extremely insecure positions

Initial payments of interest and principal on assessment bonds have been funded as part of construction costs under the 1913 assessment procedure Because this statute does not specifically authorize such funding, it is included as an incidental cost of the construction project This funding is plainly a subvention to the developer who would otherwise have to meet these initial payments from his own capital.

B Community Services Districts

Although it was originally designed to provide the machinery for creation of a quasi-municipal agency to supply limited municipal services to urban unincorporated areas, the Community Services District Law has been used to aid large developments of raw land In such a context a community services district uses its general taxing and bonding power to finance utility services, recreation facilities, offsite improvements, and various other public facilities in advance of an actual need for district services

Two changes in the Community Services District Law made in 1961—allowing property owners instead of residents to petition for formation of a district and permitting of funding of initial interest payments as part of the district's bonded indebtedness—make this statute more attractive to land developers and more easily used in land development situations At the same time no safeguards have been added to the law to prevent community services districts from being organized to aid highly speculative developments

C Special Act Districts—The Embarcadero and the Estero Municipal Improvement Districts

The Embarcadero and Estero Municipal Improvement Districts are similar public agencies with general taxing and bonding powers, specially created to aid specific land developments The organizational requirements of these districts placed each of them under the direct control of the developers and in addition anticipated and encouraged self-dealing between the developer and the district—all without any independent audit controls or other review procedures

The grand theft and fraud which occurred in the Embarcadero District appear to have been facilitated by this type of district organization. The success of the Estero District, on the other hand, may be attributed to the integrity of the developer and his willingness voluntarily to secure county approval of his development and to provide other public safeguards The salient fact, however, is that the district organization itself does not appear significantly able to forestall abuses

RECOMMENDATIONS

1 These recommendations are proposed with the aim of providing for the local governments which must supervise assessment and special district procedures, more up-to-date standards and safeguards against which they may judge the merits of individual projects

2. Special Assessment Procedures

Although the Attorney General has formally ruled that the Municipal Improvement Act of 1913 can be used only to acquire improvements which have already been constructed, there is a need for legislative clarification on this matter It is recommended therefore that the 1913 Act specifically be amended to restrict acquisition procedure to improvements which have already been constructed and are in place at the time the assessment proceedings are initiated

In order to provide minimum security for secondary encumbrancers and assessment bondholders, it is necessary that a realistic limit be established on the extent to which special assessments may encumber property This is particularly true in development situations which involve a single owner-subdivider. It is recommended, moreover, that such a debt limitation be applied strictly to owner-subdivider operations

It is recommended that an appropriate means be devised to inform prior encumbrancers of special assessment proceedings which would affect their interests This action would also provide to local legislative bodies a means of determining the number of prior encumbrancers and would thus place the legislative body in a better position to judge the merits of individual assessment proceedings

The funding of initial interest and principal payments on assessment bonds under 1913 Act assessment procedure is plainly a subvention to the developer Because this action is not specifically authorized by the 1913 Act, it is recommended that the Legislature make clear whether it desires this procedure to be used It is further recommended that because the real estate industry does not appear to be in need of such subvention at this time, the 1913 Act be amended to exclude this practice

Singularly and collectively the preceding recommendations would have the general effect of requiring more substantial security behind assessment bonds Implementation of these recommendations, therefore, together with self-motivated regulation and review by the underwriting industry, appear to make unnecessary at this time any additional administrative controls by a state agency over the marketing of assessment bonds

3 Community Services Districts

It is recommended that the Legislature make a formal determination whether it wishes to allow the use of the Community Services District Law to aid land development It ought to be recognized that such use of a public agency, with the capacity to incur public debt,

represents a direct state subsidy to land developers Such a subvention, moreover, is proper only if it can be determined that it serves a broad public interest It is suggested, therefore, that serious additional study be conducted to determine whether the use of special district procedures under these circumstances is in the long-run public interest or whether the public may only temporarily and incidentally benefit from the proceedings which are primarily for the benefit of private promoters

If it is decided to allow this use of the Community Services District Law, it is recommended further that the statute be amended to prevent its use in marginal and speculative developments Specifically, it is recommended that the law be amended to require that after the hearing on the petition for formation of a district, the local legislative body must not only find that the proposed district will be in the public interest, but also that it will be economically feasible In this instance the requirement for economic feasibility should specify the necessity for an extensive and exhaustive professional analysis of feasibility

4 **The Embarcadero and Estero Municipal Improvement Districts**

Because minimum public safeguards are particularly important in the type of agency represented by the Embarcadero and the Estero Municipal Improvement Districts, the following steps are recommended Serious consideration ought to be given to amending both the Estero and the Embarcadero statutes to require realistic fidelity bonds for all district officers, to require that at least one director of the district neither have a direct financial interest in the development nor be employed by the developer; and finally, to require regular review of district financial activities by the counties in which they are located

If a future Legislature should ever decide that extraordinary circumstances required the creation of additional special districts of this type to aid land development, it is recommended further that all of the above-mentioned safeguards be provided in the enabling legislation

5 It is recommended that serious consideration be given to establishing a uniform system of accounts to be used by all independent special districts Such a step would insure that similar accounts in each district would be designated similarly in public financial statements More important, it would facilitate a more complete understanding and evaluation of district finances, especially by local governments and other public agencies entrusted with reviewing special district activities

6 Enactment is recommended of the procedural and technical changes to the Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915, which are suggested in Chapter IV of the report These suggested changes represent the consensus of major special district counsel, bond counsel, and bond authorities throughout the State and would have the general effect of eliminating confusion, ambiguity, and deadwood from the area of special assessments

CHAPTER I

INTRODUCTION

The expanding economy of this State, together with the concurrent need for new residential and industrial sites, has created an atmosphere particularly favorable to the subdivision and marketing of tracts of raw land The development procedure itself has continued to follow the proved and traditional pattern—acquire relatively cheap undeveloped acreage, subdivide and improve it, and offer it for sale to the public In many instances, however, the initial land acquisition phase of this procedure has involved more extensive tracts than has heretofore been the usual case Development tracts of several thousand acres are common, and one development boasts one hundred thousand acres. A sizable number of these developments are characterized by the fact that homesites, rather than finished homes, are offered for sale The lot buyer is expected to make his own arrangements for housing construction In many cases buyers have no intention of using their lots as homesites but have purchased solely for speculative purposes.

Prerequisite to the sale of land under such circumstances is the necessity that the lots be bona fide homesites, *i e*, that they have access to utility services and other public improvements (streets, sewers, storm drains, etc). A developer must install a minimum number of these improvements before he can offer his acreage for sale He may choose to install them with his own capital, but obviously such a choice will add materially to his costs Unless he has relatively unlimited capital or unlimited credit, to make such a choice would mean that capital would have to be diverted from other projects in the development or that the size of the development itself would have to be scaled down. Increasingly, developers have found a way out of this dilemma by employing so-called "auxiliary financing" to cover the public utility and public improvement phase of their operations. In general, this auxiliary financing consists of various special assessment procedures, or the creation of certain independent special districts, through which money may be raised independently to pay for needed public improvements Such financing, it is argued, shifts the burden of the cost of the improvements to those who will ultimately benefit from them, the final homeowners and residents At the same time it provides an obvious windfall to a developer since it allows him to have constructed all the improvements essential to the marketability of his land without tying up either his capital or his credit

With few exceptions, the special assessment and special district procedures employed today by large land developers are procedures which were largely designed for use in different situations and in answer to different needs. It is quite proper, therefore, that both the procedures themselves and the broad legislative policy question of their proper use be re-examined in this new context.

To this end the committee held two series of lengthy hearings (Sacramento, June 18-19, 1962, and Los Angeles, September 24-25, 1962) At these meetings extensive testimony was secured from many land developers themselves, from major bond counsel and special district counsel in the State; from the Attorney General's office; from the State Corporations Commissioner; from financial consultants; from major bond underwriters, including out-of-state underwriters who frequently handle California issues, from the Investment Bankers' Association, from representatives of local government familiar with the supervisorial role performed by local government in assessment proceedings; from the League of California Cities; from the State Treasurer; and from various other highly qualified witnesses The present report does not attempt to duplicate the exhaustive and detailed record which has been compiled in the transcripts of these hearings It aims rather to outline the general legislative policy questions which appear to be involved in this new use of various assessment procedures and, in addition, to point out potential dangers and sources of abuse

The report is organized on the following format. Chapter II deals with the Improvement Act of 1911 (Streets and Highways Code, Sections 5000-6794), the Municipal Improvement Act of 1913 (Streets and Highways Code, Sections 10000-10609) and the Improvement Bond Act of 1915 (Streets and Highways Code, Sections 8500-8851), as these special assessment and assessment bond statutes are used in land development situations Chapter III deals with the use of independent public agencies created as an aid to land development It places special emphasis on the use of community services districts for this purpose, and also examines selected independent public agencies created by special legislation as an aid to land development Chapter IV discusses briefly the collateral subject of needed procedural revision in the Improvement Acts of 1911-13-15

CHAPTER II

THE IMPROVEMENT ACTS OF 1911-13-15

In their development activities many large land subdividers appear to be availing themselves of the assessment procedures provided in the 1911 and 1913 statutes and of the improvement bond provisions provided in the 1911 and 1915 statutes For purposes of review, the following paragraphs distinguish generally between assessment procedures and bond provisions, and also outline the provisions of each of the above-mentioned acts This brief summary is intended to provide a general foundation for the discussion which follows of the policy questions involved in the use of these statutes [1]

A special assessment is a lien on the property. The lien is imposed as a result of a procedure which assigns to individual pieces of property a proportionate share in the cost of a public improvement which has directly benefited that property Traditionally, various political subdivisions have used some form of special assessment proceeding to finance those types of necessary public improvements which benefited only a limited area (*e g*, streets, storm and sanitary sewers, sidewalks, curbs, etc.). Such a procedure has the obvious advantage of billing only those property owners immediately benefited by the improvement and, furthermore, of billing them in proportion to the benefit they receive In addition, the procedure compels property owners who may not favor the improvement in question to pay their fair share of the project Another advantage of these assessment procedures is that after the lien has attached, the property owner has the option of paying this obligation in cash or in installments over a period of years Thus the property owner who is compelled to accept the financial burden of the assessment is relieved of any undue hardship which might occur if full payment were demanded immediately.

The special assessment lien, it must be noted, is prior in right to all previous contract liens, including mortgages It is superior to all other liens except a lien for taxes, with which it is on a parity

The assessment bond, on the other hand, is not a lien It is a document issued by a local governmental agency (city, county or special district) which has supervised and conducted the assessment procedure This is the document which represents the unpaid amount of the assessment and permits a property owner to pay off the lien against his land in installments over a period of years In this sense it is roughly analogous to a note or mortgage which permits an individual to pay off an obligation in installments. The different bond acts provide alternate ways of securing this indebtedness and of obtaining redress in case of delinquency or default.

[1] A more thorough, yet still succinct, discussion of special assessments and special assessment bonds is found in *Handbook for Special Assessment Bonds*, Stone and Youngberg Co, 1814 Russ Building, San Francisco June 1960

The Improvement Act of 1911 provides for an assessment procedure and also provides one type of assessment bond. The Municipal Improvement Act of 1913 provides only a procedure for levying an assessment. The Improvement Bond Act of 1915 provides only for issuing assessment bonds. Thus these statutes provide two procedures for making assessments and two procedures for issuing bonds Either assessment procedure, moreover, may be used in combination with either bond procedure Specifically, once an assessment lien has been fixed by 1911 procedure, bonds may be issued under the provisions of either the 1911 or 1915 bond statutes Once a lien has been fixed by 1913 Act procedure, bonds may also be issued under either the 1911 or 1915 bond acts.

Alternate Assessment Procedures. The following general procedure is used to levy assessments under the Improvement Act of 1911 The local legislative body (city council, county board of supervisors, or special district governing board) passes a resolution announcing its intention to construct a public improvement Notice is given to the appropriate property owners and a hearing is held. If, after the hearing, the legislative body decides to proceed with the work, public bids are called for and a contract is let for construction After construction of the project, the cost is tentatively apportioned among the property owners Another hearing is held at which property owners may protest the tentative assessments against them and/or request a change in the amount At the conclusion of this second hearing the legislative body affirms the assessment and a lien then attaches to each piece of property involved The contractor is then presented with three documents—the assessment roll, assessment diagram and a warrant—which together give him the authority to collect from each property owner the amount of the latter's individual assessment

Note that the contractor receives no cash; he receives only the authority to collect from the individual whose property has been benefited by the improvement To obtain payment the contractor can either collect unpaid assessments in cash, sell them, or sell the bonds which have been issued to represent unpaid assessments A standard procedure in these cases is for a bond underwriter to advance funds to the contractor during the construction period in return for the contractor's agreement to sell the final assessments or the assessment bonds to the underwriter at the conclusion of the project In any event, the contractor is responsible for securing his own financing during the construction period It should also be noted that the actual and incidental costs are assessed against the property owners only after the project has been fully completed and such costs have been finally determined

The Municipal Improvement Act of 1913 operates on an entirely different theory Under this act an assessment and an assessment diagram are prepared in the very beginning before any work is done The amount of the assessment levied against each piece of property is based upon an engineer's estimate of the total cost of the completed improvement Once such an estimate has been obtained, a hearing is called by the local legislative body and notices are mailed to the appropriate property owners. One hearing is held both upon the project and the amount of the assessments which will be levied against each piece of

property. At the termination of this hearing, if the legislative body confirms the assessment, a lien is created against the property The property owners have 30 days in which to pay their assessments in cash, and at the end of this period bonds are issued to represent unpaid assessments. These bonds are ordinarily sold at public sale to the highest bidder When the money is in the hands of the local government, the contractor proceeds to do the work and receives cash progress payments just as though he were completing a cash contract

Alternate Bond Provisions. 1911 Act bonds are characterized by the fact that an individual bond is issued to represent each unpaid assessment The security for each bond is a specific piece of property which in turn is described in the bond The treasurer of the local government which has conducted the assessment proceedings becomes the agent responsible for collecting from the property owners the semi-annual payments of interest and principal, and turning these over to the bondholders In the event of a delinquency, however, the local government is not involved The bondholder must foreclose his lien against the specific piece of property which has been designated as security for his bond

1915 Act bonds are characterized by the fact that individual bonds are not issued to represent individual assessments All unpaid assessments are totaled together and a series of bonds, in even denominations, is issued to represent this total amount The local government is then responsible for securing the payment of these bonds This responsibility is discharged in the following fashion Property owners are required to pay to the local government regular installments of interest and principal on their assessments These moneys are placed in a special "redemption fund" from which bond payments of interest and principal are paid when these fall due Technically, it is this fund which is security for the outstanding bonds The fund in turn is secured by a lien on each lot which has not paid off its assessment In the event that a delinquency by one or more property owners creates a shortage in the redemption fund, the local government is required to make up this amount by transferring the required funds from its own general fund into the bond redemption fund If the general funds of the local government are inadequate to make up such a shortage, the local government must raise the money by levying a tax of up to 10 cents per $100 of assessed valuation throughout its entire jurisdiction The local government may then foreclose the liens against the properties which have become delinquent and force their sale in order to make up the delinquency. The only possibility of loss on the part of the local agency occurs if the property cannot be sold for the amount which is delinquent on the assessment Because of the local government's obligation to insure prompt payment of bond interest and principal, 1915 Act bonds are generally regarded as somewhat more secure than 1911 Act bonds and usually bear a somewhat lower rate of interest

Finally, it must be noted that both 1911 Act and 1915 Act bonds, even though they are secured by private property and not by the general taxing power of any public agency, are classified as "municipal bonds" Thus they are exempt from federal and state income taxes It may also be noted in passing that the maximum interest rate on these securities is fixed by statute at 6 percent.

PROPRIETARY USES OF SPECIAL ASSESSMENTS

Historically, the Municipal Improvement Act of 1913 and the Improvement Act of 1911 have been used to enable existing communities to install various types of public improvements With these legal tools property owners have been able to band together to improve streets, construct sewer mains, build storm sewers, etc, for their mutual benefit. To cities and counties they have come to represent a major method, as well as a practical and convenient one, for financing necessary offsite improvements The use of special assessments in these situations has been standardized by long experience, and within this context there is little occasion for the emergence of unexpected dangers and little opportunity for the concealment of unsuspected pitfalls Such is not the case, however, when these assessment procedures are used in a proprietary fashion by single owner-developers as an aid to developing raw land The implications of this latter type of situation will become more clear as this report progresses

The committee's study of this subject indicates that potential pitfalls occur primarily in those cases in which the 1913 Act assessment procedure is used to acquire offsite improvements Briefly, acquisition procedures have traditionally concerned improvements which had already been constructed, as distinguished from facilities which were to be constructed by a contractor after competitive bidding For example, a contractor may have had to construct a water tower incident to the development of his subdivision Although the tower admittedly is needed by the subdivider while the subdivision is under development, during the bulk of its useful life it will provide a necessary public service to the subdivision residents Because of this circumstance, it is correctly considered as a public improvement, and its cost is properly transferred to those who will benefit principally from its construction —the subdivision property owners An assessment proceeding is used in order to apportion this cost fairly among the property owners Another common example occurs when a contractor builds an access road to his subdivision at the start of development operations He constructs the road at his own expense and proceeds with additional phases of development Eventually the time comes when he must construct a system of streets in his development He may choose to do the construction under special assessment proceedings The access road, however, can legitimately be considered a part of the subdivision street system because it confers the benefit of accessability on all subdivision landowners In such a case the contractor may transfer the cost of the access road to the property owners by using a single assessment procedure which has the twofold object of acquiring the access road and constructing the system of streets within the subdivision

Under the Improvement Act of 1911 acquisitions are severely limited This statute was designed primarily as a construction statute, and prior to a 1955 amendment no acquisitions whatsoever were permitted by it The law has subsequently been amended to permit acquisitions, but only as part of a larger construction project Currently, acquisitions under the 1911 Act may not exceed 20 percent of the total cost of an entire project[2] The Municipal Improvement Act of 1913, on the

[2] In a few specific instances the limitation has been raised to 50 percent.

other hand, places no limitation on acquisitions In fact, this statute was originally designed to be used solely for acquisition purposes Currently, although it may be used to construct improvements, it may also be used solely for acquisitions Its provisions are welcome ones to the subdivider who constructs an improvement with the intent of having it acquired at some step in the development of his subdivision In such a case it is a simple matter for the contractor to present verification of his actual costs at the required public hearing The assessments are then levied, bond funds are obtained, and he is reimbursed for his costs

In general, 1913 Act assessment provisions have been most commonly used in development situations, particularly those involving single ownership projects As has been pointed out, the acquisition provisions of this act are more liberal than those of the 1911 Act and, moreover, it can be used for acquisition purposes alone if desired When the 1913 Act is used for construction purposes it has the additional advantage of making cash available at the beginning of construction projects

There appear to be no potential dangers in the continued use of the 1911 Act assessments in single owner-developer projects This is largely the case because 1911 Act procedures are fairly standardized and because no assessments are levied until a project has been completed and actual costs have been ascertained This is not the case with the Municipal Improvement Act of 1913 The committee's studies have indicated that it has been possible for a single owner-developer, using its provisions, not only to obtain money in advance of construction but at the same time to waive the usual requirements for public bidding, for the customary subdivider's bond, and for performance and materialsmen's bonds These waivers have been authorized under a somewhat unusual interpretation of the acquisition procedure provided in the 1913 Act

Acquiring Improvements Before They Have Been Constructed. In the opinion of at least two major Northern California bond counsel, the Municipal Improvement Act of 1913 permits the acquisition of facilities prior to their actual construction [3] Although this procedure is quite advantageous to the owner-developer, it is not without its dangers It operates in the following fashion A developer petitions the local government for the formation of a special assessment district in order to acqure, for example, a water main He proposes that the water main be acquired in stages as it reaches a certain percentage of completion Under such an approach the estimated cost of the entire project is assessed against the property and bonds are sold to represent the unpaid assessments The bond money is turned over to the local treasurer As construction proceeds, the engineer of work will certify that a portion of the main, say 10 percent, has been completed and is in place This completed portion of the work is then "acquired" and the local treasurer pays the contractor for its cost The procedure is repeated again when another 10 percent of the water main has been laid

[3] Southern California bond counsel have refused to allow this construction of the statute

Note that this type of acquisition procedure under the 1913 Act is virtually the same as that for the "construction or installation" of improvements under the same statute In both cases an estimate is made of the total cost of a project, bonds are sold to raise the necessary money, and progress payments are made to the contractor The anomaly, however, is that when acquisition procedures are used in this manner the public safeguards which would be required in a "construction" project may be waived Thus, since facilities are technically being "acquired" and not "constructed," the developer may elect to do his own work at the estimated cost without calling for public bids Moreover, since the statute requires performance bonds and labor and materialsmen's bonds only for the "construction and installation" of improvements, the developer can avoid posting any of these surety bonds It is certainly advantageous for the developer, especially if his capital is limited, to be able to do his own work and to avoid the expense of surety bonds In practice, however, this advantage is not without attendant risks. The following example, presented to the committee by the Investment Frauds Unit of the Attorney General's office, illustrates the danger inherent in this approach

In this, admittedly extreme, case an owner-developer began his subdivision by persuading the county board of supervisors to waive the usual subdivision bond required by the Subdivision Map Act The waiver was justified by the developer's bond counsel on the ground that such a bond was not necessary because a special assessment district would be formed to finance offsite improvements, and that the cash proceeds from the assessment bonds would be in the hands of the county treasurer to pay for these improvements At the same time the developer submitted to the board of supervisors a petition to form an assessment district for the purpose of acquiring the improvements in question. The assessment proceedings were approved without incident, bonds were sold, and the bond money placed in the hands of the county treasurer Since the improvements were being acquired, however, no public bidding was required and the developer undertook construction himself On the same theory, no performance bonds or labor and materialsmen's bonds were posted with the county

Under these circumstances the developer was able to appropriate bond moneys for his personal use to the extent that insufficient funds remained to complete the improvements The Attorney General's report states " 80 percent of the streets in this tract have not been paved; the majority of water lines and sewer lines have not been accepted by the water district, storm drains have not been completed and several of the streets in the tract have not been started Although the original petition to form the district stated that the developers agreed to finish the work and to pay for it out of their own pockets if the bond money was insufficient, there is no indication that they can or will do this "[4] Practically all of the bonds in this tract are now in default and are being foreclosed Because of the absence of surety bonds, there was no one with the financial responsibility for completing

[4] *Transcript*, hearing of June 18-19, 1962, p 207 See also pp 42-44 and 205-208

the improvements In fairness, it must be mentioned that the bond underwriter and the bond counsel paid for paving the streets in front of a group of houses which had been constructed at the front of the tract It must also be emphasized, however, that this payment was a result of the discretion and good will of the bond counsel and bond underwriter and not the result of any legal safeguard

In another example, bond funds were not misused but simply ran out before all the improvements had been completed This project, located within a Northern California city, involved a substantial portion of reclamation work which required the filling and compacting of marshland As in the preceding example, the improvements were to be "acquired" in successive stages as work was completed on individual portions of the project Thus, no public bidding was required, nor were any labor or materialsmen's bonds posted with the city by the developer As the situation developed, substantially more material was required to fill the marsh than the engineering report had estimated The bond funds were insufficient to pay for completion of the improvements, and once again there was no one with the financial responsibility to complete the improvements or to pay the subcontractors [5]

Subsequently, Kenneth I Jones of Wilson, Harzfeld, Jones and Morton, whose firm had been bond counsel for this development, reported to the committee that the shortage in funds of some $75,000 had been made up by escrow transfers from the sale of a large portion of the property Mr Jones also explained the use of the acquisition procedure in this situation

> "The point I want to make is that the cost of filling this marsh area, as is frequently true in marsh projects, substantially exceeded the engineering estimate The possibility that this situation might develop was a prime consideration in setting up the project Thus the project was set up as an acquisition proceeding under the 1913 Act with the work to be accomplished by the owner, and the city's liability restricted not only by the proceedings but also by a representation from the contractor that there would be no claims of any nature made against the city itself, or against the assessment fund The risk in this project, which was definitely present, was obviously limited to the owners of the property There was no way in which that risk could be transferred to the city . I would point out, however, that the net result of the situation is that a project has been substantially accomplished which could not have been accomplished in any other way Admittedly there was a risk involved but it was not borne by the city " [6]

Mr Jones, it must be noted, may himself have provided the strongest objection against the use of the 1913 Act acquisition procedure for what is actually the complete construction of improvements These assessment procedures are essentially *public* procedures which are justified on the basis that they serve a needed public purpose The public purpose may be seriously questioned in making such a procedure generally available for proprietary projects which involve high risks Such a policy may

[5] *Ibid.*, pp 210-212
[6] *Transcript*, hearing of September 24-25, 1962 Vol 1, pp 82-85

be questioned still further when, in the advent of unforeseen difficulties or untoward developments, it results in absolving all parties from financial responsibility

As has been mentioned, there is some disagreement among bond counsel in the State whether the 1913 Act actually authorizes this type of "piecemeal acquisition." The majority of this state's bond counsel have contended that the procedure is not allowed and have refused to permit their clients to use it. In an attempt to clarify this point, the committee, through its chairman, Assemblyman Clark L. Bradley, requested a formal ruling from the Attorney General's office. In essence, it was asked whether the 1913 assessment procedure could in fact be used to "acquire" improvements prior to their actual construction. The Attorney General's reply, dated September 12, 1962, stated in part:

> "If the term 'acquire' is construed to mean 'install,' this procedure would appear proper. However, *the definition of the statutory term 'install' clearly excludes the meaning 'acquire'; the definition of 'acquire' as used in the Streets and Highways Code is also incompatible with a concept of construction. Thus, to contend that construction can be accomplished within the meaning of the term 'acquire,' besides doing violence to the statutory definition, also is diametrically opposed to the general scheme which the Legislature has prescribed.*"[7] (Emphasis in original.)

In spite of this ruling, a few bond counsel are apparently continuing to use acquisition procedures for essentially construction purposes. In order finally to resolve the situation, therefore, it is recommended that the language of the 1913 Act be specifically amended to restrict acquisition proceedings to improvements which have already been constructed and are in place.

Overburdening of Land. Another danger inherent in the single owner-developer situation is the possibility of overburdening subdivision land. For example, the Attorney General reported a substantial overburdening of land in the subdivision referred to above in which the developer misappropriated bond moneys, and insufficient funds were left to complete improvements. In this instance it was estimated that each subdivision lot would be worth $2,700-$3,000 if the improvements could be completed. Each lot had an existing bond lien, however, of approximately $2,000. The cost of finishing the improvements was estimated at approximately $500 per lot.[8]

In another instance, street improvements were installed in a hillside subdivision pursuant to assessment proceedings, each lot being assessed approximately $6,225. According to the Attorney General's report, the actual market value of these lots after the improvements had been completed was approximately $7,500. Unfortunately, after the improvements had been constructed, several landslides occurred which destroyed sections of the street improvements and which also had a generally adverse effect on land sales. At the very least, additional funds will have to be obtained to repair the damage to the streets. There is also

[7] Attorney General's Opinion No. 62/167. The opinion is also included in the Appendix to Vol. 1 of the committee's hearing of September 24-25, 1962, pp. 99-103.
[8] *Transcript*, hearing of June 18-19, 1962, p. 207.

some indication that the occurrence of slides may have undercut the value of lots in this subdivision and that there may be few buyers for the lots at the $7,500 figure In any event, the initial assessment amounted to approximately 85 percent of the market value of the land before the slides occurred [9] An assessment lien in this amount obviously does not leave much security for secondary encumbrancers Should the occurrence of the landslides have substantially decreased the market value of the subdivision lots, the security of the assessment bondholders will also have been endangered The significant fact, one which the landslide illustrates graphically, is that when land is encumbered to such a high percentage of its market value, the interests of encumbrancers are left with virtually no protection In such a situation *any* unforeseen occurrence may have the effect of imperiling all such interests

The principal reason that such overburdening of land could occur is again traceable to the fact that a single landowner-subdivider was involved The Special Assessment Investigation, Limitation, and Majority Protest Act of 1931 [10] was designed to prevent overburdening of land in assessment situations It contains provisions which require a thorough investigation of all proposed improvements and which set a limitation on the amount of bonds which can be issued The statute establishes a so-called "true value" for the land at a figure of twice its assessed valuation It then provides that assessment liens cannot be levied in excess of 50 percent of this true value In effect, therefore, the statute would prohibit the attaching of assessment liens which would exceed the assessed valuation of the property, a value which is generally considered approximately one-fourth market value This is admittedly a conservative limitation, its primary purpose, however, is to provide encumbrancers with reasonable security for their debts The limitation can be waived either by a four-fifths vote of the local legislative body at the time the question is presented or by prior consent of 60 percent of the affected landowners The Attorney General's report to the committee states that in single landowner-subdivider projects, "it is standard operating procedure for (the developer) to waive the provisions of the 1931 Majority Protest Act" [11] The position of the local legislative body in such a case is well illustrated in the following exchange between Assemblyman Chet Wolfrum and Deputy Attorney General Marshall Mayer

> WOLFRUM Doesn't this problem really rest with the local authority? Isn't it a case of someone not making a thorough enough investigation, or somebody not knowing what (the developer) is doing along the line somewhere?
>
> MAYER· In the final analysis you might say yes It is the landowner, however, who comes in and who seeks to have his land burdened in this way Under the 1913 Act there is no recourse open to the county or to the municipality so that they are very likely to go right along with the landowner He says, "I want my land

[9] *Ibid*, pp 45-46, 217-219
[10] Streets and Highways Code, Secs 2800-3012
[11] *Transcript*, hearing of June 18-19, 1962, p 203

burdened " The local authorities say, "Well, do you realize what a heavy burden it is, etc ?" He says, "Yes, but it is my land, I can take care of it " [12]

In this connection it should be noted that at times salesmanship can play a significant factor in the local legislative body's decision to approve an assessment project The fact that a completed subdivision would mean substantially increased tax receipts, together with the fact that if 1911 assessment bonds are used the local government will not be liable in the event the subdivision fails, can become the basic ingredients for a highly persuasive presentation Ronald E Piper, the City Manager of the City of Larkspur, a city which had had some difficulty with a speculative subdivision which had used 1913 Act assessments, raised this point before the committee Speaking specifically about the 1913 Act, Piper commented

"I think that there is a great deal of selling involved on the part of developers under this act They stress the nonliability of the city, and certainly this point can be impressive to a city councilman I do not believe that the idea that a city is not liable is quite correct because whether there is a legal liability or not, there is certainly a moral liability But this aspect is certainly being used as a selling point An excellent example, which was cited to you by the Attorney General, is our experience in regard to Larkspur Plaza The fact is, however, that we also have in Larkspur another project, also being developed under the 1913 Act, with which we have had absolutely no problems whatsoever The point here is that all of the fault is not within the 1913 Act itself

"CHAIRMAN BRADLEY This project then would involve some degree of selling the idea of the city's nonliability?

"PIPER Yes When the overall project was presented to the community there was a selling point that under the 1913 Act the city would not be liable It was also pointed out, and correctly so, that this development, if completed, would be an excellent thing for the community itself Consequently the city council was eager to see the development " [13]

One final point must be noted in regard to the position of the secondary encumbrancers There is no provision which requires notification of trust deed holders or other encumbrancers when assessment proceedings are begun Thus an initial trust deed holder may remain unaware that a subsequent assessment lien has usurped the priority of his lien It is unfortunate if the trust deed holder first learns about an assessment lien when delinquent assessment bonds are being foreclosed Such a possibility is not limited to unsophisticated or unsophisticated trust deed holders The committee has been presented with such a situation which involved a savings and loan association The savings and loan association, which held first deeds of trust on over 50 lots, had been unaware that assessment liens had been levied against the property The matter came to light during the routine regulatory examination by the State Division of Savings and Loan [14] In addition, as Larkspur City Manager

[12] *Ibid*, p 51
[13] *Ibid*, pp 159-161
[14] *Ibid*, p 46, pp 220-223

Ronald Piper pointed out, this lack of notice operates to prevent a city from determining the extent of liens which are already outstanding against property in a proposed assessment district

> ". . The 1913 Act provides an opportunity to overload the land with liens against it This does not apply necessarily just to the assessment that is being applied There is no way for the local community to find out whether the developer actually owns that piece of property The local government has no way of knowing how many other liens there are against the property at the time of the petition or how many other liens are going to be applied as the proceedings progress We realize that the bond running against the property has first priority but it doesn't help to remedy the situation when something goes wrong to be able to tell the bondholder that he will be the first one to get hold of the land " [15]

Funding of Initial Principal and Interest Payments. Another practice recently alleged to be authorized by the 1913 assessment procedure is that of funding initial interest and principal payments for assessment bonds The Attorney General's office presented to the committee one example of this practice in which an assessment of $1,400,000 had been levied under the 1913 Act in order to construct various improvements [16] 1911 Act bonds had been issued and sold to raise construction funds Included in the total amount of the assessment was an item of $187,311 which was to be used for initial principal and interest payments on the assessment bonds Since this amount was plainly not a cost of construction, it was listed as one of the incidental expenses of the project; it was sufficient to cover payments for a period of 1½ years In this particular instance the bond underwriter referred to this fund in his offering prospectus in a somewhat misleading manner which at first glance appeared to indicate that the county had underwritten the issue Consider the following statement

> "Establishment of Reserve Fund by (the County)
>
> "The elements of risk that exist in a bond issue such as this are usually greatest in the early years of its life In an attempt to reduce this risk as much as possible, the treasurer of (the county) will establish a reserve fund for the initial interest and principal payments on these bonds Into this reserve fund, from the initial proceeds of this bond issue (the county), will deposit the sum of $92,470 44 for bond interest, and $94,841 48 for payment of bonding principal This total of $187,311 92 will be issued to make initial interest and principal payments and will cover all requirements until July 2, 1963 " [17]

It may be noted in passing that a similar situation in the securities field would be the oversale of preferred stock to enable a company to pay dividends even though it was not making money If such a procedure is to be employed, it ought to be disclosed fully so that the purchaser of a security can properly evaluate the risks involved.

[15] *Ibid*, p 159
[16] *Ibid* pp 47-48, 223-227
[17] First California Company, San Francisco *Offering Circular El Dorado County Cameron Park Improvement Bonds* January 1962 See also *Transcript*, hearing of June 18-19, 1962, p 224

This type of funding is obviously advantageous to a subdivider. It enables him to construct offsite improvements which are essential to the marketability of his land, and then it provides him with an opportunity to sell the land—all without requiring the commitment of any of his own development capital This practice is undisputedly a subvention to the developer, moreover, it is one which the Legislature is fully empowered to provide at its discretion In point of fact, however, the Legislature has never specifically authorized this subvention in the provisions of the 1913 Act. Advance funding of interest and principal in these circumstances is a recent innovation accomplished by the simple and practical expedient of including such an item as an incidental cost of the improvement project It is recommended that legislative policy be clarified on this point Since there has been no showing that such a subvention is vitally necessary for the future of land development and subdivision operations in the State, and since it appears that continued use of this funding process would encourage highly speculative and marginal projects, it is recommended that the 1913 Act be amended to prohibit this type of financing

SUMMARY

The committee has discovered various dangers and pitfalls which may occur in the use of special assessment procedures in landowner-developer situations Without exception these potential dangers have been associated with the Municipal Improvement Act of 1913 This is explained in large degree by the fact that the 1913 Act makes assessment bond money available at the beginning of a construction project and pays it out in progress payments as the work progresses. Many developers consequently prefer to use it instead of the 1911 Act procedure under which the assessment is not made until the entire project has been completed, and under which, therefore, no bond money is available during the period of construction

Potentially the most dangerous use of the 1913 procedure is in the "acquisition" of improvements which have not yet been constructed The effect of this procedure is fundamentally the same as construction procedure under the 1913 Act, *i e*, bond funds are disbursed to the contractor in progress payments as work progresses Because this procedure has technically been labeled "an acquisition," however, the normal safeguards which apply in construction situations can be waived Thus a developer can avoid posting a performance bond, together with labor and materialsmen's bonds If 1911 Act assessment bonds are used in such situations, as they normally are, there is no one financially responsible for the completion of the project or for the payment of workmen or subcontractors if the developer himself should fail

A majority of this state's bond counsel have refused to authorize these "acquisitions" The Attorney General, moreover, has formally ruled that the 1913 statute does not comprehend this use of acquisition procedure and, in fact, can be used only to acquire improvements which have already been constructed There is a need for legislative clarification on the matter, however, and therefore it is recommended that the 1913 Act specifically be amended to restrict acquisitions to improvements which have already been constructed.

Under the provisions of the Special Assessment Investigation, Limitation, and Majority Protest Act of 1931, which allow a waiver of debt limitations in special assessment situations upon petition of 60 percent of the property owners, it is possible for an owner-developer grossly to overburden the property in his development Cases have been reported in which land was encumbered at up to 90 percent of its market value In such instances, secondary encumbrancers, and occasionally assessment bondholders also, are placed in extremely insecure positions

There has been some indication that the debt limitation presently provided in the Majority Protest Act, of approximately one-fourth of the market value of a piece of property, is too conservative This limitation may well be in need of some adjustment It is recommended, however, that a realistic debt limitation be applied strictly to owner-subdivider operations The present ability of a developer to waive all debt limitations invites overencumbering of land to the detriment of both bondholders and secondary encumbrancers In addition, some means ought to be devised to inform prior encumbrancers of special assessment proceedings which would affect their interest This action would also provide to local legislative bodies a means of determining the number of prior encumbrancers and would thus place the legislative body in a better position to judge the merits of individual assessment proceedings

It has also been noted that initial interest and principal payments on assessment bonds have been funded as part of construction costs under 1913 Act procedure Since the 1913 Act does not specifically authorize such funding, the item has been included as an incidental cost of the assessment project Such funding is plainly a subvention to the developer who would otherwise have to make these payments with his own capital The development and real estate industry does not seem to be in need of such a subvention at this time, and thus the practice appears to encourage marginal and speculative types of land development It is recommended, therefore, that the 1913 Act be amended to exclude this practice

In connection with the potential dangers described above, there has arisen some question about the marketing of assessment bonds Protests have generally been confined to requests for a greater degree of security behind these bonds and for a more straightforward representation of this security in bond advertising Singularly and collectively, the recommendations summarized above would require more substantial security behind assessment bonds Their implementation, together with self-motivated regulation and review by the underwriting industry, appear to make unnecessary at this time any additional administrative controls by a state agency

These recommendations are also proposed with the aim of providing for the local governments which must conduct and approve individual assessment proceedings more up-to-date standards against which they may judge the merits of individual assessment projects

CHAPTER III

INDEPENDENT SPECIAL DISTRICTS TO AID LAND DEVELOPMENT

Historically there appears to be ample precedent for the creation of special districts and the use of these public agencies in land development situations As early as 1868 the Legislature began authorizing the formation of such agencies, primarily as an aid to the State in reclaiming, improving, and aiding the productivity of farm and agricultural lands[1] These initial types of special districts, typified by reclamation and drainage districts, are accurately represented as responsible for a large part of the land development which has taken place in this State They are still widely used today It is particularly important to the purpose of this report to note that the State Supreme Court has consistently classified these kinds of districts separately from other special districts The basis for this classification is that although such districts provide a specific local improvement, at the same time they are a source of broad public benefit to the State at large Essentially, the particular local improvement is one which the State itself could have undertaken and could have financed out of state funds The decision to permit the financing of such improvements by an alternate method, *viz*., the use of special districts, is properly within the discretion of the Legislature The district itself, therefore, is correctly regarded as a public agency created principally to assist the State[2]

A different and distinct category of special districts originated after the adoption in 1911 of Section 9 of Article XI of the State Constitution This constitutional amendment authorized "any municipal corporation to establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service, or other means of communication" The existence of this section prompted the Legislature to authorize numerous types of special districts which had as their principal object the provision of one or more urban services to residents of unincorporated areas This constitutional provision became the basis for statutes which authorized the formation of such districts as county water districts, public utility districts, municipal utility districts, metropolitan water districts, library districts hospital districts, community services districts, sanitary districts, etc It is also the basis for the so-called "special act" districts which provide urban services Speaking of the purpose of Section 19 and of the special districts authorized by it, the State Supreme Court has said

> "It is quite apparent to us that the Legislature had in view (an) association of people living in the outlying districts It therefore provided for the creation of public agencies or quasi-municipal

[1] See California Statutes 1868, Ch 415

[2] See *People* v *Sacramento Drainage District* (1909), 155 c 373, 103 P 207, esp at pp 211-212, *Hagar* v *Reclamation District* (1883), 111 U S 701, 28 L Ed 569, esp at pp 570-1, and *Houck* v *Drainage District* (1915), 239 U S 254, 60 L Ed 266, esp at pp 273-4 See also *Anno* 60 LRA (1903), 161-249

corporations, the declared purpose being to extend to the inhabitants of such districts, when properly organized, advantages in the use and benefit of certain utilities which they might not be able to obtain in any other way, and which, from common experience, we know tend to promote the general welfare of the people of the State "[3]

Thus the quasi-municipal type of special districts is generally distinguished by the fact that it purposes to provide the residents of an unincorporated community with the facilities and advantages of urban life without creating a full municipal corporation

In recent years, however, districts of the quasi-municipal type have been utilized in land development situations These latter-day land developments are distinguished by their objective—to create *de novo* new residential communities on tracts of raw land When such a development is begun, however, there are seldom enough residents within it to demonstrate a need for municipal services for a public agency to provide them In this context the quasi-municipal district is created on the basis of a projected need It is created to provide the municipal services which future residents will want and need when, and if, the development has succeeded Specifically, it is created to finance utilities, offsite improvements, community recreation facilities, and other services and functions for the embryonic development

Use of the quasi-municipal type of district in this fashion is an obvious subvention to the developer It provides a source of public financing for streets, utilities, and other improvements, which are essential to the success of the subdivision It does so, moreover, without tying up the developer's own capital or credit It is justified on the contention that such a development will substantially upgrade currently unused land and thus will provide not inconsiderable benefit to local counties and to the State as a whole

It is undisputedly within the power of the Legislature to permit such a subvention to land developers At the same time it would be patently unwise to allow the uninhibited formation of such districts to the extent that highly speculative and marginal developers were encouraged and subsidized It is particularly significant to note that since the statutes authorizing this type of quasi-municipal district were originally drafted for use in unincorporated urban areas, they presuppose the existence of a viable community which, through traditional checks and balances, would prevent the arbitrary use of district powers Under normal circumstances, for example, the general obligation bonds of a community services district would have to be approved by a majority vote of the electorate Such a built-in safeguard is not necessarily present when a district has been organized at the instigation of a single developer and when its electorate are a relatively few people whose livelihood may depend upon the continuation and success of the development project It is important, therefore, for the Legislature to examine the adequacy both of general enabling laws and special laws which are being employed in land development situations in order to determine if these statutes are presently sufficient to prevent the arbitrary and speculative use of public credit

[3] *In Re Orosi Public Utility District*, 196 Cal 43 at page 57

Although time has not permitted an exhaustive committee study of this entire subject, considerable review has been made of the use of the Community Services District Law in land development situations and of two special act districts which had been especially designed to provide utility services and other improvements to land developments. The balance of this chapter discusses each of these situations.

1. Community Services Districts as Aids to Land Developers

There is little question that the Community Services District Law [4] as originally enacted in 1951 was intended as a general enabling statute under which a district of the quasi-municipal type could be organized in unincorporated urban areas. In fact, the law has been characterized as "a response to the need for providing services, including a water supply, to areas relatively thickly settled, but without a municipal organization."[5] One legislator who was active in the passage of the original act has described it somewhat more plainly as "strictly a compromise with the League of California Cities over the question of the type of service district which would be proper, short of full-scale incorporation."[6] In keeping with their quasi-municipal character, community services districts are empowered to perform any combination of the following municipal functions: water supply, sewage disposal, garbage and refuse collection, fire protection, public recreation, street lighting, mosquito abatement, police protection, library service, and street opening and construction. In so doing they may issue both general obligation and revenue bonds and may form special assessment districts.

Originally the procedure for forming a community services district required a majority vote on the question of organizing the district. A county board of supervisors was required to call a special election on receipt of a petition signed by a number of resident electors in a proposed district equal to 10 percent of the vote cast in that area at the last preceding general election. At the special election the voters would vote separately on the formation of the district and on the functions which should be delegated to it. In recent years, however, community services districts have been used increasingly by developers of raw land as a means of financing utility services, offsite improvements, and various other public facilities and services. In this context the district is not a source of urban services to a settled community, but functions primarily as a source of "auxiliary" financing for the land developer. In short, the district uses its taxing powers to construct utilities and other facilities necessary to land development. At the same time the developer is relieved from financing these necessary improvements with his own capital.

This new emphasis in the use of community services districts was reflected in two changes made in the Community Services District Law by the 1961 Legislature. First, the requirement for a petition from the electors residing within a proposed district was replaced by a require-

[4] Govt. Code, Secs. 61000-61801.
[5] Albert T. Henley, "The Evolution of Forms of Water Users Organizations in California," 45 Cal. L. Rev. 665.
[6] Assemblyman Frank Lanterman, *Transcript*, hearing of September 24-25, 1962, p. 49.

ment that the petition for formation of a district be signed by property owners A petition signed by the owners of 25 percent of the value of the land in a proposed district is now sufficient to initiate formation proceedings [7] Upon receipt of such a petition the county board of supervisors is required to hold a hearing on the question of whether the proposed district is "in the public interest" If the board of supervisors decides negatively, the proceedings are terminated, if the decision is an affirmative one, an election is scheduled on the question of forming the district [8]

In addition, the 1961 Legislature added a new section to that chapter of the Community Services District Law which regulates the issuance of bonds by the district Section 61659 1 of the Government Code provides that

> In determining the amount of debt to be incurred, the legislative body may include.
>
> a All costs and estimated costs incidental to or connected with the acquisition, construction, improving, or financing of the project
>
> b All engineering, inspection, legal and fiscal agents' fees, costs of the bond election, and of the issuance of said bonds, and *bond interest estimated to accrue during the construction period and for a period not to exceed 12 months after completion of construction* (Emphasis supplied)

In effect, this provision allows initial interest payments to be funded as part of a district's bonded indebtedness The prepayment is authorized to cover the entire period during which a particular improvement is under construction and up to 12 months thereafter Kenneth I Jones, of the law firm of Wilson, Harzfeld, Jones & Morton, explained the necessity for a provision of this kind in land development situations·

> "A provision for funding of interest is a device which makes possible this type of land development It makes it possible for the installation of sewers or waterline or other public facilities to take place and to be reflected in the tax rolls before it becomes necessary to levy a tax to pay back the bonds If it were not for this funding device the tax during the first year would have to be inordinately high in order to meet the interest payments The principle involved here is (that) the heavy burden involved in paying the bonded indebtedness should be deferred at least to the point at which a tax base is expected which will be sufficient to repay the loan" [9]

It should also be mentioned that this funding of initial interest payments is advantageous to the developer As the principal, and sometimes sole, property owner in the district he is released from the burden of paying taxes to meet initial interest payments Such relief is particularly advantageous because it comes at a time when the development operations are making their heaviest demands upon the

[7] Govt Code, Sec 61103
[8] *Ibid*, Sec 61114
[9] *Transcript*, hearing of September 24-25, 1962, pp 63-64

developer's own capital and when there is a correspondingly slight opportunity for land sale.

The significance of these two changes in the Community Services District Law is that they make the statute more easily utilized for land development purposes At the same time, however, since the statute was originally intended to apply to an entirely different situation, it contains no provisions which would prevent its use, and thus the use of public credit, in highly speculative and marginal developments. In an extended presentation to this committee the Investment Frauds Unit of the Attorney General's office emphasized the possible dangers in the unrestricted use of the Community Services District Law for land development purposes [10]

> "The reason that we have chosen to comment in detail upon community services districts is that this type of district is ideally suited for use by land promoters . Section 31000 of the Water Code (for example) requires that the charges of a county water district be sufficient to operate the district on a self-sustaining basis. In the case of a public utility district a board of supervisors has the power to dismiss a petition for formation unless it finds that the proposed district is economically feasible The Public Utilities Code also directs that the governing board of a public utilities district fix charges for services at rates that will be sufficient to pay the expenses of the district All of these provisions, which are quite salutory, are absent in a community services district." [11]

The situation is well illustrated in the following summary prepared by the Attorney General's office of the activities of a community services district originated in association with a desert land development. Note that the district was organized before the 1961 change in the enabling statute and thus required an initiating petition signed by electors in the proposed district rather than by landowners.

> "In 1958, in a sparsely settled area of the Mojave Desert, this district was formed upon petition of nine residents of the area who have since departed Control of the district was vested in representatives or persons whose income was dependent upon the land developers Using the borrowing powers of the district, over three million dollars in bonds were issued with the proceeds being used to develop a golf course, swimming pool, artificial lake, recreation facilities, utilities and streets These facilities were deemed desirable to attract residents to the area and to facilitate the sale of land
>
> "The district's revenues are derived from a $1 per $100 assessed valuation tax rate and water service rates of $3 per month.
>
> "The 152 service connections established during the last three years provide insufficient revenues to support the district. The extent of the district's financial dependence upon direct and indirect subsidization by the developer is shown by (a supporting

[10] *Ibid*, pp 10-49, 159-170, 213-245, 251-299
[11] Marshall S Mayer, Deputy Attorney General *Ibid*, pp 32-33

document) Were the district to have had to operate independently of economic assistance and subsidization by the developer, it would have incurred a deficit of expenses over ordinary revenues for fiscal 1961-62 of $169,479 68 This subsidization of the district's expenses and salaries, coupled with the fact that approximately 50 percent of the employed residents derive income either from the developers or enterprises dependent upon the success of the land promotion may partially explain the close identity of the activities of the district and the desires of the land developers "[12]

It must be emphasized that this district was, and is, being operated in strict conformance with the provisions of the Community Services District Law There have been no charges, nor any indication, of misconduct or misapplication of district funds The operation of the district is cited here solely because it is a good example of the creation of a quasi-municipal type of district to aid land development in advance of an actual need for district services As was pointed out, district activities must continue to be subsidized by the developer until projected community development has occurred It is re-emphasized that at present there appear to be no safeguards which would prevent the Community Services District Law from being used to promote marginal developments The potential dangers of such action are obvious

In this connection it must be mentioned that the Investment Bankers Association, California Group, the State Treasurer, and the League of California Cities are all deeply concerned about the ability of special districts to issue municipal bonds in land development situations They point out that delinquency or default on any municipal bond has a detrimental effect on all other municipal bonds issued within the State Thus they are strongly opposed to the use of public financing and promotional ventures involving high risks and urge prompt legislative action to restrict the possibility of such an occurrence [13]

In summary it may be re-emphasized that although the Community Services District Law, as originally developed, was not intended for use as an aid to the development of raw land, it is being used increasingly for that purpose In addition, although the enabling statute has been modified to make it more easily used by developers, no corresponding safeguards have been added to prevent its use in highly speculative situations

Accordingly it is recommended that the Legislature make a formal determination whether it wishes to allow the use of the Community Services District Law to aid land development It ought to be recognized that such use of a public agency with the capacity to incur public debt represents a direct state subsidy to land developers Such a subvention, moreover, is proper only if it can be determined that it serves a broad public interest It is suggested, therefore, that serious additional study be conducted to determine whether the use of special district procedures under these circumstances are in the long-term public interest or whether the public may only temporarily and incidentally benefit from the proceedings which are primarily for the benefit of private promoters

[12] *Ibid*, p 284
[13] *Ibid*, pp 69-73, 79-82, 152-156

If it is decided to allow this use of the Community Services District Law, it is recommended further that the statute be amended to prevent its use in marginal and speculative developments Specifically, it is recommended that the law be amended to require that after the hearing on petition for formation of a district, the local legislative body must not only find that the projected district will be in the public interest, but also that it will be economically feasible In this instance the requirement for economic feasibility should specify the necessity for an extensive and exhaustive professional analysis of feasibility.

One further item may be mentioned in this connection At the present time independent special districts employ a variety of accounting systems The result of this discretionary procedure is that neither local governments nor potential bond underwriters are able to obtain financial statements which can be meaningfully compared with those of other districts In the community services district cited in this section, for example, it was not readily apparent from the district's financial statement, and more specifically from the system of accounts used by the district, that the district was operating at a deficit which was being made up by the subdivider Accordingly, it is recommended that serious consideration be given to establishing a uniform system of accounts to be used by independent special districts This would insure that similar accounts in each district are labeled similarly. More important, it would facilitate a more complete understanding and evaluation of district financial activities, especially by local governments and other public agencies entrusted with reviewing special district activities

2 Embarcadero and the Estero Municipal Improvement Districts

The Embarcadero Municipal Improvement District Act and the Estero Municipal Improvement District Act are virtually identical in their provisions [14] Each statute created an independent special district, the sole purpose of which was to provide utility services, various public improvements, and other municipal-type functions within specific land developments The need for such aid, as recited by the final section of each statute, was occasioned because the areas in question required water systems, sewage facilities, and other municipal improvements. No existing general law procedure, however, could provide these improvements short of full incorporation as a city—an alternative judged impractical because the other municipal powers of a city were not needed and because such a step would provide to these areas more government than they actually needed Thus, by creating these agencies, tailormade to the needs of specific but similar situations, the Legislature had decided that the two land developments were of general public benefit to the State and, therefore, entitled to the public assistance which would be provided by the two public agencies The Embarcadero development involved the subdivision of approximately 1,320 acres of ranch property near Goleta, in Santa Barbara County, the Estero development involved substantial reclamation and subsequent subdivision of approximately 2,600 acres of marshy land adjacent to San Francisco Bay near the City of San Mateo in San Mateo County.

[14] Compare Calif Statutes 1960, 1st Ex Sess, Chs 81 and 82 respectively

By design, the districts were planned to co-ordinate closely with the activities of the land developers and to be responsive to their wishes. Each district was to be governed by a three-man board of directors elected to serve staggered terms of four years each Voters at district elections were limited to persons or firms owning property in the district, or the legal representatives or officers thereof Each voter had one vote for each $1 of assessed valuation owned, and only voters (*i e*, landowners) or their representatives were eligible to become directors In short, the statutes insured that the directors would be selected by the developers throughout the initial development of the project.

Each district was given broad authority to provide public improvements including street and highway lighting facilities, sewage, garbage, and refuse disposal services, park and recreational services; public and private water services, reclamation of submerged lands; and even fire and police protection In providing these services the districts were allowed to issue revenue and general obligation bonds and to form special assessment districts Although general obligation bonds required a two-thirds vote of approval by the district electorate, a "voter" continued to be defined as a property owner and was allotted one vote for each $100 of assessed valuation he owned In effect, therefore, the developers could authorize the issuance of general obligation bonds As is common in many other types of districts, no debt limitation was provided Finally, since the enabling statutes contemplated close relationships between the district directors and the developers, the conflict of interest statutes which would otherwise apply to district officers were explicitly waived

> ". . . No question of interest shall affect the legality of any contract or the right of any officer to act "

In addition, initial interest payments were authorized to be funded as part of a district's bonded indebtedness This prepayment was authorized to cover the entire period while a particular improvement was under construction and up to 12 months thereafter The purpose of this procedure in a development situation and its importance to the subdivider was outlined in the preceding discussion of community services districts [15]

Unfortunately some dangers in this type of special district were graphically illustrated in the Embarcadero development Before the organization of the Embarcadero district the developers had used their own funds to construct, or to begin construction on, various improvements within the subdivision This work had been financed by funds obtained through the sale of trust deeds on subdivision property Pursuant to an agreement with the trust deed purchaser an improvement construction fund was set up as an impound account Payments were made on a voucher basis as bills were received from various creditors This safeguard was circumvented, however, and the developers were able to misappropriate large amounts of money by padding the costs of improvements, by securing a number of kickback payments from creditors, and by simply submitting false vouchers Thus many im-

[15] See above p 29

provements were carried on the books of the developers at grossly inflated values, the difference between their actual cost and their book value being pocketed by the developers

When the district was created, the two developers, who as the sole landowners had exclusive voting power, elected themselves directors As the third director of the district they elected their personal secretary In addition they used their exclusive voting power to authorize the district to issue aproximately nine million dollars worth of general obligation bonds The initial proceeds from these bonds were to be used by the district to acquire the improvements previously constructed by the developers The developers thereupon assigned these improvements to the district at their book value Thus the developers had not only misappropriated private development funds but had also obtained district bond moneys through a false statement of improvement costs at the time when the improvements were purchased by the district These machinations were finally discovered as a result of an investigation initiated by the District Attorney of Santa Barbara County into charges of trust deed manipulation in connection with the development The developers were subsequently convicted of over 30 counts of grand theft and violations of the Corporations Code [16]

Admittedly this case is an extreme illustration of fraud and theft In fact it has been argued that regardless of the existence of the district, or regardless of the manner in which the district was established, the developers would have nevertheless attempted theft and fraud. In the context of this report, however, the significant point is whether the existence of the district acted to facilitate or to discourage the fraud which was committed The district is a public agency which could, and did, issue general obligation bonds supported by its general taxing powers At the same time the organizational requirements of the district placed it under the exclusive control of the developers without any independent audit controls or other review procedures In such an environment self-dealing between the developers and the district was anticipated and encouraged Even under these conditions there was no specific requirement for fidelity bonds for district officers In fact only the district finance officer (one of the developers) was bonded and then for the less than token sum of $1,000 Deputy Attorney General Marshall S Mayer of the Investment Frauds Unit of the Attorney General's office summarized the situation for the committee.

> "The Embarcadero District illustrates the major weaknesses of special laws which are designed to permit land promoters to create public agencies to aid in the development of subdivision land When laws are tailormade for this purpose, when they omit basic governmental safeguards, such as prohibition against self-dealing, separation of governmental powers, and when they provide no audit controls by independent bodies, the likelihood of abuse corresponds directly to the opportunity for abuse The Embarcadero District sadly reflects this truism" [17]

[16] For a detailed account of this operation see *Transcript*, hearing of September 24-25, 1962, pp 15-30, 171-210

[17] *Ibid*, p 14

Happily, the Estero District has encountered no such difficulties. Mr Bert Levit, of the San Francisco law firm of Long and Levit, attorney for T. Jack Foster, developer of the Estero project, summarized the status of the Estero District.

> "After the Embarcadero situation was brought to the attention of the Attorney General, he quite naturally took a thorough look at Estero I believe Mr Wenig (Assistant Attorney General Herbert E. Wenig) mentioned earlier today that his office received full and complete co-operation from everyone connected with the Estero District and the Foster organization in his investigation When the Attorney General first approached Mr Foster and talked with him about the difficulties that had been discovered in the Embarcadero District, Mr. Foster said that if there were any possible doubt about the expenditures involved in the Estero project the Attorney General would be free to select a firm of public accountants and to let them prepare an audit of the Estero District. This was done by the firm of Ernst and Ernst That audit has been in the hands of the Attorney General for a considerable period of time It shows, furthermore, precisely what it should have shown—that all the funds have been expended for the purposes for which they were intended "[18]

Mr. Levit, together with T Jack Foster and George Shannon, the manager of the Estero District, then proceeded to provide a thorough report on the Estero project[19] From that presentation the following significant facts emerged about the Estero District The district manager, Mr. Shannon, was a professional administrator of considerable experience and reputation, who had been brought in by Mr Foster to manage the activities of the district Mr. Foster was not, and had never been, a member of the district board of directors. The three directors included District Manager Shannon, Mr William Innes, an employee of Mr. Fosters; and Mr Chris Olmo, a realtor and resident of the nearby city of San Mateo, who had no financial interest in the project In addition, each director was bonded for the amount of $250,000.

In a separate presentation to the committee, moreover, E R Stallings, the County Manager of San Mateo County, pointed out that his county had supported the creation of the Estero District and had remained well informed about the activities both of the district and of the developer. The following comments of Mr Stallings are pertinent.

> I will point out that when the Governor was considering whether he would sign the Embarcadero and the Estero improvement bills, the Board of Supervisors of Santa Barbara County recommended against his signing the Embarcadero Municipal Improvement District Act On the other hand, our board of supervisors supported the signing of the Estero bill because they had investigated it and were sure that it was a sound project The City of San Mateo, which is adjacent to the Estero District, also endorsed the bill My point is that I believe it is essential

[18] *Ibid.*, p 86
[19] *Ibid.*, p 82-121

that there be some local preview before the creation of special act districts [20]

After pointing out that the San Mateo County Board of Supervisors had reviewed the Estero district legislation three times — before the initial draft of the legislation was completed, after the draft had been completed, and after the Legislature had passed the bill and while it was awaiting the Governor's signature—Mr Stallings concluded

> I might also mention that the district has worked very closely with the county administration An engineering problem which the district may be considering, for example, is automatically referred to our county engineer for his review Their entire program has consistently been brought to the attention of the appropriate county officials We work very closely with the district and in fact our engineer is actually the inspector for the district He is the person who has to certify to the adequacy of the improvements which the district is constructing.[21]

In summary it is emphasized that no question is raised to the Legislature's initial decision that special public assistance was necessary for the Embarcadero and the Estero developments It became sadly apparent in the Embarcadero situation, however, that the type of district organization which had been devised to provide this aid offered little inherent protection against the possibilities of fraud and misconduct The Estero District, on the other hand, was seen voluntarily to have employed several safeguards A disinterested member of the community had been included on the district governing board, the developer himself had declined to become a director; a professional administrator had been hired to manage the district, and all district directors had been bonded in realistic amounts

Because minimum public safeguards are particularly important in this type of situation, the following steps are recommended Serious consideration ought to be given to amending both the Estero and the Embarcadero statutes to require realistic fidelity bonds for all district officers, to require that at least one director of the district neither have a direct financial interest in the development nor be employed by the developer; and finally to require regular review of district financial activities by the counties in which they are located.

If a future Legislature should ever decide that extraordinary circumstances require the creation of additional special districts of this type to aid land development, it is recommended further that all of the above-mentioned safeguards be provided in the enabling legislation

[20] *Ibid*, p 76
[21] *Ibid*, p 78

CHAPTER IV

PROCEDURAL AND TECHNICAL CHANGES IN THE IMPROVEMENT ACTS

In connection with its study of the uses of special assessment procedures in land development situations, the committee also attempted to determine the need for procedural change in the Improvement Acts of 1911-13-15, and in other so-called "street acts." The general aim of this phase of the committee's study was to correct ambiguities, eliminate deadwood and consolidate duplicating provisions in these statutes. After considerable study among themselves, major bond counsel and bond underwriters throughout the State agreed on the following recommendations which were then presented to the committee by Franklin T. Hamilton, an experienced bond counsel and a partner in the Los Angeles firm of Nossaman, Thompson, Waters & Moss.[1] It may be mentioned in passing that during the course of the hearings Mr. Hamilton's suggestions were specifically endorsed by William McKenzie Brown, an experienced bond counsel from Los Angeles, by John A. Nejedly, the District Attorney of Contra Costa County and also a representative of the California Public Works Directors, by Kenneth I. Jones of the San Mateo bond and special district counsel firm of Wilson, Harzfeld, Jones & Morton, and by Ray H. Lindman, a specialist in public law and a partner in the Los Angeles firm of O'Melveny & Myers.[2]

Possibilities for Repeal. The Street Opening Act of 1889, the Street Opening Bond Act of 1921, and the Street Improvement Act of 1913 (found respectively in the Streets and Highways Codes at Sections 3200 *et seq.*, 3400 *et seq.*, and 7000 *et seq.*) have become statutory deadwood, the committee was told, and should be repealed. Among bond counsel a good index of the viability of a statute is the number of amendments to that statute. Acts which are easily and conveniently used tend to be amended frequently. Such amendments develop out of the widespread use of the act and the desire to apply it in new and changing circumstances. It is significant that none of the above-mentioned statutes has had more than casual amendent since its enactment. These acts are rarely used and the purposes for which they were originally designed can now be accomplished more easily under other statutes. These three acts, therefore, have become unnecessary statutory deadwood. They can and should be repealed, appropriate safeguards being provided for any proceedings which may be outstanding under them.

It was also suggested that the provisions of the Improvement Act of 1911 regarding frontage assessments should be repealed (Streets and

[1] *Transcript*, hearing of September 24-25, 1962, Vol. 1, pp. 15-25.
[2] *Ibid.*, pp. 60, 65, 85, 92.

Highways Code, Sections 5180-5182) Frontage assessments are a current anachronism which originated with the initial use of special assessments In this early period it was not the practice of local legislative bodies to create an assessment district and to apportion the cost of an improvement throughout this area Instead, the cost of an improvement along a particular street was simply assessed against the abutting property As time passed it became obvious that this was not an entirely satisfactory method of determining who should bear the burden of paying for assessments The assessment district approach, therefore, was developed, and current assessment practice employs assessment districts exclusively The district method is much more satisfactory because it apportions the cost of an improvement over the entire area benefited by it It appears, therefore, that the frontage assessment provisions in the 1911 Act serve no useful purpose and can safely be repealed

Another area of possible repeal is the chapter in the 1911 Act relating to assessments to relieve property owners During the 1920's it was the practice to acquire and improve major city thoroughfares and to assess the entire cost of those improvements against abutting property, sometimes going back as much as two or three blocks from the main thoroughfare During the depths of the depression, however, it was found that many such assessment areas were overburdened There was also considerable feeling that it was inequitable to compel such areas to pay the entire cost of major arterials As a result, a chapter was added to the 1911 Act which provided a method whereby a city could relieve this type of assessment district of a portion of the burden of the assessment Bond counsel have reported that since the end of World War II there have been no known situations in which this type of proceeding might have been applicable Thus this provision too can be considered as an historical anachronism which may safely be repealed.

Possibilities for Consolidation. An important consolidation was suggested which would be directed at developing a maintenance district procedure which could be used either in conjunction with the Improvement Acts of 1911 and 1913 or separately, as individual situations might demand At the present time the Improvement Acts of 1911 and 1913 are construction and/or acquisition acts. They provide a means whereby a municipality may acquire or construct an improvement Ordinarily they provide no means for the maintenance of that improvement after it is constructed Current practice is to organize a separate maintenance district for this purpose The 1911 Act, it may be noted, does contain limited provisions for maintenance operations but these are duplicated in part by other maintenance acts An approach which would eliminate confusion and which would provide greater ease in the use and formation of maintenance districts would be to develop a single maintenance district act, which would be applicable to any type of improvement Such an act could be adaptable so that it could be used separately, apart from an improvement proceeding, or together with it, so that both the assessment proceeding and the maintenance proceeding could be carried on concurrently Such a procedure would be especially useful, for example, where street lighting facilities are concerned Quite frequently street lighting is constructed under special assessment procedures but an entirely new maintenance proceeding must be initiated after the construction project has been completed

The acts which might be consolidated to provide this type of maintenance procedure are the Improvement Act of 1911, Sections 5600-5630, and Sections 5820-5824, Streets and Highways Code; the Street Lighting Act of 1919, beginning at Section 18000 of the Streets and Highways Code, the Street Lighting Act of 1931 beginning at Section 18300 of the Streets and Highways Code, the Municipal Lighting Maintenance District Act of 1927, beginning at Section 18600 of the Streets and Highways Code, and the Highway Lighting District Act, commencing at Section 19000 of the Streets and Highways Code.

Another fruitful area for consolidation is that which concerns the change of grade provisions in the various street acts. The 1911 Improvement Act has comprehensive provisions for a change of grade (Sections 6000-6123, Streets and Highways Code). A completely separate and independent act which also provides for change of grade is the Change of Grade Act of 1909 (Streets and Highways Code, Section 8000 et seq.). This latter statute, however, is rarely used and its salutary provisions could easily be consolidated with those of the 1911 Act. The 1909 statute could then be safely repealed.

Technical Amendments. From a procedural point of view the provisions of the Improvement Act of 1911 governing contributions by a public agency to pay a portion of the cost of a project have been a source of some confusion because they have been scattered throughout that statute. It would contribute substantially to the understanding of these provisions if they were brought together in a single chapter (the affected sections are now found in the Streets and Highways Code at Sections 5119, 5125, 5370, 5375, 5582, and 5583).

It is also recommended that the Improvement Act of 1911 include a mandatory requirement that the local legislative body review the plans and specifications of an improvement project before it orders the work to be done. Although such a review is currently standard procedure for public agencies, there is no statutory requirement for it. It might, therefore, be desirable to make such a requirement explicit. (Streets and Highways Code, Section 5130.)

Current provisions in the 1911 Improvement Act for liquidated damages also require some clarification. The present provision (Streets and Highways Code, Section 5254.5) permits a legislative body to require a contractor to pay liquidated damages in the event he fails to complete construction within the time provided in his contract. There is some ambiguity, however, about the disposition of these damages. The section does not specify whether they should go to the general fund of the municipality or should be used to reduce the amount which will be assessed against the property owner. Since this situation is one which occasionally occurs, it would be advantageous for the Legislature to clarify the manner in which the damages should be disposed.

Another area for technical amendment concerns the bid security requirements of the 1911 Act. At the present time the act requires that the contractor furnish bid security in an amount not less than 10 percent of his bid. The section (Streets and Highways Code, Section 5254) specifies that this security must be evidenced either by a certified check or by a bid bond. Not infrequently, however, bidders will submit

a cashier's check with their bid The local legislative body is left with no choice but to consider such a bid irregular because it is accompanied by a cashier's check rather than a certified check There appears to be no reason why the 1911 Act should not be amended to authorize the acceptance of a cashier's check as bid security

The 1911 Act also has an area of uncertainty with respect to payment of the treasurer's cost of collection At the present time it provides that the expense of collecting and disbursing payments on outstanding 1911 Act bonds will be included as an incidental expense in the original assessment procedure The statute also states that if a municipality does not pay these expenses it is liable to the treasurer Many attorneys have questioned this provision because they have not been able to figure out under what conditions or what circumstances a city would be liable to its treasurer This provision, therefore, (Section 5360 1, Streets and Highways Code) needs legislative clarification

Finally, the bond form, which is set forth in the 1911 Act, should be clarified At the 1961 session of the Legislature some changes were made in the dating of bonds Inadvertently one paragraph of the bond form was not amended to conform with these changes (Section 6460, Streets and Highways Code) This purely technical correction should be made as soon as possible

In summary it is well to restate that each of the foregoing suggestions for procedural and technical change was supported by a majority of this state's bond counsel and bond underwriters Singularly and collectively the foregoing recommendations have as their object to eliminate ambiguity, confusion, and deadwood from the area of special assessments At no time since these suggestions were formally and publicly presented to the committee has any dissent to them been registered Accordingly it is recommended that appropriate legislation be introduced in 1963 to accomplish the procedural and technical clarification outlined in this chapter

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CALIFORNIA LEGISLATURE

ASSEMBLY INTERIM COMMITTEE ON ELECTIONS AND REAPPORTIONMENT

PARTICIPATION IN ELECTIONS BY SUBVERSIVES

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January 1963

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LETTER OF TRANSMITTAL

CALIFORNIA LEGISLATURE
ASSEMBLY INTERIM COMMITTEE ON
ELECTIONS AND REAPPORTIONMENT
January 11, 1963

HON. JESSE M. UNRUH
Speaker of the Assembly
State Capitol, Sacramento

DEAR MR. SPEAKER: Pursuant to House Resolution No. 361 of the 1961 Regular Session and subsequent correspondence from your Committee on Rules, transmitted herewith is the final report of the Elections and Reapportionment Committee on the subject of participation in elections by subversives.

Sincerely,

NICHOLAS C. PETRIS

ROBERT W. CROWN
TOM BANE
FRANK LUCKEL
GEORGE E. BROWN, JR.
THOMAS M. REES
EDWARD E. ELLIOTT
PHILLIP BURTON
CHARLES W. MEYERS

2—L-1431

PARTICIPATION IN ELECTIONS BY SUBVERSIVES

I INTRODUCTION

At the present time, California law prohibits from the ballot any party which advocates overthrow of the government by force or violence An attempt was made at the 1961 session of Legislature to amend this law to specifically name the Communist Party within the statute This attempt, as embodied in A B 1263, failed and the subject matter was referred to this committee for interim study

Two one-day hearings were held on this subject, both in Los Angeles, on September 1, 1961, and October 6, 1961 Proponents and opponents of the measure were afforded ample time to present documentation as to the desirability of pursuing such a course

Before discussing any topic related to communism in this day and age, it is customary to state unequivocally an undying opposition to communism and all forms of totalitarianism In this connection, we wish to go on record in opposition to all forms of totalitarianism—from the left and from the right—be it communism, fascism or John Birchism We pledge our "lives, fortune and sacred honor" to defend democracy and freedom from the threat of totalitarian and imperialistic communism or any other ism which threatens our way of life.

Subsequent to the committee's hearings, this subject was included in an omnibus initiative measure relating to subversive activities which qualified for the 1962 ballot as Proposition 24, and which was defeated by the voters of California on November 6

II. PRESENT LAW RELATING TO THE PARTICIPATION BY PARTIES IN CALIFORNIA ELECTIONS

Two provisions of the Elections Code relating to the qualifications of a party to participate in the primaries are worthy of note in considering the need for legislation such as A B 1263

Section 6430 limits the number of qualified parties to those which meet certain minimum requirements as to either registration or previous vote

> Sec 6430 Qualified parties A party is qualified to participate in any primary election
>
> (a) If at the last preceding gubernatorial election there was polled for any one of its candidates who was the candidate of that party only for any office voted on throughout the State, at least 2 percent of the entire vote of the State, or
>
> (b) If at the last preceding gubernatorial election there was polled for any one of its candidates who, upon the date of that election, as shown by the affidavits of registration of voters in the county of his residence, was affiliated with that party and was

the joint candidate of that party and any other party for any office voted on throughout the State, at least 6 per cent of the entire vote of the State; or

(c) If on or before the 135th day before any primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their political affiliations transmitted to him by the county clerks, that voters equal in number to at least 1 percent of the entire vote of the State at the last preceding gubernatorial election have declared their intention to affiliate with that party; or

(d) If on or before the 135th day before any primary election, there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the State at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that primary election This petition shall be circulated, signed, verified and the signatures of the voters on it shall be certified to and transmitted to the Secretary of State by the county clerks substantially as provided for initiative petitions Each page of the petition shall bear a caption in 18-point blackface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the primary election" No voters or organization of voters shall assume a party name or designation which is so similar to the name of an existing party as to mislead voters.

Whenever the registration of any party which qualified in the previous direct primary election falls below one-fifteenth of 1 percent of the total state registration, that party shall not be qualified to participate in the primary election but shall be deemed to have been abandoned by the voters, since the expense of printing ballots and holding a primary election would be an unjustifiable expense and burden to the State for so small a group The Secretary of State shall immediately remove the name of the party from any list, notice, ballot, or other publication containing the names of the parties qualified to participate in the primary election

This statute alone effectively restricts the Communist Party from participation in California elections In order to qualify, 54,000 Californians would have to register as communists or 540,000 Californians would have to sign a petition to have the party placed on the ballot As it would take over five times the number of communists that exist in the whole country to qualify the party in California by registration, Section 6430 stands as a virtually insurmountable barrier to Communist Party participation in California elections

A second hurdle to Communist Party participation in California elections, in the unlikely event the party can get 54,000 people to register as communists, is Section 6431 of the Elections Code This statute, which prohibits parties advocating overthrow of the govern-

ment by force and violence from participating in primary elections, reads as follows:

> Sec 6431 Parties disqualified No party shall be recognized or qualified to participate in any primary election which either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this State

A B 1263 would have amended Section 6431 by inserting after "no party" in the first line " , including but not limited to the Communist Party, . "

In addition, the personal declaration of candidacy that all prospective officeholders are required to file (Sec 6491) includes the following statement

> "I solemnly swear (or affirm) that I am not engaged in one way or another in any attempt to overthrow the government by force or violence, and that I am not knowingly a member of any organization engaged in such an attempt."

III. ARGUMENTS FOR A.B. 1263

A. *The Communist Menace*

All of the proponents of A B 1263 appearing before the committee devoted much of their testimony to the nature of the dangers of the communist conspiracy For example, W P Strube, Jr , Vice President of the Mid-American Life Insurance Company of Houston, Texas, characterized communism as a "disease, a criminal conspiracy, a monopoly and a religion " Ex-communist Karl Prussion told the committee he " personally experienced and witnessed, or participated in such things as forced confessions, the activities of the secret police of the Communist Party, provocation and promotion of suicides of communists who have deviated "

John Lechner of the Americanism Educational League observed that " under communism all individual rights are abolished, all rights of free speech, free assembly, and free press are obliterated with the threat of liquidation or banishment to a slave labor camp in Siberia " Retired Navy Captain E Richard Barnes of San Diego told of his experiences with communist refugees " fleeing from this Red terror who had looked into the face of Hell itself " Retired Navy Commander Paul Terry, now working as Education Director of the Copley Newspapers, said that " the Communist Party of the United States is organized for one purpose and one purpose only—and that is the overthrow of the government "

While some of the material presented to the committee was not documented, in summing up the many pages of testimony on this general point, the tenor of the argument is that communism is a monstrous conspiracy dedicated to the overthrow of the government of the United States by force and violence As such, the party should not be given any of the privileges and rights given other citizens and organizations

in this country Whether or not communism is a menace is not the issue; we are all united in our opposition to communism

The committee is considering whether amending Section 6431 of the Elections Code as suggested is the best way to combat this menace consistent with the preservation of the traditional American concepts of freedom and justice

One of the problems in discussing the "communist menace" is a semantic one What is the "communist menace"? Who are communists or communist agents? Ask a dozen people and you probably will get as many varied answers

In the opinion of this committee, the "communist menace" involves those wishing to establish an absolute dictatorship in the United States, curtail free speech and press, and establish a society similar to the one existing in the U S S R at the present In the opinion of Robert Welch, founder of the John Birch Society, the "communist menace" includes former President Dwight D Eisenhower, and others

If we are to devise some procedure to keep all those suspected to be a part of the "communist menace" off the ballot, we run the risk to keeping a good many loyal patriotic Americans, including Dwight Eisenhower, off the ballot Depending on whose definition of the communist menace is used, this would ultimately result in a dictatorship and "police state" of some sort The following exchanges at the committee's September 1, 1961, hearing between advocates of A B 1263 and members of the committee illustrate this point

Mr. Norman Moore, Vice President of the National Council of Police Associations You will note that recently when known communists have run for public office they do not run as Communist Party members For this reason I feel Assembly Bill 1263 should be amended so that communists would be prevented from running for public office under any conditions Any legislation designed to legally and effectively curb communist infiltration is in line with the policy of the National Conference of Police Associations; for since the inception of the Communist Party, U S A, in 1919, the communists have waged war on our society in its first line of internal defense—law enforcement Official instructions were sent out by the Communist International in Moscow in 1921 on how to organize work against the police, and they have not ceased since. Thank you, gentlemen

Chairman Robert Crown: Thank you very much, sir Mr Unruh?

Assemblyman Unruh: Tell me how this bill or the bill as amended as you have suggested would protect us from a communist running if that communist were not a self-admitted communist and ran as a member of some other party Let's assume he ran as a Republican

Mr. Norman Moore: Well, that's a recommendation You see undoubtedly we're going to have people working underground that are not identified Communist Party members, but what if we had a man that did as you suggest and ran for political office and then it would be determined by adequate investigation that—

Assemblyman Unruh: Now, who would do this investigation?

Mr. Norman Moore: Well, I would assume you would have this done on the federal level if it came about as a result of the .

Assemblyman Unruh: Not if it's a state law

Mr. Norman Moore: I beg your pardon.

Assemblyman Unruh: Not if it is a state law That's all we're talking about

Mr. Norman Moore: You asked how we would find out, I would say that in all probability your federal government investigating agencies, if they were to turn up information that a candidate or an office holder were a member of the Communist Party and this information were made available to the authorities in California, that appropriate action could be taken.

Assemblyman Unruh: Are you suggesting one further step in this bill, that the candidate be subjected to an investigation by let's say the Federal Bureau of Investigation? On what kind of a mechanism would you precipitate such an investigation? Let's say Mr Lanterman here were running on a ticket or Mr Elliott down the other end, who happens to be a Democrat, who would precipitate such an investigation Suppose I felt that either of them might be a communist, where would I go to start such an investigation in motion?

Mr. Norman Moore: Well, I'm not suggesting that this investigation or that this be a part of my presentation and I'm not suggesting that this investigation be done . . .

Assemblyman Unruh: Well, I want to know how you think the bill protects us in those situations?

Mr. Norman Moore: If it would be necessary—if this law were enacted with the amendments that I suggest, you might place this responsibility in the hands of the Attorney General of the State of California A further amendment when you analyze this may be necessary I'm not advocating this additional step though.

Assemblyman Unruh: Oh, you're not

Mr. Norman Moore: No, sir.

Assemblyman Unruh: Without that additional step, how would the bill protect us against your fears?

Mr. Norman Moore: I'm not sure that I follow you, Assemblyman

Assemblyman Unruh: Well, how would you prevent this hypothetical situation I'm sure that you're conversant enough with the Communist Party to know that they're not foolish enough to think they can win an election when they are branded as the Communist Party Their best hope of winning something is under some subterfuge—under some front operation running as a member of another party And quite obviously the easiest way to elect a communist would be to run him as one of the major party members Now if that is somewhat true—if it isn't please tell me—but if that is true then how would this bill even with your suggested amendment protect us from that eventuality?

Mr. Norman Moore: Well, I would assume, sir, that with the amendment that I'm suggesting here that you could then utilize information that's available not only through our State, but through our federal government.

Assemblyman Unruh: What information is available? I don't have the F.B I. files, do you have them?

Mr. Norman Moore: No, sir, I don't .

Assemblyman Unruh: Do you have access to them? Who has access to the F B I files? Somewhere you've got to go one step further in this and make the further suggestion that somebody give clearance to this candidate, and if you make that suggestion then you have to go the step further and say that every candidate would have to have clearance from whatever agency you set up, don't you? In other words, what you would do would be to set up the Attorney General if you sent the cases as far as you suggested, as a sort of supreme "gauleiter" to handle this or whatever other agency you suggested

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John Lechner: Our State is the center of the entertainment industry, motion pictures, television and radio through which the communist are trying desperately to disseminate their propaganda. I have been in meetings many times conducted by front organizations—one all-day session last year at the University of Los Angeles, U C L A —where a powerful front organization sought ways and means and support among those engaged in programming in television, radio and motion pictures to break down the resistance of the F C C. for the dissemination of their particular propaganda. With that in view, I would like to make the few remarks I have to make.

Chairman Crown: Mr. Unruh.

Assemblyman Unruh: Could he identify the name of this meeting and the exact date and the presiding officer?

John Lechner: If you would like it, Mr. Unruh, I'd be glad to give it to you It was an all-day session conducted at U.C L A. by the American Civil Liberties Union with men like Robert Kenney and about 10 other attorneys from the Civil Liberties Union conducting an all-day session all morning, at noon, and during the afternoon It was an amazing revelation to me, the attempt there to break through

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Clara McDonald, Legislative Representative of the United Patriotic People of the U S A , Inc , testified, in part, as follows

Clara McDonald: Ladies and gentlemen of the committee, it's a great privilege to appear before you on so important an issue. The most important issue in the State of California Briefly, I am appearing here to show how the infiltration of communism and the fellow travelers has influenced our legislation in the city, county, state and nation I'm going to just briefly outline a few of them by name the urban renewal which takes our homes from us just as Russia did . . ."

So that there is absolutely no misunderstanding, we must state that the American Civil Liberties Union is not a communist front by any stretch of the imagination, but rather an organization composed of fine, patriotic Americans dedicated to the full support of our Constitution and the freedoms guaranteed therein. It has never been found to be a communist front by any governmental agency or the U S House of Representatives House Un-American Activities Committee, according to H U A C. Staff Director Richard Arens The California Senate Factfinding Committee on Un-American Activities reached the same conclusion in its 1961 report.

As for urban renewal being part of the communist menace, it is interesting to note that the strongest supporters of urban renewal are usually the downtown business and financial interests

B. *The Communist Party as a Political Party*

In passage of the Communist Control Act of 1954, the Congress of the United States, in Section 2, made the following findings relating to the Communist Party

Sec 2 Communist Control Act of 1954. The Congress hereby finds and declares that the Communist Party of the U S , although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the government of the United States.

It constitutes an authoritarian dictatorship within a Republic, demanding for itself the rights and privileges accorded to political parties, but denying to all others the liberties guaranteed by the Constitution

Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world communist movement.

Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchal chieftains

Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or that of its members

The Communist Party is small numerically, and gives scant indication of capacity even to attain its ends by lawful political means.

The peril inherent in its operation arises not from its members, but from its failure to acknowledge any limitations as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence

Holding that doctrine, its role as the agency of a hostile foreign power reduces its existence to a clear and present danger to the security of the United States It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding and directed and controlled in the conspiratorial performance of their revolutionary services Therefore, the Communist Party should be outlawed

The California Supreme Court, by a 4-3 decision in the case of *Black* v *Cutter Laboratories* (1955) 43 Cal 2d 788, reversed a lower court judgment and found that the Cutter Laboratories could discharge Mrs. Doris Walker for her communist activity Justice Schauer, in writing the majority opinion, observed " It is to be noted that the old hoax that the Communist Party is but a political party has been effectively exposed " and " the true implications of knowing membership and support of the Communist Party are no longer open to doubt, and the long overworked party line theme that communism is but a political activity has been exposed as a false and fraudulent strategem designed particularly as a device for securing, in the free nations having government by law, legal support for the 'party' in carrying on to the end of its illegal objectives "

In discussing this point, Dr Arno Van Alstyne, professor of law at U C L A, exchanged the following comments with Assemblyman Francis

Assemblyman Francis: Well, then you disagree with the recent court decisions which have held that it's not a political party?

Dr. Van Alstyne: Mr Francis, this question, I believe, is one which has been discussed frequently this morning, and I would like to comment a little bit more fully about it if I may It is true, there are a number of decisions in which the courts have taken judicial notice that the Communist Party is, at least for some purposes, a criminal conspiracy Now I would like to call the attention of the committee to the fact that the concept of judicial notice is used by the courts for two entirely different purposes And I think it is highly important for the purpose of understanding this legislation to make this distinction because I believe it is fundamental and has not yet been observed this morning in the discussion of this matter

First, there is a basic difference in the legal concept of legislative facts as compared with the legal concept of adjudicative facts Legislative facts normally are deemed in constitutional law as being the factual basis upon which the Legislature determined that there was a need to pass legislation The adjudicated facts are normally deemed in constitutional law to refer to those facts which must be proved and established by orderly procedures before a particular statute may be applied to a particular individual.

Now in taking judicial notice of the nature of the communist conspiracy, all of the decisions that I have seen in which the courts have taken such notice, without a single exception, have been cases where they were dealing with the legislative facts The reason why the Supreme Court of California in the *Peek* case said we could not take judicial notice in that case was that to take judicial notice in

that case would have been judicial notice of the adjudicative facts, namely, that the Communist Party as an individual party at any particular moment of time was engaging in illegal advocacy of the use of force and violence and illegal means to overthrow the government. That was the kind of judicial notice the court refused to take.

In the *Steinmetz* case, on the other hand, the court was taking notice of the legislative facts. In the United States Supreme Court decisions dealing with the enforceability and the constitutionality of the Smith Act which were decided this last spring, the Supreme Court of the United States clearly made this distinction. They had one case of *Scales* v *The United States* in which they affirmed the conviction of a man named Scales who was a dedicated, active, conspiratorial member of the Communist Party, and there is ample evidence to show that the Communist Party was an illegal conspiracy. In the companion case of *Noto* v *The United States*, the court found there was no such evidence that the Communist Party was a criminal conspiracy, and the court, through Mr. Justice Harlan, one of its most conservative members, said: "It is absolutely fundamental that we cannot possibly take judicial notice of evidence of this sort. This is the sort of thing that must be proven in every individual case. I think this distinction is fundamental."

As a result I do not disagree with the courts who have said that the Communist Party is a criminal conspiracy. I share that belief, as I think my statement said, but I think for the purpose of legislative facts, judicial notice can be taken of this. For the purpose of applying a particular statute to impose legal sanctions or disabilities on any individual or individual party, what this bill purports to do, is a question of adjudicative facts and I think would be a bill of attainder for the Legislature to attempt to do it.

C. *Eliminates Need for Proof*

Chairman Crown: How does this (A.B. 1263) differ from the existing status of the law where if the Communist Party chose to appear on the ballot they would be challenged and the subject would be adjudicated in the courts?

Assemblyman Francis: The big difference would be this, it would be one of a matter of proof. I would like to quote from a Legislative Counsel's opinion, "In the event that such a bill were constitutionally upheld, however, it would be much more effective than the present law in the sense that it would alleviate the necessity of determining by independent proof that the Communist Party did engage in the subversive acts listed in the section." I am sure that the members of the committee who are attorneys know how important this is, from the standpoint of proof and particularly to expedite the matter. If it is barred specifically by name, then it is a simple matter to prove that this party is not a political party and consequently prohibited from participating in our direct primary election. The same thing is true with individuals. We have a number of individuals, who have been identified or have even admitted that they are communists. But on the other hand,

if you have to prove they have committed certain overt acts in advocating the overthrow of the government by force, violence, or other unlawful means, this could be extremely difficult if not impossible

D. *Psychological Effect*

Many of the proponents of A B 1263 cited the fact that they felt such action would have a great psychological effect in the fight against communism W Cleon Skousen, ex-FBI man and ex-Salt Lake City police chief, stated.

> " I feel that the proscribing of the Communist Party in California would have an electrifying psychological impact on the entire nation We have gone far past the time when communism is an unknown quantity or mystery It needs to be openly and clearly identified as the aggressive, predatory, subversive enemy of American freedom which it is Since California is one of the two top communist targets in the United States, it would undoubtedly be a foundation shaking shock to the whole communist apparatus if the Communist Party were outlawed specifically from political activities in its second largest stronghold "

E. *Activities in Other States*

A number of other states have enacted statutes which are designed to "outlaw communism " The State of Texas in 1954 enacted a statute declaring the illegality of the Communist Party and Communist Party membership Article 6889-3A, Section 2 provides

> "The Communist Party of the United States, together with its component or related parts and organizations, no matter under what name known, . are hereby declared illegal and not entitled to any rights, privileges, or immunities attendant upon bodies under the jurisdiction of the State of Texas or any political subdivision thereof It shall be unlawful for such party or any of its component or related parts or organizations, to exist, function, or operate in the State of Texas . "

Section 5 (4) of that same article proscribes membership in the Communist Party In addition, members of the Communist Party are prohibited from taking part in certain activities, such as elections, state employment and the profession of pharmacy.

In Arizona, the Communist Control Act of 1961 bars the Communist Party from the status of a political party under Arizona law (Secs 16-205, 16-206, Ariz Rev. Stats)

Massachusetts laws define the Communist Party as a subversive organization, makes all subversive organizations illegal and makes membership in a subversive organization illegal. (Ch. 264, Sec 16A, 17 and 19)

Membership in the Communist Party is illegal in Indiana under the provisions of Title 10-5204

Pennsylvania has enacted statutes similar to those adopted in Texas

Research by the Legislative Counsel has turned up no instances, where any of the above state statutes have been tested in the appellate courts as to their constitutionality.

This listing is not intended to be encyclopedic, but rather illustrative in nature All the states having laws of this nature are not included. By the same token, opponents of A B 1263 can point out states where no laws similar to A B 1263 exist

F. *Self-preservation*

A basic premise or contention of many of the proponents is that the communist movement seeks to destroy our system of government and society through violence and therefore must be openly combatted for self-preservation by proscribing the party from the ballot According to Colonel C L Bartlett, representing the Military Order of World Wars, communists "should be treated just like any other criminals"

IV. ARGUMENTS AGAINST A.B. 1263

A. *Present Law Adequate*

Opponents of A B 1263 cite that, under current California law, the Communist Party is not now a legally qualified party and never will be It is virtually impossible to get enough people to register as communists or sign a petition to get the party on the ballot In the extremely improbable chance that this did occur, Section 6431 of the Elections Code, as presently written, could be invoked to preclude the party from participation in the primaries Further, all candidates must take a loyalty oath before they can be certified for the ballot

B. *Unconstitutionality of A.B. 1263*

Many sources point to the fact that A B 1263 is unconstitutional A previous California statute containing similar language was declared unconstitutional by the California Supreme Court *(Communist Party v Peek*, 20 Cal 2d 536). In a unanimous decision, the court stated:

> "Elections Code Section 2540 3, prohibiting the recognition of any party using the word "communist" in its designation, is unconstitutional as exceeding the limited power conferred by Constitution Article II, Section 2½ The legislation cannot be sustained upon the theory that it contains an implied legislative finding that such party advocates a forceful overthrow of the government, since a statute determining that a particular person or group has violated the general law is special in nature, and therefore violates Constitution Article IV, Section 25, subdivision 11"

In an opinion (No 500) dated August 30, 1961, the Legislative Counsel of the State of California concluded that A B 1263 would be held unconstitutional The counsel said

> "If A B 1263 is construed as intending to make a change in the law, that is, to bar the Communist Party by name only from participation in primary elections, in our opinion it would be held unconstitutional by the courts.
>
> As indicated, it will be presumed in the absence of legislative intent to the contrary that the Legislature in making a substantial change in the language of a code section intended to make a change in the law Such a construction of A B 1263 requires that the bill

be considered as barring the Communist Party, name only, from participation in primary elections Such a construction also makes A B 1263 similar in effect to the legislation declared unconstitutional by the Supreme Court of this State in *Communist Party* v *Peck*, 20 Cal 2d 536 That case involved the validity of a statute which in part declared the Communist Party ineligible to participate in primary elections The court held the provision to be invalid on the ground that it constituted special legislation in violation of Article IV, Section 25, Subdivision 11 of the State Constitution The court pointed out that while the Legislature could bar subversive organizations as a class from participation at the primary, it could not single out a single organization, by name, for that purpose To do so, constitutes special legislation

The court based its decision in the *Peck* case, to a large extent, on the fact that, in the absence of evidence, it would be required to take judicial notice of the subversive character of the Communist Party in order to uphold the statute as reasonable, and that judicial notice to that effect could not be taken under the conditions then existing

Since the decision in the *Peck* case, it has been established by legislative findings and judicial decisions that the Communist Party is a continuing conspiracy against the Government (see *Board of Education of San Francisco Unified School District* v *Mass*, 47 Cal 2d 494, 498, *Black* v *Cutter Laboratories*, 43 Cal 2d 788, 800-808, Ed c Sec 12951, Gov C Sec 10275, Internal Security Act of 1950, 50 U S C A 781, Communist Control Act of 1954, 50 U S C A 841) Whether or not these findings and decisions would cause the Supreme Court to reach a different conclusion than that arrived at by it in the *Peck* case, should the matter ever come before it again, is a matter of conjecture Inasmuch as the *Peck* case has not been overruled, however, it must still be regarded as the law of this State

Finally it should be noted that the construction placed upon AB 1263 in the event it were enacted into law would initially be up to the Secretary of State and the Attorney General who, under Section 6432 of the Elections Code, are given the responsibility for enforcing the provisions of Section 6431

Professor VanAlstyne of the UCLA Law School also agreed that the proposed legislation is unconstitutional and raised the following points:

". . In *Communist Party* v *Peck*, the Supreme Court considered the validity of a predecessor of the present section of the Elections Code, Section 6431 The Supreme Court there declared this predecessor's section unconstitutional dealing with a closely similar provision which purported to ban from the primary any party which had the word "communist" in its name or was affiliated with the Communist Party of the United States The reasoning of this unanimous decision, written by Chief Justice Gibson, appears to be directly applicable to Assembly Bill 1263 The power of the Legislature to regulate direct primary elections is not without limits, but extends only to reasonable regulations and conditions which will assist in preserving the integrity of political parties

and making primaries an effective device for selecting candidates for office The Legislature may not, therefore, restrict the citizen's constitutional right of suffrage by unreasonably excluding from the primary a political party whose participation therein is essential to make that right of suffrage effective

It might be argued, in response to these principles of constitutional law, that, "The Communist Party is not an ordinary political party, but an international criminal conspiracy seeking to subvert the constitution, and thus it is not unreasonable to bar it from the primary " A similar argument, I might suggest, was made in the *Communist Party* v *Peek* case It was rejected for reasons which seem equally applicable to the present proposal

First, Chief Justice Gibson pointed out that it was neither reasonable nor realistic to attempt to bar dangerous and subversive organizations from political activity by merely proscribing them by name. "The name adopted by a political party," he said, and I'm quoting from his words, "is frequently without any value in ascertaining the political beliefs of its adherents, and if the beliefs were pernicious, they would remain so despite a change in the party's name." The same objection clearly applies to the present proposal in my opinion.

Secondly, the court in the *Peek* case concluded that the Communist Party or any party affiliated with it could not be justifiably excluded from participation in primary elections solely on the basis of a legislative determination that it was a subversive criminal conspiracy To so hold, said the court, would in effect be to brand every member of the Communist Party as potentially guilty of criminal syndicalism under California law, (and, we might add today, of also being guilty of violation of the Federal Smith Act) without the necessity of adducing evidence and following the orderly procedures known as "due process of law "

Moreover, to permit a legislative determination that the policy of the law had been violated in a particular case to be binding on the courts would violate the constitutional concept of separation of powers, for the making of such determinations is a judicial and a legislative function Finally, to bar a party name was held to be invalid as special legislation in view of the prohibition in the California Constitution, Article IV, Section 25, against special laws for conducting elections Each of these three grounds of decision appears to be equally applicable to Assembly Bill 1263

"I have observed nothing in the development of Constitutional Law in California since the date of the *Peek* case which suggests that that decision would not be followed today Three of the Justices who participated therein are still members of our high court Remember that was a unanimous decision The recent decision of our Supreme Court, in holding unconstitutional certain provisions of the Education Code which barred the use of school facilities to subversive organizations and required a form of test oath as a condition to such use, although it's in somewhat different area of constitutional law, clearly evinces the same general approach to the problem of subversive activities as did the *Communist Party* case.

It also may be pointed out, by way of emphasizing the soundness —I regard it as a sound decision—of the Supreme Court's decision in the Communist Party against *Peek* case, that none of the decisions of the United States Supreme Court upholding the validity of various legal restraints on subversive activities impair its basic reasoning. The United States Supreme Court, for example, has sustained the validity of statutes making it a crime to be actively involved in illegal phases of communist activities; but that court has continued to insist that there be adequate evidence of personal guilt in each case During the last term of the court, for example, in the *Noto* case, the court reversed the decision of someone who had been convicted under the Smith Act on the ground that there was no adequate evidence of personal guilt Similarly, in a series of cases dealing with loyalty programs and loyalty investigations involving public employees, the court has affirmed the power of the states to condition the holding of public office or employment upon a finding of fitness and loyalty appropriate for the position The court has, nonetheless, insisted that a mere legislative finding that certain activity was subversive (such as prior membership in a specified organization like the Communist Party, or invocation of the Fifth Amendment when asked a question relating to communist activities—that sort of thing) that a mere legislative finding that that activity was subversive cannot constitutionally be made conclusive on the courts without an opportunity to consider and evaluate evidence of all the circumstances The cases in support of these statements are cited in my prepared statement In short, the trend of the federal decisions appears to me to reinforce, rather than detract from the California court's position that the Legislature cannot, by its mere declaration to that effect, proscribe an organization by name and thereby impose substantial legal disabilities upon its members.

According to A L Wirin, counsel for the American Civil Liberties Union of Southern California, A B 1263 is a Bill of Attainder and, as such, runs afoul of both the California Constitution (Art I, Sec 16) and the U S Constitution (Art I, Sec 10)

The U S Supreme Court in a recent decision (*Communist Party* v *S.A.C B.*, (1961), 367 U S 1), discusses the constitutionality of language similar to that proposed by A B 1263 Speaking through Justice Felix Frankfurter, the court, in upholding the constitutionality of an act under which it has been determined that the Communist Party must register with the Subversive Activities Control Board, said·

"It is true, as the party asserts, that bills had been introduced in Congress that would have applied to the Communist Party by name, and it is no doubt also true that the form which the Subversive Activities Control Act finally took was dictated in part by constitutional scruples against outlawing of the party by "legislative fiat."

"The act is not a bill of attainder It attaches not to specified organizations but to described activities in which an organization may or may not engage."

" the act applies to a class of activity only, not to the Communist Party as such Nothing in this offends the constitutional prohibition of attainder "

Assemblyman Francis submitted a seven page brief supporting his contention that new legislation would be held constitutional He contended that "*Communist Party* v *Peek,* whatever its soundness in a time when the Soviet Union was an American ally pressed into battle with the Axis powers, is now an anachronism " "In the course of international affairs since 1942," he added, "the *Peek* case's rationale has gone the way of Justice Holmes' mandate that we stop and get out of our automobiles before crossing at railroad intersections "

Four points on which the California Supreme Court based the *Communist Party* v *Peek* decision were cited but it was claimed that only the point relating to the refusal of the court to take judicial notice of the nature of the Communist Party was controlling Assemblyman Francis speculated that

" . . on the point of judicial notice, it is contended that the court sitting on the *Peek* case in 1942 would certainly have reached a contrary decision now in 1961, or even at any time since 1950 "

"In fact, recognition of this communist menace has been taken in the courts of this State since the decision of the *Peek* case In a case involving the constitutionality of a county ordinance requiring the registration of subversives with the county sheriff, the ordinance in question was prefaced with these words

> 'There exists a worldwide revolutionary movement whose purpose is, by any means deemed necessary, to establish and perpetrate a totalitarian communist dictatorship based upon force and power, rather than upon law, in all of the countries of the world, including the United States, even though it be against the consent of the majority of the people of such countries.'

The court then summed up the ordinance's characterization of 'this worldwide revolutionary movement' as being inspired in the Soviet Union, operating by 'terrorism, sabotage, and organized confusion.' Further, for purposes of making clear the extent of the conspiracy which the court noted, the ordinance continued with,

> 'In Los Angeles County, there are active, disciplined communist organizations presently functioning for the primary purpose of advancing the objectives of the world communism movement . notwithstanding the refusal of the majority to accept such principles and doctrines through the free exercise of the ballot or by any other lawful or constitutional means '

Through holding the registration ordinance unconstitutional as compelling self-incrimination, the court referred to the above "facts found in the ordinance" and said, though admittedly by way of a dictum, 'we, with our judicial knowledge of current events, shall not undertake to contradict any of them ' *People* v *McCormick,* 102 Cal App 2d Supp 954, 962, 229 Pac 2d 349 (1951) "

C *Danger to Present Law*

If an unconstitutional amendment were added to California's present law prohibiting parties advocating overthrow of the government by force or violence, it is possible that the entire law would be held unconstitutional leaving the State with no statute of any kind on this subject

Assemblyman Tom Bane discussed this aspect of the question as follows

> " Mr Francis, the thing that I'm concerned about this bill—I want to get right down to the point—is that I think probably that the work has been done that possibly and probably the present law would be held constitutional Now, if you insert the name of the political party which is described in the bill saying that any organization which teaches or advocates the overthrow, etc ; if you insert that name in there and then it seems to raise another constitutional problem I have a Legislative Counsel's Opinion, August 30th, which says if A B 1263 is construed as intending to make a change in the law, that is to bar the Communist Party by name only from participation in a primary election, in our opinion it would be held unconstitutional by the court Now the thing I'm afraid of here is that in your effort to oppose communism, which I have joined with you in principle—that is in your effort to oppose communism here that you may have done something here which would result in making the whole law ruled unconstitutional, then we'd have no law on the subject The fine legal point in here is that if the addition to your amendment itself is unconstitutional, and the courts held the statute unconstitutional, would it make the whole law unconstitutional—that's what I'm concerned about?"

D. *Change of Name by Party*

A L Wirin citing the dicta of Chief Justice Gibson in the *Communist Party v Peek*, observed that it would be easy for the Communist Party to change its name and evade the amendment proposed by Assemblyman Francis. He further added

> " while I'm not an expert on Communism, or the Communist Party and many experts here have appeared, I do suggest to you that it's a matter of common knowledge that the Communist Party did at one time change its name from the Communist Party to the Communist Political Association Now, of course, I suppose it would be utterly impossible, unless you were *consummate clairvoyants*, for you to name the Communist Party by all possible names to which it may change and undertake to proscribe all those names from appearing on the ballot "

E. *No Communist Ever Elected on Party Ticket*

Proponents of the Francis' amendment failed to cite even one instance where a communist, running as a candidate of the Communist Party and identified as such on the ballot, has ever been elected in California or even received a substantial number of votes In fact, the

proponents' examples of communists recently running for office and receiving a large but insufficient number of votes were all instances where they were candidates for nonpartisan offices (State Superintendent of Instruction and county board of supervisors) for which there is no indication of a candidate's political affiliation

Archie Brown of San Francisco was one communist cited by proponents as a participant in recent elections Mr Brown ran for supervisor in San Francisco and received over 33,000 votes in 1959 and over 17,000 in 1961 However, when Mr Brown ran as the nominee of the Communist Party for Congress in 1940 and was identified on the ballot as a communist, he polled only 1,322 votes in the then Fourth Congressional District in San Francisco—which encompassed approximately one-half of the city

Situations such as this—where a communist stands to gain by not being identified with his party—point in the opposite direction—that it may be desirable, in the interest of combatting communism, to make communists run as members of the Communist Party and identify such on the ballot This approach was discussed by Assemblyman Unruh and Mr Strube

Assemblyman Unruh: Isn't the pattern of communist control achieved by coming through some other means than peaceful election, or where it does come through elections, comes through some sort of a fake or front party election?

Mr. Strube: Exactly, Boris Klosson, with the U S State Department brings that out and makes it very clear in his film "Communist Blueprint for Conquest" And to that end, I would highly recommend to the committee that they give consideration to Mr Francis' earlier statement that this bill be strengthened, that any person that is a self-confessed communist, or is a communist that has been convicted in front of a jury of his peers, be not permitted to run under any title so far as any party is concerned We are going to deal with this as a conspiracy irrespective of where it comes, and under what name it comes, and see it in that true light

Assemblyman Unruh: But is not the purpose of this bill simply to further pinpoint the very small, minute, and insofar as I can determine, ineffective, Communist Party in California and the United States, or is it the purpose of the bill to truly give some protection in the ultimate to what the Communist Party would attempt to do through some subterfuge? I think you have to decide which of these two things you are trying to do I don't think the American people are ever going to elect a communist and it does not matter whether he is on the ballot or not If they know that he is a communist then he is identified as a communist But the fact of the matter is, how do you force that man to identify himself as a communist? I don't think the Communist Party is stupid enough to run a confessed communist on the ballot Their approach has constantly and consistently been to run someone who isn't identified as a communist, taking advantage of some dupe or some fellow traveler How do you prevent that, how does this bill do that?

Mr. Strube: Again, item one, I would like to back up one statement that you made that the Communist Party has not been effective in the United States I think that we have seen——

Assemblyman Unruh: From the standpoint of election

Mr. Strube: Well now, from the standpoint of election you may have a point there But so far as your other statement, I think that we definitely need to strengthen whatever legislation you are considering to protect it coming up under any other guise I believe that any other person that has been associated with the communists, and Mr Francis has stated earlier this morning, he is going to present later in the day that there have been known communists run in the State of California under various guises. I think this facet of the bill certainly should be strengthened immeasurable

Chairman Crown: It is not a question of strengthening the bill, this bill in no way effects that situation

Assemblyman Unruh: Would not it be better if we went the other route, and under penalty of perjury, forced anybody who is a communist, to run as a communist, and to identify himself as a communist Because if you take this out, all you do is to push them further underground and give them a better reason for forming a front operation I think we have to depend on the good sense of the American people, that once communists are identified, their effectiveness is largely destroyed It seems to me that the very nature of this bill will not do this, and that the direction we ought to move in, is to force the identification of these people

For a period of nine years, beginning in 1934, the Communist Party contested elections in California Whenever both the Republican and Democratic Parties had candidates from which the voters could choose in November, the Communist Party candidate generally received 1 percent or less of the votes cast However, when, under that old evil crossfiling, the voters were denied a choice of candidates in November and there was only one candidate representing both of the two major parties, the Communist Party candidate would in some races poll around 10 percent of the vote

Results of every statewide race which the Communist Party contested are as follows:

1934

Governor	Merriam (R)	1,138,620
	Sinclair (D)	879,537
	Haight (Prog)	302,519
	SAM DARCY (Comm)	5,826
	Dempster (Soc)	2,947
Lt Gov	Hatfield (R)	1,220,515
	Downey (D)	1,002,832
	Southwick (Soc)	15,741
	PETTIS PERRY (Comm)	10,528
Secretary of State	Jordan (R-D)	1,888,620
	Stevens (Prob)	176,276
	HAROLD J ASHE (Comm)	47,585
Controller	Riley (R-D)	1,928,035
	ANITA WHITNEY (Comm)	100,820

Treasurer	Johnson (R)	1,212,159
	Ward (D)	884,125
	ARCHIE BROWN (Comm)	25,725
	1936	
President	Roosevelt (D)	1,766,836
	Landon (R)	836,431
	Colvin (Proh)	12,917
	Thomas (Soc)	11,325
	BROWDER (Comm)	10,877
	1938	
Secretary of State	Jordan (R-D)	2,139,766
	LEO GALLAGHER (Comm)	150,760
	Harriss (Proh)	77,076
Controller	Riley (R-D-Prog-Twnd)	2,168,841
	ANITA WHITNEY (Comm)	98,791
	Pritchard (Proh)	83,229
	1940	
President	Roosevelt (D)	1,877,618
	Willkie (R-Twnd)	1,351,419
	Thomas (Prog)	16,506
	BROWDER (Comm)	13,586
	Babson (Proh)	9,400
U S. Senate	Johnson (R-D-Prog)	2,238,890
	Dyster	566,044
	ANITA WHITNEY (Comm)	97,478
	1942	
Secretary of State	Jordan (R)	1,018,732
	Peck (D)	1,012,306
	PETTIS PERRY (Comm)	37,972
Controller	Riley (R-D)	1,856,177
	ANITA WHITNEY (Comm)	89,520
	Johnson (R-D)	1,833,043
Treasurer	KENNETH MAY (Comm)	80,435

F. *International Political Considerations*

It is conceivable that the passage of A B 1263 could damage the image of the United States abroad as a nation that has freely without government coercion rejected the tenets of communism in favor of freedom, liberty, equality and the democratic way of life Dr Ivan Hinderacker, Chairman of the Department of Political Science at U C L A , discusses this aspect of the problem

> " Now it's difficult for me to see what would be accomplished by the proposed amendment The existing language already clearly, as I see it, and strongly, without mentioning the name of any party, states that no party may—and then I'll let that go because the rest is in the code Now if nothing is accomplished, or if the sections of the code in question might actually be weakened by the amendment, which is a possibility, then what is the purpose of the amendment?
>
> Now in testimony before this committee on this measure at an earlier time, as reported in the *Los Angeles Times* it was suggested that the amendment would have an electrifying psychological effect on the citizenry in general Though I would concede there might be some electrifying—that is one of the reasons for my

opposition—the people would be electrified into thinking that something had been accomplished when in fact nothing or very little would have been accomplished The menace of the communist challenge to our way of life and national security has never been greater than it is today We should be doing constructive things to combat that threat, and to do those things one need not go to Africa with the Peace Corps or hold high public office Why don't we do more to help make a foreign student's experience in the United States more meaningful, the kind that a student regardless of his race or color or creed will always remember with affection, and furthermore the kind that he would want to take home with him and apply in his home country? Why don't we do more privately to help schools in underdeveloped countries obtain books and study materials that they desperately need, and help with teachers? Why don't we spend more time to really learn what communism is, and just as important, what communism is not so that we can critically evaluate what we read and hear and make sound decisions on the basis of it?

It is my suspicion that if representatives of the Communist Party are here to testify today,* they will be here to try to give the kiss of death to the opposition position against the amendment They have more to gain, in my opinion, if this amendment is passed than if it loses If passed, they can cry persecution That's not going to mean a great deal here, but if passed, the international communist apparatus can tell other people of the world, many of whom know no more about California than the fact that Hollywood is in the State, that communists are so strong in California and have such support among the voters that the State Legislature had to write into the law a specific provision barring the Communist Party from the primary election ballot We here would recognize such propaganda for what it is, but an illiterate peasant in very many places of the world would not I am not suggesting we should make our decisions exclusively on the basis of what other people in other countries might think because such a basis is a poor one for making decisions However, if nothing is being accomplished, then it would seem to me that international opinion should be very carefully considered

Assemblyman Francis: you feel that this measure, if it was enacted into law, would be a great victory to the Communist Party or substantially to that effect I would like to ask you how can you reconcile that the Chairman or the Executive Secretary of the Communist Party of Southern California are strongly opposed to this bill, and at the last hearing the chairman issued a statement to the press and also appeared on television and did everything she possibly could to discredit the bill?

Dr. Hinderacker: I think, Assemblyman Francis, that you've probably stated my point on what kind of victory this would be to the Communist Party more strongly than I intended it to be I saw some of these general statements that were made afterwards

* Committee Note The Communist Party did in fact appear Dorothy Healey, Secretary of the Communist Party for Southern California, attacked A B 1263 and voiced very strong opposition of her party to the proposal

I'm remembering back in the Minnesota Legislature, 1941, a bill was before a subcommittee, the subcommittee was all ready to approve it, the Communist Party came in, made such a ruckus, that the whole committee was immediately ready to turn around and follow the other course of action

Now I think that representatives of the Communist Party know what kind of action is produced when they involve themselves in this kind of an argument, and, for the life of me, I can't see why acting on the basis of those facts—for all practical purposes—they know they're going to kill it or hurt it, then why do they do it Now, again for the reasons which I stated, I believe that this would be of more benefit propagandawise abroad than it would be of benefit on the other side propaganda or any other wise internally."

G. *Right-wing Hysteria*

Some opponents of AB 1263 are convinced that this legislation is part of an effort by those they term the radical rightwingers and the "patriotism for profit" crowd to whip up public hysteria in order to gain support for their causes

The rightist element of American society has not yet accepted the reforms of the Roosevelt era—such as social security, the union shop, the United Nations, minimum wage, TVA, among others In short, they are seeking ways and means to turn back the clock

The formula which the radical right has devised is that of "anticommunism " This involves several steps First, they must whip up public hysteria and make a convincing case that the communist conspiracy internally is omnipotent and omnipresent To accomplish this, they need a massive public indoctrination program.

The next step is to link Democrats and Liberal Republicans with communism as dupes, agents, sympathizers or fuzzy thinkers The Democratic and liberal Republican programs and philosophy are attacked in the same vein—as leading us "down the road to communism " These statements have absolutely no relevance to the truth but are placed before the American people by these self-proclaimed "anticommunists" deliberately to mislead for political and financial gain As examples of this, Robert Welch of the John Birch Society has called ex-President Eisenhower, an agent of the communist conspiracy and said Franklin D. Roosevelt was guilty of treason

Thus, the ultimate goal of the rightwingers is to trick the voters into voting for reactionary candidates in the guise of fighting communism However, as a result of this deceitful activity, the unlocking of hates and passions can only lead to tragedy for a free society Violence, the police state and totalitarianism are the ultimate products The parallels between the radical right and Germany in the early 1930's when Hitler came into power on a wave of "anticommunism" are alarmingly consistent

In California, these very forces are at work As an outgrowth of this hysteria, a professor at San Jose State College, according to a faculty council report, has set up a gestapolike network of students spying on their teachers to report what they consider subversive remarks to him

(See *San Jose Mercury*, March 2, 1962, p 21) The next logical step is to have the students spying on their parents.

Although horror is professed at the use of violence in overthrowing the government, a speaker at one of the anticommunism schools in Los Angeles last year proposed the hanging of the Chief Justice of the United States as impeachment was too good for him

When the hysteria reaches a certain level, acts of violence result—such as the bombing of two ministers' homes in the Los Angeles area when they were lecturing on the dangers from the extremists of the right.

The danger of this type of activity to the United States is obvious Divide and conquer has been a successful technique in international relations for centuries Nothing would please the communists more than to have the citizens of this country suspicious of and fighting one another As former President Eisenhower has stated, "I don't think the United States needs superpatriots We need patriotism, honestly practiced by all of us "

Thus in citing the above arguments and illustrations some opponents call A B 1263 a politically inspired piece of legislation designed to serve the purpose of the rightwing and, as such, believe that it should receive no further consideration from the committee

It should be made absolutely clear that Assemblyman Francis emphatically denies this and asserts that this bill is his own idea and is consistent with his long fight against communism

H. *Threat to American Democracy*

The final argument presented against A B 1263 is that if the Legislature can prohibit one group from the ballot by legislative fiat without due process of law at this time then at some later date, it can prohibit another group such as the Republican or Democratic Party. It is conceivable that this then could lead to a one-party state

Thus the issue becomes redefined It is not should the Communist Party be barred from the ballot by legislative action but should the Legislature have the power to proscribe any party from the ballot without due process of law?

V. CONCLUSIONS AND RECOMMENDATIONS

We completely reject any form of totalitarianism—be it communism or totalitarianism of the far right The contest between totalitarian forms of government and our democratic way of life, is one between two wholly different approaches to the meaning of life We believe in a form of society which places its highest value upon individual dignity We totally reject a form of society in which the rights of men are sacrificed to the state

Totalitarian governments have been prevalent since man first began organizing into societies Yet these governments have been only temporary in nature—never surviving the test of time Conversely, it has been the movement toward greater freedom and dignity for man which has emerged as the powerful and enduring force

Of primary concern to free men everywhere at the present time are the imperialistic and totalitarian communist governments. We believe

their policies to be sterile, unsound, and doomed to failure In time and with our help and guidance, those people now living under such governments will reject the intellectual prisons in which they are confined and will choose the eternal principles of freedom

It is our duty as Americans and our solemn obligation as part of the family of man to show them that a democratic society can meet the challenges of the 20th century, can fight vigorously against illiteracy and poverty, can provide means so that equal rights and opportunities are provided to all

If our form of society is to survive, men must be free to discuss—without fear or coercion—all sides of an issue, however unpopular Under totalitarianism, this basic right is denied

We do not favor participation in our elections by any party advocating the overthrow of the United States or California government by force or violence We believe laws now on the books, both at the federal and state level, are adequate to deal with internal subversion In this connection we commend the U S Attorney General, the Federal Bureau of Investigation and the Attorney General of California for the forthright manner in which they have enforced these laws

We deplore the activity of the "professional patriots" who seek to whip up and exploit anticommunist hysteria for their own private profit and/or political gain In most cases, those who are posing under this guise are actually seeking reactionary political changes This subject is far too important to leave to those who would use it for political advantage or personal profit Evangelistic sideshows are not the proper places to inform the public as to the nature of communist ideology or the intricacies and complexities of foreign imperialism

We believe in a strong and vigorous America Many of us have fought to preserve our cherished freedoms—we will not hesitate to do so again We also pledge eternal warfare to those who would sow the seeds of suspicion across the land and pit neighbor against neighbor We know of too many historical parallels where fear of internal subversion—fanned by opportunists—have resulted in destruction of a society As particularly appropriate, we cite Greece in the fourth century B C where fear of subversion culminated with the execution of Socrates and Germany of the early 1930's where fear of subversion led to the rise of Adolph Hitler to power

As the principle embodied in A B 1263 has been incorporated into Proposition 24 which was on the ballot in November of 1962, we believe the voters' decision on this matter should be controlling Therefore, we recommend that legislation similar to A B 1263 not be reintroduced in 1963

APPENDICES

APPENDIX 1

OPINION OF THE CALIFORNIA LEGISLATIVE COUNSEL No. 500

Dated August 30, 1961

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA
August 30, 1961

HON ROBERT W CROWN
1108 Park Street
Alameda, California

COMMUNIST PARTY PARTICIPATION IN ELECTION—No. 500

DEAR MR CROWN

QUESTION NO. 1

Does present Section 6431 of the Elections Code prohibit the Communist Party from participating in a primary election?

OPINION AND ANALYSIS NO. 1

Section 6431 of the Elections Code (as recodified by Stats 1961, Ch 23) provides as follows

"No party shall be recognized or qualified to participate in any primary election which either directly or indirectly carries on, advocates, teaches justifies, aids, or abets the overthrow by any unlawful means of, or which directly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this State

Section 6432 of the Elections Code sets forth the procedure for determining which parties are disqualified to participate in a primary election under Section 6431 The determination is to be made by the Secretary of State with the advice and consent of the Attorney General, notice of intention to disqualify must be given by registered mail on the chairman of the state central committee of the party, and the party can demand a hearing by filing an affidavit in the Supreme Court, thereby leading to a judicial determination of the questions involved, provided the Supreme Court accepts jurisdiction

If it is established pursuant to these sections that the Communist Party either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this State, then the Communist Party would be prohibited under Section 6431 of the Elections Code from participating in a primary election

QUESTION NO. 2

Would the amendment to Section 6431 of the Elections Code proposed by Assembly Bill No 1263 of the 1961 Regular Session prohibit the Communist Party from participating in a primary election?

OPINION AND ANALYSIS NO. 2

A B 1263 proposed to amend Section 6431 of the Elections Code as follows (with new matter *underlined*)

"6431 No party, *including but not limited to the Communist Party*, shall be recognized or qualified to participate in any primary election which either di-

rectly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage force and violence, sedition or treason against, the government of the United States or of this State"

Under one possible construction of this language, the question of whether the Communist Party would be prohibited from participating in a primary election under Section 6431, as amended above, would involve exactly the same considerations as are involved under the present wording of the statute, that is, it would have to be established, pursuant to Section 6432 of the Elections Code, that the Communist Party either directly or indirectly carries on, advocates, teaches, justifies, aids or abets the overthrow by any unlawful means of, or directly or indirectly carries on advocates, teaches, justifies, aids, or abets a program of sabotage force and violence, sedition or treason against, the government of the United States or of this State This determination is made at the instance of the Secretary of Sate with the advice and consent of the Attorney General, subject to review in the State Supreme Court

On the other hand, in construing legislative enactments, the courts are reluctant to attribute to the Legislature, in the absence of clear legislative intent, an idle or futile act, such as an amendment to a code section making no change in the legal effect or application of the section It is generally presumed that a substantial change in statutory language is intended to make a change in the law (*Ruiz* v *Industrial Accident Commission*, 45 Cal 2d 409, *Evans* v *San Joaquin County*, 58 Cal App 2d 799) Each word in a statute is presumed to have been used with an express meaning and purpose (*Woodmansee* v *Lowery*, 167 Cal App 2d 645) If A B 1263 is construed as intending to make a change in the law, it must be construed as intending to specifically prohibit the Communist Party from participating in primary elections

QUESTION NO. 3

Would the provisions of A B 1263 of the 1961 Regular Session be constitutional if enacted into law?

OPINION NO. 3

If A B 1263 is construed as intending to make a change in the law, that is, to bar the Communist Party by name only from participation in primary elections in our opinion it would be held unconstitutional by the courts

ANALYSIS NO. 3

As indicated in Analysis No 2, above, it will be presumed in the absence of legislative intent to the contrary that the Legislature in making a substantial change in the language of a code section intended to make a change in the law Such a construction of A B 1263 requires that the bill be considered as barring the Communist Party, by name only, from participation in primary elections Such a construction also makes A B 1263 similar in effect to the legislation declared unconstitutional by the Supreme Court of this State in *Communist Party* v *Peek* 20 Cal 2d 536 That case involved the validity of a statute which, in part, declared the Communist Party ineligible to participate in primary elections The court held the provision to be invalid on the ground that it constituted special legislation in violation of Article IV, Section 25, Subdivision 11 of the State Constitution The court pointed out that while the Legislature could bar subversive organizations as a class from participation at the primary, it could not single out a single organization, by name, for that purpose To do so, constitutes special legislation

The court based its decision in the *Peek* case, to a large extent, on the fact that, in the absence of evidence, it would be required to take judicial notice of the subversive character of the Communist Party in order to uphold the statute as reasonable, and that judicial notice to that effect could not be taken under the conditions then existing

Since the decision in the *Peek* case, it has been established by legislative findings and judicial decisions that the Communist Party is a continuing conspiracy against the government (see *Board of Education of San Francisco Unified School District* v *Mass*, 47 Cal 2d 494, 498, *Black* v *Cutter Laboratories*, 43 Cal 2d 788, 800-808, Ed C Sec 12951, Gov C Sec 1027 5, Internal Security Act of 1950, 50 U S C A 781, Communist Control Act of 1954, 50 U S C A 841) Whether or not these findings and decisions would cause the Supreme Court to reach a different conclusion

than that arrived at by it in the *Peek* case, should the matter ever come before it again, is a matter of conjecture Inasmuch as the *Peek* case has not been overruled, however, it must still be regarded as the law of this State

Finally, it should be noted that the construction placed upon A B 1263 in the event it were enacted into law would initially be up to the Secretary of State and the Attorney General who, under Section 6432 of the Elections Code, are given the responsibility for enforcing the provisions of Section 6431

Very truly yours,

RALPH N KLEPS
Legislative Counsel

By JOSEPH E COOMES, JR
Deputy Legislative Counsel

APPENDIX II

OPINION OF THE CALIFORNIA LEGISLATIVE COUNSEL No. 511

Dated August 31, 1961

SACRAMENTO, CALIFORNIA
August 31, 1961

HON ROBERT W CROWN
Biltmore Hotel
515 South Olive
Los Angeles, California

COMMUNIST PARTY v. PEEK—No. 511

DEAR MR CROWN You have requested a brief analysis of *Communist Party* v. *Peek* (1942), 20 Cal 2d 536, insofar as the court was concerned with the question of prohibiting the Communist Party by name from participating in primary elections

The Supreme Court, in *Communist Party* v *Peek*, supra, had before it the question of constitutionality of former Section 25404 of the Elections Code, which denied participation in primary elections to any party affiliated with the Communist Party or which, in general, advocated a forceful overthrow of the government The section then read

> "Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any primary election *which is directly or indirectly affiliated, by any means whatsoever, with the Communist Party of the United States, the Third Communist International, or any other foreign agency, political party, organization or government* or which either directly or indirectly carries on, advocates, teaches, justifies, aids or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids or abets a program of sabotage, force and violence, sedition or treason against, the Government of the United States or of this State"

The court held the statute to be invalid insofar as it purported to disqualify the Communist Party or its affiliates, by name, from participating at the primary In other words, it held that the language shown in italics violated the Constitution

The court based its decision on the fact that the provision in question constituted special legislation in violation of Article IV, Section 25, subdivision 11 of the State Constitution The court pointed out that while the Legislature could bar subversive organizations as a class from participation at the primary, it could not single out an organization, by name, for that purpose To do so constitutes special legislation

The remainder of Section 25404 was declared to be valid by the court, on the theory that the Legislature's power to prescribe tests and conditions for participation in primary elections includes the right to adopt tests designed to exclude those parties advocating the overthrow of the government by unlawful means or those parties carrying on a program of sabotage, force and violence, sedition or treason. The court stated that such groups constitute an immediate threat to the functioning of our institutions, including the continued exercise of the right of suffrage (p. 551) The court refused to take judicial notice that the Communist Party fell within this category

The court based its decision in the *Peek* case, to a large extent, on the fact that, in the absence of evidence, it would be required to take judicial notice of the subversive character of the Communist Party in order to uphold the statute as reasonable, and that judicial notice to that effect could not be taken under the conditions then existing

Since the decision in the *Peek* case, it has been established by legislative findings and judicial decisions that the Communist Party is a continuing conspiracy against the government (Ed C, Sec 12951; Gov C, Sec 10275, Internal Security Act of 1950, 50 U S C A 781, Communist Control Act of 1954, 50 U S C A 841, see *Konigsberg* v *State Bar of California*, 366 U S 36, 6 L ed 2d 105, *American Communications Association* v *Douds*, 339 U S 382, *Scales* v *U S*, 367 U S 203, 6 L. ed 2d 782, *Communist Party* v *Subversive Activity Control Board*, 367 U S 16 L.

ed 2d 625) Similarly, the California Supreme Court, while declining to take judicial notice of the subversive nature of the Communist Party in the *Peek* case, has since expressly found that the Communist Party is a continuing conspiracy against the government (see *Board of Education* v *Mass*, 47 Cal 2d 494, 498; *Black* v *Cutter Laboratories*, 43 Cal 2d 788, 800-806)

Whether or not the subsequent findings and decisions relating to the Communist Party would cause the State Supreme Court to reach a different conclusion than that arrived at by it in the *Peek* case, should the matter ever come before it again, is a matter of conjecture Inasmuch as the *Peek* case has not been overruled, however, it must still be regarded as the law of this State

Very truly yours,

RALPH N KLEPS
Legislative Counsel

By JOSEPH E COOMES, JR
Deputy Legislative Counsel

APPENDIX III

OPINION OF THE CALIFORNIA LEGISLATIVE COUNSEL No. 91

(In Part)

Dated August 31, 1961

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, August 31, 1961

HON BRUCE V REAGAN
2475 Vista Laguna Terrace
Pasadena, California

COMMUNISM—No. 91

DEAR MR REAGAN You have asked several questions concerning statutes outlawing communism in Texas and other states In addition, you have asked whether a loyalty oath is required in California of teachers in both public and private schools We will answer these questions in order

QUESTION NO. 1

Does the State of Texas have a law 'outlawing" communism?

OPINION NO. 1

Yes

ANALYSIS NO. 1

The State of Texas enacted in 1954 a statute declaring the illegality of the Communist Party and Communist Party membership

Article 6889-3A, Section 2, provides

> 'The Communist Party of the United States, together with its component or related parts and organizations, no matter under what name known, . . are hereby declared illegal and not entitled to any rights, privileges, or immunities attendant upon bodies under the jurisdiction of the State of Texas or any political subdivision thereof It shall be unlawful for such party or any of its components or related parts or organizations, to exist, function, or operate in the State of Texas . "

Section 5(4) of that same article proscribes membership in the Communist Party In addition, members of the Communist Party are prohibited from taking part in certain activities, such as, elections (Art 6889-3, Sec 6, Art 6 02), state employment (Art 6889-3A, Sec 7) and the profession of pharmacy (Art 4542a, Sec 9)

QUESTION NO. 2

Have other states adopted such laws?

OPINION NO. 2

Yes

ANALYSIS NO. 2

While we have not examined the laws of every state, a few of the states which we have discovered as having such a law are

Pennsylvania: Title 18, Sec 3811, is similar in wording and effect to Texas Art 3889-3A, Sec 2

Massachusetts. Ch 264, Sec 16A, defines the Communist Party as a subversive organization, Sec 17 makes all subversive organizations illegal, and Sec 19 makes membership in a subversive organization illegal

Indiana: Title 10-5204 makes membership in the Communist Party illegal

Arizona: The Arizona Communist Control Act of 1961 (Laws 1961, Ch 108) bars the Communist Party from the status of a political party under Arizona law (Secs 16-205, 16-206, Ariz Rev Stats)

California does not have a law "outlawing' the Communist Party by name, although there are numerous statutes dealing with Communist groups, members and

subversive organizations (Gov C, Secs 1027 5, 1028, Ed C, Sec 8455, Corp C, Secs 35000 et seq , Elec C, Secs 6421, 6432)

QUESTION NO. 3

Can such a law be enforced?

OPINION NO. 3

A similar federal act has been enforced in at least two state courts However, in view of *Communist Party* v *Peek*, 20 Cal 2d 536, we doubt that a California statute which attempted to outlaw the Communist Party by name only would be upheld by the courts of this State

ANALYSIS NO. 3

As far as our research has discovered, none of the state statutes listed have been tested in the appellate courts The United States Supreme Court has made no ruling as to their constitutionality

However, the Texas statute and others have been patterned after the federal Communist Control Act of 1954 (50 U S C 842) Though the constitutionality of of this act has not been passed upon by the courts, the statute has been applied several times In *Salmen* v *Rees*, 108 A 2d 265 (1954), it was held that a member of the Communist Party was not entitled to a place on a county ballot as a candidate of the Communist Party

Although a New York court held that the Communist Party was not entitled to the status of employer in the State of New York and could not pay the unemployment insurance tax (thus excluding its employees from unemployment insurance benefit (*In re Albertson's Claim*, 168 N E 2d 242), the Supreme Court of the United States reversed this decision in *Communist Party* v *Catherwood*, 6 L Ed 2d 989 (1961), on the ground that it was not the intent of Congress in the Communist Control Act of 1954 to exempt the party from this tax The court refrained from deciding any constitutional questions raised by the act

In California the State Supreme Court in 1946 considered the constitutionality of an act barring the Communist Party by name from participating in primary elections In *Communist Party* v *Peek*, 20 Cal 2d 536, the court held such an act invalid on the grounds that it constituted special legislation in violation of Section 25, Article IV of the State Constitution Since the decision in the *Peek* case, it has been established by legislative findings and judicial decisions that the Communist Party is a continuing conspiracy against the Government (see *Board of Education of San Francisco Unified School District* v *Mass*, 47 Cal 2d 494, 498, *Black* v *Cutter Laboratories*, 43 Cal 2d 788, 800-808, Ed C Sec 12951, Gov C Sec 1027 5, Internal Security Act of 1950, 50 U S C A 781, Communist Control Act of 1954, 50 U S C A 841) Whether or not these findings and decisions would cause the Supreme Court to reach a different conclusion than that arrived at by it in the *Peek* case, should the matter ever come before it again, is a matter of conjecture However, inasmuch as the Peek case has not been overruled, it must still be regarded as the law of this State

Therefore, in view of *Communist Party* v *Peek*, supra, we doubt that a California statute which attempted to outlaw the Communist Party by name only would be upheld by the courts of this State

Very truly yours,

RALPH N KLEPS, Legislative Counsel
By JOSEPH E COOMES, JR, Deputy Legislative Counsel

APPENDIX IV

WITNESSES AT COMMITTEE HEARINGS ON A.B. 1263

September 1, 1961 (in favor)

1 Hon Louis Francis, Assemblyman, 25th District
2. Mr. W P Strube, Jr, Vice President of Christian Anti-Communist Crusade, President of Mid-American Life Insurance Co
3 Mr W Cleon Skousen, former FBI agent
4 Mr Herbert Philbrick, former FBI agent
5 Mr John Lechner, Executive Director of the Americanism Education League of Los Angeles
6 Mr Norman Moore, representing the National Council of Police Associations
7 Mr Roscoe Moore, Commander of the California Department of the American Legion
8 Captain E Richard Barnes, USN (retired)
9. Commander Paul Terry, USN (retired), Director of Department of Education, Copely Newspapers of San Diego, member, Board of Directors of Project Alert
10 Mr Karl Prussion, former FBI agent
11 Colonel C L Bartlett (retired), representing Military Order of World Wars—Pasadena.
12. Captain P. A Horton, Americanism Chairman of the Los Angeles County Council of the American Legion
13 Mrs Clara McDonald, Legislative Representative of the United Patriotic People of the U S A , Inc

October 6, 1961 (in opposition)

1 Mr A L Wirin, representing the American Civil Liberties Union of Southern California
2 Dr Ivan Hinderaker, Chairman, Department of Political Science, U C L A
3 Dr Arno Van Alstyne, professor of law, U C L A
4 Mr Frank Mankiewicz, attorney
5 Mr Samuel C Palmer III, attorney
6 Mrs Dorothy Healey, Chairman of the Communist Party of Southern California
7 Mr John R Shaffer, Associate Pastor, Wesley Foundation, University of Southern California

APPENDIX V

REPORT ON A.B. 1263

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, October 2, 1962

HON NICHOLAS PETRIS
Financial Center Building
Suite 815—405 14th Street
Oakland 12, California

SUBVERSIVE ACTIVITIES—No. 4935

DEAR MR PETRIS You have asked us to what extent the provisions of Assembly Bill No 1263 of the 1961 Session are incorporated into Proposition No 24, the Louis Francis Amendment?

A B 1263 of the 1961 Regular Session would have amended Section 6431 of the Elections Code to read as follows

> "No party, *including but not limited to the Communist Party*, shall be recognized or qualified to participate in any primary election which either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this State" (Italics indicate new material)

Section 6432 of the Elections Code sets forth the procedure for determining which parties are disqualified to participate in a primary election under Section 6431 The determination is to be made by the Secretary of State with the advice and consent of the Attorney General. notice of intention to disqualify must be given by registered mail to the chairman of the state central committee of the party, and the party can demand a hearing by filing an affidavit in the Supreme Court, thereby leading to a judicial determination of the questions involved, provided the Supreme Court accepts jurisdiction

If A B 1263 is construed as intending to make a change in the existing law then the intended effect of the bill would be to bar the Communist Party, *by name*, from participation in primary elections

The Louis Francis Amendment provides that no communist-action organization, communist front, subversive organization, or political party which is directly or indirectly associated with a communist organization or with a subversive organization shall be entitled to be recognized or certified as a political party under the laws of the State of California, and that the name of any such organization shall not be printed upon any ballot used in any primary or general election in the State of California or in any political subdivision thereof (Secs 4 and 5)

Proposition No 24 defines a 'communist action organization" as an organization which (1) is controlled by the foreign government or foreign organization which controls the world communist movement, and (2) which is operated to advance the objective of this movement to establish by any means including force and violence, a communist totalitarian dictatorship in countries throughout the world, including the United States (Sec 2(c)) A "communist front organization" is defined as an organization which is controlled by a communist-action organization, and which is primarily operated for the purpose of giving aid and support to a communist-action organization, a communist foreign government, or the world communist movement (Sec 2(d)) The measure defines a subversive organization as (1) an organization which directly or indirectly advocates, teaches or advises the overthrow of the government of the United States by force or violence

It should be noted that the existing Section 6431 of the Elections Code prohibits the qualification of any party which 'either directly or indirectly justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or this State" In our opinion an organization which would qualify as a communist-action, communist front, or subversive organization under the initiative measure would also be disqualified as a political party under the existing Section 6431 of the Elections Code

The initiative measure provides that if an organization is found to be a communist-action organization by one of various enumerated agencies including a federal board making such a finding pursuant to law under a similar definition, the organization shall be deemed to be such an organization for purposes of the measure (Sec. 3) The Communist Party of the United States has been found by the Federal Subversive Activities Control Board to be a communist-action organization within the meaning of the Federal Subversive Activities Control Act (50 U S C., Secs 781 et seq.), and this finding has been upheld by the Supreme Court of the United States *(Communist Party v Subversive Activities Control Board* (1961), 6 L Ed 2d 625) The definition of a communist-action organization under the federal act is substantially the same as that contained in the initiative measure Therefore the Communist Party of the United States would be deemed a communist-action organization under the measure and, thus, would not be entitled to recognition as a political party under the Francis measure

Very truly yours,

A C MORRISON
Legislative Counsel

By OWEN K KUNS
Deputy Legislative Counsel

APPENDIX VI

MINORITY REPORT OF ASSEMBLYMAN LOUIS FRANCIS

Although the standing rules of the Assembly do not require it, as chairman of the committee I am glad to include the minority report of Assemblyman Louis Francis relating to his proposal, A B 1263

As chairman of the committee I accept full responsibility for its report I feel compelled to make two comments on the dissent (1) Although he charges me with "distortion" (among other sins) Mr Francis uses as the foundation for his criticism a partial quotation, deliberately wrenched from context "Whether or not communism is a menace is not the issue"

Readers of this report will note that the full statement of the committee is as follows "Whether or not communism is a menace is not the issue, we are all united in our opposition to communism The committee is considering whether amending Section 6431 of the Elections Code as suggested is the best way to combat *this menace* consistent the the preservation of the traditional American concepts of freedom and justice" (Emphasis added)

Thus does Mr Francis commit the very sin with which he charges us, without so much as the usual symbols denoting omissions

(2) Another major error which should be corrected is Mr Francis' claim that both conflicting opinions of the Legislative Counsel on the question of the constitutionality of A B 1263 were in the committee files This is not so The version preferred by Mr Francis was not in the committee file and was not known to us until after our report was written. Moreover, another Legislative Counsel's opinion addressed to Assemblyman Bruce Reagan and dated the day after the opinion in question substantiates the opinion used by the majority in this report (See Appendix III)

I have purposely limited my comment to these two points Needless to say, this brevity should not be construed as agreement with Mr Francis on his other complaints

NICHOLAS C PETRIS
Chairman Assembly Interim
Committee on Elections and
Reapportionment

MINORITY REPORT TO THE 1963 FINAL REPORT OF THE ASSEMBLY INTERIM COMMITTEE ON ELECTIONS AND REAPPORTIONMENT ON ASSEMBLY BILL NO. 1263, RELATIVE TO PARTICIPATION IN ELECTIONS BY SUBVERSIVES

By Assemblyman Louis Francis

FAILURE TO RECOGNIZE ISSUES

This is my dissent to the 1963 Final Report of the Assembly Interim Committee on Elections and Reapportionment on Assembly Bill No 1263, relative to participation in elections by subversives I strongly disapprove of it because I find it very biased, prejudiced, and inaccurate After carefully and fairly analyzing this report of the majority of the committee's members, I have found it to contain many factual errors and distortions In fact, it completely fails to recognize and circumvents the main issues presented to the committee through this bill

The majority report leads itself astray at the outset by insisting that "Whether or not communism is a menace is not the issue" Because of the stringent and definitive nature of Assembly Bill No 1263, I would not be inclined to apply such a strict measure to an organization which does not warrant such treatment, and therefore, we must first determine whether or not the communist movement in California deserves the rigors of Assembly Bill No 1263 Clearly, the Communist Party is the subject matter of this bill Accordingly, the degree of danger from the Communist Party and its subversive elements is an essential issue and, despite the unwillingness of the writer of the majority report to face this issue, requires careful consideration by this committee.

NO PROBLEM DEFINING COMMUNISM

In addition to specifically naming the Communist Party, the bill includes in considerable detail the activities as set forth in existing law to be prohibited in all subversive political groups and organizations The Communist Party has been well defined by the United States and California Supreme Courts and Congress, as well as by the courts and legislatures of many states It cannot be said that the Communist Party will be defined in any other way under Assembly Bill No 1263, and much less will Robert Welch be called upon to administer the bill Accordingly, the semantic problem suggested in the majority report does not exist

NO BILL OF ATTAINDER ISSUE

Professor Arno Van Alstyne has taken the position that Assembly Bill No 1263 is a bill of attainder because the courts cannot take judicial notice of the nature of the Communist Party as set forth in the bill Instead, he insists that proof must be adduced at all proceedings brought to penalize the communists. In this connection, the Legislative Counsel, in his opinion No 507, dated August 30, 1961, differs with the professor and points out that Assembly Bill No 1263 would result in a more effective law because ". . . it would alleviate the necessity of determining by independent proof that the Communist Party did engage in the subversive acts listed in the section" of the Elections Code I must also disagree with the professor's reasoning on the following two major grounds First of all, the case which dealt with a statute similar to the one before us now, *Communist Party* v *Peek*, 20 C2d 536 (1942), did not find a bill of attainder issue and, further, that case pointed out that such findings as the Legislature made in the statute before the court were certainly within the prerogatives of the Legislature, Secondly, the nature of the Communist Party is, at present, beyond argument in view of subsequent Supreme Court decisions, and therefore the court must take judicial notice of same This is not a case of condemnation by legislative fiat, arbitrary in its method, but rather a legislative finding of fact which presents no adjudicative issue to the court See *Communist Party* v *Subversive Activities Control Board*, 367 U S. 1, 6L ed 2d 625 (1961).

ENFORCEMENT MACHINERY AVAILABLE

In the course of the questioning of Norman H Moore, Vice President of National Council of Police Associations and Chairman of the Committee on Subversive Intervention in Law Enforcement Operations, by Assemblyman Jesse M Unruh, the impression is created that Assembly Bill No. 1263 is incomplete because it does not

provide for a means of determining a political party's communist affiliations, and therefore, additional legislation would be required to implement this bill This impression is erroneous As pointed out by the Legislative Counsel in his opinion No 500, dated August 30, 1961, and addressed to the committee's former chairman Assemblyman Robert W Crown, Section 6432 of the Elections Code provides that the determination shall be made by the Secretary of State with the advice and consent of the Attorney General, subject to review by the State Supreme Court

CONFLICTING OPINIONS OF LEGISLATIVE COUNSEL

Despite the majority report's insistence that the Legislative Counsel has concluded that Assembly Bill No 1263 would be held unconstitutional for certain reasons, I do not wish to be as arbitrary as the writer of the majority report However I must contend this is incorrect, and that the Legislative Counsel's opinion, ruling that the bill is constitutional, which was addressed to the committee's former chairman, bearing the same number, same date and signed by the same Deputy Legislative Counsel, is authoritative and should have been set forth in the committee's report Both opinions have been filed with the committee, and therefore, it would seem that some attempt should have been made to determine which of the two conflicting opinions reported the Legislative Counsel's true conclusion in the matter In light of my own research, evidenced by a seven-page brief filed with the committee, I cannot but conclude that the Legislative Counsel's opinion upholding the constitutionality of Assembly Bill No 1263 is a true opinion and, therefore, should have been set forth in the majority report in place of the one selected (See appendix)

JUDICIAL NOTICE CONTROLLED PEEK CASE

In the majority report's reference to my brief it was claimed that I "merely speculated" on the rule of judicial notice in the *Peek* case My position that the California Supreme Court's inability in 1942 to take judicial notice of the nature of the Communist Party was controlling in that case is not mere speculation, but in the words of the author of the *Peek* decision, the very foundation of the case The Chief Justice said, in 1955, that "The basis of the decision in that (Peek) case was that the court would be required to take judicial notice of the subversive character of the Communist Party and that judicial notice to that effect could not be taken under the conditions *then* existing" Gibson, C J in *Stenmetz* v *California State Board of Education* 44 Cal 2d 816, 825 285 Pac 2d 617 (1955) (Emphasis added) Accordingly, it is evident that the committee completely overlooked the single, principal reason why the case of *Communist Party* v *Peek* would no longer control the court's construction of Assembly Bill No 1263

HYSTERICAL FEAR OF WORLD IMAGE

Professor Ivan Hinderacker's suggestion that the communists would gain an opportunity to propagandize should Assembly Bill No 1263 be enacted is preposterous By his untenable reasoning, we should refuse to recognize the communist strength in California because, to do so, would require us to admit that the communists are strong and effective in California and this admission would enhance the communist image in the eyes of the rest of the world Therefore we are being asked to "save face" in the eyes of the very people who have placed us in what Dr Hinderacker considers to be an embarrassing position In other words, he would have us ignore communist strength when to do so would permit its image to crystallize into reality

THIS BILL IS NOT PROPOSITION 24

The majority report's inference that the fate of Proposition 24 the initiative constitutional amendment relative to subversive activities should control the committee's decision on Assembly Bill No 1263 is an attempt at suggesting a conclusion which just does not follow the premise given Proposition 24 consisted of 14 sections covering all major phases of subversion, no section was a reformulation of Assembly Bill No 1263 alone Accordingly, Proposition 24 could have been defeated for any number of reasons wholly unrelated to this bill

CLOUDING THE ISSUES

To devote about one-fifth of the majority report to such irrelevant matters as speculation on "international political considerations," "rightwing hysteria" and an imagined extinction of the country's two major parties under Assembly Bill No 1263 is to waste the time of the committee and all readers of the majority report Certainly it is immaterial to an intelligent and unemotional discussion of the issues

involved in this bill. The writer, by his digression into a morass of wild charges and emotionalism, has himself fallen victim to the imagined evils he sought to condemn in the conservative approach to anticommunism. In keeping with the slanted approach taken earlier in the majority report, it is significant that the writer chose to cloud whatever factual and relevant material appeared in the majority report with a lengthy conclusion serving only to bring before the reader's eyes an untrue, unwarranted and ill-defined specter of fascism.

DISPROPORTIONATE COVERAGE

A brief perusal of the majority report indicates at once the shallow consideration given by the committee to the testimony of the proponents of the bill. For example, the testimony of five nationally known authorities on the communist conspiracy has been capsulized into a single paragraph containing fragmentary quotes from each. On the other hand, the comments of many of the opponents of less experience with or knowledge of the red menace have been set out, verbatim, in great length. Furthermore, it is especially significant that so much of the testimony of an unsolicited witness, Clara McDonald, and Professor Hindemacker is selected by the writer of the majority report.

CONCLUSION

In light of the authorities cited in my brief submitted to the committee and the Legislative Counsel's opinion on the constitutionality of Assembly Bill No. 1263, it is clear that the bill would not be stricken down by the courts. Therefore, similar legislation should be introduced during the 1963 General Session of the Legislature because it would serve to eliminate the requirement of independent proof of subversive character in the process of excluding the Communist Party specifically from a place on our ballots, a place from which they could inflict permanent damage on our freedoms under the guise of exercising those freedoms. Such proposed legislation should be enacted by the Legislature for many additional logical and practical reasons. Some of these reasons were given by one of the proponents' leading witnesses, W. Cleon Skousen, former FBI agent and author of *The Naked Communist*, in his testimony before the committee as follows:

"First of all, there is the advantage of an open declaration of opposition to the Communist Party per se and everything that it stands for. This alone would begin to, or could, contribute to the unification of the spirit of public resistance to the propaganda and subversion with which the communists have been flooding our land. I noticed that the testimony here this morning and the questions that have been made by some of those on the committee reflect an appreciation of the seriousness of the problem and the fact that the communist can hide behind many other labels and fronts.

"There is a tremendous advantage to have the party proscribed per se so that it is identified in the public mind as something that the State of California will not tolerate, and this is my second major point, it would codify the fact that the State of California recognizes the Communist Party, U.S.A., as an illegal, foreign controlled, subversive organization that is not qualified to participate in the political affairs of California. Now this has a tremendous impact—if I can comment parenthetically on this point—in quickly identifying or rather developing a cohesive resistance, let us say, to someone who is a dedicated hard-core communist. This happened in Cuba. When Castro was rising to power he found himself caught with a lot of other communists where they did not want to be openly identified as communist per se and so under orders from the party officials, he covered himself in a so-called orthodox party. The orthodox party was headed up by Eddie Chibas, and all Eddie Chibas had to do to cut off Fidel Castro from progressing in that party was to pass the word, this is a communist undercover. While being somewhat of a leftwing party, they were somewhat tolerant of his presence. The authorities say that kept him from rising to power in this party he was trying to hide under. This is an advantage to spell out specifically that a certain party is proscribed and unlawful.

"Third, it would establish a legal facade behind which the people could generate the necessary initiative to regain any lost ground which had come under communist influence. In testifying before a congressional committee this year, J. Edgar Hoover warned that communist agents have succeeded in penetrating almost every level of our society. They are a small group and all they want is the right man in the right place at the right time to do the damage that is necessary to lose China or to make a policy that would lose a major advantage to the United States. So they have penetrated in a strong minority fashion—Mr. Hoover said 'schools, churches, public offices, unions, businesses, civic groups, etc.'—and wherever this has happened, the

loss of ground needs to be recaptured And this kind of a bill helps the people find their way, because the leadership of the State says this is something specifically to beware of

"Now fourth, it would frustrate the bold announcement of the National Committee of the Communist Party, U S A , in its intention to carry the communist banner into more and more public elections It has been pointed out and I think rightfully so this morning that when the Communist Party gets into politics, because it carries such a radical and aggressive and violative program, it does not get elected But it does present a forward thrust behind which those who are doing the real work the communist wants to see accomplished can be achieved, and this frequently happens, that is why the communists take over not in their own name but in someone else's name But it is an advantage to them to have this extreme radical presentation out front, and this has been part of the policy of the Communist Party on a number of occasions In the thirties they started to do this and it was amazing how many people would rally behind the Communist Party per se, and it helps to have it identified as a proscribed organization

"Fifth, by legally proscribing the Communist Party it would greatly increase the problem of carrying on day-to-day functions As Americans, we have been slow to recognize how important this would be Whittaker Chambers commented on the reason why communist leaders abhor the prospect of being outlawed Said Chambers Lenin had tirelessly taught that when a whole Communist Party is outlawed, it is almost wholly paralyzed because it can no longer send into the surrounding community the filaments whereby it spreads its toxins and from which it draws its strength of life' The communists, therefore, feel that the outlawing of the party would strike a lethal blow against them, and you will notice that they make a great to do about any effort to outlaw the party and use all of those who are outright to semisympathizers to try and express their opposition to it It forces them to do practically all of their work from the underground It dams off open channels of propaganda, helps frustrate their espionage machinery and frightens away from the party all but their most dedicated, hard-core, revolutionary members This is what Lenin was talking about when he said the outlawing of the Communist Party does tend to paralyze them

Sixth, I feel that the proscribing of the Communist Party in California would have an electrifying psychological impact on the entire nation We have gone far past the time when communism is an unknown quantity or mystery It needs to be openly and clearly identified as the aggressive, predatory, subversive enemy of American freedom which it is Since California is one of the two top communist targets in the United States, it would undoubtedly be a foundation shaking shock to the whole communist apparatus if the Communist Party were outlawed specifically from political activities in its second largest stronghold "

LOUIS FRANCIS

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, August 30, 1961

HON ROBERT W CROWN
1108 Park Street
Alameda, California

COMMUNIST PARTY PARTICIPATION IN ELECTION—No. 500

DEAR MR CROWN

QUESTION NO. 1

Does present Section 6431 of the Elections Code prohibit the Communist Party from participating in a primary election?

OPINION AND ANALYSIS NO. 1

Section 6431 of the Elections Code (as recodified by Stats. 1961, Ch 23) provides as follows

"No party shall be recognized or qualified to participate in any primary election which either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this State"

Section 6432 of the Elections Code sets forth the procedure for determining which parties are disqualified to participate in a primary election under Section 6431 The determination is to be made by the Secretary of State with the advice and consent of the Attorney General, notice of intention to disqualify must be given by registered mail on the chairman of the state central committee of the party, and the party can demand a hearing by filing an affidavit in the Supreme Court, thereby leading to a judicial determination of the questions involved, provided the Supreme Court accepts jurisdiction

If it is established pursuant to these sections that the Communist Party "either directly or indirectly carries on, advocates, teaches justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against the government of the United States or of this State," then the Communist Party would be prohibited under Section 6431 of the Elections Code from participating in a primary election

QUESTION NO. 2

Would the amendment to Section 6431 of the Elections Code proposed by Assembly Bill No 1263 of the 1961 Regular Session prohibit the Communist Party from participating in a primary election?

OPINION AND ANALYSIS NO. 2

A B 1263 proposed to amend Section 6431 of the Elections Code as follows (with new matter underlined)

"6431 No party, *including but not limited to the Communist Party*, shall be recognized or qualified to participate in any primary election which either directly or indirectly carries on, advocates, teaches, justifies aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches justifies aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this State"

In our opinion, the question of whether the Communist Party would be prohibited from participating in a primary election under Section 6431, as amended above, would involve exactly the same considerations as are involved under the present wording of the statute, that is, it would have to be established, pursuant to Section 6432 of the Elections Code, that the Communist Party 'either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this State"

While A B 1263 would have the effect of listing the Communist Party by name as one of the parties which is subject to the section, the essential requirement of the section remains—the party prohibited from participating in a primary election must be determined to be engaged in subversive activities This determination is made at the instance of the Secretary of State with the advice and consent of the Attorney General, subject to review in the State Supreme Court

QUESTION NO. 3

Would the provisions of A B 1263 of the 1961 Regular Session be constitutional if enacted into law?

OPINION AND ANALYSIS NO. 3

In our opinion, A B 1263 is constitutional

As indicated in Analysis No 2, A B 1263, while mentioning the Communist Party by name in Section 6431, would still retain the requirement that the Communist Party, like any other party, must be determined to be engaged in subversive activities

We believe that this distinguishes the bill from legislation declared unconstitutional by the Supreme Court of this State in *Communist Party v. Peek*, 20 Cal 2d 536 That case involved the validity of a statute which, in part, declared the Communist Party ineligible to participate in primary elections The court held the provision to be invalid on the ground that it constituted special legislation in violation of Article IV, Section 25, Subdivision 11 of the State Constitution The court pointed out that while the Legislature could bar subversive organizations as a class from participation at the primary, it could not single out a single organization, by name, for that purpose To do so, constitutes special legislation

The court based its decision in the *Peek* case, to a large extent, on the fact that, in the absence of evidence, it would be required to take judicial notice of the subversive character of the Communist Party in order to uphold the statute as reasonable, and that judicial notice to that effect could not be taken under the conditions then existing

Since the decision in the *Peek* case, it has been established by legislative findings and judicial decisions that the Communist Party is a continuing conspiracy against the Government (see *Board of Education of San Francisco Unified School District v Mass*, 47 Cal 2d 494, 498; *Black v Cutter Laboratories*, 43 Cal 2d 788, 800-808; Ed C Sec 12951, Gov C Sec 10275, Internal Security Act of 1950, 50 U S C A 781, Communist Control Act of 1954, 50 U S C A 841) Whether or not these findings and decisions would cause the Supreme Court to reach a different conclusion than that arrived at by it in the *Peek* case, should the matter ever come before it again, is a matter of conjecture Inasmuch as the *Peek* case has not been overruled, however, it must still be regarded as the law of this State

In any event, A B 1263 avoids the problem which arose in the *Peek* case, since the Communist Party by name is not summarily barred by the Legislature from participation in primary elections but is barred only if it is determined pursuant to Section 6432 of the Elections Code that the party is engaged in the subversive activities enumerated as disqualifying any party from participation in a primary election We do not believe that the mere mention of the Communist Party by name in the manner in which it is done in A B 1263 raises a constitutional issue

Very truly yours,

RALPH N KLEPS
Legislative Counsel

By JOSEPH E COOMES, JR
Deputy Legislative Counsel

POINTS AND AUTHORITIES IN SUPPORT OF ASSEMBLY BILL No. 1263, RELATING TO PARTICIPATION BY THE COMMUNIST PARTY AT DIRECT PRIMARY ELECTIONS

Submitted by Assemblyman Louis Francis

The following points and authorities shall concern themselves with the two principal considerations dealing with the inclusion of specific reference to the Communist Party in the proposed legislation, viz., the lingering authority of *Communist Party v. Peek*, 20 Cal 2d 536, 127 Pac 2d 889 (1942), and the possibility of certain federal laws having pre-empted the field of antisubversive legislation

As will be seen, neither of the above considerations should have any present significance with respect to the constitutionality or enforceability of Assembly Bill No 1263

PEEK CASE NO LONGER APPLICABLE

Communist Party v Peek, 20 Cal 2d 536, 127 Pac 2d 889 (1942), whatever its soundness in a time when the Soviet Union was an American ally pressed into battle with the Axis powers, is now an anachronism In the course of international affairs since 1942, the Peek case's rationale has gone the way of Justice Holmes' mandate that we stop and get out of our automobiles before crossing at railroad intersections

Specifically, the *Peek* case denied the validity of a statute which, like the proposed legislation in issue, would preclude, by specific reference, the participation of the Communist Party in primary elections The California Supreme Court, speaking through Chief Justice Gibson, turned its decision on four points as follows

1 Refusal of the court to take judicial notice of the nature of the Communist Party i e, refusal to recognize as a matter of common knowledge that the words "Communist Party" and "advocacy of violence, overthrow, and treason towards the government of the United States or of this State" are synonomous and interchangeable. *Id*, at pages 546-7

2 The prohibition against use of the name "communist" is unreasonable because the beliefs sought to be legislated against are present irrespective of the name used by the party espousing those beliefs *Id*, at page 546

3 Belief that, as a political party, the Communist Party fell under the protection of the California Constitution, Article 4, Sec 25 (11), which provides that the Legislature shall not pass any local or special laws in the field of conducting elections *Id*, at pages 548-50

4 Objection to the wording in the former statute which provided a ban on any party "which is directly or indirectly affiliated, by any means whatsoever, with any foreign agency, political party, organization or government" *Id*, at pages 550-1

Points two, three, and four will be dealt with summarily because, as will be seen later, only that point dealing with judicial notice was controlling in the case under discussion

2 Irrespective of the fact that subversive groups can disguise, at least superficially, the nature of their philosophy in politics, there remains the fact that the Communist Party represents, by force of its name alone, the culmination and inspirational source of the greatest subversive organization in this or any other country By refusing to ban the party from a place on our ballot, as the proposed legislation would do, we are confronted with a situation wherein the State of California would provide, through its election machinery, a rallying point for an organized conspiracy the name of which is universally recognized as running counter to the American institution This, the State of California can ill afford in light of the statements of J Edgar Hoover, quoted in the State Senate Factfinding Committee on Un-American Activities' 1950 report, as follows

> "The Communist Party, U S A, is concentrating tremendous effort in the State of California Roughly 15 percent of all Communist Party members in the nation reside in California, ranking this State second only to New York in party membership The growing population, industry and strategic location of California have made this State communism's prime target for years and that is why the party is operating a highly efficient underground apparatus in California, as well as trying to increase aboveground operations"

To permit the Communist Party to appear on our primary ballot is to confer upon it a dignity and sanction of which it is unworthy It is a grave error to correlate the ethics, purposes, and ideals of the Communist Party with those of our Republican and Democrat Parties This, because to do so is to supply an irrefutable argument that there is no law against being a communist, or against his carrying out his program of undermining this Republic from within

3 Conceding the importance of the right of suffrage, and that the right to foster candidates for public election is a necessary corollary of the franchise, it is urged here that, with considerable authority, the Communist Party is not a political party at all, it is a criminal conspiracy Quoting from a recent California Supreme Court decision

> " it is to be noted that the old hoax that the Communist Party is but a political party has been effectively exposed. " *Black v Cutter Laboratories*, 43 Cal 2d 788, 797-8, 278 Pac 2d 905 (1955), appeal dismissed 351 U S 292, 76 S Ct 824, 100 L Ed 1188

Continuing, the court said,

> " the true implications of knowing membership in and support of the Communist Party are no longer open to doubt, and the long overworked party line theme that communism is but a political activity has been exposed as a false and fraudulent strategem designed particularly as a device for securing, in the free nations having government by law, legal support for the 'party' in carrying on to the end of its illegal objectives " *Id* at page 800.

In support of its contentions above, the court quoted liberally from various federal statements of policy appearing in official enactments The *Communist Control Act of 1954*, 50 U S C A 841, alleges that the

> "Communist Party of the United States, is in fact an instrumentality of a conspiracy to overthrow the government of the United States "

The act then distinguishes the Communist Party from our traditional views of a political party, pointing out that (1) Communist Party policies are not submitted for approval to the electorate, but are prescribed by foreign leaders, (2) members of the Communist Party in this country have no part in determining party goals, (3) the Communist Party acknowledges no constitutional or statutory limitations on its conduct of members; and (4) the Communist Party is small numerically, thus giving scant indication of capacity to attain its ends lawfully After making the above findings and declarations, the Congress concluded that "Therefore, the Communist Party should be outlawed " Earlier, in 1950, Congress was moved to make similar findings, stating then that, in reference to the Communist Party,

> "Although such organizations usually designate themselves as political parties, they are in fact constituent elements of the worldwide communist movement " *Internal Security Act of 1950*, 50 U S C A 781(6)

In light of the foregoing, the dissenting opinion of Justice Spence in *Danskin v. San Diego Unified School District*, 28 Cal 2d 536, 560 171 Pac 2d 885 (1946), lucidly states the argument that the Communist Party has no standing under Article 4, Sec 25(11), or any other portion, of our State Constitution In discussing the constitutionality of restrictions on the use of public school buildings by subversive groups, Justice Spence said,

> "There could be no valid constitutional objection to a limitation or exception to those who advocate lynching or who advocate the assassination of the President of the United States or who advocate other crimes of violence against persons, and for similar reasons, there can be no valid objection to denying the use of such buildings to those who advocate the overthrow of the government by force and violence It is impossible to divorce crime from its criminal aspects even though it may be committed for a purpose having a political tinge, and the advocacy of crime does not become sacrosanct merely because of the nature of the motives or purposes of its advocates "

4 The proposed legislation, adding the words "Communist Party" for purposes of specificity, contains none of the general and sweeping generalizations found in the objectionable words "directly or indirectly affiliated, by any means whatsoever," and thus must pass where the other statute failed.

Dealing now with the second ground in the *Peek* decision, whereunder the court refused to take judicial notice of the nature of the Communist Party as advanced

by the proponents of the earlier statute, it should be noted that this ground was the cornerstone of the case and controlled its outcome

> *"The basis of the decision in that {Peek} case was that, in the absence of evidence, the court would be required to take judicial notice of the subversive character of the Communist Party in order to uphold the statute as reasonable and that judicial notice to that effect could not be taken under the conditions then existing"* Gibson, C J (author of the opinion in the *Peek* case) in *Steinmetz* v *California State Board of Education*, 44 Cal 2d 816, 825, 285 Pac 2d 617 (1955) (Emphasis added)

The previous discussion, that which rebutted ground number three of the Peek case is certainly ample to illustrate with assurance that any present court would take judicial notice of the nature of the Communist Party as being an organization devoted to the violent overthrow of and incitement of treason towards the government of the United States and of the State of California, the latter being an integral part of the federal republic In fact, recognition of this communist menace has been taken in the courts of this State since the decision of the *Peek* case In a case involving the constitutionality of a county ordinance requiring the registration of subversives with the county sheriff, the ordinance in question was prefaced with these words·

> "There exists a worldwide revolutionary movement whose purpose is, by any means deemed necessary, to establish and perpetuate a totalitarian communist dictatorship based upon force and power, rather than upon law, in all of the countries of the world, including the United States, even though it be against the consent of the majority of the people of such countries"

The court then summed up the ordinance's characterization of 'this worldwide revolutionary movement" as being inspired in the Soviet Union, operating by "terrorism, sabotage, and organized confusion" Further for purposes of making clear the extent of the conspiracy which the court noted, the ordinance continued with,

> "In Los Angeles County, there are active, disciplined communist organizations presently functioning for the primary purpose of advancing the objectives of the world communism movement . notwithstanding the refusal of the majority to accept such principles and doctrines through the free exercise of the ballot or by any other lawful or constitutional means"

Though holding the registration ordinance unconstitutional as compelling self-incrimination, the court referred to the above "facts found in the ordinance" and said, though admittedly by way of a dictum, "we, with our judicial knowledge of current events, shall not undertake to contradict any of them" *People* v *McCormick*, 102 Cal App 2d Supp 954, 962, 228 Pac 2d 349 (1951)

Concluding on the point of judicial notice, it is contended that the court sitting on the Peek case in 1942 would certainly have reached a contrary decision now in 1961, or even at any time since 1950 Remembering that the proposed legislation is intended, among other things, to make more specific and realistic the existing legislation on participation in primary elections, that Russia is no longer our ally, and that the courts would presently take judicial notice of the illicit nature of the Communist Party, it is now appropriate to quote from the Peek case in the words of Chief Justice Gibson, spoken to illustrate the powers available to the Legislature in controlling subversives

> *"Since it is within the power of the state as to such groups to restrict even the rights of free speech and free press (cases cited) it clearly was within the reasonable bounds of the Legislature's power to determine that those bodies should also be barred from the primary election ballot Under such circumstances we have no doubt that the Legislature's power to exclude parties and individuals from participation in a primary election extends to those groups whose political beliefs create a clear danger to the continued existence of the institutions under which our constitutional form of government functions"* *Communist Party* v *Peek*, at page 551 (Emphasis added)

FEDERAL LEGISLATION IN THE FIELD OF ANTISUBVERSION HAS NOT PRE-EMPTED STATE ACTION IN LOCAL ELECTIONS

Since the enactment of the *Smith Act*, 18 U S C A 2385, in 1948, there has arisen a body of law which holds that federal entrance into the fields of antisubversion served to pre-empt the field and thus invalidate similar state legislation This proposition, however, is sharply limited as will be seen shortly, and does not apply

to legislation aimed at protecting local institutions and interests which are not national in scope

In *Pennsylvania* v *Nelson*, 350 U S 497, 76 S Ct 477, 100 L Ed 640 (1956), the United States Supreme Court established the doctrine that the Smith Act had pre-empted the field of subversive legislation The court there held that a state sedition act which duplicated federal antisubversive legislation was invalid, violators being triable only by the federal government That the holding was limited to *prosecution* of subversives engaged in activities of *national* significance is clear from the opinion of Justice Clark in *Uphaus* v *Wyman*, 360 U.S 72, 79 S Ct. 1040, 3 L Ed 2d 1090, 1096 (1959), wherein it was said,

> "In Nelson itself we said that the 'precise holding of the court is that the Smith Act supersedes the enforceability of the Pennsylvania Sedition Act which prescribed the *same conduct*' The basis of Nelson thus rejects the notion that it stripped the States of the right to protect themselves All the opinion prescribed was a race between federal and state prosecutors to the courthouse door" (Emphasis included)

For a more specific statement of the limited effect of the Nelson case, see *First Unitarian Church* v *County of Los Angeles*, 48 Cal 2d 419, 311 Pac 2d 508 (1957) There, in discussing the validity of a state requirement that a loyalty oath be signed by a charitable organization in order that it might gain certain real estate tax benefits, the court referred to the Nelson case and said, through Justice Shenk

> "It is clear from the opinion of the Court in that case that the exclusion of state sedition legislation was limited to the imposition of criminal penalties" Id , at page 441

Though the case was reversed by the United States Supreme Court, 357 U S 545, 78 S Ct 1350, 2 L Ed 2d 1484 (1958), it was on other grounds dealing with burden of proof In reversing the First Unitarian Church case along with its companion case, *Speiser* v *Randall*, 357 U S 513, 78 S Ct 1332, 2 L Ed 2d 1460, 1483 (1958), Justice Clark, in his dissent in the latter case, commented approvingly on the above quoted position taken by the California Supreme Court and noted that the majority of the Supreme Court did not object to that position in effecting its reversal

From the above, it is clear that the provisions of Assembly Bill No 1263, relating to the Communist Party's participation in primary elections, do not intervene in the area of antisubversive legislation reserved to the jurisdiction of the federal government

MINORITY REPORT TO THE REPORT OF THE INTERIM COMMITTEE ON ELECTIONS AND REAPPORTIONMENT

Submitted by Assemblyman Charles J. Conrad

I submit the following minority report to the Assembly Interim Committee on Elections and Reapportionment

PARTICIPATION IN ELECTIONS BY SUBVERSIVES

I cannot concur in the recommendation that legislation similar to A B 1263 not be introduced at the 1963 session The complicated Proposition No 24, rejected by the voters last November, is far different than a simple disqualification of the Communist Party

I concede that the Communist Party is outlawed under present legislation I concede that the adoption of such a bill is largely psychological, but psychological warfare is an important part of the present world struggle, and rather than damaging the image of the United States abroad, as suggested in this Report, I believe it would strengthen our relations with our allies in the free world

Nor would the adoption of such legislation endanger the constitutionality of the present statute, which was one of the most compelling arguments against Proposition No 24 All that is necessary is to add the traditional savings clause, which states that if any section of a law is declared unconstitutional it does not affect the remaining sections

Nor can I concur in what seems to be the "anti-anti-communist" tone of the report, which goes far beyond a discussion of outlawing the Communist Party There is a continual harping against "rightwing hysteria" without any comparable discussion of the ultraleft. Thus when the opinion of the American Civil Liberties Union is cited, the report hastens to describe the ACLU as "an organization composed of fine patriotic Americans" whereas those comprising the right wing are considered professional patriots attempting to "mislead for political and financial gain" If, as charged, individuals favoring A B 1263, included those who have "not yet accepted the reforms of the Roosevelt era," certainly the opposition to A B 1263 includes those who never have rejected a great error of the Roosevelt administration, namely, the mistaken notion that communism is merely an idea rather than an international conspiracy dedicated to the destruction of America The report even carries its bias to the point where, in submitting statistics on past elections, it describes crossfiling as "that old evil crossfiling"

Respectfully submitted,

CHARLES J CONRAD

APPENDIX VIII

LETTER TO CHAIRMAN FROM ASSEMBLYMAN BRUCE V. REAGAN

(Committee note This letter is in response to the first draft of the committee's report Changes in this report have been made subsequent to this letter)

ASSEMBLY
CALIFORNIA LEGISLATURE
December 10, 1962

HON NICHOLAS C PETRIS
State Capitol, Room 2148
Sacramento, California

DEAR NICK I have just finished reading the final report on A B 1263 and find it largely unacceptable I do not think that it is an accurate or representative report of what actually took place at the hearings and I attended both one-day hearings, listened most attentively and came away with an entirely different impression from the one which you apparently intend to submit

This document has all the earmarks of being an emotionally inspired political tract designed to attack any individual or group which opposes current dominant socialistic political leadership and to obfuscate the real issues

No mention whatever is made of the fact that Dorothy Healy, California communist leader, testified against the bill No comment is made of the long record of A L Wirin in defense of those who would destroy our country He is only mentioned as representing the A C L U The report implies admiration for the highly questionable activities of the A C L U without any mention of the vigorously critical comments on that group by the American Legion and many others

I find it ridiculous to equate the dangers of Hitlerism (I thought he died) and a nonexistent fascism with the very real and present danger of both internal and external communism

On page 30, under Section G, the report indulges in gratuitous insults to a fellow member of the California Legislature by implying improper motives for the introduction of this legislation. I certainly have nothing but contempt for such tactics in the preparation of any official report

In the same paragraph the writer of the report brings in an entirely extraneous diatribe against all those who oppose a series of measures which have nothing whatsoever to do with the subject matter under question by the committee

The content of Section G is one of the worst examples of vitriolic, vicious and unwarranted political hydrophobia that I have ever seen in print.

I request that this letter be made a part of the report as the considered opinion of one minority member of the committee

Sincerely,

BRUCE REAGAN

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ASSEMBLY INTERIM COMMITTEE REPORT

1961-62

VOLUME 7 NUMBER 6

ELECTIONS AND REAPPORTIONMENT INTERIM COMMITTEE

AN OMNIBUS REPORT

I. AUTOMATED VOTE TABULATING DEVICES

II. JUDICIAL REVIEW OF REAPPORTIONMENT

III. POLITICAL ACTIVITIES OF STATE EMPLOYEES

IV. LITERACY TEST FOR VOTING

V. IDENTIFICATION OF CAMPAIGN MATERIAL

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January 1963

Published by the

ASSEMBLY

OF THE STATE OF CALIFORNIA

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Chief Clerk

LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON
ELECTIONS AND REAPPORTIONMENT
January 11, 1963

Hon Jesse M Unruh
Speaker of the Assembly
State Capitol, Sacramento

DEAR MR SPEAKER Under the provisions of the House Resolution No 361, passed by the 1961 Legislature, transmitted herewith are several reports from the Assembly Interim Committee on Elections and Reapportionment The topics which are included are Judicial Review of Reapportionment, Automated Vote-tabulating Devices, Literacy Tests for Voting, Identification of Campaign Material and Political Activities of State Employees

We have attempted to be brief in these reports consistent with the aim of providing you and the Members of the Legislature with the information on which decisions must be based

Sincerely,

NICHOLAS C PETRIS, Chairman

FRANK LUCKEL	PHILLIP BURTON
THOMAS M REES	EDWARD E. ELLIOTT
TOM BANE	ROBERT W CROWN
GEORGE A WILLSON	LOUIS FRANCIS (with exceptions)
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AUTOMATED VOTE-TABULATING DEVICES

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AUTOMATED VOTE-TABULATING DEVICES

I. INTRODUCTION

Two of the most important mechanistic features of the electoral process are the accurate tabulation of the vote and the dispatch in which this is accomplished Despite broad technological improvements in the science of automated tabulation, most of California's vote is counted in the traditional manner In recent years, the State has been severely criticized for the slowness of the ballot count The Assembly Interim Committee on Elections and Reapportionment has been assigned the task of studying a proposal which would mandate the use of automated voting equipment in all but the State's smallest counties Within this context, two broad policy questions must be resolved To what extent can and should election tabulations become automated? Is this a matter of statewide concern or can it be resolved at the local level?

A one-day hearing was held by the committee in Los Angeles on December 15, 1961, at which the committee took testimony relative to the use of automated voting devices in general and A B 91 of the 1961 Regular Session in particular

Within this report, we will use the term voting machine and automated vote-tabulating device interchangeably as denoting devices which count or record votes other than manually We recognize the differences between the voting machine and the tabulating device but for the purposes of this study this difference is unimportant

The first voting machine was in use on a trial basis in the United States only four years after the adoption of the Australian ballot Although the first patent for a voting machine was issued to Thomas A Edison in 1869, the first machine used in an election—in Lockport, New York, in 1892—was invented by Jacob H Meyers Four years later, the United States Voting Machine Company—which later became the Automatic Registering Company (1914), the Automatic Voting Machine Company (1925) and the Automatic Voting Machine Division, Rockwell Manufacturing Company (1958)—had an improved machine on the market for general use Since this time, a variety of devices have been marketed—including some of recent vintage using electronic principles

II. CALIFORNIA LAW

California law (Elections Code, Division 9, Chapters 6, 7 and 8), based on Article II, Section 6 of the State Constitution adopted in 1902, gives local officials the option as to whether they use voting machines, other types of vote-tabulating devices or the traditional paper ballots They may also use a variety of types of machines for different districts within a city or county or use machines in some areas and paper ballots in other areas

If machines or other types of vote-tabulating devices are selected, they must have prior approval of the State Commission on Voting

Machines and Vote-tabulating Devices—in effect, the law provides for "multiple adoption" of voting machines. Before they are approved, all machines are given a thorough test and a public hearing is held by the commission. If the machine meets the prescribed criteria, it is placed on the approved list; if it fails to meet the standards required, it cannot be used in this State.

The commission is composed of the Governor, Secretary of State, and Attorney General. The Chairmen of the Senate Standing Committee on Elections and the Assembly Standing Committee on Elections and Reapportionment participate in the work of the commission and are a joint committee in this regard.

California statutes also provide for the requisites of voting machines, how machines are to be adopted at the local level, and the procedures to be followed in using the machines and certifying the results. In separate chapters (7 and 8) are provisions for electronic or electromechanical tabulations of ballots and punchcard voting systems.

III. DEVICES APPROVED FOR USE

Automated tabulating devices developed by five firms have been approved for use in California. They are:

Shoup Voting Machine and "New" Shoup Voting Machine
The Shoup Voting Machine Corporation

Automatic Voting Machine
The Automatic Voting Machine Division
Rockwell Manufacturing Company

Coleman Electronic Vote Tallying System
Developed by Norden Division, United Aircraft
Recently purchased by Coleman Systems, Inc.

The Seiscor Voting Machine
Seiscor Division
Seismograph Service Corporation

Coyle Punch Card Voting System
Martin Coyle, Attorney at Law
Hamilton, Ohio

Three of the approved devices—the Shoup, Automatic, and the Seiscor—are the conventional type of voting machine with counters on the back.

The Shoup machine, which costs $1,800, incorporates a vertical ballot. The machine operates either mechanically or electrically and measures 48" x 26" x 74".

The Seiscor voting machine is a smaller (15" x 36" x 50") and lighter (250 pounds) machine and costs approximately $1,500. Candidates are listed directly beneath the office which they are contesting.

The Automatic, distant cousin of the first voting machine, also lists candidates under the office which they are seeking. However, the machine is larger (72½" x 21" x 50") and heavier (810 pounds) than the Seiscor. The cost of the machine adequate to handle California size ballots is $1,824. Approximately 75 percent of all machines in use in the United States today are Automatic.

The Norden Electronic Vote Tallying System is a central data-processing system which reads specially marked traditional ballots at a rate of 600 per minute Under this type of vote tabulation, there are no machines at a precinct and little if any, change in the traditional system of voting Each system requires 1,000 to 1,200 square feet for permanent installation—however, costs for transportation and storage are mitigated The cost of each system, which weighs over 15,000 pounds is $850,000

The Covle device, a punchcard voting system, is the third type of automated tabulating device approved for use in California It is a new device and relatively inexpensive

Now in the development stage are simple, inexpensive machines based on the hand-punch, IBM-tally principle These machines are small, have no moving parts and are very inexpensive However, a computer will be needed in addition to tally the results

IV. USE OF VOTING MACHINES IN CALIFORNIA

San Francisco County has pioneered in the use of voting machines in California—and the devices have been used successfully within the city for many years A majority of the machines in operation within the State are in San Francisco

San Luis Obispo County first used voting machines in the 1958 primary and now they are in use within the county in all but the smallest precincts According to County Clerk A E Mallagh in the 1962 primary, several problems developed as a result of the use of the machines and in the general election, each precinct was equipped with both machines and paper ballots

After extensive testing in school district elections San Mateo County put machines to countywide use in the 1962 primary election Voting machines are also receiving some scattered use in Imperial County Los Angeles and Kern Counties are experimenting with the Coleman Electronic Vote Tallying System

V. USE OF VOTING MACHINES IN OTHER STATES

With the trend towards automation in the United States society, voting machines have become widely accepted throughout the country It is estimated that one-half of all votes cast in 1960 were cast on the over 100,000 machines in use, as contrasted with approximately a third of the voters who voted on machines in 1952

There are now only five states, as of October 1962, where no voting machines are used—Arkansas, Idaho, Nebraska, Utah, and Wyoming Voting machines are mandatory at each polling place in six states—Connecticut, Delaware, Louisiana, Maryland, Rhode Island, and New York—and most of the large population centers, including New York City, Chicago, Philadelphia, Detroit, Boston, Cleveland, Baltimore, San Francisco, Dallas, Denver, Seattle and Miami are now voting on machines In Delaware, Louisiana, and Rhode Island, machines are purchased at the state level

The State of Kentucky has recently enacted legislation which will make the use of voting machines mandatory by 1963, but a county may

elect to have the state purchase the machines for the county and then repay the state over a period of years

In New Mexico, a statute passed at the last session of the Legislature requiring voting machines in all precincts having 200 or more voters. The state has purchased the machines and the counties are expected to reimburse the state over a long period of time

VI. COSTS

It is virtually impossible to accurately determine the costs involved in converting to automated vote-tabulating devices on a general basis. A great many variable factors enter into any attempted computation Each county has its own unique and special problems In addition, the variety of devices are so different that each must be considered individually

On the debit side of the ledger are

1 Capital outlay for machines
2 Maintenance and programing
(Mechanics and supervisors must be added to permanent payroll)
3 Storage
4 Transportation to the polls

Savings will result from

1 Fewer precinct officers
2 Reduced printing costs (for some machines)
3 Faster count
4 No necessity for recounts (for some machines)
5 Consolidation of precincts (for some machines)

Other variable factors relating to cost are

1 Frequency of elections
2 Feasibility of consolidating precincts
3 Type of financing used in purchase
4 Possibility of rental to cities, counties schools and unions
5 Other uses for machines

In a letter to the committee dated December 8, 1961, Mr Joseph L Hull, Jr., Vice President of Seiscor, estimated that his particular voting machine would pay for itself within 10 years A study of voting machines by the South Dakota University Governmental Research Bureau estimates that the machines in use in some communities in South Dakota will pay for themselves within 18 to 25 years

Mr Jack Blue, County Clerk of Alameda County, has made one of the most complete studies of voting machine costs to date In a report to the Alameda County Board of Supervisors in April, 1962, he estimated that the use of machines in the June 1962 primary in Alameda County would result in a savings of $43,000 not including capital outlay costs for the purchase of the machines nor the cost of storage In addition, he foresaw a savings of $55 on every precinct that could be consolidated for Alameda County, $55,000 Thus, the total savings not including capital outlay or storage costs, as a result of the use of machines and a consolidation of precincts on a one-for-two basis, would

be approximately $100,000 Capital outlay costs for machines in Alameda County would run anywhere from three to six million dollars depending on the type of machine purchased and the financing However, the Coyle device, for which the savings would be less than those estimated above, would only run a little over one million dollars Storage costs would run from $4,000 to $40,000 a year

VII. ACCURACY OF THE COUNT

Several tests indicate that there is a definite human error involved in the counting of votes It must be assumed that a qualified and properly functioning automated vote-tabulating device is more accurate than a hand count

Testifying before the California State Commission on Voting Machines on December 14, 1960, Edward C Grimshaw of the Norden Company noted that on ballots furnished to test a counting device, two human counts failed to agree with each other by a factor in excess of 1¼ percent

In testing an accounting card type ballot, the Richland (Washington) City Council reported that a total of 25 errors were made in a manual count of 1,859 ballots or a 1 3 percent error factor Almost every recount that has ever been made will show a discrepancy between the original tally and the total arrived at by the recount Ben Hite, Los Angeles County Registrar of Voters, told the committee at the December 15 hearing that

> "We have found through the years that whenever there is a contest, as far as Los Angeles County is concerned, there has never been any change in the standing of the candidates However, there has been as high as a 2½ percent error on the part of the precinct boards These are fatigue errors"

A qualified and properly functioning automatic vote tabulating device will operate at between 99 99- and 100-percent efficiency—therefore the electorate stands to get a more accurate vote count

However, when there is a malfunction with the machine, experience has shown that voters can be disenfranchised or seriously inconvenienced

With voting machines, generally speaking, the necessity of a recount of the ballots is eliminated However, with some mechanical devices a recount is positively precluded

VIII. THE LONG COUNT

California's vote count has been notoriously slow in comparison to that of other states This has become increasingly apparent in the past few elections, although the late California results switched the result of the presidential election of 1916 Scores of editorials have been published in the State's newspapers on this problem This slow count was the primary factor motivating the introduction of A B 91 as Assemblyman Don Allen told the committee

> "Let me give you the story of A B 91 I was in the Secretary of State's office the morning after November election in 1960 We were literally getting our brains beaten out by every national

commentator all over the United States as to the slowness with which the results were coming in The radio commentators were making us look like a bunch of yo-yo heads before the whole nation The least we could do was get rid of this public stigma ''

In the 1962 primary election, the problem was even worse It wasn't until three days after the election until the public knew which candidates had been nominated for State Superintendent of Public Instruction Exhaustion overtook about 100 election boards in Los Angeles County and they quit before finishing their final tallies

The slowness in the tabulation of California's vote is due to a number of factors, such as length of the ballot, write-in votes and complexity of the ballot Through legislation, the counting of the vote could be speeded up to a certain extent without the use of automated vote-tabulating devices

However, there is no question but that the count could be speeded up significantly by use of automatic tabulating devices The Richland study found that approximately 200 votes could be counted manually per man-hour The Shoup, Automatic and Setseor machines all tally the votes as they are cast and the results are available immediately upon close of the polls The Coleman Electronic Vote Tally System can count up to 34,000 ballots per hour Punched or marked cards on the order of IBM cards can probably be processed up to 40,000 per hour per computer

IX. SPOILED BALLOTS

A major problem that all election boards face is that of the spoiled ballot The determination as to just what ballots are spoiled can lead to endless wrangling and even demands for recounts There is often a very fine line between a spoiled ballot and an acceptable one

By the use of machines, this problem can be avoided entirely Machines are programed so that it is impossible for the voters to make mistakes

X VOTING MACHINES AND VOTING ON ISSUES

While all types of automated vote-tabulating devices provide for voting on the propositions, the evidence accumulated to date indicates that, where voting machines (exclusive of other types of tabulating devices) are used, fewer votes percentage-wise are cast on the major issues as compared with the total number voting

After a thorough study of the 1960 election results in Toledo, the Greater Toledo Municipal League concluded that ''the proportion of voters who expressed an opinion on the issues was markedly lower in wards using voting machines '' In 1960, Automatic voting machines were installed in Wards 1-6 in Toledo Wards 7-22 used traditional paper ballots On the issue of a 12-mill school tax levy, 95 6 percent of those who went to the polls in the paper ballot wards voted on this issue compared to only 79 9 percent of those who voted in the voting machine wards In 1956, when both areas were voting on paper ballots, the percentage voting on the issue of a 9-mill tax for a stadium was 92 2 percent of those who turned out in Wards 1-6 compared to 94 1 percent in Wards 7-22 In 1958, again on paper ballots, 96 9 percent of those who went to the polls in Wards 1-6 voted on the issue of a 1-percent increase in the city income tax compared to 96 7-percent vote

in Wards 7-22 As the machines were first used in 1960, part of the drop in vote on the issue could be explained by the unfamiliarity of the electorate with the machines

George B Mather, after studying the effects of the use of voting machines on voting on special issues in Iowa from 1920 to 1956, found that "there is a clear tendency for fewer votes to be cast on special questions when the questions are voted on voting machines rather than paper ballots " James C Coke came to the same conclusion after studying the problem in Minnesota

An examination of the vote on the major propositions in the City and County of San Francisco (where voting machines are used) and statewide as contrasted with those who went to the polls bear out the findings made in Iowa, Minnesota, and Toledo

A summary of the vote on the major ballot propositions of the past 20 years is as follows

Election and Issue

(Percentage of Those Going to the Polls Who Voted on the Propositions)

	Statewide		San Francisco	
	Vote	*Percent*	*Vote*	*Percent*
1960 GENERAL ELECTION				
Total vote	6,592,791		348,290	
No				
1 Water bonds	5,842,712	89	279,515	80
2 Assembly terms	7,379,506	82	274,175	79
3 Disabled veterans tax exemption	5,699,186	86	282,683	81
5 Legislator compensation	5,274,201	80	271,396	78
6 Golf course assessments	5,564,490	85	273,124	79
8 Eligibility to vote	5,254,841	80	269,129	77
11 Veterans' tax exemption	5,537,401	84	277,810	79 7
14 Grade crossing bonds	5,065,739	77	263,287	75 5
15 Senate reapportionment	5,284,275	81 7	276,887	79 5
1960 PRIMARY ELECTION				
Total vote	4,004,059		244,368	
No				
1 $400,000,000 veterans' bonds	3,472,818	87	196,762	81
2 $300,000,000 school bonds	3,464,483	86	195,057	80
3 Bond votes in primary	3,142,204	79	170,198	73
1958 GENERAL ELECTION				
Total vote	5,366,073		319,179	
No				
2 $220,000,000 school bonds	4,521,927	84 3	259,342	81 4
8 Nonresident presidential voting	4,241,414	79 3	246,445	77 3
10 Eminent domain schools	4,124,831	77	229,374	72
11 Local road bonds	4,106,872	77	242,060	76
15 Boxing on Memorial Day	4,249,033	79	243,851	76
16 School tax exemption	5,132,951	96	290,575	91
17 Reduce sales tax	4,921,624	92	284,421	89
18 Right-to-work	5,149,812	96	299,207	94
1956 GENERAL ELECTION				
Total vote	5,547,621		342,052	
No				
1 $500,000,000 veterans' bonds	4,548,151	82	268,609	78 5
2 $100,000,000 school bonds	4,797,502	86 5	284,952	83
3 State building bonds	4,470,921	81	269,521	79
4 Oil and gas conservation	5,150,284	93	297,559	87
5 ABC New department	4,720,962	85 4	275,493	80 5
6 Tax exempt church parking	4,595,864	83	274,220	80

Election and Issue

(Percentage of Those Going to the Polls Who Voted on the Propositions)

	STATEWIDE		SAN FRANCISCO	
1954 GENERAL ELECTION	*Vote*	*Percent*	*Vote*	*Percent*
Total vote	4,101,692		277,502	
No				
2 $100,000,000 school bonds	3 444 583	86	220 787	79 5
4 Aid to needy	3 718,451	90 5	229 359	82 5
1952 GENERAL ELECTION				
Total vote	5 209 692		365 972	
No				
1 $150 000,000 veterans bonds	4,463 500	85 5	297 917	81 5
2 State school support	4,479,199	88	303,821	83
3 Private school tax exemption	4,804 528	92 5	326,005	89
11 Payments to aged persons	4,633,965	89	301,400	82 5
1950 GENERAL ELECTION				
Total vote	3,845,757		342,137	
No				
1 Prohibits personal property tax	3,346,439	87	256 583	82 3
6 Legalized gambling	3,464,938	90	208,275	86
1949 SPECIAL ELECTION				
Total vote	2,793,164		285,871	
No				
1 $250,000 000 school bonds	2,597,343	93	241 240	84 5
2 Repeal of Article XXV	2,713,176	97	256,822	93 5
12 Daylight saving time	2 574,105	95 5	234,871	82 5
1948 GENERAL ELECTION				
Total vote	4,076,981		359,134	
No				
2 Liquor law changes	3 643,413	89 5	295,984	82 3
4 Art XXV aged and blind aid	3 638,318	89 5	294 269	82
12 Local option on liquor	3,684,756	90 5	303,646	84 5
13 Senate reapportionment	3,320,836	81 6	281,477	78 3
14 State Housing Agency	3,414 735	84	287,073	80
1946 GENERAL ELECTION				
Total vote	2,779,641		270,457	
No				
1 $100 000,000 veterans' bonds	2,285,687	83 7	203,727	77 2
2 Greyhound racing	2,478,514	90	222 514	82
3 School fund allocations	2 383,347	86 5	217,733	80 5
11 FEPC	2,358,343	85 5	211 607	78
1944 GENERAL ELECTION				
Total vote	3,566,734		352 409	
No				
4 Tax exemption for religious charitable organizations	2,809,301	79	259,493	68 5
12 Right-to-work	3,198,007	89 5	307,074	86 5
1942 GENERAL ELECTION				
Total vote	2,264,288		230,129	
No				
1 Prohibit hot cargo, etc	2,033,685	89 5	200,719	87

If voting machines do discourage voter participation on the issues as is apparently the case, the assignment of voting machines to a certain area known to favor a certain proposition could conceivably result in the issue's defeat in a close election. It is possible that, if voting machines had been in use throughout Southern California and not in San Francisco, the water bond issue could have been defeated. In addition, to the extent that voting machines are used primarily in urban areas, the tendency for fewer votes to be cast can have the effect of weakening the voice of urban areas on the various propositions

XI. VOTER CONVENIENCE

In any consideration of voting machines, voter convenience is of paramount importance It is not good public policy to discourage people from voting, even if it will speed up the count

Some criticism of mechanical voting equipment is often heard from voters, especially when the devices are new to the community. Until they learn to use the machine, these voters may be critical of the change from paper and stamp to the pulling of levers

An instructional program must be instituted to acquaint the voters with the operation of the machine and to lessen confusion and apprehension of voters on election day Of course, unfortunately, not all voters will avail themselves of this preliminary instruction. However, experience has shown that, after a period of time, there appears to be little voter reluctance to use the machines With electronic tabulating devices, this problem does not exist—as the public continues to vote on the customary paper ballot

Consolidation of precincts, which is deemed to be necessary to make the voting machines pay, often results in two undesirable byproducts—greater distance from voter's residence to the precinct and long lines at the polls

The Alameda County voting machine report by County Clerk Jack Blue raises the point as to whether or not people will travel twice the usual distance from home to the polling place.

The specter of long lines stems from the fact that in the average consolidated precinct with 450 voters and two machines—the average voter would have only three minutes in which to vote if all the voters are to be accommodated within a 12-hour period

However, voters do not vote uniformly throughout the day. The heaviest vote in most precincts is cast from 5 to 7 p m. Without extra capacity to absorb the increase, long lines will result Jack Blue cites instances where voters have been required to wait in line an hour or more after the close of the polls This is not such a problem in the East where short ballots exist and straight party voting is allowed

Section 15195 of the Elections Code makes it illegal to remain inside a voting machine booth for longer than two minutes, notwithstanding the length of the ballot. Considering California's long ballot, particularly where there are a number of judicial and special district offices on the ballot as well as the many state propositions, two minutes is hardly enough time for the slow reader to read all the propositions—much less cover the balance of the ballot Perhaps this is the reason there is a dropoff on the vote on propositions where machines are used.

XII. STATE OR LOCAL RESPONSIBILITY

Ultimate responsibility for the conduct of elections in California rests with the State Legislature Several aspects of this problem are persuasive arguments in favor of state action

If the results of elections are to be available within a reasonable period of time, action must be taken at the state level to accomplish this The final results cannot be known until reports from most of the counties and all of the major counties are in If all of the major counties but one use machines and report their results early, the statewide totals must still wait on the one in a close election As pointed out, however, it may be possible to speed up the count significantly without the use of automated tabulating devices through other legislative solutions

To correct any inequities that might be caused by the dropoff in voter participation on issues where machines are used, state uniformity would also be necessary Two courses of action could be taken—the mandating the use of machines in all counties or the banning of machines for use anywhere in the State

In California, counties have been delegated the responsibility for the actual administration of elections within the framework of state requirements Several arguments support the thesis that the use of voting machines be left on a county option basis as at present. Conditions in the various counties vary widely and, in some, voting machines would not be feasible due to sparsity of population, difficult terrain, and other geophysical problems

As to whether a voting machine is a financial asset or liability in the long run depends on a number of factors. The costs involved in requiring counties to buy voting machines must also be considered In opposing the bill, Mr. Thomas Nolder, representing the County Board of Supervisors Association, told the committee that the initial cost would be something in the neighborhood of $90 million

Finally, if voting machines are mandated now, it must be on the assumption that one of the presently approved machines would be selected by each county Unless another machine were to qualify for the state list in a very short time, this would preclude to a great extent the work being done toward developing a satisfactory inexpensive voting machine A major market would have been dried up

XIII. RECOMMENDATIONS

Problems of financing, rapid technological change, and the differing needs of counties make any recommendations on the subject of voting machines impractical at this time Additional study will be needed before any concrete and meaningful proposals can be made We believe, however, that the background materials contained in this report will be of interest to the Members of the Legislature and those interested in the problem of voting machines at the state and local level

JUDICIAL REVIEW OF REAPPORTIONMENT

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JUDICIAL REVIEW OF REAPPORTIONMENT

I. INTRODUCTION

For many years, the legislatures of a number of the states have refused to reapportion themselves or have passed apportionment bills still greatly inequitable in the distribution of seats In some states, 60 years had passed with no reapportionment. Such situations run counter to our concept of democracy—the concept of majority rule and equal protection of the laws.

Judicial remedies for this impasse had been sought in a number of particularly unrepresentative situations over the years but generally the courts, particularly the United States Supreme Court, had not intervened—on one ground or another In the late 1950's, however, a few significant breakthroughs were made in state courts. Of particular importance were the Asbury Park case in New Jersey (*Asbury Park Press, Inc*, v *Woolley*, 161 A 2d 705), and the Minnesota case (*Magraw* v *Donovan*, 163 F.Supp. 184, 159 F Supp. 901).

In 1962, citizens in Tennessee were given standing by the United States Supreme Court to bring suit under the 14th amendment for a redress of the debasement of their votes because of malapportionment of legislative districts This case—*Baker* v *Carr*—has accelerated the incidences of judicial review of reapportionment and stimulated suits for a redress of alleged grievances in most states As a result, federal district courts in several of the states moved to force reapportionment of state legislatures by various means—including redistricting by court order This disturbing thought that the courts would actually draw the boundaries of legislative districts prompted Assemblyman Charles Conrad to introduce A J R. 1 at the Third Extraordinary Session of the State Legislature in 1962 This resolution, which called for an amendment to the U S Constitution prohibiting the judiciary from drawing legislative district boundaries, was then referred to the Assembly Interim Committee on Elections and Reapportionment for interim study

II. BAKER v. CARR

Although the Tennessee Constitution requires a decennial reapportionment, the state legislature had not actually reapportioned itself since 1901 A number of voters—including Charles W Baker—brought suit alleging a deprivation of federal constitutional rights This suit was dismissed by the United States District Court for the Middle District of Tennessee for lack of jurisdiction of the subject matter and for lack of a stated claim upon which relief could be granted On appeal, United States Supreme Court held—with two justices dissenting —the lower court dismissal to be in error and remanded the case back to the Middle Tennessee District Court for a decision on its merits

Speaking for the court, Mr Justice Brennan stated

"In holding that the subject matter of this suit was not justiciable, the District Court relied on *Colegrove* v. *Green, supra,* and subsequent *per curiam* cases The court stated: 'From a review of these decisions there can be no doubt that the federal rule . is that the federal courts . . . will not intervene in cases of this type to compel legislative reapportionment.' 179 F Supp , at 826 We understand the district court to have read the cited cases as compelling the conclusion that since the appellants sought to have a legislative apportionment held unconstitutional, their suit presented a 'political question' and was therefore nonjusticiable We hold that this challenge to an apportionment presents no nonjusticiable 'political question.' The cited cases do not hold the contrary.

"Of course the mere fact that the suit seeks protection of a political right does not mean it presents a political question Such an objection 'is little more than a play upon words' *Nixon* v *Herndon,* 273 U S 536, 540. Rather, it is argued that apportionment cases, whatever the actual wording of the complaint, can involve no federal constitutional right except one resting on the guaranty of a republican form of government, and that complaints based on that clause have been held to present political questions which are nonjusticiable

"We hold that the claim pleaded here neither rests upon nor implicates the guaranty clause and that its justiciability is therefore not foreclosed by our decisions of cases involving that clause The district court misinterpreted *Colegrove* v *Green* and other decisions of this court on which it relied. Appellants' claim that they are being denied equal protection is justiciable, and if "discrimination is sufficiently shown, the right to relief under the equal protection clause is not diminished by the fact that the discrimination relates to political rights "

"We come, finally to the ultimate inquiring whether our precedents as to what constitutes a nonjusticiable 'political question' bring the case before us under the umbrella of that doctrine A natural beginning is to note whether any of the common characteristics which we have been able to identify and label descriptively are present We find none The question here is the consistency of state action with the Federal Constitution We have no question decided, or to be decided, by a political branch of government coequal with this court Nor do we risk embarrassment of our government abroad, or grave disturbance at home if we take issue with Tennessee as to the constitutionality of her action here challenged Nor need the appellants, in order to succeed in this action ask the court to enter upon policy determinations for which judicially manageable standards are lacking Judicial standards under the equal protection clause are well developed and familiar, and it has been open to courts since the enactment of the 14th amendment to determine, if on the particular facts they must, that a discrimination reflects *no* policy, but simply arbitary and capricious action.

This case does, in one sense, involve the allocation of political power within a state, and the appellants might conceivably have added a claim under the guaranty clause Of course, as we have seen, any reliance on that clause would be futile But because any reliance on the guaranty clause could not have succeeded it does not follow that appellants may not be heard on the equal protection claim which in fact they tender. True, it must be clear that the 14th amendment claim is not so enmeshed with those political question elements which render guaranty clause claims nonjusticiable as actually to present a political question itself But we have found that not to be the case here ''

''Since, as has been established, the equal protection claim tendered in this case does not require decision of any political question, and since the presence of a matter affecting state government does not render the case nonjusticiable, it seems appropriate to examine again the reasoning by which the district court reached its conclusion that the case was nonjusticiable We have already noted that the district court's holding that the subject matter of this complaint was nonjusticiable relied upon *Colegrove* v. *Green, supra,* and later cases Some of those concerned the choice of members of a state legislature, as in this case; others, like *Colegrove* itself and earlier precedents, *Smiley* v *Holm,* 285 U S 355, *Koenig* v. *Flynn,* 285 U S 375, and *Carroll* v *Becker,* 285 U S 380, concerned the choice of Representatives in the Federal Congress *Smiley, Koenig* and *Carrol* settled the issue in favor of justiciability of questions of congressional redistricting. The court followed these precedents in *Colegrove* although over the dissent of three of the seven justices who participated in that decision On the issue of justiciability, all four justices comprising a majority relied upon *Smiley* v *Holm,* but in two opinions, one for three justices, 328 U S , at 566, 568, and a separate one by Mr Justice Rutledge, 328 U S , at 564 The argument that congressional redistricting problems presented a 'political question' the resolution of which was confided to Congress might have been rested upon Article I, Section 4, Article I, Section 5, Article I, Section 2, and Amendment XIV, Section 2 Mr Justice Rutledge said. 'But for the ruling in *Smiley* v *Holm,* 285 U S 355, I should have supposed that the provisions of the Constitution, Article I, Section 4, that ''The times, places and manner of holding elections for . . representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations ''; Article I, Section 2 (but see Amendment XIV, Section 2), vesting in Congress the duty of apportionment of representatives among the several states ''according to their respective numbers''; and Article I, Section 5, making each house the sole judge of the qualifications of its own members, would remove the issues in this case from justiciable cognizance But, in my judgment, the *Smiley* case rules squarely to the contrary, save only in the matter of degree Assuming that that decision is to stand, I think . that its effect is to rule that this court has power to afford relief in a case of this type as against the objection that the issues are not justiciable ' 328 U S , at 564-565 Accord-

ingly, Mr. Justice Rutledge joined in the conclusion that the case was justiciable, although he held that the dismissal of the complaint should be affirmed His view was that 'The shortness of the time remaining (before forthcoming elections) makes it doubtful whether action could, or would, be taken in time to secure for petitioners the effective relief they seek . . I think, therefore, the case is one in which the court may properly, and should, decline to exercise its jurisdiction Accordingly, the judgment should be affirmed and I join in that disposition of the cause ' 328 U S , at 565-566

Article I, Sections 2, 4, and 5 and Amendment XIV, Section 2 relate only to congressional elections and obviously do not govern apportionment of state legislatures However, our decisions in favor of justiciability even in light of those provisions plainly afford no support for the district court's conclusion that the subject matter of this controversy presents a political question Indeed, the refusal to award relief in *Colegrove* resulted only from the controlling view of a want of equity Nor is anything contrary to be found in those *per curiams* that came after *Colegrove* This court dismissed the appeals in *Cook* v *Fortson* and *Turman* v. *Duckworth*, 329 U S 675, as moot *MacDougall* v *Green*, 335 U S. 281, held only that in that case equity would not act to void the state's requirement that there be at least a minimum of support for nominees for statewide office, over at least a minimal area of the state. Problems of timing were critical in *Remmey* v. *Smith*, 342 U S. 916, dismissing for want of a substantial federal question a three-judge court's dismissal of the suit as prematurely brought, 102 F Supp 708; and in *Hartsfield* v *Sloan*, 357 U S. 916, denying mandamus sought to compel the convening of a three-judge court—movants urged the court to advance consideration of their case, 'inasmuch as the mere lapse of time before this case can be reached in the normal course of business may defeat the cause, and inasmuch as the time problem is due to the inherent nature of the case . ' *South* v *Peters*, 339 U S. 276, like *Colegrove* appears to be a refusal to exercise equity's powers; see the statement of the holding, quoted, *supra*, p 17 And *Cox* v *Peters*, 342 U S. 936, dismissed for want of a substantial federal question the appeal from the state court's holding that their primary elections implicated no 'state action ' See 208 Ga 498, 67 S E 2d 579. But compare *Terry* v *Adams*, 345 U S 461.

Tedesco v. *Board of Supervisors*, 339 U.S. 940, indicates solely that no substantial federal question was raised by a state court's refusal to upset the districting of city council seats, especially as it was urged that there was a rational justification for the challenged districting See 43 So. 2d 514 Similarly, in *Anderson* v. *Jordan*, 343 U S 912, it was certain only that the state court had refused to issue a discretionary writ, original mandamus in the Supreme Court That had been denied without opinion, and of course it was urged here that an adequate state ground barred this court's review. And in *Kidd* v. *McCandless*, 200 Tenn 273, 292 S.W 2d 40, the Supreme Court of Tennessee held that it could not

invalidate the very statute at issue in the case at bar, but its holding rested on its state law of remedies, i e., the state view of de facto officers, and not on any view that the norm for legislative apportionment in Tennessee is not numbers of qualified voters resident in the several counties Of course this court was there precluded by the adequate state ground, and in dismissing the appeal, 352 U S. 920, we cited *Anderson, supra,* as well as *Colegrove.* Nor does the Tennessee court's decision in that case bear upon this, for just as in *Smith* v *Holm,* 220 Minn. 486, 19 N W. 2d 914, and *Magraw* v. *Donovan,* 163 F. Supp. 184, 177 F Supp 803, a state court's inability to grant relief does not bar a federal court's assuming jurisdiction to inquire into alleged deprivation of federal constitutional rights Problems of relief also controlled in *Radford* v. *Gary,* 352 U S 991, affirming the district court's refusal to mandamus the governor to call a session of the legislature, to mandamus the legislature then to apportion, and if they did not comply, to mandamus the state supreme court to do so. And *Matthews* v. *Handley,* 361 U S. 127, affirmed a refusal to strike down the state's gross income tax statute—urged on the ground that the legislature was malapportioned—that had rested on the adequacy of available state legal remedies for suits involving that tax, including challenges to its constitutionality. Lastly, *Colegrove* v. *Barrett,* 330 U S. 804, in which Mr Justice Rutledge concurred in this court's refusal to note the appeal from a dismissal for want of equity, is sufficiently explained by his statement in *Cook* v *Fortson, supra:* "The discretionary exercise or nonexercise of equitable or declaratory judgment jurisdiction . . . in one case is not precedent in another case where the fact differ " 329 U S , at 678, n. 8 (Citations omitted.)

We conclude that the complaint's allegations of a denial of equal protection present a justiciable constitutional cause of action upon which appellants are entitled to a trial and decision. The right asserted is within the reach of judicial protection under the 14th amendment

The judgment of the district court is reversed and the cause is remanded for further proceedings consistent with this opinion

The Supreme Court decision in *Baker* v. *Carr* leaves a number of questions unanswered. Can one house of a state legislature be based on geography? Is there grounds for action where there is no state requirement for a decennial reapportionment? Can congressional districts be valid targets of suits through the federal courts? How equal do legislative districts have to be to satisfy the equal protection clause of the 14th amendment? Is Justice Rutledge's objection in *Colegrove* v. *Green* that time was too short for judicial remedy still valid so that the courts must postpone judicial remedies which might interfere with elections? Federal and state courts have been wrestling with these questions and have sometimes come up with conflicting answers Subsequent decisions of the U S Supreme Court will have to clarify these points

III. JUDICIAL REVIEW OF REAPPORTIONMENT IN OTHER STATES: 1962

To fully understand the implications of *Baker* v. *Carr*, it is helpful to examine developments subsequent to the decision in other states The following summary includes action in a number of selected states through the middle of October, 1962:

ALABAMA

April 14 A three-judge federal court, in a unanimous decision, ruled that the Alabama legislature must reapportion itself by July 16 or the court would carry out the redistricting

There had been no reapportionment in Alabama since 1901 although the Alabama Constitution requires reapportionment on the basis of population—with the proviso that each of Alabama's 67 counties get at least one seat in the 106-man house

The justices, in redrawing the boundaries, said they would follow the plan suggested by Justice Clark in his concurring opinion in *Baker* v *Carr*—namely to start with existing districts, consolidate some of them and award the seats thus released to those counties suffering the most obvious discrimination

July 25 An order for an immediate, standby reshuffling of the Alabama legislature was issued by the federal court Describing its action as a moderate realignment of voting strength in the legislature, the panel of judges made it clear that the reapportioned house and senate elected in November will have to go further or risk more drastic revision by judicial order Some counties will have more seats than they would have had without the judges' action Others will have fewer

COLORADO

June 14 Gov Stephen McNichols was ordered by the Colorado Supreme Court to show cause within seven days why he should not be required to call a special session of the assembly to act on reapportionment. Secretary of State Baker was ordered to show cause as to why he should not be restrained from holding the 1962 election and State Treasurer Armstrong was ordered to show cause as to why he should not withhold pay from members of the general assembly until they reapportioned the body

Aug 10 A three-judge federal court delayed action until November 15, on two suits seeking reapportionment, saying there was insufficient time before the elections to hear arguments

GEORGIA

County unit system for primary nomination:

April 28 In a unanimous decision, a three-judge federal court declared Georgia's "county unit" system for primary nomination unconstitutional in its present form and forbade its use in the September 12 primary

The court said:

"A party unit system for use in a party primary is invidiously discriminatory, if any unit has less than its share to the nearest whole number of the vote in a recent party gubernatorial primary, or to the vote for electors of the party in the most recent presidential election, provided, no discrimination is deemed to be invidious under such a system if the disparity against any county is not in excess of the disparity that exists as against any state in the most recent electoral college allocation or under the equal proportions formula for representation of the several states in the Congress of the United States. and, provided provision is made for allocations to be adjusted to accord with changes in the basis at least once each 10 years"

June 18 The U S Supreme Court agreed to review the decision holding the county unit system unconstitutional with the case to be heard in the fall As a result, the September primary will be conducted without the county unit system.

Legislative apportionment·

May 25· After finding that the current apportionment of the Georgia General Assembly amounts to invidious discrimination against voters from urban areas, a three-judge federal court ordered the General Assembly to reapportion at least one of its houses according to population prior to the beginning of the 1963 legislative session

If the legislature does not act or if its action does not meet constitutional standards, then the court declared it would be under a clear duty to take such action as would be necessary and feasible to accord plaintiffs their rights

Further, the judges said

"We do not find any authorative decision by the Supreme Court that causes us to require that in order to give a plaintiff his constitutional rights, the state legislature must be constituted of two houses, both of which are elected according to population

"It is not necessary for us at this time to make final determination on whether, if one house of the Georgia General Assembly of Georgia is elected according to population, the other house may remain as completely unrelated to population as it is today"

June 20 A special three-judge federal court dismissed a suit seeking congressional redistricting in the state The court said

1. The case presented a "political question involving a co-ordinate branch of government"
2 The case involved a "political question posing a delicate problem difficult of solution without depriving others of the right to vote by district"
3 Relief may be forthcoming from the state legislature after it has been reapportioned in accordance with an earlier court order
4 Relief may be afforded by the U S Congress

Oct 17 A second primary election was held in Georgia to nominate candidates for seats in the state legislature A week earlier the legislature had reapportioned itself under the threat of federal court action if it did not

FLORIDA

July 23 A three-judge federal court held the Florida apportionment laws to be null, void and inoperative

Aug 11 A new apportionment act—increasing the house from 95 to 135 and the senate from 38 to 46—was passed by the state's lawmakers and submitted to the people for approval

Sept 5 A three-judge federal court approved the redistribution of seats as proposed by the legislature on August 11.

IDAHO

May 8 The Idaho Supreme Court ruled that a 1951 law reapportioning the state house of representatives "is not so clearly violative of the constitutional principle of equal protection that it must be stricken down"

KANSAS

May 31 A suit to force reapportionment of the Kansas Legislature was upheld by Kansas District Judge Marion Beatty The decision was to be appealed

July 30 A lower court decision holding the apportionment of both houses of the Kansas Legislature to be unconstitutional and ordering at-large elections was stayed by the Kansas Supreme Court The stay will give the 1963 Legislature another opportunity to act

MARYLAND

April 25 A suit filed by the Maryland Committee for Fair Apportionment and dismissed in circuit court in February, 1961, was remanded back to the circuit court for a decision by the Maryland Court of Appeals in a 5-2 decision.

May 24 Circuit Court Judge O Bowie Duckett declared the section of the Maryland Constitution setting the apportionment of the house of delegates to be "null, void and of no effect." His decision gave the general assembly authority to redistrict the house without constitutional amendment for the 1962 elections He indicated that if the assembly took no action—an injunction would be issued by the court against convening of the unconstitutionally apportioned house in January of 1963

May 31 A reapportionment bill adding 19 more seats for Baltimore and its suburban area passed the general assembly.

June 28 Judge Duckett ruled that the apportionment of seats in the Maryland State Senate on a geographical basis was constitutional

July 23 Court of appeals, on a 4-3 vote, upheld lower court decision that apportionment of state senate on a geographical basis was constitutional An appeal to the U S Supreme Court was indicated

MICHIGAN

April 23 The United States Supreme Court referred a Michigan State Supreme Court decision (*Scholle* v *Hare*) back to the state court for a decision in light of *Baker* v *Carr*, by a 7-1 vote In controversy was a 1952 amendment to the Michigan Constitution, approved by the electorate, which established 34 state senate voting districts with no relation to population The Michigan house is apportioned on the basis of population

July 18: Michigan's August 7 primary election was called off by the Michigan Supreme Court on a 4-3 vote and a reapportionment of the state senate was ordered The court directed the legislature to reapportion the senate by August 20 or elect all state senators from the state on an at-large basis at a special primary September 11 if valid legislation is not enacted Speaking for the Michigan court, Justice Thomas M Kavanaugh said, "Any law of our state giving some citizens more than twice the votes of other citizens . would lack constitutional equality so as to void that law"

July 27 U S Supreme Court Justice Potter Stewart ordered a stay in the Michigan Supreme Court decision ordering a redistricting by August 20 He stated, "It is very clear that the issues decided by the Michigan Supreme Court are new issues, ones that were not decided in *Baker* v *Carr*"

MISSISSIPPI

June 7 State Chancellor W T. Horton ruled the apportionment of seats in the state legislature unconstitutional and asked for a special session of the Legislature prior to the convening of his court on November 24 Chancellor Horton said, "Should our legislative bodies not act timely, this court will reapportion them"

NEBRASKA

Sept 12 A three-judge federal court refused to order an immediate reapportionment of Nebraska's unicameral legislature on a strict population basis The court retained jurisdiction of the case and observed that justice would not be served by taking action too close to an election

NEW YORK

June 11 A lower court decision dismissing a challenge to the constitutionality of the apportionment of the state legislature was set aside by the United States Supreme Court The court told the district court that it must rule on the constitutionality of the state's legislative districts

Aug 12 A three-judge federal court upheld the constitutionality of a 68-year-old state formula for distributing seats in the state legislature and dismissed a suit seeking relief.

Speaking for the court, Judge Richard H. Levet said, "that while population is an important factor in determining the distribution of seats, it cannot be regarded as the only one" He asserted that "geography, accessibility and a proper diffusion of political initiative as between the state's thinly populated counties and those having concentrated masses" were also factors to be considered.

NORTH DAKOTA

May 31 The federal district court, on a 2-1 decision, refused to prohibit the 1962 election of the North Dakota Legislative Assembly on the basis that its apportionment was unconstitutional The court stated, however, that if the 1963 legislature fails to reapportion, plaintiffs may come before the court 30 days after adjournment

OKLAHOMA

June 19 A three-judge federal district court ruled Oklahoma's legislative apportionment unconstitutional and void The court said that if the legislature is not called into special session by July 31 for reapportionment, the court may reapportion by judicial order

Aug 3 The Oklahoma Legislature was given until March 8, 1963, to reapportion both houses strictly on the basis of population If such action is not taken by that date, a federal district court, in a 2-1 decision, indicated that "it will then order and decree reapportionment by judicial order"

In a dissenting opinion, U S District Court Judge Ross Rizley said the court had a duty and obligation to reapportion the Oklahoma legislature and do it now Guidelines for legislative action were set by the court as follows:

1 Apportionment shall be on the general principle of numerical equality
2 The limit that no county shall have more than seven members of the house of representatives is unconstitutional and must be disregarded
3 Oklahoma County is entitled to 19 seats and Tulsa County to 15 seats in the house
4 Oklahoma County is entitled to 9 seats and Tulsa County to 7 seats in the Oklahoma senate.

PENNSYLVANIA

June 13: The six-man Dauphin County Commonwealth Court ruled that the general assembly must reapportion itself during 1963 or have the court take reapportionment action.

RHODE ISLAND

July 24 The Rhode Island Supreme Court ruled that the apportionment of the state house of representatives—limiting membership to 100 and allowing one representative for each town—was invidiously discriminatory and violated the 14th amendment The court did not order immediate reapportionment however Rather, it said the general assembly had an obligation to act and it had no authority to order the legislature to act

TENNESSEE

June 22 The three-judge United States District Court ruled that Tennessee's newly approved legislative reapportionment laws were unconstitutional and gave the legislature until July 3, 1963, to pass an equitable apportionment law The 1962 apportionment laws were passed at a special session of the legislature called in response to *Baker* v *Carr*.

VERMONT

July 19 The Vermont Supreme Court ruled the current apportionment of the state senate void

Aug 9 Meeting in special session, the Vermont Legislature passed legislation reapportioning the Vermont State Senate

WISCONSIN

June 13 A special session of the Wisconsin Legislature was ordered to convene within 10 days to enact a "fair and constitutional apportionment law pursuant to the constitution of Wisconsin by a special panel of three federal judges The court said it would appoint a special master to draw up new districts if the legislature proves reluctant to reapportion"

June 29 Legislature passed reapportionment bills in special session

July 2 Republican Legislature failed to override Democratic Governor Gaylord Nelson's veto of the apportionment legislation

July 3 The three-judge federal court named former Wisconsin Supreme Court Judge Emmett L Wingeit as a special master to consider reapportionment plans for the state Wingeit was ordered to hold any hearings on reapportionment that were reasonably necessary, to consider specific reapportionment plans if he finds the plaintiffs are entitled to relief and to recommend to the court a fair and equitable plan of reapportionment

July 17 Governor Gaylord Nelson vetoed a second reapportionment bill

July 25 Special master Wingeit completed a series of hearings to determine whether—and if so, how—Wisconsin Legislature should be reapportioned

Aug 15 On the recommendation of Special Master Wingeit, the federal court dismissed a suit seeking reapportionment of the Wisconsin Legislature, "As a practical matter," the court said, "it is impossible at this late date to enter orders which would change the election dates of the primary and general election and also to change all the statutory preliminary requirements"
However, the court indicated that the suit was dismissed without prejudice to any similar action seeking relief after August 1, 1963

WYOMING

Aug 1 Wyoming District Court Judge Sam M Thompson dismissed a suit seeking to force Acting Governor Jack R Gage to reapportion both houses of the Wyoming Legislature Thompson states that "the power to apportion is in the hands of the Legislature"

IV. IMPLICATIONS FOR CALIFORNIA

In California, the major implication of *Baker* v. *Carr* involves the California State Senate Can one house of a two-house legislature be based primarily on geography? Differing interpretations of the law have come from cases in other states—particularly in Michigan and Maryland—and the U S Supreme Court will ultimately resolve this issue Suit has been filed in California by Attorney Phil Silver of Los Angeles contending that the apportionment of State Senate violates the 14th Amendment Action on the suit, which is before a three-judge federal district court, was delayed pending the outcome of Proposition 23 on the November 1962 ballot

Perhaps even more far reaching is the implication of *Baker* v *Carr* on the apportionment of supervisorial districts within counties In many of California's counties, there has been a shocking disparity among the various supervisorial districts on the basis of population For example, in Contra Costa County, District 1 is approximately five times as large as District 5 In Marin County, the largest district has over 20 times the population of the smallest In Monterey County, this ratio is 32-1 and in Napa County over 40-1 In a number of counties, there has been no reapportionment since the turn of the century; in Tuolumne County, there has been no reapportionment for over 100 years According to the Legislative Counsel, the rationale of *Baker* v. *Carr* would

support an action attacking the apportionment of county supervisorial districts.* Thus, the citizens in these counties where glaring inequities exist can bring suit for a redress of the deprivation of federal constitutional rights and bring about new districts which would be approximately equal in population

California does not have the problem which exists in many other states in the reapportionment of assembly and congressional districts A provision of the California Constitution which provides that the Reapportionment Commission—consisting of most of the statewide officers —will reapportion the State if the Legislature fails to act has been a club over the head of the Legislature and a reapportionment statute has been enacted every 10 years

Certain provisions of the California Constitution limit the Legislature in drawing the boundaries of the various districts and even approximate equality cannot be achieved at the present time. The boundary of an assembly district cannot cross a county line unless it takes in another whole county Thus Imperial County, which has the largest deviation from the mean population of any of the assembly districts, cannot be constitutionally combined with part of either San Diego or Riverside Counties, to form an average-size district The Legislature is also limited in the formation of congressional districts by the California Constitution Each congressional district must consist of whole assembly districts—despite the fact that 80 is not divisable by 38 The obvious result is that there will be some unequal congressional districts as some will contain two assembly districts and others will have three These restrictions are relics of the past and should be removed

Such action would allow districts to be more equal in population and serve communities of interest* that lie on both sides of county lines For example, many school districts cross county lines There is little likelihood that the removal of the restrictions will result in extremes of gerrymandering The threat of a suit under *Baker* v. *Carr* should preclude any such activity. In addition, most assembly districts now lie wholly within one county and are subject to a gerrymander at the present time The fact that these districts have not been gerrymandered should further allay fears on this score.

V. RECOMMENDATIONS

1. We recommend that a constitutional amendment be submitted to the voters which would allow assembly district boundaries to cross county lines to include parts of counties
2. We recommend that a constitutional amendment be submitted to the voters to provide that, beginning with the 1972 election, each congressional district shall contain two assembly districts
3. Our commitment to a democratic way of life includes the concept of majority rule In a number of California counties, there are substantial disparities in the size of supervisorial districts and a

* California Legislature, Office of the Legislative Counsel, Opinion No 4688, August 1, 1962 See appendix for full text of opinion
* The Constitution of California (Article IV, Section 6) does not include "community of interests" economic, political, social or any factors, other than population, as a basis for reapportionment.

minority of the voters elect a majority of the members of the boards of supervisors As a result of the decision of the United States Supreme Court, in *Baker* v *Carr,* citizens can now bring action in the courts to correct these inequities We hope the boards of supervisors involved will bring it upon themselves to reapportion the districts that currently exist, but, in the event they do not, we feel action through the courts and at the state legislative level is appropriate to protect the constitutional rights of the citizens in these counties

4 In the event a court declared the apportionment of assembly, senate or congressional districts in this State null and void, we feel that the Legislature should be called into special session to deal with this problem There are several ways which this could be done The Governor could be mandated to call a special session The Speaker of the Assembly and the President pro Tempore of the Senate could be given the power to call a special session in these circumstances if they believe such action is warranted Machinery could be established to provide that the Legislature would be automatically called back into session All of these solutions will require a constitutional amendment

5 In view of the foregoing recommendations, we feel that there is no necessity for legislation such as A J R No 1

POLITICAL ACTIVITIES OF STATE EMPLOYEES

January 1963

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POLITICAL ACTIVITIES OF STATE EMPLOYEES

I. INTRODUCTION

It is axiomatic that in a democracy all citizens should participate as fully as possible in the political process Perhaps this goal is unattainable but it is a goal toward which we should and we must work While government policy should not force participation, it should be orientated certainly so that participation is not restricted in any measurable way

Certain restraints on political activity have been placed by government at various levels on those working for it While limited restraints are necessary to insure that state employees are not engaged in activities inconsistent with their official duties, it has come to the attention of members of the Legislature that limitations far more restrictive than the Legislature intended are being placed on some government employees.

As a result, at the 1962 session of the Legislature, Assemblyman Rex Cunningham introduced House Resolution No 32 calling for a study of the laws and regulations relating to political activities of state employees. This resolution was adopted and the Assembly Interim Committee on Elections and Reapportionment was charged with the responsibility of conducting this study. Background information on this subject was gathered and studied by the committee and a public hearing was held on August 24, 1962, in Sacramento At this hearing, representatives of state government and state and local employees associations were present to offer comments and suggestions

We are aware that a comprehensive study of this same subject is being prepared by the Bureau of Public Administration at the University of California While we have not seen the bureau report, due to the necessity to complete our committee report prior to its release, we would recommend this study by the bureau to those interested in further information on the same subject

II. PRESENT RESTRICTIONS ON STATE EMPLOYEES

As California has a well-established civil service merit system, the Legislature has seen fit to establish very few restrictions of the political activities of state employees There is no "Little Hatch Act" in California The basic restrictions upon political activity in connection with civil service employment are found in Government Code Sections 19730-19734 These restrictions were established in 1937 and have remained unchanged since that time Generally speaking, the two major restrictions established by these sections are·

A Solicitation or receiving of political funds by state employees from state civil service employees, or from persons on employment lists, or the use of State facilities for this purpose, is prohibited.

B. The use, promise, or threat of political influence on state civil service employment matters by a candidate for public office or public official in order to influence the vote or political action of a state civil service employee or a person on an employment list, is prohibited.

In addition, under the provisions of Government Code Section 19251, each appointing power is required to prescribe, subject to the approval of the State Personnel Board, those activities which, for employees under his jurisdiction, will be considered inconsistent, incompatible, or in conflict with his duties Section 1613 of the Elections Code prohibits state, city and county employees from acting as election officers.

III. ROLE OF THE HATCH ACT

Federal restrictions on the political activity of United States government employees are contained in the Hatch Act. This act, which was passed in 1939, was designed to prevent classified employees of the executive branch from assuming general political leadership or from becoming identified with any political movement Many persons working for the State of California as well as local governmental agencies are also covered by the federal Hatch Act. The laws reads as follows.

> "No officer or employee of any state or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any federal agency shall (1) use his official authority or influence for the purpose of interfering with an election or a nomination for office, or affecting the result thereof, or (2) directly or indirectly coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No such officer or employee shall take any active part in political management or political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates For the purposes of the second sentence of this subsection, the term 'officer or employee' shall not be construed to include (1) the governor or the lieutenant governor of any state or any person who is authorized by law to act as governor, or the mayor of any city, (2) duly elected heads of executive departments of any state or municipality who are not classified under a state or municipal merit or civil service system; (3) officers holding elective offices "
>
> (Section 12(a), act of August 2, 1939, as amended)

There is a great deal of ambiguity as to which state employees are subject to the provisions of the Hatch Act Roy Stevens, Assistant Board Secretary of the State Personnel Board, indicated that the Hatch Act applies to employees whose principal employment is in

connection with an activity financed in whole or in part by loans or grants made by the United States. He further added that:

> "It becomes a matter of which positions are paid from these moneys and that becomes very obscure in many cases . . . it becomes so obscure in some of these cases even though somewhere way in the vague background there may be some federal funds, the practical impact is when you get to a particular position you are no longer able to identify for most of these jobs whether there is any federal money or not. Therefore, it becomes pretty hard to enforce the Hatch Act on them."

Joseph Wyatt, a member of the State Personnel Board, pointed out to the committee that the antecedent of the relative adjective "whose" in the first sentence of the Hatch Act is ambiguous. He also noted that ". . . the Hatch Act's very language in emphasizing principal employment would indicate that some degree of discretion must be exercised."

State employees covered by the Hatch Act are forbidden to, among other things, be a candidate for any public office, distribute campaign literature, write for publication any letter or article soliciting votes in favor or against any political party or candidate, or serve as an officer of a political club or any of its committees.

Robert Sharpe, General Manager of the California State Employees' Association, advised the committee that his organization believes that the restrictions of the Hatch Act are inappropriate for employees in the California state service. He added:

> "We believe that the provisions contained in the California Government Code Sections 19730-34 are sufficient and meet the needs identified in California. We believe that it would be appropriate for the California Legislature to memorialize the United States Congress and the United States Civil Service Commission to exclude California State Employees subject to Government Code Sections 19730-34 from the application of the Hatch Act."

IV. DEPARTMENT OF PUBLIC WORKS INCOMPATIBILITY STATEMENT

As a considerable portion of the money used to finance the activities of the Division of Highways comes from the federal government for the interstate highway program, the Department of Public Works has issued incompatible statements which have, in effect, blanketed all employees of the department under the restrictions of the Hatch Act—regardless of the nature of the work done by the employee. This edict has been vigorously opposed by the California State Employees' Association and the Union of State Employees, Local 411. The original Department of Public Works incompatible statement read as follows:

> The Department of Public Works is subject to certain provisions of the federal law commonly known as the "Hatch Act," which subjects the state agencies receiving federal funds to certain penalties in the event employees engage in certain partisan political activities.

Because of the receipt of substantial amounts of federal funds by the department, it is not in the best interests of the State or this department that any employees engage in partisan political activities for it may well jeopardize the continuing programs for which this department is responsible

It is, therefore, the policy of this department that no employee shall engage in partisan political activities and it shall be considered an incompatible act for any employee to engage in such activities. Partisan political activity means standing for election for partisan political office or taking an active part in a partisan political campaign while in an active employment status. (Partisan political office includes state and federal elective office and central committees of the various political parties)

Any employee who wishes to stand for election to nonpartisan political office (i e , city and county offices, school boards, special districts, etc) shall notify the office of the Director of Public Works (attention Departmental Personnel Officer) of his intention sufficiently far in advance of his filing for office so a determination may be made regarding any possible conflict of interest

In objecting to this action by the department, Assemblyman Tom Rees noted

" . under this Department of Public Works directive, which I think takes the political rights away from our state employees, they are saying that everyone who works in the Department of Public Works—it doesn't matter if they're in highways it doesn't matter if they're in general administration, it doesn't matter if they are fixing the street out here in West Sacramento, it doesn't matter if they are in the State Architect's department which has over 1,000 employees—cannot participate in politics because this letter says they can't participate Aren't they legislating against the wishes of the Legislature when we have put into the code that state employees can participate in activities?"

John B Matheny, representing the Department of Public Works, defended the directive and stated

". . . The reasoning behind including all employees was that any employee in the department that is subject to be working, on a federally financed project every day in the week, it can't be a matter of influencing job assignments whereby some person could not take a certain position within the department because that's a federally financed project and some other project he was working on isn't Likewise in the Division of Architecture you have the dormitory program and the armory program The Division of Bay Toll Crossings is the only division that perhaps is not currently federally financed at all but they could be "

To this Assemblyman Rees rejoined

" in an architectural office there is a tendency to sign architects to specific projects You don't have an employee working in an armory one day and then have him working on a state finance building the next day "

Personnel Board Member Joseph Wyatt also commented on this as follows

> " I would be concerned as some of the members of this committee are with the species of enforcement which would emulate the principles of King Herod where you want to find one you kill all and where you want to prohibit the political activities of a few you prohibit the political activities of all I am against that on a generalized basis "

Subsequent to the committee's hearing, on October 25, 1962, the Department of Public Works issued a new directive relating to political activities of department employees This directive, which is currently in effect, reads as follows·

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS October 10, 1962

DEPARTMENTAL CIRCULAR
GENERAL No. 66

TO All Division Chiefs and Director's Office Staff

SUBJECT Partisan Political Activity

Because of the interest expressed by some employees, and to be helpful, this is to put in writing some of the oral clarifications given to those employees about that portion of the Department of Public Works Incompatible Activities Statement, dated September 26, 1961, pertaining to *partisan* political activity You will recall that because so many of the Department's employees are subject to the federal Hatch Act, it was believed desirable that the statement apply the same limitations to all personnel Once again, partisan refers to activities where the candidate bears a party label

These are some guides which have been prepared by the Departmental Personnel Officer and the Legal Division and approved by me:

1 Employees have the right to·
   (a) Express their opinions on all political subjects and candidates
   (b) Attend political rallies and conventions to which the general public is invited
   (c) Sign nominating petitions
   (d) Make voluntary contributions of money
   (e) Display political pictures in their homes
   (f) Wear political badges or buttons, display political stickers on private automobiles or signs on residential property
   (g) Belong to political clubs or organizations

2 Employees may *not:*
   (a) Be a candidate, run or, if elected, serve in a partisan political office while in the regular employ of the Department of Public Works (leaves of absence will be considered if requested).

(b) Serve on or for a central committee or as a delegate or alternate to a caucus or party convention
(c) Solicit or account for political contributions.
(d) Sell or solicit the sale of political party dinner or other tickets.
(e) Serve as an officer of a political club or as a member of a policy committee or other committee which would attract public notice
(f) Organize or conduct a political meeting or rally or address such a meeting on any partisan political matter.
(g) Distribute campaign literature or material
(h) Initiate or circulate partisan political nominating petitions.
(i) Engage in canvassing a district or soliciting political support for a party, faction, or candidate

ROBERT B BRADFORD
Director

V. NEED FOR CHANGES?

Other than in the areas of "incompatible activities" and Hatch Act restrictions, there appears to be no compelling reason to change the present state statutes relating to political activities of state government employees Roy Stevens, Assistant Board Secretary of the Personnel Board, indicated that:

> " to the extent that problems of state agencies, state employees or the public in operating under these laws have come to the attention of the State Personnel Board, the problems have been limited in scope and number. Based on this experience we have no recommendations as far as need for change in the law It's liberal and we have not had any serious problem of which we have been conscious that indicates a need to greatly tighten it up or change it."

The position of the California State Employees' Association is essentially the same CSEA General Manager Robert Sharpe has stated.

> "In our view, these sections (Government Code Sections 19730-34) provide realistic and valid prohibitions on the activities of state officers and employees in the political field. We are in accord with these restrictions However, we believe they should constitute the only restrictions So that there may be no misunderstanding on this point, this delimitation should be clearly stated in the law *Such clarification of the application of these sections in the code* would prohibit state departments from exacting other political restrictions For example, a department could not then use its authority under Section 19251 to specify as incompatible, political activities not restricted by these political activities sections of the code "

Bud Aronson, representing the Union of State Employees, Local 411, and the Public Employees Council of the Building Service Employees Unions, indicated that there is a great deal of confusion among gov-

ernmental employees as to just what their political rights are. He told the committee·

"There is a tremendous amount of confusion among rank and file state employees and also again municipal employees as to what their rights are and what the restrictions are. There seems to be a fair amount of confusion too on the part of many administrators I would for example point out a very well-publicized incident which happened to involve a member of our city and county employees union of San Francisco. This gentleman was an elevator operator I think most of you read about the incident on the front pages of papers throughout the state. He wore a button on the job supporting the opponent of Mr Christopher and Mr Christopher then asked that this button be removed by our member and of course subsequently the city attorney delivered an opinion granting our member the right to put his political button back on his lapel

". . I would further illustrate the confusion which exists by the frequent reference Little Hatch Act I have heard this from the first day that I came with Local 411 from state employees, from legislators, from administrators Again there seems to be a very widespread but erroneous belief that we do have a Little Hatch Act in the State And again, I cite this only to fortify our contention that there is confusion on the issue. Now, further compounding the confusion although this certainly was not its motivation on the state scene is the use of such posters as this one which you have in the exhibits prepared by the State Personnel Board. And as I make the rounds in the buildings and I think I maintain quite a close relationship with state employees I have noticed recently that with the upcoming November election a new batch of these posters have been posted in every state building in the State at least in which I have been in apparently within the last 30-60 days and while it is written in English and I think in basically a proper type of English nevertheless this unfortunately served the purpose of confusing state employees even more than they were confused before and I've had a good many comments some of which I have solicited in preparing my testimony today and some of which were unsolicited and in view of the dearth of material which has come out previously certainly within the last couple of years the sudden appearance of this kind of bulletin again although this certainly was not the motivation has been to confuse state employees to the point many of them think that they are covered by the Hatch Act automatically "

VI. RESTRICTIONS AT THE LOCAL LEVEL

Limits on political activity by employees of local governmental units vary widely from county to county and from city to city throughout California For example, the Los Angeles County Charter allows the employees of the county almost no political freedom. A proposal to amend this provision was defeated by the voters of the county in November, 1962 On the other hand, the City of Los Angeles has no limit on employee political freedom in its charter.

Under the provisions of House Resolution No 32, the scope of this particular study has been limited to the political activities of state employees. In the course of this inquiry, however, it has become apparent that a definite problem does exist at the local level. Several witnesses spent the major portion of their time before the committee directing remarks toward the necessity to improve the political freedom of local government employees.

State Personnel Board Member Joseph Wyatt called for the enactment of a bill of political rights for all governmental employees

As the committee did not have the time nor authority to probe in this area in any depth, these facts are presented to illustrate the concern of many with this problem A full and complete study of the problem needs to be made and should be commenced at the beginning of the 1963 Legislative session

VII. RECOMMENDATIONS

A We recommend that the Legislature memorialize Congress to lift the Hatch Act restrictions on all state employees

B We recommend that legislation be passed to limit the use of incompatible statements as a means of limiting political activity

C We recommend that legislation be passed to allow state employees to serve on election boards.

D We recommend that a comprehensive study of the restrictions on political activity of local governmental employees be made.

LITERACY TESTS FOR VOTING

January 1963

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LITERACY TESTS FOR VOTING

I. INTRODUCTION

A proposal which would require each voter to undergo a literacy test prior to registration was referred to the Assembly Interim Committee on Elections and Reapportionment for study Each person, at the time he or she registers, would be required by A.B. 1647 to read 100 consecutive words of the California Constitution.

Testimony relating to the literacy test problem was heard by the committee at a public hearing in Los Angeles on December 15, 1961. Further data was gathered by the committee staff.

II. THE LITERACY TEST IN CALIFORNIA

At the present time, California's Constitution (Article II, Section I) provides that, in order to be eligible to vote in California, a person must, among other requirements, be able to read the Constitution in English and write his or her name Certain exceptions are allowed, however Those with a physical disability such as blindness are exempted from this requirement as are all illiterate males over 89 years of age who would otherwise qualify.

The responsibility and method of determining if a prospective voter meets the constitutional requirements is left to those doing the actual registering at the local level They determine the extent and scope of the test given.

At the time of statehood and for 44 years thereafter, California had no literacy test as a requirement for voting

In 1894, the Constitution was amended providing this qualification in basically the same language as exists today The vote was 170,113 to 32,281 and those who were illiterate were "grandfathered in" at the time.

It is difficult to estimate the number of illiterates in California at the present time The 1960 census has information relating to educational achievement in California. Of the 8,868,907 people over 25 in California, 164,332 had no schooling whatsoever. Another 340,717 completed only from one to four years of schooling and 420,871 more did not progress beyond grade six A county-by-county breakdown of these figures follows·

	No schooling		*Completed from 1 to 4 years of schooling*	
County	*Male*	*Female*	*Male*	*Female*
Alameda	4,162	4,536	11,210	9,779
Alpine	--	20	34	9
Amador	55	42	149	77
Butte	273	153	1,058	678
Calaveras	79	21	202	58
Colusa	98	64	221	112
Contra Costa	1,387	1,218	4,437	3,250
Del Norte	38	18	211	107
El Dorado	64	24	270	165
Fresno	5,092	3,840	8,250	6,076
Glenn	91	32	377	126

County	No schooling		Completed from 1 to 4 years of schooling	
	Male	Female	Male	Female
Humboldt	336	245	1,209	697
Imperial	2,450	615	4,175	1,446
Inyo	50	43	160	53
Kern	2,007	1,337	6,344	3,529
Kings	790	506	1,486	1,058
Lake	40	51	236	159
Lassen	46	15	228	102
Los Angeles	26,341	30,083	56,968	54,399
Madera	505	380	1,262	934
Marin	225	226	937	577
Mariposa	24	4	76	43
Mendocino	341	232	831	578
Merced	1,280	685	2,144	1,524
Modoc	31	14	95	38
Mono	—	—	9	10
Monterey	1,941	811	3,404	1,872
Napa	368	239	1,070	609
Nevada	37	37	262	173
Orange	2,014	1,512	4,777	3,599
Placer	523	490	844	598
Plumas	60	8	160	59
Riverside	2,362	1,370	5,435	2,881
Sacramento	2,283	1,591	5,553	3,540
San Benito	275	189	478	329
San Bernardino	2,343	1,834	6,250	4,528
San Diego	2,528	2,387	6,048	6,320
San Francisco	7,919	6,674	11,858	9,776
San Joaquin	4,344	1,968	7,348	4,216
San Luis Obispo	371	226	1,021	590
San Mateo	1,058	967	3,214	2,783
Santa Barbara	1,120	728	2,390	1,420
Santa Clara	3,623	3,610	7,066	6,485
Santa Cruz	748	472	1,434	1,032
Shasta	150	90	674	352
Sierra	5	4	20	9
Siskiyou	175	86	519	322
Solano	619	357	1,446	856
Sonoma	1,348	1,104	2,199	1,639
Stanislaus	1,440	980	3,329	2,378
Sutter	228	76	625	301
Tehama	19	28	326	158
Trinity	34	13	120	38
Tulare	2,143	1,550	5,202	3,380
Tuolumne	37	26	176	92
Ventura	2,347	1,156	3,288	2,088
Yolo	600	273	1,236	589
Yuba	174	100	568	287

What is not reported in these figures, however, is the number who taught themselves to read and write or learned these skills outside the formal atmosphere of the classroom. Thus the actual number not eligible to vote would be less than the number reported by the census having no or little education

Criticism of California's present literacy test requirements has come from both sides—from those wishing to make such tests mandatory for all and from those wishing to abolish them

In emphasizing the need for uniform, mandatory literacy test requirements throughout the State, Assemblyman Rex Cunningham of Ventura County told the committee.

> "At present, our state laws do not specifically require that a person registering to vote prove his ability to read the English language I understand that some county clerks and registrars have established a program to meet this constitutional provision

My purpose in introducing this legislation (A B 1647) is to be sure that such a program be mandatory on those who register our voters and that such a program be standardized so that all persons registering to vote will meet the same requirements throughout the State

"I certainly believe that we can all agree that a person registering to vote in one county should not have a different set of requirements than those of another county area I wholeheartedly supported Assemblyman Crown's bill on voter challenges at the polls It seems to me that we should establish one point at which a potential voter establishes his eligibility. At the present time a voter must prove his state, county and precinct residence at the time of registration, as well as his citizenship and other legal requirements for the privilege of voting

"What is more logical than to prove his ability to read the English language at the same time? As long as the constitutional provisions governing this exist, it is my belief that the Legislature has a responsibility to the people of the State of California to insure that the requirement is met. For this reason I introduced A B 1647 and I know that this committee will give full consideration to legislation accomplishing this purpose "

Problems of which the committee must be cognizant in evaluating the need for mandatory literacy tests were pointed up in the following discussion between Assemblyman Robert Crown, author of literacy test reform legislation in 1961, and Robert Cowger, Chairman of the Ventura County Republican Central Committee

Assemblyman Crown: " . In this bill by Mr Cunningham, I notice the language 'shall require the applicant to read 100 consecutive words of the Constitution ' Mr. Cowger, you and I both know that there is no requirement in the Constitution that says a person must read and understand the Constitution, but I don't think that it is stretching the meaning too much by saying that the most reasonable interpretation of this would be that you must understand although the word understand is not used. If it is merely the ability to read without understanding, we fly in the face of the spirit of the Constitution I think you will agree with that Now, have you read the California Constitution?

Mr. Cowger: "Not for years "

Mr. Crown: "Well I can't speak for you, but speaking for myself and some of my attorney friends, there are parts of the Constitution—100 words or more—that I can read but unless I do some research on it, I cannot explain it nor do I have complete understanding of such sections."

Mr. Crown: "Do you agree with our Elections Code provisions which state that all doubts should be resolved in favor of the ability to read of the prospective voter?"

Mr. Cowger: "If I understand that, I feel it is somewhat vague but I do agree with it "

Mr. Crown: "And yet you want to regress and make it more difficult for a person to pass that literacy test?"

Mr. Cowger: "There is no hazy line here in reading Either a person can pick up something and read or they cannot"

Mr. Crown: "Do you really think it is that simple?"

Mr. Cowger: "I would say so."

Mr. Crown: "What about the person who is 75 years of age and has never had any difficulty in reading but where that person's eyesight has failed to the point where they read hesitatingly, very hesitatingly?"

Mr. Cowger: "I am aware of this. This is a problem . . ."

Mr. Crown: "What do you think of the person who reads well if left unattended but is very hypertense when given a test? Should any requirement be made for that person?"

Mr. Cowger: "Well there are certain tests given in life at all times, if you don't pass it you can go back I had to work three times to get through the Navy."

A number of people feel that the literacy test should be eliminated or substantially modified In supporting this viewpoint, Mrs. June Maland testified that:

"Experts analyzing the last election are in agreement that the debates between the candidates were one of the great deciding factors to the voters How many people read the debates? . In this age of radio and television, it is not so demanding that we be able to read English to be well informed

" . I believe that the State Constitution should be changed and I heartily endorse the bill offered by Senator Alan Short of San Joaquin County whereby a person who is a citizen of this State may exercise the right to vote whether he is literate in the English language or not This would be accomplished by the voter being accompanied into the booth by someone of his choosing who is literate in the English language This is exactly what a handicapped or blind person does The secret ballot would be intact. No one questions who votes by absentee ballot as to whether or not they have discussed the candidates with others and marked their ballot in the presence of others

"An elderly grandmother came into this country years ago from Mexico—and became a citizen She registered as she was told to do And for five years she exercised her privilege at the polls On election day 1960 her right was taken from her—no one asked her if she could speak English when she was asked to pay her taxes; no one asked her if she could speak English when she gave her son to fight for the country."

Material presented to the committee by Stephen Reinhardt, representing the American Jewish Congress, proposed multilingual literacy tests as follows:

". . . We believe that conditioning the right to vote on familiarity with the English language is inconsistent with the historic concept of American society as a multilingual community In New York Mayor Wagner has proposed a bill which would permit voting by a peron who is literate in any language in general use in

the state The test of general use is whether a newspaper (daily or weekly) is published in the language in question We feel that A B 1647 not only perpetuates the unfortunate exclusive language test, but places an undue burden upon the individual of foreign extraction We respectfully suggest that the committee reject A B 1647, and instead give serious study to the question of adopting whatever statutory and constitutional changes may be necessary for the purpose of permitting multilingual literacy tests "

III LITERACY TEST REQUIREMENTS IN THE UNITED STATES

Only 19 of 50 states, including California, require some form of literacy test as a prerequisite for voting Of the 19, 6 are southern states, 6 are western states, 4 are New England states, 2 are mid-Atlantic states and 1 is a Rocky Mountain state

A state-by-state breakdown is as follows

Alabama	--
Alaska	Yes
Arizona	Yes
Arkansas	--
California	Yes
Colorado	--
Connecticut	Yes
Delaware	Yes
Florida	--
Georgia	Yes
(Under a 1949 law, all voters were required to register and pass a literacy test Those failing could qualify by answering 10 of 30 questions prescribed by law.)	
Hawaii	Yes
(Either English or Hawaiian required)	
Idaho	---
Illinois	---
Indiana	---
Iowa	---
Kansas	---
Kentucky	---
Louisiana	Yes
(Exception allowed those who can pass certain specified requirements)	
Maine	Yes
Maryland	--
Massachusetts	Yes
Minnesota	--
Mississippi	Yes
Missouri	---
Montana	---
Nebraska	---
Nevada	---
New Hampshire	Yes
New Jersey	---
New Mexico	--
New York	Yes
North Carolina	Yes
North Dakota	---
Ohio	---
Oklahoma	--
Oregon	Yes
Pennsylvania	---
Rhode Island	-
South Carolina	Yes
(Ownership of property alternate to literacy)	

South Dakota	
Tennessee	
Texas	
Utah	
Vermont	
Virginia	Yes
West Virginia	
Wisconsin	
Wyoming	Yes

(SOURCE Book of the States)

IV. FEDERAL ACTIVITY RELATING TO LITERACY TESTS

The federal government has been actively interested in literacy tests where there have been flagrant abuses of the tests in order to deprive certain minority groups of their rights to vote

The U S Commission on Civil Rights, under the chairmanship of John A Hannah, recommended in a report issued late in 1961 that Congress enact legislation to provide that all United States citizens shall have the right to vote in federal or state elections except for inability to meet reasonable age or length of residence requirements, legal confinement or conviction of a felony Robert G Storey, vice chairman of the commission dissented on this recommendation stating that the purity of the ballot can be destroyed by allowing illiterates to vote Robert S Rankin also dissented

The commission also recommended that Congress enact legislation to provide that the completion of six years of schooling shall be deemed to suffice in all states where literacy tests are required

Ample evidence was presented to the commission to sustain the finding that members of minority groups are being denied the right to vote by means of the literacy test—despite the fact that some are even college graduates

VI. RECOMMENDATIONS

1 We concur with the recommendation of the U S Civil Rights Commission relating to voting rights and literacy tests

2 We recommend that legislation such as A B 1647 not be re-introduced in 1963

IDENTIFICATION OF CAMPAIGN MATERIAL

January 1963

IDENTIFICATION OF CAMPAIGN MATERIAL

As a result of activities connected with the 1962 elections, the Assembly Interim Committee on Elections and Reapportionment has received a number of complaints regarding the circulation of campaign material and purported endorsements without the names and/or addresses of those responsible for the circulation

Section 11592 of the Elections Code requires that printed matter relating to candidates or elections shall bear the name and address of the printer and publisher and that no payment shall be allowed unless the name and address are so printed This is designed to give a candidate the means of ascertaining where a document originated in the event that he wishes to file suit for fraud, false advertising or libel If the present political campaigns are considered "dirty," one can only imagine the depths of depravity some candidates would go if this minimal protection did not exist Hundreds of irresponsible anonymous smear sheets would blossom forth

A Legislative Counsel opinion obtained by Assemblyman Edward E Elliott, subsequent to a committee discussion on this subject, indicates that this statute is both lacking in clarity and in danger of being declared unconstitutional Apparently the payment for the objectionable literature is the act which constitutes a misdemeanor If the material is printed free of charge it may not be covered Material produced by hand or cranked out on mimeograph machines also may not be covered In addition, the Supreme Court's decision in *Talley* v *California* (1960), 362 U S 60, may be applicable to Section 11592 thus voiding it

These points are discussed in some length in the opinion which is attached

We believe this problem is of sufficient public moment as to justify bringing it before the Members of the Assembly We further believe that additional legislation is needed—to meet the challenge of constitutionality and to insure that material produced where the publisher and printer receive no money is fully covered

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO CALIFORNIA, Septmeber 13, 1962

HON EDWARD E ELLIOTT
3404½ Whittier Blvd
Los Angeles 23, California

CAMPAIGN LITERATURE—No. 4595

DEAR MR ELLIOTT You have asked three questions concerning campaign literature which we shall answer in series

Question No. 1

Would any person who makes a payment of money contrary to Section 11592 of the Elections Code commit a crime?

Opinion and Analysis No. 1

Section 11502 of the Elections Code * to which the question refers appears in Chapter 1 of Division 8 Division 8 of the code is concerned with election campaigns and Chapter 1 is concerned with expenditures made by or for candidates in their campaigns Section 11592 provides.

"Every bill, placard, poster, pamphlet or other printed matter having reference to an election or to any candidate shall bear upon its face the name and address of the printer and publisher

"No payment therefor shall be made or allowed unless the name and address is so printed"

The purpose of this section is to prevent the use of campaign literature by candidates which does not identify the person or persons responsible for its use The section prohibits payment for literature unless it is properly identified Chapter 3 provides penal sanctions against various activities related to the conduct of election campaigns Section 12053 provides:

"Every person is guilty of a misdemeanor who violates any of the provisions of Chapter 1 (commencing at Section 11500) of this division"

Payment made for unidentified campaign literature would constitute a misdemeanor as it would come within the terms of Sections 11592 and 12053

At the present time there is some doubt as to the constitutionality of the two sections when taken together The doubt has its roots in the case of *Talley* v *California* (1960), 362 U S 60, 4 L Ed 2d 559

The *Talley* case concerned a municipal ordinance of the City of Los Angeles which provided that it was a criminal offense to distribute handbills under any circumstances when the literature did not have printed on it the names and addresses of the persons responsible for its printing and distribution Defendant *Talley* distributed handbills which were not identified in accordance with the ordinance The handbills urged readers to boycott certain merchants and businessmen who carried goods produced by manufacturers who, according to the handbills, did not give equal employment opportunities to certain minority groups *Talley* was arrested, tried and convicted for violation of the ordinance

The Supreme Court reversed the conviction and held that the ordinance was void on its face as an abridgment of free speech and press guaranteed to the defendant by the 4th and 14th amendments The ordinance was objectionable, the court indicated, because of its broad scope, barring distribution of any handbill in any place under any circumstances Although it was contended that the ordinance was designed to identify those who may be responsible for fraud, false advertising and libel, the court found the ordinance to be in no way so limited, in purpose and scope Because of its breadth, the ordinance was concluded to be a restraint on the freedoms of speech and the press

The court did not pass on the question of whether the ordinance would have been valid had it been limited in application to the prevention of fraud false advertising and libel, or to the prevention of handbills whose content is obscene or offensive to public morals or which advocate unlawful conduct

Following the *Talley* case, there was some question as to the validity of certain provisions in the Elections Code requiring the identification of those responsible for the printing and dissemination of campaign literature The question was presented to the Attorney General who concluded that the validity of the Elections Code provisions was unaffected by the holding in the *Talley* case The basis of the Attorney General's opinion was the distinction between the ordinance in the *Talley* case and the Elections Code provisions The ordinance in the *Talley* case was struck down because it was *a broad and unlimited prohibition against anonymous circulars* of any type on any subject The provisions in the Elections Code, on the other hand, are designed to promote purity in elections, a subject within the competency of the Legislature to deal with, and are limited to anonymous literature pertaining to elections and candidates (36 Ops Cal Atty Gen 67)

Recently, the California case of *People* v *Bongiorni* (1962), 205 A C A 466 was decided by the Appellate Department of the Superior Court of San Diego The court considered the constitutionality of Section 12049 of the Elections Code The section provides

"Every person other than a public officer in the performance of official duty is guilty of a misdemeanor who writes or causes to be written printed, posted,

* All references to code sections are to the Elections Code

or distributed any circular, pamphlet, letter, or poster which is designed to promote either the passage or defeat of a measure appearing on the ballot at any election, state or local, unless there appears upon the circular, pamphlet, letter, or poster, in a conspicuous place, either,

"(a) The names and residence addresses of the chairman and secretary or the names and residence addresses of at least two officers of the organization issuing it, if issued by an organization, or

(b) The name and residence address, with the street and number, if any, of any individual responsible for it, if issued by an individual, or individuals

"* * * "

In content and effect, this section is very similar to Sections 11592 and 12053 taken together Section 12049, referring to ballot measures, rather than candidates, prohibits by express language the use of anonymous campaign literature whereas Sections 11592 and 12053 seek to prevent the use of anonymous campaign material in elections of candidates by prohibiting payment for such material

The court in the *Bongiorni* case, following the *Talley* case, held Section 12049 void on its face The court said that the " only substantial difference between that enactment" (the ordinance in the *Talley* case) and Section 12049 of the Elections Code is that the latter statute is confined to circulars or handbills by which it is sought to influence the result of elections, while the ordinance involved in the *Talley* case applied to circulars generally " The court concluded that Section 12049 was void because there was nothing in the section by which it is sought to define the type of statement or utterance that is prohibited The court stated that it was unable to find a sufficient distinction between the distribution of handbills generally and the distribution of campaign handbills to sustain Section 12049

The *Bongiorni* case is the first to follow the *Talley* case and apply the reasoning of the latter case to a provision in the Elections Code Should a case on similar facts reach a higher court of appeal in this State, it is possible that its decision would not follow the *Bongiorni* case, but would coincide with the opinion of the Attorney General

In the event that the *Bongiorni* case is followed, it is possible that Section 11592 would also be held void We believe that this would result because, taken in connection with Section 10253, its effect is so similar to Section 12049 that it would be subject to the same objection that the court found in Section 12049 The section does not define the type of statement or utterance which is prohibited

Our conclusion is that a person who makes a payment of money contrary to Section 11592 would commit a misdemeanor, but that there is some doubt as to the constitutionality of the section taken in conjunction with the related penal provision

Question No. 2

Would a printer who prints material specified in Section 11592 without its bearing upon its face the name and address of such printer and publisher commit a crime?

Opinion No. 2

The mere printing of material described in the section by a printer would not constitute a crime

Analysis No. 2

The wording of Section 11592 is significant in a determination of whether it is directed against a printer The object of the statute is to prevent the use of anonymous campaign literature by candidates Rather than direct that the printing of such material is a crime, the statute directs that no payment may be made or allowed for it unless it is properly identified The means of achieving the object of the section is one directed at the candidate, or another in his behalf, who would pay for anonymous campaign literature Since payment for the objectionable literature is the act which constitutes a misdemeanor, it is doubtful that the act of a printer in printing such material would constitute a crime

Another element of our consideration concerns the manner in which courts will construe penal provisions For this purpose, Sections 11592 and 12053 must be considered together as imposing a penalty A person accused of violating a penal provision will be given the benefit of any reasonable doubt as to the interpretation of words or the construction of language used in the provision (see *Ex Parte Tahja*,

52 Cal 2d 250, *People* v *Stuart*, 47 Cal 2d 167, *People* v *Smith*, 44 Cal 2d 77) We believe that under this doctrine, a court would not convict a printer because of the doubtful applicability to him of Sections 11592 and 12053

The conclusion which follows from the foregoing discussion is that a printer would not be guilty of a crime for merely printing material which did not conform to the identification requirements of Section 11592

Question No. 3

Would a publisher who publishes material specified in Section 11592 without its bearing upon its face the name and address of the printer and publisher commit a crime?

Opinion No. 3

The mere publication of anonymous campaign literature would not constitute an offense under Section 11592

Analysis No. 3

We do not believe that the mere publication of anonymous campaign literature would violate Section 11592 The offense would not occur, we believe, until payment for the literature has been made As we indicated earlier the object of the section is to prevent the use of unidentified campaign literature The way this end is achieved is *through the prohibition against payment for such literature* When payment is made in violation of the section, the act is punishable as a misdemeanor under Section 12053

We must conclude that mere publication of unidentified campaign literature does not constitute a crime under Section 11592

Very truly yours,

A C MORRISON
Legislative Counsel
By JOHN R PIERCE
Deputy Legislative Counsel

MINORITY REPORT TO THE REPORT OF THE INTERIM COMMITTEE ON ELECTIONS AND REAPPORTIONMENT

Submitted by
Assemblyman Charles J. Conrad

MINORITY REPORT TO THE REPORT OF THE INTERIM COMMITTEE ON ELECTIONS AND REAPPORTIONMENT

Submitted by
Assemblyman Charles J. Conrad

I submit the following Minority Report to the Assembly Interim Committee on Elections and Reapportionment:

AUTOMATED VOTE-TABULATING DEVICES

I would like to see specific recommendations included in this part of the report Vote-tabulating devices have been developed and tested in actual elections and it seems to me the State of California should give real support to their use wherever possible without compelling adoption by any local authority

JUDICIAL REVIEW OF REAPPORTIONMENT

While this part of the report is an excellent documentary, I obviously cannot concur in the recommendations which include opposition to a Joint Resolution I introduced calling for an amendment to the United States Constitution prohibiting the judiciary from drawing legislative district boundaries

This proposal was overwhelmingly adopted at the General Assembly of the States, held in Chicago last December with the support of the California delegates As a result, I have introduced A J R 7 at the 1963 session

I concede that some change in our Reapportionment Law is necessary prior to 1971, but I cannot support one that merely allows assembly district boundaries to indiscriminately cross county lines This would remove all restrictions upon gerrymandering

Nor can I support the idea of providing two Assemblymen for each congressional district, which would lead to an ever-enlarging membership of the Assembly My contacts with other state legislatures through my membership on the Committee on Interstate Co-operation, convinces me that the need is to insure that legislators have adequate staff, adequate facilities, and adequate salaries to best serve the people of their state Increasing the size of the Legislature, especially in the house which is based on population, lessens the possibility of achieving such goals

POLITICAL ACTIVITY OF STATE EMPLOYEES

I cannot concur in recommending that the Legislature memorialize Congress to lift the Hatch Act restrictions on *all* state employees Recent events indicate the necessity for strengthening the Hatch Act and any needed clarification can be accomplished without the complete destruction of a much needed piece of legislation

LITERACY TEST FOR VOTING

In my opinion adoption of the recommendations in this part of the report would lead to voting by illiterates, which in turn can be a threat to free and honest elections.

No state in the union gives greater attention to education than California We do so because we recognize that without education the finest mind is not capable of fully participating in the responsibilities of citizenship in this day and age. No state places a greater responsibility upon the electorate than California where complicated propositions appear on every ballot

To say that radio and television have removed the need to read English in order "to be well informed," or to say that "conditioning the right to vote on familiarity with the English language is inconsistent with the historic concept of American society" would indicate that much of the money spent on education is not needed

In other areas and in other times illiterates have been herded to the polls and the corruption ensuing from such practices led, not only to the reforms in our election laws, but to the great California concept of making education available to everyone

I take particular exception to the implication that illiterates should be allowed to vote, because a United States Commission on Civil Rights has charged that college graduates *in other states* who were members of minority groups, were being denied the right to vote by means of literacy tests Firm legal action should be taken to end such practices, but it is wrong to use this example as an excuse to deny any state the right to set any reasonable educational standards for voting, provided that such standards are applied equally to all citizens

IDENTIFICATION OF CAMPAIGN MATERIAL

No recommendations have been included in this part of the report

Respectfully submitted,

CHARLES J CONRAD

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CALIFORNIA LEGISLATURE

ASSEMBLY INTERIM COMMITTEE ON ELECTIONS AND REAPPORTIONMENT

POLITICAL PARTY ORGANIZATION

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LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE ON
ELECTIONS AND REAPPORTIONMENT
January 11, 1963

HON. JESSE M. UNRUH
Speaker of the Assembly
State Capitol, Sacramento

DEAR MR. SPEAKER. Transmitted herewith is a report of the Assembly Interim Committee on Elections and Reapportionment on the subject of Political Party Organization The committee has spent a major portion of its time studying this important subject

We anticipate that this report will be both interesting and helpful to Members of the Assembly in their legislative work

Our authority for this study is House Resolution No 361 of the 1961 Legislative Session and subsequent correspondence from the Rules Committee Further supporting data not contained in this report are in the committee files and available to any interested party on request.

Sincerely,

NICHOLAS C. PETRIS, Chairman
GEORGE E BROWN, JR
ROBERT W CROWN
THOMAS M. REES
PHILLIP BURTON
TOM BANE
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POLITICAL PARTY ORGANIZATION

I. INTRODUCTION

Nowhere in the United States Constitution can one find any mention of political parties In fact, the framers of that document apparently felt that political parties were not only unnecessary but harmful President Washington, in his farewell address, warned against the baneful effects of the party system Yet in a modern industrial society, self-government on a large scale is virtually impossible without political organizations

In every large democratic nation, free men use political parties to crystallize public opinion, to groom, nominate and elect candidates for important government posts to enact and provide opposition to a legislative program, to breach the void between the executive and legislative branches and to provide responsibility and leadership The usual alternatives to politics are either self-appointed saviors or control by interest groups Few Americans would want to entrust our society to either.

The large task of creating co-operation out of conflict, consensus out of opinion, is that of the political party The necessity of a strong, active, responsible two-party system has become almost universally accepted.

However, in California, party organization has been repeatedly criticized as being both illogical and ineffective by both academicians and by party leaders and workers A quote from a textbook on California government entitled *California Government and Politics*[1] will suffice as an illustration of an academic point of view·

> "By statute, California has attempted to do more than provide for party organization It has tried to legislate in detail on the functions as well as the form The result is a structure resembling a pyramid in shape, and virtually as lifeless For various reasons, California's parties are very nearly hollow shells, without true roots in the electorate "

In almost any other work on California government, one can find these same observations paraphrased in one way or another

Dissatisfaction with the existing framework in which political parties operate has also been expressed by many closely connected with both of California's major political parties A clear majority of party leaders responding to a questionnaire circulated by the committee indicated they favored some changes in all major areas of party structure At the various public hearings on this subject, much testimony was offered expressing the view that there is a great need for revamping many of the statutes under which the parties now operate

In the past several years, a number of legislators have indicated their keen interest in improving the position of the political party in Cali-

[1] Winston Crouch, Dean McHenery, John Bollens and Stanly Scott, *California Government and Politics*, Englewood, N J Prentice Hall, 1957, p 56

fornia At the 1961 session of the Legislature, Assemblyman Bert DeLotto introduced legislation providing for precinct committeemen at the "grassroots" level and machinery whereby the leaders of a party would make preprimary endorsements This bill, A B 2312, was assigned to the Assembly Interim Committee on Elections and Reapportionment for further study In approaching this task, the committee has attempted to assess the underlying problems which led to the introduction of the bill and other solutions to these problems as well as those proposed by A B 2312. Four hearings on this subject were held throughout California—one in Berkeley, one in Fresno and two in Sacramento —and all interested parties were given a full opportunity to testify Other sources of information were tapped—through ballot sampling, questionnaires, and review of other studies—to insure that the maximum amount of information on this subject was utilized in drawing conclusions and making recommendations

One major problem encountered in the drafting of this report was that of organization By necessity, the various segments of party organization—the state central committees, the county central committees, the national convention delegations and the unofficial party organizations —are discussed separately and as single units Yet this is one of the very problems which the parties face—the lack of unity among the various groups All quotations not footnoted in this report were made at one of the committee's hearings on the subject

II. DEFINITION OF A POLITICAL PARTY

Although a political party is difficult to describe, it may be defined as a group of the electorate holding a more or less common viewpoint on public issues, bound together by an organization and seeking to elect candidates so that the group's program may be realized.

State law, however, limits definition of "party" to "a political party or organization which has qualified for participation in any primary election "[2]

In order to participate in primary elections in California, a political party must (1) have polled at least 2 percent of the vote for one of its candidates for statewide office, or (2) have voters equal in number to at least 1 percent of the entire vote of the State at the last preceding gubernatorial election registered with the party, or (3) have a petition signed by voters equal in number to at least 10 percent of the entire vote of the State at the last gubernatorial election declaring that they represent a proposed party However, a party already recognized and participating in elections will not be considered abandoned even if it fails to satisfy even one of the three requirements unless its registration falls below one-fifteenth of 1 percent of the total state registration A party, even if qualified under these criteria, may not participate in a primary election if it either directly or indirectly advocates the overthrow of the government by force or abets a program of sabotage or sedition against the government

Only three political parties—the Democratic, Prohibition and Republican—were qualified to participate in the 1962 elections in California

[2] California Elections Code, Sec 39

Membership in a political party is by self-declaration Each registered voter may determine his own party affiliation at the time of registration and may change parties by simply reregistering and so declaring. The only requirements then for being a political party member are those which a person must meet in order to register—such as age, residence, literacy, etc The parties as institutions have no control over their membership.

III. DEVELOPMENT OF POLITICAL PARTIES IN CALIFORNIA

In California, political parties have been a fixture since statehood During the first 50 years of self-government, the State had a strong two-party system and occasionally a significant third-party movement From 1849 to 1910, nine Republicans, nine Democrats and four candidates of third parties were elected Governor. During this period, the selection of candidates for office and the drafting of a statement of principles—prime functions of a political party—were handled by the convention system

With the rise of the Lincoln-Roosevelt League in 1908, and subsequent ascendency of the so-called "progressive Republicans" to power, an all-out attack on the political party as an institution was launched While ostensibly the objective of the movement was democratization of politics and the breaking of the hold of the pressure groups such as the Southern Pacific on both parties, the effect of this operation was the weakening of the political parties—particularly the Democratic Party as constituted at that time In 1909, a direct primary law was passed shifting the responsibility for the selecting of the party's nominees from the party leaders to the registered members of the party At the same time, this law and subsequent amendments have subjected the parties to detailed regulation This probably would have been sufficient to achieve full citizen control of the political parties

But a number of other provisions were also enacted which weakened political parties, including: (1) nonpartisan local elections which tend to cut off the parties at the "grassroots" level by limiting the opportunities a person has to participate in party politics and limiting the extent to which parties can develop leadership at the local level, (2) direct legislation—the initiative and referendum—which diminished to some extent the role of the party as a formulator of public policy, and (3) crossfiling—the most odious of all—which allowed members of one party to run for the nomination of the opposition party

Election results for state offices from 1910 through 1958 illustrate the effectiveness of these measures During this period, the Republicans won 11 gubernatorial elections while the Democrats won but 2 In 1959, the Legislature—intent in strengthening the two-party system in the State—abolished the practice of cross filing In addition to weakening the two-party system, crossfiling was criticized for other undesirable side effects If an individual won the nomination of both parties in the primaries, those not registered in a political party were, in effect, disenfranchised Often a candidate could win both nominations and be elected, in effect, in the primary without polling a majority or even a substantial minority of the votes cast.

While the parties have been strengthened to an extent by the abolition of crossfiling, they are still considered to be weak Now of primary concern to those working for a strong and responsible two-party system are organizational fragmentation and lack of a local base for support and infusion of new blood

There is still no integrated party structure in the State There are four basic party units which formally bear only the slightest relationship to each other The state central committees are basically a creature of the nominees and their appointees The county central committees are elected from districts by the voters in each party The state delegations to the national conventions are selected in advance of the election by the nominees winning the preferential primaries, and from these groups the national committeemen and committeewomen are chosen The other party units—the unofficial party organizations consisting of volunteers in federations of local political clubs of each party—are not recognized by law at all However, they are required to be chartered by the county central committees Finally, many political campaigns in California have been run through *ad hoc* committees and organizations which are formed for a specific election and disappear when the election is over Unity, when it is achieved, comes in spite of the organizational hierarchy rather than because of it Often the same individuals will be represented on each party unit A member of an unofficial party group might be elected to the county committee, appointed to the state central committee and selected as a member of the national convention delegation Although this overlapping does occur to a certain extent, however, it is rare to find one a member of more than two of the four groups—other than elected officials, of course

IV. PARTY ORGANIZATION

A. *County Central Committee*

By statute, a county central committee has been established in every county for the purpose of managing the affairs of each political party The selection process varies from county to county, but each committee consists of (1) a number of representatives elected by the votes of each party at the primary, for two-year terms and (2) the party's nominees for the offices of State Assemblymen and State Senators for the county Nominees for congressional seats are not members of the county committees, however

In Los Angeles County, seven members are elected at large from each assembly district In San Diego, Alameda and San Francisco Counties six members are elected at large from each assembly district In the other 54 counties the members of the county central committees are elected by supervisorial districts on the basis of a complex formula which attempts to weigh representation on the basis of party members within the district

From 21 to 24 committeemen are elected in these counties, and it is not uncommon to have up to 15 elected at large from one supervisorial district

In order to be eligible to run for the county central committee, a candidate must be a registered party member and file registration papers signed by 10 or 20 sponsors who must also be registered as members of

the party, depending on the size of the district There is no filing fee, however Nor is it necessary for the candidate for a county committee post to be registered in the party in which he is running for office for any fixed period of time prior to the election, although all other candidates for party nomination must be a registered member of the party for at least three months prior to the declaration of candidacy

The actual selection process can best be described as chaotic

In many areas of California, seats on the Democratic and Republican County Central Committees are going begging There apparently is just not enough citizen interest in serving on the county committees to inspire people to seek office

The average voter, thus, is left without any say as to how his party is to be run in the county, as he generally has no candidate alternatives on the ballot

In 32 California counties,[3] from 1954 through 1960, candidates exceeded vacancies in only 27 percent of the district races In 562 districts, 46 percent of the total, there were fewer candidates than vacancies Yet, even the prospect of becoming a member of the county central committee without a contest failed to attract candidates.

A total of 5,677 candidates filed for 5,453 seats in these counties, and on the Republican side there were less candidates than vacancies—2,318 Republicans for 2,714 vacancies By removing San Francisco County, the same would hold true for the Democrats

A correlation between the size of the county and the number of candidates is apparent—but not clear cut and absolute Generally, the smaller the county, the fewer the candidates for party office (For a further breakdown of all data relating to the election of county committeemen in the 32 counties, see Appendix I)

On the other hand, in the larger counties such as Los Angeles, where there are many more candidates than vacancies, the selection of county committeeman becomes a "lottery" Ballot position, incumbency and ballot designation of the candidate's occupation become paramount Qualifications of a candidate and issues become obscured Of these factors, incumbency is apparently the most important In the 32 counties, approximately 1,600 identified incumbents were re-elected in the eight year control period, while only 141 identified incumbents were defeated—a better than 10-to-1 ratio

Ballot position is also a key factor in the "lottery" Of the 141 incumbents that were defeated, only 20 were listed among those at the top of the ballot [4]

As a further illustration of the influence of the ballot position, a special check was made on the influence of ballot position on county central committee races in nine of the larger counties An analysis of 125 contested [5] races shows a significant correlation between ballot position and success in the election as the following table illustrates

[3] Butte, Calaveras, Contra Costa, Del Norte, Fresno, Imperial, Inyo, Kern, Madera, Mariposa, Merced, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, San Luis Obispo, Santa Clara, Santa Cruz, Siskiyou, Sonoma, Sutter, Tehama, Ventura, Yolo and Yuba.

[4] Top of the ballot refers to the positions equal to the number of seats to be filled If four county committeemen were to be elected, the first four ballot positions would be considered the "top of the ballot"

[5] For the purpose of this survey, contested elections were those where there were at least three candidates for every two vacancies

POSITION ON THE BALLOT AS A FACTOR IN THE ELECTION OF MEMBERS OF THE COUNTY CENTRAL COMMITTEES

Position on the ballot	*Elected*	*Defeated*	*Per cent elected*
1	90	35	72
2	72	53	57 5
3	67	55	55
4	61	58	51 2
5	51	62	45 2
6	38	67	36 1
7	45	58	43 6
8	33	64	34
9	27	60	31
10	26	54	32 5
11	20	50	25 6
12	14	47	22 9
13	11	45	19 6
14	14	39	26 4
15	1	41	2 4
16	7	33	17 4
17	5	33	13 1
18	7	27	20 6
19	3	29	9 1
20	3	26	10 3
21	1	28	3 4
22	4	24	14 3
23	1	26	3 7
24	1	24	4 2
25	1	22	4 3
26–44	3	170	1 8
Last *	41	84	30 4

* Last position on the ballot, regardless of number Thus if there were only eight candidates, number eight would be called last

The third major contributor to the "lottery" aspects of county committee elections is the occupational designation under the names of the candidates Examination of this factor in 32 counties clearly illustrates that candidates from certain occupational groups have a rather phenomenal record of success This survey shows that agriculture (90 3 percent elected), professional (66 3 percent elected) and medical and related (62 5 percent elected) are the top occupational groups as regards electability to county central committees The success of the agricultural group is partially explained by the fact that representatives of this group only run in predominantly rural areas

Unsuccessful groups are labor (34 6 percent elected), white collar (36 4 percent elected) and business and finance (38 2 percent elected). On the Democratic side however, labor had a better winning percentage than either business and finance, the nonemployed, and the white collar group

Having no occupational designation is, generally speaking, worse than having a bad title Only 30 percent of those with no occupational titles were elected

Some specific occupational groups and their success in winning county central committee elections are as follows:[6]

Occupation	Elected	Defeated	Percent elected
(Grand Total	938	987	48 6)
1. Farmer	94	7	93
2. Teacher	84	19	81 5
3 Doctor, dentist	28	9	75 7
4 Attorney	199	119	62 6
5 Communications	26	25	51.
6. Contractor	13	13	50.
7. Real Estate	33	37	47.1
8. Housewife	58	68	46.
9. Insurance	33	42	44.
10. Business	82	108	43.1
11. Clerk	9	14	39 1
12 Accountant	15	24	38.5
13 Union official	23	37	38.4
14 Retired	13	21	38 2
15. Engineer	32	57	36.
16 Finance (banker, broker)	7	20	34 9
17. Worker, employee	26	55	32 1
18 Secretary	9	23	28 1
19 Public relations	6	24	20
20. Student	4	16	20.
21. Salesman	10	53	15 9

This "lottery" situation is due primarily to three factors: (1) there is virtually no press coverage of county committee races, particularly in large metropolitan papers; (2) the job, in the eyes of most candidates, is not worth the spending of a great deal of money in order to become known to the voter; and (3) the size of the districts make individual campaigning virtually impossible.

There are exceptions to these generalizations. Organized groups have waged vigorous campaigns for "slates" of various types. The unofficial party groups are most active in this type of operation. In some counties, the press coverage is quite good—particularly in Santa Clara County, where the San Jose *Mercury* reviews the candidates for office and presents their philosophy.

Although the selection process of county committeemen appears to be inadequate, the responsibilites of the committee are commensurate. County central committees in California function primarily as "housekeeping" units In the words of Dr William H Vatcher, Jr , Professor of Political Science at San Jose State College and a former member of a county committee:

> "The county central committee commands little respect, manifests a high degree of disagreement and, because of a rigid California code, is generally hamstrung in its operations.
>
> As a result, county central committeemen, frustrated by their inability to act, are reduced to the status of party caretaker, content to discuss issues, mold empty plans, and contemplate the disadvantages of ineffective organization."

[6] For a complete breakdown of the success of the occupational groups, see Appendix III. The listing below is only a partial listing

Elections Code Section 8440 provides that the county central committee "shall have charge of the party campaign under the direction of the state central committee or the executive committee selected by the state central committee"

As a source of direction for county committees, this statute lacks clarity. The chairman of each county committee is the only official link between the two party groups. What role the county committee is to play in a campaign is apparently up to the state central committee

Elections Code Section 8442 further outlines the responsibilities of the county committees as follows:

> "County central committees shall perform such other duties and services for their political party as seem to be for benefit of the party. County committees shall continue to function and exist until the election at the succeeding direct primary and qualification of the members of the new county central committees."

Again this statute is ambiguous and gives the county committees no particular power except that which they can carve out for themselves. Limitations of funds, lack of political activity on a local level in which a county committee can participate and lack of any patronage resources further limit the strength and vitality of the county committee

In actual practice, the county committees have been engaged in a number of varied activities Some committees have tried to move toward a position of influence in the nominating process by making preprimary endorsements Notwithstanding the opinion of the Attorney General (23 Ops. Attorney General 119) that such preprimary endorsements cannot be made, the county committees have continued this practice under Section 8442, citing a contrary opinion of the Legislative Counsel (No 1493, dated January 15, 1962).[1] Other activities of county central committees center around the normal political functions—such as taking stands on issues, conducting registration drives, furnishing speakers, raising money and working precincts A few have also undertaken community service projects. During 1962, the San Mateo County Democratic Central Committee sponsored an essay contest for high school students on the subject "What Being an American Should Mean to Me"; and the Orange County Republican Central Committee staged the musical comedy "Brigadoon."

Occasionally, however, the county committee does assume a role of great significance This is when the party nominee for a legislative office dies Under such circumstances the county committee or committees appoint the party nominee to succeed the deceased candidate for state legislative office In the event of the death of a congressional candidate, the county committee members in the counties involved join with the state central committees in selecting a replacement. In 1962, the Republican County Committees of Butte, Tulare, Monterey, San Luis Obispo, Santa Cruz and San Benito, and the Democratic Central Committee of Butte County all were involved in the selection of nominees to replace deceased candidates.

[1] See Appendix IV.

Certain problems relating to mechanical aspects of the operations of county central committees have also been raised. One is the matter of the timing in the election of committee members The current practice is to elect all the members of the county central committees at the June primary, every two years. This results in organizational problems at a time when the party machinery should be devoting full-time to the campaign.

Julius A. Leetham, Chairman of the Los Angeles County Republican Central Committe, told the committee that·

> "The election of county central committee members at the primary necessitates reorganization of programs developed for the general campaign, and shifts and changeovers in party leadership Time and energy which should be devoted to the party's candidates must be expended on reorganization which, however minimal, cannot help but disrupt the smooth functioning of the political campaigns If a complete change in leadership takes place, the campaigns as a whole cannot help but suffer
>
> "It should be pointed out that these same considerations apply to the election of leadership of the state central committee.
>
> "It is recommended to the Assembly Interim Committee on Elections and Reapportionment, therefore, that legislation be introduced at the 1963 General Session to amend the Elections Code, making the election of county central committee members coincident with the election of the candidates for whose campaigns the county central committees are responsible—to wit, the general election The election of new leadership; the establishment of precinct, campaign, and other committees; and the other business attendant upon the county central committee election could then be carried out in the relative calm of the early part of the off-election year, and county committee members would be free to concentrate their time and energies on their party's candidates throughout the vital period following the primary election, when the campaigns are building to their height
>
> "Other significant benefits to strong, popular government in the State would accrue from this practice Since it would be necessary to supply separate ballots to Republicans and Democrats with the names of their county central committee candidates, the importance of these offices would be emphasized Also, the fact that many more people vote in the general than in the primary election would result in a wider 'grassroots' participation in the election of each party's governing body
>
> "In view of all the advantages that it appears would result from a change in the time of election, I strongly recommend their consideration by this Interim Committee, and the introduction of enabling legislation at the 1963 session of the State Legislature "

Other organizational problems which plague county committees include lack of continuity in leadership, turnover of the membership on the committees, absenteeism and the size of the committees

Lack of continuity in leadership can best be shown by comparing the list of county committee chairmen eligible to participate in the activities of the state central committees in 1960 and 1962 Only 11 of 58 Democratic county chairmen were the same for both years, and only 23 of 58 Republican county chairmen retained their chairmanships

Turnover of the membership on the committees is also high Over 38 percent of the members of the Los Angeles County Democratic Central Committee in 1960 had not been members of the previous committee A study in 1956 disclosed that one-third of a random sampling of all county committeemen of both parties had held their seat for one year or less.[8]

This turnover is undoubtedly related to the lottery system of selection and the lack of meaningful tasks for the county committees to perform.

Charles Watt Smith, longtime member of the Republican County Central Committee of San Francisco, had these comments on the size of county committees and the problem of absenteeism.

> " . . . In my opinion, the weakness of the California party organization derives principally from three sources, viz : (1) the unwieldly size of the official bodies, (2) the reluctance of busy people of ability to serve on ineffective organizations, or, having accepted membership, their poor attendance (apathy) which results in some important decisions being made by people of less than top caliber, and (3) the effective control of the state central committees by the members of the Legislature instead of by publicly elected party functionaries Legislators are too busy on their regular job to be able to devote the time and effort to the party problems that that job requires
>
> " . No party organization or committee should exceed 10 in membership at any level, if they are to be truly effective In order to provide for a quorum, every individual should have an alternate, with voting power in the absence of his principal "

One of the major changes proposed in Assemblyman DeLotto's A B 2312 was the establishment of elected precinct committeemen as the basis on which the county central committee is elected. According to Assemblyman DeLotto, " . through this structure you have people who have been selected basically through a system that originates at the grassroots " Dr William H Vatcher, Jr, professor of political science at San Jose State College, also suggested extending the official party organization to the precinct level as "you would have a much more representative party organization "

In supporting a plan of reorganization such as one providing for precinct committeemen, Joseph Wyatt, member of the Democratic State Central Committee, observed·

> "I don't think a voter should be required to vote for more than one—or at the most two, a man and a woman—at a time I find very objectionable the prospect of having to pick five That's too much of a chore for the voter to perform "

[8] James Q Wilson, *The Amateur Democrat*, Chicago· University of Chicago Press, 1962, pp 106-107

Liabilities of establishing a plan of party organization based on precinct committeemen must also be considered Drawbacks include the lack of size of some of the precincts and the organization problems attendant to a meeting of such a mass of humanity. Charles Watt Smith of San Francisco stated

> "I am definitely opposed to the precinct as the primary unit for the selection of party committeemen because (1) There are precincts in San Francisco where the party registration is as low as eight Even where the party registration is as high as 50, it is frequently impossible to develop sufficient interest to provide leadership (2) It would be cumbersome, with 1,000 or more precincts in a county, to introduce intermediate levels so that the final top operating committee could be held to a small number"

In many of the smaller counties, there is a lack of candidates for the seats to be filled on the county committee Would a precinct committeeman system magnify this problem? Evidence indicates that it would Mr Bernie Heavey, Chairman of the King County (Seattle, Washington) Democratic Central Committee, told the committee that one-third of the precinct committeeman posts in King County are not filled at election time, and these vacancies are filled by appointment by the committee

Shasta County Democratic Chairman Jack Halpin stated that " . in a county the size of Shasta County, the idea of having committeemen in any way selected at the precinct level is out of the question"

Assemblyman Phil Burton, in discussing the proposed precinct committeeman plan, raised the following point

> "Have you given any thought to the problem created by the realignment of precincts? I am led to believe by some of my friends in the southern part of the United States, where they have precinct caucuses and so forth, that it is not uncommon that a politically oriented clerk will realign the precinct boundaries to be of maximum value to the side this particular clerk is on; and, although in the main I would think our clerks are not that politically oriented, this is a possible thought"

Dr Joseph P Harris, Professor of Political Science at the University of California, called for more fundamental changes in the process of selecting party officials He stated:

> " . It seems to me that there ought to be a better way of setting up the county central committee so that they would be more representative and would contain the real leadership of the party I don't believe this is to be accomplished by election I don't think that democracy in political parties and making them responsive to the will of the voters is to be achieved by elections In party elections of persons here in Berkeley, my friends tell me they never know who the people are, they have to vote for four or five persons for members of the county central committee, and in most instances they never heard of any of them or maybe have heard of only a single one of them

"... To ask the voters to vote for minor party offices serves, in my opinion, very little purpose, and this would be especially true of voting for precinct committeemen It is hard enough to get people to serve as precinct committeemen; to put them on the ballot and to elect them, I think, is utterly unrealistic because the voters don't care; and, it is very difficult to get the people to serve in any event. So, I would suggest that the party organization ought to elect only the prominent organization leaders or have them appointed in some manner, and the county committees and the state committee ought to be much more closely related to the unofficial party organization."

A survey of a cross section of the leaders of both political parties indicates that most—but not a majority of those responding—prefer the present method of selecting county committeemen.

After receiving a number of suggestions on political party reorganization at committee hearings in Fresno and Berkeley in 1962, a questionnaire, embodying these ideas, was drafted and sent to approximately 1,600 leaders of both political parties.

Questionnaires were sent out—in equal numbers—to candidates running for nomination, members of county committees, members of the state central committees and members of unofficial party organizations —the CDC and CRA. In addition, the political pros and large contributors in each party were included; and a survey was also made of college professors of political science specializing in California government and politics. Thirty-eight percent of the questionnaires were sent to residents of Los Angeles County and the balance distributed in the other 57 counties.

One of the subject areas covered related to the selection of the county central committee. Other results of this questionnaire will be incorporated in this report with the appropriate topics under discussion.

COUNTY CENTRAL COMMITTEE SELECTION

	Total	*Republicans*	*Democrats*	*College professors*
1. Favor present method (election by assembly or supervisorial district)	46 2%	58 2%	38 8%	7 15%
2 Favor selection from smaller districts	30 2	22 7	34 8	17 8
From 10-50 precincts	---	7 8	22 2	7 1
From individual precincts	---	14 8	12 6	10 7
3. Selection by convention	11 7	8	14	32 1
Assembly district or Senatorial district level	---	2 9	6 3	10 7
At 10-50 precinct level	---	2 9	5	14 3
At precinct level	---	2 7	2 2	7 15
4 Selection by combination (by election, nominee appointment unofficial party representation)	4 7	7 2	3 2	28 7
5 Selection by nominees	4 1	1 7	5 6	7 15
6. Selection by unofficial party organization	8	---	1 4	---
7. Other	2 2	2 2	2 2	7 15

An attempt was also made in the questionnaire to ascertain the true scope of the problem resulting from election of committee members in the primary and determine attitudes toward proposed solutions to this problem.

TIMING IN THE SELECTION OF PARTY OFFICIALS

	Total	*Republicans*	*Democrats*	*Professors*
Does a problem exist?				
No problem	25 3%	14 8%	32 2%	30 8%
Problem exists	44 6	41 7	46 6	53 8
Serious problem exists	30	43 5	21 2	15 4
Should party officials be elected?				
At the primary (present method)	24 2	16 9	28 7	30 8
At the general election	29 5	37 2	24 9	23 1
Four-year terms, staggered	42 7	42 5	42 8	30 8
Other	3 5	3 4	3 6	15 3

While a majority in both parties agree that the timing in the selection of party officials is a problem, the Republicans apparently have the biggest headaches in this area Four-year terms for county committeemen were favored by nearly one-half of the respondents of each party

On the question as to whether a candidate for a county committee position should be required to be a registered member of the party for at least the preceding three months prior to the declaration of candidacy, there was near unanimous agreement by all respondents to the questionnaire that this should be required

Should candidates for a party's county central committee be required to be registered in that party for at least the preceding three months?	*Republicans*	*Democrats*	*Professors*
Yes	97 7%	98 2%	93 3%
No	1 6	9	---
Undecided	7	9	6 7

Although several remedies such as four-year terms, a change in the selection procedure and prior party allegiance will help, there are no easy solutions to the problems which beset county central committees.

Lack of interest in serving on the county committees, particularly in the smaller counties, is a major problem, and the selection by "lottery" where there is interest is really no alternative

In addition to the "lottery" aspect of the election, several possible reasons have been advanced as explanations of this lack of interest.

A number of people may feel that county committees are "do-nothing" groups and have little real authority or responsibilities of any importance Although the county committees do not select delegates to the state central committee meetings and play no formal role in national convention politics, the code otherwise gives the committees a broad charge of authority (Sec 8442), including the right to make preprimary endorsements if they so desire—although any such endorsement cannot be recognized on the ballot Perhaps the broad reservoir of responsibility vested in county committees is not generally known.

Another factor may be that potential candidates are reluctant to challenge incumbents—for a number of reasons including the fact that over 90 percent of them are returned to office Yet this does not account for the many races where there are no candidates at all or less than the number of vacancies existing

In smaller counties particularly, it may be that persons, otherwise willing to work for the party, do not want their party affiliations listed on the ballot and advertised as such. A corollary to this is the reluctance of a great many people to run for any office—for personal reasons, perhaps shyness, fear of losing, lack of confidence, etc

Money is both a symptom and cause of many of the problems that county committees face. Because they are considered powerless, do-nothing bodies, county committees have difficulties in raising funds In California, campaign contributions go directly to the candidates involved Yet, this lack of money is a barrier to much effective action that the committees might take. As a possible source of funds, candidates for county committees could be required to post a $10 filing fee with the money collected remitted to the committee An increased filing fee for legislators—also to be remitted to the county committee—could also be added. Although this obviously would amount to only a few thousand dollars at the most, it might be a beginning If any substantial amount of money is to be raised however, it must be through the initiative of the committees Some committees collect dues from the members as a means of raising money.

Other actions designed to strengthen the county committees that could be taken include the election from single-member districts, adding congressional nominees as ex officio members, the appointment of additional members by nominees and unofficial party groups to insure that well-qualified people reluctant to stand for election fill these important posts, the providing of four-year terms of office for members, and the strengthening and further defining the role of the county committee in party affairs

If the county committees are to function effectively as the local representatives of a political party, they must earn the respect of the members of their parties and the public at large through their activities and their leadership Some changes in state law will help put the county committees in a position to do a better job However, this does not mean a better job will be done The quality of leadership at the local level will determine how effective county committees will be

B. *State Conventions*

After the primary election every two years, each political party is required by state law to hold a convention and adopt the platform of the party. The convention is composed only of the nominees for partisan office—the nominees for Congress, the State Legislature, the state executive offices and the Board of Equalization. The total number of delegates amounts to 170.[9]

[9] 38 U S House of Representatives, 2 U S Senate, 40 State Senate, 80 State Assembly, 6 statewide office and 4 Board of Equalization

The only two functions worthy of note which the state conventions perform are the drafting of the party platform and the selecting of the party's presidential elector candidates Generally, the party platform is written the day the convention meets and must be approved by the delegates prior to midnight of the same day. The evening before the convention opens is devoted to hearing testimony as to what should and what not be included in the platform. In 1962, for the first time the Democratic Party held preplatform hearings in Los Angeles and San Francisco in order to give more people an opportunity to present their views as to what should be included in the party platform.

There has been some criticism of the fact that the party platforms are adopted by the nominees only and not by other elements in the party—particularly the elected party officials in the counties They point to the fact that the national platforms are adopted by a more broadly based group than just elected officials or nominees.

California law provides for the party conventions to be solely composed of nominees and officeholders in order that those that prepare the platform will be bound by it.

C. *State Central Committee*

At the conclusion of the state convention, the state central committee meetings are held Composing the state central committees are the delegates to the state convention, three persons—two of the opposite sex—appointed by each delegate to the state convention (with each incumbent or nominee representing a former incumbent's district authorized two additional bonus appointees), the chairmen of each of the county committees and the national committeemen and national committeewomen [10] In addition, the immediate past state chairman and vice chairman of the Democratic State Central Committee are delegates to the subsequent convention.[11]

Primary activities at the meetings of the state central committees are the election of party officers—particularly, the state chairman and vice chairman—and the adoption of resolutions. By law, the state chairmanship of each party must alternate every two years between Northern and Southern California.

Elections Code, Section 8231 provides that "each state central committee shall conduct party campaigns for the party to which it belongs and in behalf of the candidates of its party " As the state central committees themselves are much too large to undertake such tasks, the law provides that each party may establish an executive committee of the state central committee to act for the full committee.

The state central committees are also empowered to select candidates for statewide office and for Congress (in conjunction with the county committees) in the event that the parties' candidates die or become disqualified prior to the election.

In discussing the purposes and functions of the state central committees, Professor Joseph Harris of the University of California noted that there is a great deal of room for improvement:

[10] California *Elections Code,* Sec 8200, Sec 8011, and Sec 8014.
[11] California *Elections Code,* Sec 8201.

" I had the honor of once serving on the state central committee of one of the parties, and I think I know a little bit about what its functions are The duties of the members are, as I ascertain them, to attend the political rally at Sacramento on a day specified by law, hear a lot of political speeches and thereafter to receive periodically requests for contributions of $100 to the party fund Other than that, I don't think the state central committee has any particular function

"The state central committee of over 700 persons is hardly a suitable instrument to constitute the board of directors of either party I think a much better organization could be established to accomplish this purpose I don't have the answer I don't know how it should be done, but I think a much smaller central committee would be desirable, coupled with a large, much larger, convention than you have at the present time Each party ought to have a large annual convention running into the thousands which would really be the rally of the party, which might hold meetings that would continue for several days, have prominent speakers on public issues and serve, I think, a very vital purpose

"In the British party system, which most political scientists admire as being one of the strongest in the world, this is one of the features They hold a convention, both the parties, every year, with several thousand delegates and all the prominent leaders of the parties, public officials and others in attendance They discuss both public issues and party methods I think this is awfully important, and I daresay if this could be accomplished in the State of California through some device, it would greatly strengthen the official party organizations and give life and meaning to grassroot members who would go as representatives and so on to such a convention, and I think it should be possible to revise the organization of the State to make the central committees more meaningful, to relate it more organically to the local organizations and to the unofficial organizations, pave the way for this kind of an annual, or at least a biannual, party convention "

Most of the criticism of the state central committee, however, is directed at the method by which the members of the committee are selected. There is much concern over the fact that each nominee for statewide office receive the same number of appointments as the nominees for legislative office The committee thus becomes a creature of the legislators in which the candidates at the top of the ticket play a secondary role

In addition, many people feel that the county central committees are underrepresented on the state committees—and that the present representation whereby each county chairman is a member is inequitable, and the larger counties should receive their fair share Mr Julius Leetham, Chairman of the Los Angeles County Central Committee, pointed out the need for more co-ordination between the two committees through increased representation of the county committee on the state committee as follows·

"Comparing the language in which the powers and duties of state and county central committees are set forth, it appears that the law is unclear and lacking in any specific statement as to the division of responsibilities between these two bodies Furthermore, because of the appointive character of the state central committee, it is possible that efforts at co-operation and co-ordination between the two bodies may be seriously impeded, should the composition of the state central committee fail to reflect the wishes of the rank-and-file voters of the party Shifts in voter sentiment and opinion, which can be quickly registered in the election of county central committee members, have no vehicle of expression established by law in the state central committee, which is therefore able to become, to a large extent, a self-perpetuating body, unresponsive to the wishes of the voters

"In recognition of these facts, the Executive Committee of the Los Angeles County Republican Central Committee, in a resolution adopted at its regular meeting of August 16, 1961, pointed out that.

> 'the Republican Central Committee of Los Angeles County recognizes the deficiency in the California *Elections Code* in failing to provide for the composition of party leadership at the state level directly responsive to the wishes of Republican voters'

"and that

> 'this deficiency is aggravated by a lack of communication and co-ordination between the county central committees and the state central committee, and also in a lack of understanding and agreement as to the responsibilities of each body at both the county and state levels'

"The Executive Committee of the Los Angeles County Republican Central Committee at that time called for

> '1 Initiation of a study to develop proposed legislation for amending Section 8230 of the California *Elections Code* to the end that execution of policy by the Republican State Central Committee will be directly responsive to the desires of Republican voters
>
> '2 Co-ordination of said study with other county central committees, Republican legislators, Republican constitutional officers, state central committee members and other Republican leaders throughout California'

"It is therefore recommended to the Assembly Interim Committee on Elections and Reapportionment that, looking toward the introduction of legislation at the 1963 General Session of the State Legislature, the *Elections Code* be amended to correct these deficiencies of overlapping spheres of responsibility and of lack of popular representation on the state central committee"

Most of those responding to this committee's questionnaire on political party organization also indicated a desire to see more representation given county central committees on the state central committees To the question "Which of the following methods would you prefer to see used in the selection of the state central committee?" the following preferences were indicated·

STATE CENTRAL COMMITTEE SELECTION

	Total	*Republican*	*Democrat*	*Professors*
1 Favor present method of selection	31 9%	26 8%	35 0%	7 15%
2 Favor appointment by county committees only	18 9	27 2	13 7	28 6
3 Favor more appointments by county committees and some, but fewer, by nominees	16 6	18 1	15 9	28 6
4 Favor present method but allowing unofficial party groups and county committees more representatives	12 9	13 1	12 9	28 6
5 Favor present method but allowing unofficial party groups more representation	5 1	2 5	6 6	
6 Favor election of state chairman and vice chairman Others selected as at present	5 1	4 8	5 5	
7 Favor appointment by nominees only	4 8	2 9	6	
8 Others	4 6	5 1	4 3	7 15

Responses 2, 3 and 4 all favor giving county committees more representation and only vary in degree Thus, the total favoring such a change amounts to 48 4 percent, or almost one-half of those participating in the questionnaires as contrasted with 41 8 percent (choices 1, 5, 7) which essentially prefer the present method The position of the college professors is even more emphatic in favor of shifting the emphasis in the making of the state central committees Over 85 percent favored such a change

D. *National Convention Delegates and the National Committeemen*

Another unit of political party organization in California—and one with no formal ties with any other of the party units—is the delegation to the national political party conventions The delegates to the national convention are chosen by the candidates who enter California's preferential primary Each candidate will have his own slate Those pledged to the winning candidate then become the delegates to the national convention It is now possible—by virtue of legislation enacted in 1961—to have an uncommitted slate with the name of the chairman of the delegation It remains to be seen if this procedure will be used, and, if used, will be successful.

The national convention delegations act for the members of each party in the state in the selecting of nominees for President and Vice President, drafting the national party platform and selection of the national committeemen and women

As there is no formal relationship, the national convention delegate and the other state party organizations, it is possible to have two entirely different groups of people speaking for the party at the state and

national levels. The leaders of the party in California can be completely frozen out of a national convention if they bet on the "wrong horse." As examples, the leaders of the Republican Party generally, in 1936, were backing a slate headed by Governor Frank Merriam, which was favorable to Alf Landon. This slate was defeated by one headed by Earl Warren. In 1952, the Democratic leadership suffered the same fate. A favorite son slate pledged to Attorney General Edmund G. Brown was defeated by the Estes Kefauver forces.

Although this structure occasionally results in ruptures in the party organism, most of the respondents to the committee's questionnaire favored the continuation of the practice whereby the prospective presidential nominee selects the delegates. A sizable minority favored a return to the convention system, however. The results of this phase of the questionnaire were as follows:

SELECTION OF NATIONAL CONVENTION DELEGATES

	Total	*Republican*	*Democrat*	*Professors*
1 Favor election of a statewide slate selected by the nominee (present method)	40.2%	38.7%	41.0%	30.6%
2 Favor individually pledged delegates selected by the nominee from each Congressional district	24.5	26.5	23.2	23.2
3 Favor selection by convention	19.8	14.1	23.5	13.3
4 Favor appointment of delegates by state central committee—with delegates pledged to support winner of preferential primary	7.8	9.7	6.6	6.7
5 Favor appointment by state central committee with no primary	5.1	6.6	4.2	6.7
6 Other	2.6	4.4	1.4	13.3

E. *Unofficial Party Groups*

In California, a voluntary, unofficial party organization is associated with each major party. Democratic clubs have been formed in many communities, and most of these are affiliated with the California Democratic Council—the CDC. Republican clubs have also been formed, although fewer in numbers, and are affiliated with the California Republican Assembly—the CRA.

There is no mention in the *Elections Code* of either of these bodies. Their only relationship with the official party organization is the requirement that all clubs must be chartered with the county central committee of the county in which they are formed.

These extralegal party groups engage in virtually the same types of activities that the official party organizations do. They draft platforms and statements of principle. They develop candidates and hold preprimary endorsing conventions. They raise money, provide speakers, do precinct work and all the other multitudinous activities which effective political parties find necessary. Essentially they parallel the activities of the official organs, and, in the area preprimary endorsements, they can go a step further and endorse statewide candidates. However, the actual procedures followed by the CDC in making endorsements differ considerably with those used by the CRA.

In fact, this endorsing function is the primary reason why these groups came into existence—by this, they were able to provide leadership and to revitalize the official party organization This function was especially critical during the period of crossfiling where it was necessary for a party to agree on a candidate prior to the primary or run the risk of losing to the opposition on a plurality vote

Unofficial party organizations also provide a place where the volunteers can actively participate in politics—a place where they cannot only work, but can assume leadership positions and express attitudes and opinions on what party policy should be This role is becoming increasingly important to the unofficial party groups

As one would expect in any institutional setting where you have two functioning units doing primarily the same things, strains develop between the official party groups and the unofficial volunteer ones Some of the problems associated with the extralegal organizations include the nonrepresentative nature of the groups, stands on issues where the two groups conflict, and the question of preprimary endorsements

Unofficial party groups are not representative of the party as a whole, but only a segment within the party James Q Wilson, in the *Amateur Democrat*, noted that the Democratic club movement is basically a middle-class phenomenon and "this will probably prove its single greatest weakness "[12] Well over one-half the membership of the clubs in Los Angeles County in 1961 lived in four congressional districts—15, 16, 21, and 22—in the north and northwest sections of the Los Angeles basin Three of these districts were held at the time by Republicans, and the fourth one was won by a Democratic candidate in 1960, by 4,000 votes (There were 12 congressional districts in Los Angeles County at this time)

While no similar study of the CRA is available, the endorsement voting at the 1962 convention in Berkeley would support a contention that the CRA is not representative of the rank and file Republicans, but is of a more conservative viewpoint For example, U S Senator Thomas Kuchel received 220 votes—exactly one-half the total votes cast at the CRA endorsing convention Two conservative challengers—Howard Jarvis and Lloyd Wright—received the other 220 votes. The Republican voters, at the primary election, selected Senator Kuchel as their nominee by approximately three to one

Stands taken in the issues of the day present the most formidable problem to amiable relations between the official and unofficial groups The major problem is that the position taken by the unofficial party group on a particularly controversial issue may become identified in the general public's mind as the position of the party as a whole This then distorts the whole electoral process, and candidates are put in the position of having to repudiate a position of an unofficial group Another concern is that the unofficial party groups spend most of their time discussing national and international issues, rather than state and local matters

[12] James Q Wilson, *The Amateur Democrat*, p 258.

This is not to say that the parties should be monolithic in nature, however There must be room for free discussion and for a variety of viewpoints in each of the major parties The position of the unofficial groups must be recognized as one of many viewpoints within the total party structure, and not the viewpoint of the party itself However, when the volunteer party organizations carry the party name, the distinction is missed by the public unfamiliar with party structure

Preprimary endorsements by unofficial party groups have also become an issue between the official and the extralegal organizations This problem becomes particularly acute when the candidate endorsed by the volunteers loses to another candidate in the primary

One of the central functions of a political party is the selection and nominations of candidates for public office During the period of "crossfiling," the preprimary endorsing machinery was developed to strengthen party control over its own nominations and to meet opposition challenges within the party primary

Preprimary endorsements also serve to indicate to the rank and file the candidate that the party activists and leaders feel is the most qualified This strengthens party responsibility and aids in the recruitment of candidates

Other arguments made in favor of preprimary endorsements are·

1 Party organization can best sift candidates and select those that are best qualified and are in agreement with the policies and program of the party
2 Party organization often unofficially supports candidates in the primary—preprimary endorsements make this support open and responsible
3 The press, business, labor and other groups make preprimary endorsements—endorsements by party groups should be treated no differently
4 Meetings for the purposes of preprimary endorsements will put party leaders more in touch with the "grassroots," provide an opportunity for more consultation on the aims and purposes of the primary and stimulate an interest in politics at the local level
5 Preprimary endorsements will reduce the extortion of bonafide candidates by nuisance candidates or "stalking" horses
6 Preprimary endorsements may reduce the possibility that a candidate could win the party's nomination by a small plurality of the vote cast.

Speaking for preprimary endorsements, Dr Joseph P Harris, professor of political science at University of California, told the committee·

> " I happen to be the person who prepared a report to the National Municipal League several years ago on a model direct primary election system which advocated preprimary endorsements by the official party organizations, and I am the leading advocate of preprimary endorsement by the political party organizations Let me say just a word or two about the advantages and merits of

a preprimary endorsement In this I am following in the lead or statement many years ago of Charles Evans Hughes, who I think made some of the most pointed and perceptive statements about the nominating process I think preprimary endorsements are of very great value because the group making the endorsement serves as a screening committee which I think is needed and serves also as an instrument for bringing into the race in each party outstanding, qualified candidates Very few people today would run for public office without having their backers and supporters It costs so much today to conduct a campaign that no one in his right mind would run for public office without having such support And the preprimary endorsements, either of the official party organization or of unofficial party organization, enable patriotic, civic-minded persons to stand for office, they tend to be assured of the kind of support which anyone would naturally feel that he should have

"Without this kind of endorsement, the voters are often very much at a loss for whom to vote You would be surprised how little information the rank and file of voters have about candidates when they are not voting for the incumbent Some years ago, I had a group of my students here in class on political parties make a pre-election poll of the city election in Berkeley It was a very exciting election—one that I was greatly interested in, but one of the things that they found there was that hardly one person in a hundred would even know the names of the candidates running for the city council This was a week before the election They know the candidates for mayor, but not the candidates for city council.

"Several years ago, an election occurred in the State of Wisconsin which illustrates, I think, very strikingly the need for preprimary endorsements In this election, three, I think, of the five or seven state offices, people nominated for state offices in Wisconsin by the Republican Party, which at that time was the dominant party in the state by far, three of the five were people who were nominated because of the accident of having a name similar to that of another very prominent public official

"There was an attorney general of the state, a Mr Reynolds, who resigned his office as attorney general to be appointed to the supreme court because of the death of the chief justice In the primary, there showed up a lawyer by the name of Reynolds, unheard of, without any practice at all, not known to any of the Republican leaders, but nominated as the Republican candidate for the office of attorney general for the simple reason that people thought they were voting for the former incumbent

"Another person who had the same name as the chief justice, or the same last name as the chief justice, was nominated for the office of state treasurer; and a third person, whose name was Zimmerman, the same name as the former secretary of state, was nominated for secretary of state—all of them absolutely people that had been unheard of Now the Bar Association of the state took a strong stand in the election against the Republican nominee, and so he was not elected, but the other two were, and this is not so unusual.

"There is hardly a primary election held, especially when it is not a matter of renominating an incumbent, that this sort of thing doesn't take place, where the accident of names is a decisive factor, which illustrates very well the need of voters to have information which is provided by the endorsements of responsible groups So I think that preprimary endorsements are a very desirable thing.

"Now, as between the official preprimary endorsement as in Colorado, which is proposed in this report that I wrote, or the unofficial endorsements such as are used in California, I prefer the latter I prefer the latter because I think it is much less subject to abuse It is true, as was brought out earlier, in Colorado, the person who receives the endorsement of the party organization appears at the top of the list with an asterisk, which shows he is the official endorsed candidate, and, of course, this gives him an advantage Here in California, with the unofficial endorsement, there is no such designation on the ballot of the person who has been endorsed by the Democratic Council of California, CDC, or the CRA.

"I think this is much better and much less likely to be abused. There is, however, one point, I think, in the Colorado law that could be copied. In Colorado—and this is also true in some other states—the law provided that if a second candidate received the vote in a nominating or endorsing convention of 20 or 25 percent, his name should also appear on the ballot as the second endorsed candidate, and this, I think, was a good feature, because it promoted competition in the primary election I would think that the CRA and the CDC in the State of California would do well to follow this practice if they have two candidates who have strong support to endorse both of them, or, alternatively, not endorse either one of them so that they would leave it entirely up to the voters

"But I think endorsement is a very desirable feature and is one which enables the party to bring to the race outstanding candidates—candidates who are not only qualified, but candidates who represent the point of view, the principles of the party.

"The success of the Republican Party in the State of California for a period of 20 years, from approximately 1936 to 1956, although the Democrats had a majority of nearly a million in the registration during this period, the success of the Republican Party during this period was the very fact that the CRA existed to perform this vitally important function and the Democrats did not have anything comparable to it The Democratics came to succeed in elections only when they set up a similar organization, an unofficial party organization to perform this function."

A recent and exhaustive study of preprimary endorsements has been made by Dr Leonard Rowe of the University of California In his work,[18] Professor Rowe concludes:

[18] Leonard Rowe, *Pre-Primary Endorsements in California* Berkeley University of California Bureau of Public Administration (Mimeo), October 1961, p IX

"With all their shortcomings and dangers, preprimary endorsements have, by and large, had a healthy effect on California politics Through them the crucial role of private money has been at least somewhat diminished By involving mass organizations and delegate conventions, the nomination process has been broadened Subjected to the ultimate check by the votes in the primary election, the endorsement process and the party leaders and organizations have been kept relatively responsible Far from increasing machine control, preprimary endorsements in California constitute a further step in the historical trend of democratizing elections

"And in all likelihood, this practice has produced better candidates and public officials"

The value of the preprimary endorsement by unofficial groups is declining, however, as it is relatively easy for opposing candidates to stage an endorsing convention and also receive an endorsement James Q Wilson, in the *Amateur Democrat* notes [14]

". . . although California clubs have gone further than those in New York in establishing formal machinery for the selection of party candidates before the primaries, that machinery is subject to malfunction and its results can be disputed When a campaign relies more on labels than on gaining the support of an established precinct organization, the endorsement machinery has few, if any, sanctions it can employ to enforce its will against a rival who is willing to create his own machinery for producing an endorsement or who is able to claim support from individual clubs which were dissatisfied with the results of the endorsing convention"

The value of an endorsement is likely to continue to erode under present conditions. Attention should be given to a formal preprimary endorsing procedure—if the idea that the preprimary endorsement per se is valuable and should be continued is accepted.

The concept of the preprimary endorsement is not without opposition, however The Los Angeles County Federation of Labor has officially gone on record as opposed to preprimary endorsements by a political party or by members using the name of a political party The McClatchy newspapers have editorially opposed such endorsements The Modesto *Bee* of March 7, 1962, stated

". . No matter what the intent may be of such endorsements they violate the spirit if not the letter of the California primary law and can have no effect except to discourage unlucky candidates from filing for the offices.

". . The endorsements by the CRA and the CDA can but serve to close the door on a free choice of the party members

"These two organizations strive to create the impression that they are the ex officio spokesmen or representatives of their respective parties And in giving their preprimary endorsements

[14] James Q Wilson, *The Amateur Democrat, Loc cit*, pp 250-251

> they freeze out other prospective candidates, including some who may not have announced their candidacies and who might be far and away the best men "

In some endorsing conventions, a very small percentage of the voters or even members of unofficial party groups actually participate In Ventura County, Les Maland received the CDC endorsement for Assemblyman in 1962, by getting 136 votes of 229 at the convention Yet, the 229 in attendance amounted to only 29 percent of those eligible to attend And the 229 amounted to less than one-half of 1 percent of the 47,285 registered Democrats in Ventura [15] Mr Maland was defeated in the primary.

Dr William H Vatcher, Jr, professor of political science at San Jose State College, told the committee

> "Of course, crossfiling was repealed by the Legislature in 1959, and the primaries themselves have become truly party elections. But the insistence of both the Democratic and Republican Parties in making these preprimary endorsements of candidates has tended to negate the original intent of the primary, so, the primary still, in a sense I suppose, is a symbol of some type of pious hope "

In 1959, an amendment to the crossfiling bill (A B 118) designed to prohibit preprimary endorsements by organizations with the name of a qualified political party lost by only one vote, 39-40 [16]

Arguments advanced in opposition to preprimary endorsements include

1. Endorsements tend to restore the convention system since candidates will be reluctant to oppose those who have secured the party's endorsement This defeats the purpose of the direct primary election
2. Preprimary endorsements give too much power to party officials, and this increases the danger of "political bossism "
3. Every citizen has a right to contest for office without having his candidacy prejudiced by a party official
4. Party organizations should serve the whole party—therefore they should attempt to elect, not select, its candidates
5. Endorsements made by extralegal are not representative of the feeling of the party as a whole as the extralegal groups are not representative

Despite these three problems—stands on issues, preprimary endorsements and nonrepresentative nature of the membership—there is a considerable opposition to the placing of any curbs in these areas on extralegal party groups

James Q Wilson, in the *Amateur Democrat*, acknowledges some plausibility to the argument that the unofficial party groups ". . form a needed countervailing power against the excesses of professional party leaders in one-party cities and because they can keep open the channels of party recruitment and thus preserve the party from its inevitable tendency toward ossification "

[15] Registration figures as of June 5, 1962
[16] *Assembly Journal*, February 24, 1959, pp 859-861

Dr Eugene Lee, Acting Director of the University of California's Bureau of Public Administration, has further pursued this point in arguing for no legal restrictions on the voluntary groups

". . . If I were briefly to state my personal beliefs to the committee, it would be to the effect that the statutes should be kept completely free of any mention of the informal, voluntary party organizations, that they should not be brought into any legal relationship with the formal, official party structure In short, they should not be brought under any type of legislative control

" . . The central problem raised is the increasing tendency at the assembly and congressional level to create safe districts I estimate that, in 1962, 60 of the 80 assembly districts and 24 of the 38 congressional districts can be regarded as virtually safe for one party or the other, short of a tremendous landslide in voter behavior A recent *Fortune* article indicates that only 84 of the 437 seats in the House of Representatives are marginal, that is that only in 18 percent of the total number of districts did the winning candidate obtain less than 55 percent of the vote cast

". . . This means that most incumbents in the country and in California are going to be kept on their toes primarily from intraparty competition For most Californians the primary has become the crucial election, insofar as legislative races are concerned The role of volunteer party organizations will become increasingly important in determining the outcome of these primary races Anything which would bring them more under control of the legislators than they already naturally are would be unfortunate Now I realize a case can be made the other way, that intraparty competition may be stifled by organiaztions like the CDC and the CRA, that they may be captured by the incumbents and used to perpetuate incumbents in office This argument has some truth in it, but I feel the risks run the other way If the notion is once accepted that the Legislature has a responsibility for the voluntary organizations, the inevitable tendency will be to bring the organizations more closely under control, rather than to guarantee that they perform independently If the future proves me wrong, then the people of California will have to consider statutory devices to develop intraparty competition, such as the Washington primary which many political scientists favor

"On the particular question, then, of official party-voluntary party relationships and on preprimary endorsements, generally, I favor the status quo for the time being"

Several questions in the committee's questionnaire dealt with the relationship between the official and unofficial party groups

The responses to them are as follows:

A Should unofficial party organizations which use the name of the official party in the title of their organizations be required to be chartered and registered with the official party?

	Republicans (percent)	*Democrats (percent)*	*Professions (percent)*
Yes	76 2	79 1	78 6
No	20 1	18 1	7 15
Undecided	3 7	2 8	14 3

B Should unofficial party organizations be flatly prohibited from using the name of the official party in their titles?

	Republicans (percent)	*Democrats (percent)*	*Professors (percent)*
Yes	23 6	30 5	6 7
No	71 8	63 6	86 6
Undecided	4 5	5 9	6 7

C Should unofficial party organizations be permitted to take public positions on issues inconsistent with the official party platform?

	Republicans (percent)	*Democrats (percent)*	*Professors (percent)*
Yes	70 7	58 9	66 7
No	27	34 9	13 3
Undecided	2 3	6 2	20

D Should parties be permitted to discipline party officials who publicly support opposition candidates in a partisan election?

	Republicans (percent)	*Democrats (percent)*	*Professors (percent)*
Yes	54 5	75 8	71 4
No	40 9	20	14 3
Undecided	4 5	4 2	14 3

SELECTION OF PARTY NOMINEES

	Republicans (percent)	*Democrats (percent)*	*Professors (percent)*
1 Favor present method—election with no legal restriction on preprimary endorsements	43 1	43 1	33 3
2 Favor election with preprimary endorsements prohibited by law	18 8	24 8	6 7
3 Favor election with unofficial bodies only permitted to make preprimary endorsements	18 2	6 4	6 7
4 Favor election with official bodies only permitted to make preprimary endorsements	7 3	9 1	20
5 Favor conventions rather than primary elections	5.8	6 4	--
6 Favor election with preprimary endorsements limited to an endorsing convention in which all party officials could vote and which would certify more than one endorsement if vote split	3 3	6 9	26
7 Other	1 4	3 2	6 7

Constitutional questions are also involved in the regulation of unofficial party groups. According to the Legislative Counsel (Opinion No 3965, dated June 12, 1962),

> " . the courts would hold unconstitutional legislation which would, in general terms, prohibit preprimary endorsements by individuals or by any organization not affiliated, either directly or indirectly, with an official party organization We also doubt that a court would uphold legislation prohibiting preprimary endorsements by any organization which includes in its name the name of a recognized political party Whether legislation more narrow in scope, aimed, for example, at a particular type of organization would be valid, depends on the terms of the statute and the object sought to be attained.

"We are of the opinion the courts would uphold legislation prohibiting preprimary endorsements by state and county central committees

"We seriously doubt that the Legislature may prohibit an unincorporated organization from using the name of a political party as part of its own, unless the statute is limited in some manner to situations in which the public might be deceived or misled into believing that the organization is an official party organization We believe that the Legislature may condition the right of a corporation to use a party name" [17]

V. NONPARTISAN LOCAL ELECTIONS

In the context of this report the institution of nonpartisan local elections is being briefly considered only as it relates to political party organization It has been noted earlier that the practice of nonpartisanship has weakened political parties at the local level On the other hand, the candidates for state office of a particular party cannot be associated with corruption and mismanagement at the local level—as has happened in campaigns in other states

In the committee's questionnaire, a section was included on attitudes toward nonpartisan local elections The results are as follows

	Republican (percent)	*Democrat (percent)*	*Professions (percent)*
A. *County supervisors*			
Favor nomination of candidates by each political party	20 2	68 6	73 5
Favor ballot designation of party, if desired (If opposed to party nomination)	7 5	15 9	7 5
Favor neither	70 8	14 5	19
Undecided	1 5	0 9	--
B *City councils*			
Favor nomination of candidates by each political party	17 2	60 3	66 7
Favor ballot designation of party if desired (If opposed to party nomination)	7 5	14	6 7
Favor neither	74 6	18 7	26 6
Undecided	0 7	1	--
C *School boards*			
Favor nomination of candidates by each political party	9 7	26 1	7 15
Favor ballot designation of party, if desired (If opposed to party nomination)	6 7	22 2	13 6
Favor neither	83 6	44 8	60
Undecided	--	6 8	--
D *Special district boards*			
Favor nomination of candidates by each political party	9 8	30 2	14 3
Favor ballot designation of party, if desired (If opposed to party nomination)	6 7	20 6	13 6
Favor neither	83 5	36 6	53 3
Undecided	--	12 5	--

[17] See Appendix IV for full text of this opinion

		Republican (percent)	*Democrat (percent)*	*Professors (percent)*
E	*County elective administrative offices*			
	Favor nomination of candidates by each political party	20 2	55 4	50
	Favor ballot designation of party, if desired (If opposed to party nomination)	7 5	16	6 7
	Favor neither	71 6	24 4	46 6
	Undecided	0 7	4 2	--
F	*City elective administrative offices*			
	Favor nomination of candidates by each political party	15 1	46 9	57 1
	Favor ballot designation of party, if desired (If opposed to party nomination)	6 8	16 6	13 6
	Favor neither	78 1	28 9	33 3
	Undecided	--	7 6	--
G	Would you be in favor of legislation prohibiting holders of nonpartisan offices from designating themselves as holders of such an office when they are running for a partisan office if neither of the first two alternatives are accepted?			
	Yes	41 7	38 4	16 7
	No	52 5	51 8	66 6
	Undecided	5 8	9 8	16 7

Although it undoubtedly would strengthen political parties in California if local elections were to be made partisan, there are other considerations that must be weighed in the balance Time has not permitted the exploration of this question to the degree necessary to arrive at any defensible conclusions

VI. PARTY ORGANIZATION IN OTHER STATES

Through a process of evolution, a loosely federated two-party system has developed in the United States Partly due to local custom and partly due to local laws, parties will differ widely from one state to another. Each state has the power to control and regulate political parties as it pleases

It is impossible to determine how effective a party is or how a party operates simply by looking at an organizational chart There are always many geographic, economic and social factors which play an important role in the health and vitality of a party as well as the quality of leadership in control However, organization is important; and efforts to strengthen the two-party system can flounder due to archaic and unrealistic statutes under which parties are organized

In examining the organization of several other states, no assessment of party vitality in these states has been made, nor have the other factors which are prime ingredients of a strong two-party system been studied. The organizational patterns are outlined just for illustrative and comparative purposes

In 31 states, members of the county committee of each political party are selected by the rank and file of the party at a primary election, a recent survey disclosed The committeemen are elected at the precinct level (or its equivalent) in 26 of these 31 states In the others they are chosen from districts larger than precincts

The balance of the states provide for various and sundry ways of selecting a county committee—usually by "mass meetings" on the precinct or county level

The National Municipal League, in *A Model Direct Primary Election System*, published in 1955, recommends that county committees of not more than 15 or 20 be elected on a larger unit of representation than the precinct

Several states provide for official preprimary endorsements by statute, while in several others the practice has been adopted on an unofficial basis Most notable of the states having statutory preprimary endorsements are Colorado, Connecticut, Utah, Rhode Island, and Massachusetts New Mexico, which adopted the system in 1950, abandoned it in 1955, under pressure from the local press and factions of the political parties Also experimenting with—then dropping—the preprimary endorsement system were South Dakota (1921-1929), Minnesota (1921-1923) and Nebraska (1943-54) Massachusetts had adopted the device in 1932, abandoned it in 1937 then reintroduced it in 1953 Those who have studied the workings of preprimary endorsement systems claim that it is most effective in strong two-party states, while not as desirable in areas generally dominated by one party

A summary of the party organization in selected states is as follows:

A. Colorado

Three major distinguishing features characterize the structure of political parties in Colorado—an elective precinct committeeman, a system of preprimary endorsements, and a convention for selection of representatives of each party to the presidential nominating conventions.

Each party elects biannually a committeeman and committeewoman from each election precinct in the direct primary, and, collectively, they form the county central committees in each county (and, in other governmental subdivisions, such as cities, etc they form city committees, etc) The chairman of each county committee is elected by the group and vacancies are filled by appointment by the county committees from among residents of the precinct in which the vacancy occurs

The state central committee of each party is composed of the chairman and vice chairman of each county committee, all nominated state officials—including members of the state assembly, and bonus delegates from counties supporting the party in the last election A county is awarded two additional members, appointed by the county committee, for each 10,000 votes cast for the party's nominee for governor in the preceding election An executive committee is the continuing organ of the central committee and is established by party rules

The state party platform is formulated by the candidates for state office nominated at the primary, the state chairman and holdover state senators in a meeting to be held on the fourth Tuesday in September following the primary election

Preprimary endorsements may be made in Colorado by any party whose gubernatorial candidate polled 10 percent or more of the vote at the last preceding election Delegates to the preprimary endorsing con-

vention are selected under party rules; and candidates who receive 20 percent or more of the votes of the duly accredited delegates are certified as officially endorsed candidates, and are shown on the ballot as such The names of the endorsed candidates are placed on the ballot in the order of the vote received at the convention—the candidate polling the most votes thus gains the top position Candidates must file a written acceptance of the endorsement within seven days, and all certificates of endorsement must be filed from 45 to 60 days prior to the primary election.

Both candidates and delegates to the conventions must have been a recognized member of the party for at least one year Endorsing conventions are held at all levels—both statewide and district

The preprimary endorsements do not preclude other candidates from appearing on the primary ballot By petition, any office seeker can run for the party nomination. Three hundred signatures are required for state and district office and a lesser number for others Petition candidates are placed below those selected at preprimary endorsing conventions on the ballot This procedure is rarely resorted to in Colorado However, in 1918, Oliver W Shoup captured the party nomination for governor by petition and went on to win the general election

As this plan has been in operation for nearly 50 years, some valid conclusions regarding the success of the system should be possible Literature available on Colorado politics indicates that it is fully accepted by the parties, candidates, press and public At no time has the legislature entertained a proposal to junk the system

Delegates to the national convention are selected by conventions in Colorado which are based on precinct caucuses The actual delegates are picked at the congressional and state conventions, and the national committeeman and woman are selected by the state convention

B. Oregon

In Oregon, each major party elects a committeeman and a committeewoman for each precinct at the general primary—who collectively constitute the county central committee in each county The committeemen residing within a city constitute ex officio the city central committee, but the power to fill vacancies on the city committee resides with the county central committee

Each county central committee selects two congressional committeemen of opposite sexes and two alternates to the state central committee of opposite sexes These need not be members of the county central committee The county committee may select a managing or executive committee to exercise its powers and has the power to levy assessments upon nominees for the expenses of organizing and managing party affairs and promoting success in elections No assessment is to exceed 1 percent of the emolument of the office for which the nominee is a candidate, nor to be less than $10

The state central committees consist of the chairman and vice chairman of each county central committee In the event that either is unable to attend a state central committee meeting, his place is to be taken by an alternate of the same sex. A state committeeman from each of

a majority of the counties constitutes a quorum Once a quorum is present proxies may be used in balloting

Congressional committees consist of the county congressional committeemen of all the counties within the congressional district In congressional districts comprising only one county, the congressional committee consists of the county central committee

The national committeeman and national committeewoman are elected at the spring primary for four-year terms

Two delegates to the national convention are elected from each congressional district, and the remainder from the state at large

C. *Illinois*

In Illinois there are structural differences between Cook County and the rest of the state A ward committeeman is elected for a four-year term in each ward in cities of 200,000 population or over. In counties of 500,000 or over, outside cities of 200,000, a township committeeman is elected for a two-year term. In counties under 500,000 a precinct committeeman is elected, also for a two-year term Ward, township and precinct committeemen must be residents of the district they represent Municipal and county central committees consist of the ward, township and precinct committeemen within the municipality or county, respectively.

The state central committee of each party is composed of one member from each congressional district, elected at the April primary, for a four-year term Vacancies in the state central committee are filled by appointment by the congressional committee in the congressional district in which the vacancy occurs

The congressional committees are composed of the chairmen of the county central committees of the counties composing the congressional district. In congressional districts wholly in one county, or in only parts of two or more counties, precinct, ward and township committeemen within the district comprise the congressional committee The state central committeeman in each district serves as chairman of the congressional committee, with power to vote only in case of a tie

Provisions are also made for appellate court district committees, composed of the chairmen of the county central committees of the counties in the district.

The voting strength of each member of the municipal, county, state, congressional and appellate court committees is weighted according to the number of party ballots cast in his district at the primary at which he was elected These ratios once set remain the same, regardless of any boundary shifts in the districts between elections

A state convention is held after the April primary with power to nominate presidential electors and University of Illinois trustees adopt a party platform and choose delegates and alternates at large to the national convention Delegates to the state convention are chosen by ward committeemen in cities of 200,000 or over; by township committeemen in counties of 500,000 or over; and by the county central committee meeting in convention for that purpose in counties under 500,000.

D. New Jersey

In New Jersey, the members of the municipal committees consist of the elected members of the county central committee residing in the municipality. The county committee determines the units of representation into which the county is to be divided for purposes of representation on the county central committee. One male and one female is then elected to the committee from each such unit at the primary election A vacancy on the county central committee is filled by the municipal committee, if any, in the municipality in which it occurs. If there is no municipal committee, the vacancy is filled by the remaining members of the county committee

The state central committee consists of one male and one female elected from each county for a four-year term A vacancy on the state central committee is filled by the county central committee of the county in which it occurs The state committee chooses member(s) to the national committee.

A state convention is held at Trenton every two years Delegates to the state convention consist of the nominees and/or holdover incumbents for the state legislature and U S Congress, the candidate for governor, the state central committeemen, national committeemen and the chairmen of the county central committees

The state convention has the power to adopt a platform All proposed planks are referred to a committee on resolutions A tentative copy of the platform is to be furnished each member of the convention within one week, together with a copy of all the proposed planks not therein included and the names and addresses of the delegates proposing them After the introduction of all the proposed planks, the convention adjourns for two weeks After the convention reconvenes, the platform may be adopted as a whole or amended

E. New York

New York allows a good deal of leeway in which the parties are to operate State laws provide for a state central committee, county central committees and whatever additional committees the rules of the party may prescribe Members of the state and county central committees are elected at the fall primary, except in presidential election years, when they are elected at the spring primary. Members of the state committee are elected biennially and members of the county committees annually, unless the rules of the county committee specify that they are to be elected biennially

The state committee has the power to make its own rules as to the number of its members and the units of representation, but each such unit is to have an equal number of members Unless and until otherwise provided for, the committees are to be composed of two members from each assembly district.

The county committees consist of two members from each election district within the county and such additional members (not ever two) as provided for in the rules of the county committee, proportional to the party vote for governor in the district at the last election If no

additional members are authorized, the voting strength of each member on the county committee shall be in proportion to said party vote in his district; otherwise, each member has one vote

The rules of any committee may be amended by majority vote at a meeting at which there is a quorum, providing a copy of the amendment was sent with the notice of the meeting to each member at least five days prior to the meeting.

If the rules of the county committee so provide, assembly district leaders, or one leader and one associate, may be chosen in each assembly district or part thereof in any county in New York City, at the same primary and for the same term as members of the county committee

Delegates to national conventions are to be elected from congressional districts (or partly from congressional districts and partly from the state at large as the party rules provide), the delegates from the state at large to be chosen by the state committee or by a state convention. District delegates to the national convention and delegates to a state convention, if any, are elected at the spring primary.

F. *Pennsylvania*

Pennsylvania statute specifies that each party is to have a state committee to be composed of two members elected from each senatorial district at the spring primary for a two-year term In senatorial districts composed of more than one county or parts of more than one county, electors of each county or part thereof elect one member to the state central committee.

Vacancies on the state central committee are filled according to the party rules.

National committeemen are elected and vacancies filled by the state committee unless the rules of the national party otherwise provide, in which case national committeemen are to be elected and vacancies filled in accordance with national party rules

There may be a county committee in each county The members are to be elected at the spring primary, or appointed if the rules of the party so provide

The members of any other committees and all other party officials whose election is required by the party rules are to be elected at the spring primary.

The district delegates and alternates to the national convention are elected at the spring primary in presidential election years Delegates and alternates at large are also elected at the spring primary, unless the rules of the state committee authorize election by the state committee at a regular or special meeting If elected by the voters at large, a plurality elects, if elected by the state central committee, a majority of the entire committee elects

G. *Washington*

Political party organization in the State of Washington was outlined to the committee by Mr Bernie Heavey, Chairman of the King County Democratic Central Committee, as follows

". . . Our party structure is based on the precinct level of county committees, state committees and then the state committees, of course, elect delegates to the National Committee The county is composed of precinct committeemen and elected at the general election by each of the major political parties or any major political party That's considered any party that received over 10 percent of the votes at the previous general election A precinct, incidentally, is on the average of 350 voters, 350 registered voters, and it is strictly a geographical setup

"The candidates for precinct committee file $1 with the county auditor and their name is placed on the general election ballot The people who do not file, of course, can write their names in on the ballot for precinct committeemen at the general election and be elected there if they pay $1 filing fee after they are elected

"The precinct committeemen then convene after each general election and vote for county central committee They elect a chairman, vice chairman, a state committeeman and a state committeewoman; and the state committeeman and the state committeewoman are the representatives then of that county to the state committee

"The rest of the rules, the rest of the structure of the county organization—the official county organization—is then established by the convention or the county committee whatever it happens to be In our county, it is a convention proposition—we hold a convention every year because we have some 2,000 precincts—and at our county convention for the election of the county chairman, only the elected precinct committeemen are allowed to vote

"Then we divide our organization down, by resolution, into legislative districts. In our county we have 14 legislative districts and then these legislative districts elect five people from each legislative district which forms our executive board Then our executive board conducts the official business of the party, the arranging of the funds and everything that a party does between conventions.

"Every two years the state or county committee can call a convention as such, any time they please and when we call a convention we usually call precinct caucuses and at these caucuses which are held by the precinct committeemen, usually in our county, there are two delegates from each precinct One would be the precinct committeeman if he desired to run. He is automatically one delegate and then another delegate is elected by the people who are at the precinct caucus Then these delegates meet at the county convention and select delegates to the state convention, and that's how we generally broaden the base of the organization and allow people in the official party organization at the times that we want to hold a convention

"The state committee is made of representatives from each county We have 39 counties in the State of Washington and each county elects two people That is strictly geographical representation and in Washington we find it a very serious handicap Better than half the population of the state has 12 of 78 votes on the

state central committee, which makes it very difficult to operate We are trying to revise that, of course, but we do run into problems on reapportionment and on things of that nature with some of the smaller towns which, of course, are better represented and are afraid of the larger towns

"Our club structures are generally unofficial. Each county committee usually passes a resolution that nobody in the county can use the name Democrat or Republican or Socialist, or whatever it is without the permission of the committee, and that is generally just to protect the official organization in case some committee or some Democratic club or some kind of club is out making statements and representing themselves to be the Democrats or Republicans It helps protect the official platform against organizations such as—we had several veterans groups last time, one was a Republican veterans committee and another one was a Democratic veterans committee, but no action was ever taken against them because they weren't receiving a whole lot of recognition, but if they were, the official organization of course, then would be in a position to say that is not truly a representative group of the party.

"So I think in a real quick summary capsule, that's the way we operate I don't necessarily recommend it for everybody. I think each situation, depending on the geographical problems, population problems, the people involved, heritage of the community or the so-called political culture dictates a lot of the rules and regulations for operation of parties and of organizations "

VII. CONCLUSIONS AND RECOMMENDATIONS

Basic changes are needed in the structure of political party organizations in California In most counties, seats on the county central committees of both political parties are going begging. A candidate's position on the ballot is determined as a result of selection by chance, and this is a major factor in the election of county committeemen The powers delegated to the county committees are ambiguous at best. The committees are beset with organization problems as a result.

Further, there is little unity among the four major party groups in California—the county central committees, the state central committees, the national convention delegates and the unofficial party groups As a result of their peculiar and extralegal role, the unofficial party groups have also created some problems and have contributed some unique benefits to the two-party system in the State.

The problems relating to political party organization are evident and they are legion However, it is much easier to diagnose the disease than to prescribe a cure Many conflicting and contradicting proposals have been put forward by those with expertise in the field There is no clear and well-worked path down which we should proceed

A number of obvious minor changes in political party organization can and should be made For example, congressional nominees should be made exofficio members of county central committees County cen-

tral committees should be elected for staggered four-year terms. County central committee candidates should be members of their party for at least three months

However, before recommending more sweeping reforms in organization, we frankly wish to reflect on the findings in this report and hear further suggestions from those acquainted with the problems, based on these findings Major changes in this area must not be undertaken lightly We are confident, however, that we will be able to move forward during the 1963 legislative session toward establishing a stronger and more responsible party structure in California

APPENDIX I

Vote for County
Central Committee

1954-1960

Thirty-two Counties

SECOND PROGRESS REPORT BY COUNTY VOTE FOR COUNTY CENTRAL COMMITTEES, 1954-1960 (*1958-1960)

	Butte	Calaveras	Del Norte	Fresno	Inyo	Mariposa	Merced	Nevada*	Plumas	Sacramento	San Benito*	San Bernardino	San Luis Obispo	Santa Clara	Siskiyou*	Tehama	Ventura	Yolo	TOTALS 2d Progress Report	TOTALS 1st Progress Report	GRAND TOTAL 32 Counties
Voter participation	60 2%	36%	53 5%	67 8%	39%	49 6%	59 9%	52 2%	39 4%	76 2%	58 8%	78%	57%	74 7%	70 3%	38%	73 9%	61 3%	70 0%	70 0%	70 0%
Vacancies																					
Democrat	90	89	89	86	87	84	88	47	91	89	45	88	88	89	42	87	91	87	1,459	1,280	2,739
Republican	89	88	88	87	88	84	89	45	87	87	46	91	87	88	42	87	87	87	1,443	1,271	2,714/5,453
Candidates filed																					
Democrat	51	29	40	126	27	30	60	38	32	162	26	160	78	165	46	44	94	39	1,252	2,107	3,359
Republican	73	20	77	84	34	13	47	36	11	110	31	92	73	138	34	37	84	73	1,067	1,251	2,318/5,677
Degree of competition																					
Two or more candidates for each vacancy	1	0	1	4	0	0	0	0	0	9	0	7	0	13	2	0	0	0	37	61	98
Some but not all seats contested	7	0	3	12	0	0	3	0	1	19	0	13	9	10	5	3	6	0	93	140	233
One candidate for each vacancy	7	4	16	4	5	3	7	6	3	4	4	11	9	11	4	6	27	11	142	193	335/1,228
Less than one candidate for each vacancy	18	11	9	16	16	9	20	7	13	8	6	8	20	4	8	16	7	15	211	93	304
No candidates	7	25	11	4	19	28	8	7	23	0	10	1	2	2	1	15	0	14	177	81	258
Identified incumbent re-elected																					
Democrat	11	n/a	10	21	11	15	22	0	4	10	18	33	17	36	28	n/a	35	17	288	477	765
Republican	14	n/a	14	19	15	0	15	0	4	9	20	22	12	63	15	n/a	15	22	266	570	836/1,601
Identified incumbent defeated																					
Democrat	2	0	0	2	0	0	0	0	0	0	0	16	1	9	4	n/a	1	0	35	89	124
Republican	0	0	1	0	0	0	0	0	0	0	0	1	0	1	0	n/a	0	0	3	14	17/141
Place of defeated incumbent on ballot																					
Top	1	0	0	0	0	0	0	0	0	0	0	2	0	2	1	n/a	0	0	6	14	20
Bottom	1	0	1	2	0	0	0	0	0	0	0	15	1	8	3	n/a	1	0	32	89	121/141
Place of winning contested candidates on ballot (other than incumbents)																					
Top	16	0	1	27	0	0	6	0	0	11	0	20	10	31	1	n/a	5	0	128	198	326
Bottom	6	0	0	23	0	0	3	0	1	6	0	24	6	25	5	n/a	3	0	99	159	258/584

PROGRESS REPORT ON SURVEY OF VOTE FOR COUNTY CENTRAL COMMITTEES, 1954-1960

	Contra Costa	Imperial	Kern	Madera	Placer	Riverside	San Diego	San Francisco	San Joaquin	San Mateo	Santa Cruz	Sonoma	Sutter	Yuba	TOTALS
Voter participation	76 2%	71 3%	67 5%	51 2%	71 1%	69 7%	80 5%	63 5%	35 6%	72 2%	78 3%	69%	49%	42 4%	70%*
Vacancies															
Democrat	93	90	89	90	85	88	100	120	84	92	86	95	87	84	1,280\
Republican	91	87	88	91	84	85	100	120	84	92	87	88	90	84	1,271/2,551
Candidates filed															
Democrat	144	90	109	65	76	105	254	784	94	128	86	95	44	33	2,107\
Republican	91	76	90	47	80	83	178	136	95	129	95	79	35	37	1,251/3,358
Degree of competition (by district)															
Two or more candidates for each vacancy	5	1	0	0	0	3	22	24	0	6	0	0	0	0	61
Some but not all seats contested	10	5	12	2	5	14	17	11	20	19	11	8	2	3	140
One candidate for each vacancy	13	21	21	9	21	12	1	13	14	10	23	15	6	7	193
Less than one candidate for each vacancy	4	4	7	9	11	11	0	0	6	4	7	7	13	10	93
No candidates	3	8	0	20	3	0	0	0	0	1	0	7	19	20	81
															568
Identified incumbent re-elected															
Democrat	68	37	38	3	44	29	37	47	26	16	33	35	21	14	477\
Republican	58	23	33	16	19	20	67	111	51	62	50	23	18	19	570/1,047
Identified incumbent defeated															
Democrat	9	4	6	0	1	4	12	41	3	6	1	0	2	0	89\
Republican	1	2	0	0	1	0	8	0	1	1	0	0	0	0	14/ 103
Place of defeated incumbent on ballot															
Top	1	4	0	0	1	3	0	0	2	1	0	0	2	0	14
Bottom	9	2	6	0	1	1	20	41	2	6	1	0	0	0	89
Place of winning contested candidates on ballot (other than incumbents)															
Top	11	4	19	0	12	19	44	31	14	22	9	10	2	1	198
Bottom	10	8	12	0	5	10	39	40	14	13	5	2	1	2	159

APPENDIX II

Position on the Ballot as a Factor in County Central Committee Elections

1954-1960

Nine Counties

APPENDIX II

COUNTY CENTRAL COMMITTEE ELECTIONS

Position on the Ballot as a Factor in Election Analysis of
135 Contested District Races

Position on the Ballot	Contra Costa		Fresno		Sacramento		San Bernardino		San Diego		San Francisco		San Mateo		Santa Clara		Ventura		Total		
																			Elected	Defeated	% elected
	W	L	W	L	W	L	W	L	W	L	W	L	W	L	W	L	W	L			
1	8	2	9	1	2	2	12	6	22	7	13	11	11	2	11	4	2	0	99	35	72 0%
2	9	1	4	6	2	2	10	8	17	12	10	14	8	5	11	4	1	1	72	53	57 5
3	2	6	0	4	2	2	14	4	13	17	11	13	9	4	10	6	1	1	67	55	55 0
4	3	3	4	6	1	3	13	5	14	16	8	16	9	3	9	6	1	0	61	58	51 2
5	4	1	5	4	2	0	7	10	13	18	10	14	4	7	6	8	0	1	51	62	45 2
6	3	1	4	5	0	1	4	11	12	17	5	19	3	6	7	6			38	67	36 1
7	2	2	5	4	1	0	7	7	13	18	9	15	1	8	7	5			45	58	43 6
8	1	3	3	6	1	1	6	7	8	18	9	15	6	4	3	6			33	64	34 0
9	2	2	2	4	1	1	4	8	5	17	4	20	3	4	1	7			27	60	31 0
10	2	2	2	5	1	1	3	5	4	14	5	18	5	2	5	6			26	54	32 5
11	2	2	1	3	1	1	1	6	5	8	3	21	2	4	5	5			20	50	28 6
12	1	3	1	2	0	3	1	5	1	8	2	22	1	3	4	4			14	47	22 9
13	2	2	1	2	0	2	0	6	2	5	5	19	0	2	1	7			11	45	19 6
14	1	3	2	0	1	1	0	6	2	4	3	21	1	1	4	3			14	39	26 4
15	1	1	0	2	0	1	0	2	0	5	0	24	0	1	0	5			1	11	2 4
16	1	1	0	2	0	1	0	1	0	5	6	18	0	1	0	4			7	33	17 4
17	0	2	0	2	0	1	0	1	2	2	2	22	1	0	0	4			5	33	13 1
18	1	1	0	2	0	1	0	1	0	3	4	19	1	0	1	2			7	27	20 6
19	1	1	0	2	0	1	0	1	0	3	1	21			1	2			3	29	9 1
20	1	1	0	3	0	1	0	1	2	0	2	20			0	3			3	26	10 3
21	0	2	0	3	0	1	0	1	0	1	0	22			0	3			1	28	3 4
22	0	2	1	3	1	1	0	1	0	1	0	22			0	2			4	24	14 3
23	0	1	0	4	1	1	0	1	0	1	0	22			1	1			1	26	3 7
24	0	1	1	4			0	1	0	1	0	21			1	1			1	24	4 0
25	0	1	1	4			0	1	0	1	1	18			0	2			1	22	4 3
26	0	1	1	4			0	1	0	1	0	18			0	1			0	21	0 0
27	0	1	1	4			0	1	0	1	0	14			0	1			0	17	5 5
28	0	1	1	4			0	1	0	1	0	15			0	1			0	18	0 0
29	0	1	1	4					0	1	0	14			0	1			0	19	0 0
30	0	1	1	4					0	1	0	14			0	1			0	19	0 0
31									0	1	0	13							0	13	0 0
32									0	1	0	13							0	13	0 0
33									0	1	0	11							0	11	0 0
34									0	1	0	10							0	10	0 0
35									1	0	1	8							1	8	11 1
36									1	0	1	5							1	5	16 7
37									0	0	0	6							0	6	0 0
38									0	0	0	4							0	4	0 0
39									0	0	0	3							0	3	0 0
40									0	0	0	3							0	3	0 0
41									0	0	0	2							0	2	0 0
42									0	0	0	2							0	2	0 0
43									0	0	0	1							0	1	0 0
44									0	0	0	1							0	1	0 0
*Last	6	4	6	4	2	2	7	11	12	17	0	24	2	11	5	10	1	1	41	84	30 4

* Last position on ballot, regardless of number. Thus, if there were only eight candidates, number eight would be called last.

APPENDIX III

Occupational Designation as a Factor in County Central Committee Elections

1954-1960

Thirty-two Counties

OCCUPATIONAL DESIGNATIONS, APPEARING ON THE BALLOTS, OF CANDIDATES FOR COUNTY CENTRAL COMMITTEES, 1954-1960

(Designation of incumbent excluded)

	TOTAL		DEMOCRAT		REPUBLICAN	
	Elected	Defeated	Elected	Defeated	Elected	Defeated
GRAND TOTAL	938	987	561	820	378	167
PROFESSIONAL	292	148	196	127	96	21
Attorney	199	119	116	101	83	18
Teacher	84	19	74	18	10	1
Clergyman	4	0	3	0	1	0
Architect	2	2	1	1	1	1
Law school dean	1	0	1	0	0	0
Author	1	1	1	1	0	0
Designer	1	4	0	4	1	0
Librarian	0	1	0	0	0	1
Artist	0	2	0	2	0	0
BUSINESS & FINANCE	207	336	91	251	116	85
Business	82	108	42	87	40	21
Real estate	43	37	20	25	23	12
Insurance	33	42	10	31	23	11
Accountant	15	24	7	19	8	5
Contractor	13	13	8	7	5	6
Salesman	10	53	6	43	4	10
Finance (banker, broker, etc.)	7	20	1	10	6	10
Public relations	6	24	2	17	4	7
Manufacturer	2	4	2	1	0	3
Petroleum distributor	2	0	1	0	1	0
Buyer	2	3	1	3	1	0
Oilman	1	0	1	0	0	0
Appraiser	1	3	0	3	1	0
Exporter	0	2	0	2	0	0
Jeweler	0	3	0	3	0	0
AGRICULTURE	99	11	46	8	53	3
Farmer	86	7	43	4	43	3
Rancher	8	0	0	0	8	0
Nurseryman, gardener	1	3	2	3	2	0
Produce dealer	1	1	1	1	0	0
LABOR	91	172	84	169	7	3
Worker-employee	26	55	23	54	3	1
Union official	23	37	23	36	0	1
Carpenter	7	12	7	12	0	0
Mechanic-machinist	6	16	6	16	0	0
Railroad conductor, agent	6	2	5	2	1	0
Electrician	5	5	5	5	0	0
Printer	4	10	3	10	1	0
Barber	3	5	2	4	1	1
Railroad fireman	2	0	2	0	0	0
Railroad switchman/brakeman	2	1	2	1	0	0
Teamster	2	10	2	10	0	0
Blacksmith	1	0	0	0	1	0
Auctioneer	1	0	1	0	0	0
Chauffeur	1	1	1	1	0	0
Longshoreman	1	2	1	2	0	0
Plumber	1	3	1	3	0	0
Bartender	0	1	0	1	0	0
Painter	0	3	0	3	0	0
Butcher	0	4	0	4	0	0
Baker, cook	0	6	0	5	0	0
NON-EMPLOYED	75	105	32	82	43	23
Housewife	58	68	28	54	30	14
Retired	13	21	3	16	10	5
Student	4	16	1	12	3	4
WHITE COLLAR	58	101	44	90	14	11
Government official	11	3	9	3	2	0
Superintendent, manager	10	18	5	16	5	2
Clerk	9	14	8	14	1	0
Secretary	9	23	8	20	1	3
Party official	3	3	0	1	3	2
Personnel director	2	3	2	3	0	0
Labor commissioner	2	0	2	0	0	0
Civil servant	2	1	2	1	0	0
Consultant, analyst	2	10	1	9	1	1
Recreation director	1	0	1	0	0	0
Social worker	1	1	1	1	0	0

OCCUPATIONAL DESIGNATIONS, APPEARING ON THE BALLOTS, OF CANDIDATES FOR COUNTY CENTRAL COMMITTEES, 1954-1960—Continued

(Designation of incumbent excluded)

	TOTAL		DEMOCRAT		REPUBLICAN	
	Elected	Defeated	Elected	Defeated	Elected	Defeated
WHITE COLLAR—Continued						
Youth supervisor	1	2	1	2	0	0
Investigator	1	2	1	2	0	0
Photographer	1	2	1	2	0	0
Officer, guard	1	2	1	2	0	0
Draftsman	1	3	0	3	1	0
Assistant	1	7	1	5	0	2
Inspector	0	1	0	1	0	0
Notary public	0	1	0	1	0	0
Planner	0	2	0	1	0	1
Traffic manager	0	3	0	3	0	0
SCIENCE AND ENGINEERING	47	65	31	58	16	9
Engineer	32	57	21	50	11	7
Chemist	8	2	5	2	3	0
Physicist	3	3	3	3	0	0
Surveyor	1	0	0	0	1	0
Sanitarian	1	0	1	0	0	0
Weatherman	1	0	1	0	0	0
Geologist	1	1	0	0	1	1
Electronics	0	1	0	1	0	0
Mosquito control	0	1	0	0	0	1
MEDICAL AND RELATED	35	21	14	16	21	5
Doctor, dentist	28	9	10	8	18	1
Optician, optometrist	2	6	0	6	2	0
Veterinarian	1	0	0	0	1	0
Pharmacist	1	0	1	0	0	0
Psychologist	1	0	1	0	0	0
Medical Laboratory Technician	1	1	1	0	0	1
Chiropractor	1	2	1	1	0	1
Psychiatrist	0	1	0	1	0	0
Nurse	0	2	0	0	0	2
COMMUNICATIONS	26	25	16	19	10	6
Newsman	9	14	6	12	3	2
Publisher	7	8	2	4	5	4
Editor	7	3	5	3	2	0
TV-Radio	3	0	3	0	0	0
MISCELLANEOUS	9	3	7	2	2	1
Miscellaneous	7	2	6	1	1	1
Military	1	0	1	0	0	0
Pilot	1	0	0	0	1	0
Common carrier	0	1	0	1	0	0

BY OCCUPATIONAL GROUP

TOTAL			DEMOCRATIC			REPUBLICAN		
Group	Winning percentage	Relationship to average	Group	Winning percentage	Relationship to average	Group	Winning percentage	Relationship to average
All groups total 48 6%			All Democratic groups total 40 6%			All Republican groups total 69 3%		
Agriculture	90 3	+41 7	Agriculture	85 3	+44 7	Agriculture	94 6	+25 3
Professional	66 3	+15 7	Professional	60 7	+20 1	Professional	82	+12 7
Medical and related	62 5	+13 9	Medical and related	46 7	+ 6 1	Medical and related	80 7	+11 4
Communications	31	+ 2 4	Communications	45 7	+ 5 1	Labor	70	+ 7
Science and engineering	41 9	— 6 7	Science and engineering	35 7	— 4 9	Nonemployed	66 2	— 3 1
Nonemployed	41 6	— 7	Labor	33 2	— 7 4	Science and Engineering	64	— 5 3
Business and finance	38 2	—10 4	White collar	32 8	— 7 8	Communications	62 5	— 8 7
White collar	36 4	—12 2	Nonemployed	28 1	—12 5	Business and finance	57 7	—11 6
Labor	34 6	—14	Business and Finance	26 6	—14	White collar	56	—13 3

BY SPECIFIC OCCUPATIONS

TOTAL			DEMOCRATIC			REPUBLICAN		
Occupation	Winning percentage	Relationship to average	Occupation	Winning percentage	Relationship to average	Occupation	Winning percentage	Relationship to average
All occupations total 48 6%			All Democratic occupations total 40 6%			All Republican occupations total 69 3%		
Farmer	92 5	+43 9	Farmer	93 6	+53	Ranches	100	+30 7
Teacher	81 5	+32 9	Teacher	80 4	+39 8	Doctor, dentist	94 7	+25 4
Doctor, dentist	75 7	+27 1	Doctor, dentist	55 6	+15	Farmer	93 6	+24 3
Attorney	62 6	+14	Attorney	53 5	+12 9	Teacher	91	+21 7
Contractor	50	+ 1 4	Contractor	53 3	+12 7	Attorney	82 1	+12 8
Real estate	47 1	— 1 5	Union official	39	— 1 6	Superintendent-manager	71 5	+ 2 2
Housewife	46	— 2 6	Clerk	36 3	— 4 3	Housewife	68 2	— 1
Superintendent-manager	45 7	— 2 9	Housewife	34 2	— 6 4	Insurance	67 7	— 1 6
Insurance	44	— 4 6	Newsman	33 3	— 7 3	Retired	66 7	— 2 6
Business	43 1	— 4 5	Business	32 6	— 8 0	Real estate	65 7	— 3 6
Newsman	39 1	— 9 5	Worker employee	29 8	—10 8	Business	65 6	— 3 7
Clerk	39 1	— 9 5	Engineer	29 6	—11	Accountant	61 5	— 7 7
Accountant	38 6	—10 1	Real estate	28 6	—12	Engineer	61 2	— 81
Union official	38 4	—10 2	Secretary	28 6	—12	Publisher	55 6	—13 7
Retired	38 2	—10 4	Accountant	26 9	—13 7	Contractor	45 4	—23 9
Engineer	36	—12 6	Insurance	24 4	—16 2	Student	42 9	—26 4
Finance	34 9	—13 7	Superintendent-manager	23 8	—16 8	Finance	37 5	—31 8
Worker employee	32 1	—16 5	Retired	15 8	—24 8	Public relations	36 4	—32 9
Secretary	28 1	—20 5	Salesman	12 4	—28 2	Salesman	28 6	—10 7
Public relations	20	—28 6	Public relations	9 5	—31 1			
Student	20	—28 6	Finance	9 1	—31 5			
Salesman	15 9	—32 7	Student	8 3	—32 3			

APPENDIX IV

Opinion of California
Legislative Counsel No. 1493
Relating to Powers of
County Central Committees

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 15, 1962

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Financial Center Building
Suite 815
405 14th Street
Oakland, California

ELECTIONS—No. 1493

DEAR MR PETRIS.

QUESTION

You ask whether a county central committee may endorse candidates at the primary.

OPINION

There is nothing in the Elections Code which specifically authorizes or specifically prohibits preprimary endorsements of candidates by a county central committee Whether or not a county central committee endorses and campaigns for a candidate prior to the primary is in our opinion a matter for the determination of the committee

ANALYSIS

At the outset it should be noted that the courts of this State have not as yet had occasion to determine the exact extent to which a county central committee is subject to legislative regulation, or to what extent the Legislature has undertaken to regulate such committees However, the conclusion seems inescapable that a political party remains essentially a private organization although it is subject to regulation. For this reason, we believe that whenever the question is raised as to the power of a party committee to take any particular action, it is important to determine not whether the Legislature has authorized such action but whether it has expressly or impliedly prohibited it. We find nothing in the Elections Code which would prohibit a county central committee from endorsing and supporting one of a number of party candidates at a primary election

The duties and functions of county central committees are not prescribed in detail Section 8440 of the Elections Code provides that.

> "The county central committee shall have charge of the party campaign under general direction of the State central committee or of the executive committee selected by the State central committee."

Section 8442 of the Elections Code provides in part that:

> "County central committees shall perform such other duties and services for their political party as seem to be for the benefit of the party."

The remainder of Section 8442 provides that county central committees shall continue to function and exist until the election of the members of the succeeding committee

We think it is clear that the party campaign referred to in Section 8440 is the general election campaign conducted after the primary This is the campaign *of* the party whereas preprimary campaigns are conducted *within* the party.

However, the county central committee continues in existence after the general election and until the succeeding committee takes office At all times the committee is authorized to do whatever it deems to be for the benefit of the party

Therefore, if in any given instance a county central committee should determine that it was for the best interest of the party to endorse and campaign for a candidate prior to the primary, we believe it could do so

We understand that the practice varies Some county central committees appear to have adopted a policy of not making preprimary endorsements, while other committees feel free to do so. It all depends upon the particular committee and there is no legal proceeding available whereby a committee may be required to make, or prohibited from making, a preprimary endorsement of a candidate

Your attention is directed to an opinion of the Attorney General (23 Ops. Cal Atty. Gen 119) which contains a conclusion contrary to that herein expressed

Your attention is also directed to the fact that three bills were introduced at the 1959 Regular Session to prohibit preprimary endorsements by county central committees The bills in question, A B 611, S B. 800, and S B. 1473, did not pass. Amendments to prohibit preprimary endorsements were also offered to A B 118 of 1959 but were rejected (see Assembly Journal for February 24, 1959, at page 859) A B 118 was the bill enacted to eliminate cross-filing at primary elections.

Very truly yours,

A C MORRISON
Legislative Counsel

By EDWARD K PURCELL
Deputy Legislative Counsel

APPENDIX V

Opinion of California
Legislative Counsel No. 3965
Relating to
Constitutional Questions in
Endorsements and Use of the
Name of a Political Party

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, June 12, 1962

HON NICHOLAS PETRIS
815 Financial Center Building
405 14th Street
Oakland 12, California

ELECTIONS—No. 3965

DEAR MR. PETRIS:

You ask two questions which we will answer individually:

QUESTION No. 1

Would legislation be constitutional which:

(a) Prohibited any individual or group from publicly expressing a preference for one candidate over another prior to a primary election, or

(b) Prohibited any group which happened to have in the group's title the name of a recognized political party in California from publicly expressing a preference for one candidate over another prior to a primary election, or

(c) Prohibited official party organizations established by law (state central committees, county central committees) from publicly expressing a preference for one candidate over another prior to a primary election?

OPINION No. 1

In our opinion the courts would hold unconstitutional legislation which would, in general terms, prohibit preprimary endorsements by individuals or by any organization not affiliated, either directly or indirectly, with an official party organization We also doubt that a court would uphold legislation prohibiting preprimary endorsements by any organization which includes in its name the name of a recognized political party Whether legislation more narrow in scope, aimed, for example, at a particular type of organization would be valid, depends on the terms of the statute and the object sought to be attained

We are of the opinion the courts would uphold legislation prohibiting preprimary endorsements by state and county central committees.

ANALYSIS No. 1

There is a presumption in favor of the constitutionality of a statute, and its invalidity must be clear and unquestionable before the courts will declare it to be unconstitutional *(State Board of Dry Cleaners* v *Thrift-O-Lux Cleaners, Inc*, 40 Cal 2d 436; *Subsequent Injuries Fund* v. *Industrial Accident Commission*, 48 Cal. 2d 365) The burden is on those attacking the statute to show that it is unconstitutional *(Serve Yourself Gas Stations Assn.* v *Brock*, 39 Cal 2d 813)

The adoption by the people, in 1900, of Article II, Section 2½ of the Constitution bestowed upon the Legislature authority to provide for the direct nomination of candidates for public office at elections to be known and designated as primary elections The enactment by the Legislature, in 1913, of the Direct Primary Law served to confer on the primary election voters the right to select the nominees of the party at the direct primary election, and to withdraw this power from party conventions and committees (*Heney* v *Jordan,* 179 Cal. 24, 31; *Hart* v. *Jordan,* 168 Cal. 321, 323) The Legislature, however, did not prohibit party organizations and committees from issuing recommendations to the voters as to their choice of candidates at the primary, although the Attorney General took the position, at least insofar as county central committees are concerned, that such a prohibition is implicit in the direct primary system (See 23 Ops. Atty Gen. 119.).

We have little doubt that a court would uphold the Legislature in prohibiting preprimary endorsements by state and county central committees. The organizations in question are the legally recognized governing bodies of political parties in this State (See Elec C. Secs. 2829, 2831). If the Legislature finds it necessary to prevent the official party organizations from asserting their influence in favor of one of a number of candidates at the primary, in order to place all candidates on an equal basis before the primary voters, and to give those voters as free and unrestricted choice of candidates as possible, we see no reason why it may not impose such a restriction

Just how far the Legislature could go beyond state and county central committees in prohibiting preprimary endorsements is not clear. The right of the people to express themselves, either as individuals or as part of a group, is guaranteed by both federal and state constitutions (U S Const. 14th Amendment, as embodying the rights guaranteed by the 1st Amendment; Calif Const, Art I, Sec 9) While the right of free speech is not absolute, it will be accorded the greatest possible protection by the courts, and legislation infringing upon that right will be upheld only if the speech prohibited creates a clear and present danger that it will bring about a substantive evil which the Legislature has the right to protect (*Schenck* v. *United States,* 249 U S 47, 52, 39 S. Ct. 247, *Dennis* v *United States,* 341 U S 494, 71 S. Ct. 857). In applying the phrase "clear and present danger" with reference to the right of free speech, the courts in each case must ask whether the gravity of the "evil" discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the evil (*First Unitarian Church* v. *Los Angeles County,* 48 Cal 2d 419)

In view of these principles, we doubt that the courts would uphold legislation that would, in general terms, prohibit preprimary endorsements by individuals and by organizations not connected in any manner with a state or county central committee We believe that such a prohibition would be regarded by the courts as an infringement on the right of free speech

We also doubt that the courts would uphold legislation that would prohibit preprimary endorsements by any organization which includes in its name the name of a recognized political party, unless the statute is limited in some manner to situations in which the public might be de-

ceived or misled into believing that the organization is an official party organization Here again, we think that the prohibition would be regarded as an infringement on the right of free speech It has been held by at least one court that the use of a term such as "Democratic" or "Republican" is a derivative right to the constitutional right of individuals to associate for lawful political purposes (*Melc* v *Ryder*, 188 N Y S 2d 446) There is every reason to believe, therefore, that the courts would look with disfavor on legislation which would impose a penalty on a group solely on the basis that it uses such a term as part of its name.

We are not prepared to state that the Legislature could not, under any circumstances, prohibit an unofficial party organization from making preprimary endorsements For example, if the statute were so drawn as to apply only to official organizations and to those which hold themselves out as official organizations in such manner as to mislead the voters, we think that the courts would probably uphold the statute In such case the contention could be made that the purpose of the statute is to prevent deception of the public, and it appears to us that this would be a sufficient basis on which the constitutionality of the statute could be sustained.

QUESTION No. 2

Would legislation be constitutional which

(a) Prohibited any or all organizations from using the name of a qualified political party in their titles or from using the name of a qualified political party unless certain specified conditions are met, or

(b) Prohibited any or all organizations from using the name of an unqualified party in their titles?

OPINION No. 2

We seriously doubt that the Legislature may prohibit an unincorporated organization from using the name of a political party as part of its own, unless the statute is limited in some manner to situations in which the public might be deceived or misled into believing that the organization is an official party organization We believe that the Legislature may condition the right of a corporation to use a party name

ANALYSIS No. 2

In 1959, the Appellate Division of the Supreme Court of New York, in the case of *Melc* v *Ryder*, 188 N Y S 2d 446, was asked to consider the question of whether a statute of the State of New York, which conferred on the county chairman of a political party the right to control the use of the party name or its derivatives, included the right to prevent an unincorporated association from using that name without the consent of the chairman.

The court held that the statute should not be so construed, and that if it were there was a serious question as to its constitutionality It stated that the voluntary association of individuals for lawful political purposes is a prime constitutional right, to which the use of a truly descriptive name would seem, in ordinary circumstances, to be an obvious derivative right (p 451) It indicated that so long as the use

of the name had no tendency to confuse the association of citizens with the official party organization, the statute should not be construed to apply.

We are inclined to believe that the courts of this State would reach the same conclusion as to unincorporated groups and organizations, and would hold that such a group or organization of persons have a constitutional right to use the name of a party in the name of the group or organization so long as there is no tendency to mislead or deceive the public into believing that the group or organization is an official party organization. We also think that legislation prohibiting the right, or making its exercise conditional, would be unconstitutional, unless limited in its application, in some manner, to situations in which the public might be deceived or misled. There appears no reason in this regard to distinguish between groups or organizations using the name of a qualified party and those using the name of an unqualified party.

We are of a different opinion insofar as corporations are concerned. A corporation is purely a creature of the law and can exist only by permission of the State, and the Legislature has absolute control over the formation of corporations, except insofar as it is limited by the Constitution (*Boca Mill Co.* v. *Curry,* 154 Cal. 326). Corporations are creatures of statute and are subject to legislative control (*Kaysser* v. *McNaughton,* 6 Cal. 2d 248)

In view of the nature of a corporation as a creature of statute, the formation of which and the powers of which are entirely dependent on statute, we believe that the Legislature could impose reasonable conditions as a prerequisite to the right of a corporation to include the name of a party in its own name For instance, we think that the Legislature could require a corporation, as a condition to using the name of a political party as part of its own, to obtain the consent of the officially recognized governing body of the party; that is, the state central committee

Very truly yours,

A. C MORRISON
Legislative Counsel

By EDWARD K PURCELL
Deputy Legislative Counsel

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ASSEMBLY INTERIM COMMITTEE REPORTS
1961-1963

VOLUME 8 NUMBER 7

REPORT OF THE

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

to the

1963 General Session of the California Legislature

House Resolution No. 361.10, 1961

MEMBERS OF THE COMMITTEE

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LOU A. CUSANOVICH
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TEDDY WILCOX, *Committee Secretary*

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COMMITTEE LETTER OF TRANSMITTAL

ASSEMBLY CHAMBER, STATE CAPITOL
Sacramento, California, January 2, 1963

HON. JESSE M. UNRUH
Speaker of the Assembly

MEMBERS OF THE ASSEMBLY
Assembly Chamber, Sacramento, California

GENTLEMEN: Pursuant to House Resolution No. 361 10, 1961 Session of the California Legislature, your Assembly Interim Committee on Governmental Efficiency and Economy herewith submits its report covering its studies during the 1961-63 interim period.

Several subjects are presented in this volume with subchapters for convenience and clarity. In addition, some material will be found printed as a supplement, but part of this general report Assemblymen Bradley and Levering dissent from the conclusions of the Fair Housing Report and may submit a minority report

We here summarize the committee's findings and recommendations. Exhibits, statements, and research material will be found included in the complete transcript. In the interest of readability and economy this report has been kept as concise as possible

Respectfully submitted,

LESTER A McMILLAN, *Chairman*

CLARK L. BRADLEY	JOSEPH M. KENNICK
RONALD BROOKS CAMERON	JOHN T. KNOX, *Vice Chairman*
LOU A. CUSANOVICH	HAROLD K LEVERING
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RICHARD T. HANNA	JOHN C. WILLIAMSON

FERRYBOAT FOR ANGEL ISLAND

House Resolution No 34 (Knox, Waldie, and Rumford—1962 Second Extraordinary Session) requested a study of the feasibility of state maintenance and operation of a ferryboat on the San Francisco Bay to provide recreational and transportation services, particularly for access to Angel Island. A subcommittee was appointed by Chairman McMillan to make this study As part of its work, the subcommittee made a field trip on September 13, 1962 to Angel Island along the proposed route of the subject ferryboat to and from Angel Island.

The report of the subcommittee as well as a study made in 1961 by the Division of Beaches and Parks were subsequently evaluated by the Assembly Interim Committee on Governmental Efficiency and Economy

FINDINGS AND RECOMMENDATIONS

1 At present Angel Island State Park comprises 221 acres of a total island area of 640 acres The 449 acres formerly used by the United States armed forces are now surplus to the federal need, except for minor United States Coast Guard installations The Division of Beaches and Parks is currently negotiating to acquire this acreage for recreational use Angel Island is a highly desirable potential addition to the State's recreational resources

2 The division's present plans call for a program designed primarily for the private boat owner Attendance during 1961 was 29,636 visitors and 11,079 boats. Two or three commercial carriers operating on San Francisco Bay transport a minor percentage of the total visitors Acquisition and full development of the entire Angel Island acreage may require revision of this program to meet future public need Until that time, however, the division's program seems well suited to this situation.

BOXING

House Resolution No 28 (Schrade—1962 First Extraordinary Session) requested a thorough study of safety in boxing and related matters, following the sensational death of Benny "Kid" Paret in a New York State boxing match This committee held hearings in Los Angeles May 22-23, 1962. In preparation, the committee made a number of inspections and had before it the Cox report of the Governor's Commission (1955), the Attorney General's report (1959), court proceedings in the Carbo case, and the United States Senate Kefauver subcommittee reports on crime (1950-1960).

FINDINGS

1. Despite more than nine boxing fatalities reported in California between 1938-1960, California still lacks adequately maintained and enforced standards of training, apprenticeship, skills and medical protection for boxing personnel licensed or approved by the State. Stadiums, arenas and gymnasiums have not been required by state or local agencies to provide adequate emergency medical rooms and equipment.
2. Most medical studies agree that blows to the head create cumulative brain tissue damage, which can eventuate in death To prevent such injuries, proposals have been made to declare all blows above the shoulder as fouls, and making boxing a defensive sport based on points. Opponents claim such proposals would eliminate professional boxing from California by reducing spectator interest
3. An urgent need exists for uniform nationwide rules and enforcement procedures. Unregulated closed circuit telecasting encourages competition among states for profitable boxing contests and open evasion of disciplinary measures imposed by stricter states, such as New York and California
4. The concern of the State Athletic Commission and its staff over the financial problems of professional boxing does not justify an apparent reluctance to develop and enforce a vigorous program of state supervision, safeguards and controls

RECOMMENDATIONS

1. The commission should compile and maintain accurate statistics and records concerning the medical and other pertinent histories of its licensees
2. Consideration should be given to development of a boxing apprenticeship program
3 Gymnasiums should be licensed and supervised.
4 The commission should study and make recommendations concerning mouthpieces and other protective equipment to be worn

by boxers Rules should be changed to require a supply of extra mouthpieces and sterilizing solutions at ringside Action should be stopped when a boxer drops his mouthpiece, and until it is replaced after sterilization or with a fresh one

5 Closed-circuit television promotions and sales in theaters and arenas should be licensed if constitutionally possible and taxed in the same way as local live events The commission should explore the means of achieving some form of control over the televising within California of boxing contests involving boxers or other personnel not approved by the commission. In the absence of federal regulatory legislation, the commission should explore the possibility of interstate compacts to help achieve more uniform regulation nationally.

6. The State Athletic Commission should be relieved of the responsibility to regulate and supervise wrestling Wrestling exhibitions should be classified as entertainments, with tax proceeds therefrom utilized through the General Fund for support of the commission and its program State officials and state licensed personnel, such as referees, should not be used to dignify exhibitions of wrestling entertainment

7. Injuries are a medical problem A medical advisory committee should be appointed by the Governor to assist the commission in all medical and health matters This medical advisory committee should qualify and set standards for attending doctors and seconds, recommend standards of emergency medical equipment and facilities, and determine the necessary frequency of periodic neurological examinations and electroencephalogram tests for each boxer, especially after knockouts Two approved doctors should be at ringside in all licensed bouts with authority to stop the action or the bout itself, if the doctors so decide In the exercise of this judgment, the doctors should be protected by immunity from liability.

8. The commission should re-evaluate present boxing rules to consider the various proposals made in these hearings, and to entertain additional suggestions Consideration should be given to making mandatory the ending of a bout following the third knockdown suffered by one contestant Finally, the present commission operation should be carefully evaluated in terms of the specific recommendations of the Cox report, and a report made to this committee

9. There was considerable sentiment among committee members for a recommendation that the Legislature abolish boxing entirely. The committee also feels that the present commission is not carrying out fully the recommendations of the Cox report Many of the carefully thought out recommendations of that report have been either completely ignored or only partially fulfilled

BUILDING SAFETY AND BUILDING RELOCATIONS

Assembly Bill No 2011 (Kilpatrick—1961) requiring building departments to furnish specified information regarding residential buildings and House Resolution No 209 (Collier—1961) requiring notice of building safety requirements to prospective purchasers were heard in Los Angeles November 20, 1962 The subject is presented in two parts.

FINDINGS AND RECOMMENDATIONS

I. *Full disclosure:*

Some local jurisdictions, including San Francisco and Oakland, have provided forms of buyer protection by local ordinance This seems primarily a problem of local enforcement, and one in which the State has not pre-empted the field The committee approves in principle the desirability of achieving full disclosure regarding properties It sees no need at this time, however, for state action in this matter.

II. *Building relocations:*

With the expansion of freeway and urban redevelopment programs, building relocating has become an important activity The problem of full disclosure becomes aggravated here, due to differing code requirements, zoning, etc

The financing and purchasing practices of relocaters, however, have significance to the State Small landowners have suffered serious loss as the result of subordinating their equities in transactions based on misrepresentation of values By informal prearrangements, relocaters can control bidding, with the result that state and local agencies may not receive prices obtainable in a free auction By misrepresenting the finished product—or failing to complete buildings to meet local codes—relocaters have caused lot owners to lose their subordinated equity through foreclosure

Much of this practice can be controlled through strict enforcement of the Real Estate Securities Licensing Law, piercing the strawman veil of nominees to require licensing under the Contractors' Code, and local action to withhold relocation permits from persistent malefactors. Most effective would be legislation providing some protection for the equity subordinated.

BUILDING DESIGNERS

Assembly Bill No 2428 (Unruh—1961) was heard in San Francisco November 17, 1961 This measure was designed to establish state control over the presently unregulated field of building designers who are not architects or engineers Complaints were heard of harassment of building designers by investigators from the Architects and the Engineers Licensing Boards Meanwhile, the building designers charge there is no prosecution of engineers for failure to comply with the Architects Act

Proponents and opponents were requested by this committee to attempt to work out their differences and report back to the chairman at a later date While complete progress has not been accomplished, at this time the committee recommends the following to the Legislature

FINDINGS AND RECOMMENDATIONS

1 At present anyone can offer building design services to a client as long as he states *he is not an architect* There is no other regulation of his ability to perform except for limitation as to the size of buildings to be designed Civil and structural engineers are not required to make this statement They are otherwise exempt so long as they do not in fact describe themselves as architects.

2. In the interest of protecting the public health and safety, consideration should be given to some form of state regulation in this field, possibly through Assembly Bill No 2428, with suitable amendments

COMMUNITY REDEVELOPMENT

Assembly Bill No 2740 (Elliott—1961) dealt with the subject of compensation for property acquired through eminent domain by community redevelopment agencies

FINDINGS AND RECOMMENDATIONS

1 Community redevelopment should be planned to upgrade the entire community, including the displaced resident A danger exists that under some present programs new slums are being exchanged for old.

2. Compensation for displaced homeowners should be adequate to replace the dwelling with one of an adequate standard. Some form of subsidy or special low-interest financing should be considered to achieve this purpose

3 A centralized or co-operative relocation service should be developed to serve state and local agencies, such as the Highway Department and community redevelopment agencies The impact of relocation made compulsory by exercise of eminent domain powers should be ameliorated by intelligent and sympathetic planning.

4 The Legislature should consider the need to recodify and reorganize in functional order the community redevelopment laws.

5. Consideration should also be given to consolidating nondiscrimination statutory sections into one statement of principle and of enforcement.

6. Assembly Bill No 2740 with suitable amendments or comparable legislation should be considered for submission to the 1963 Legislature.

CONTRACTORS

Assembly Bill No 3125 (Meyers—1961) and House Resolution No. 274 (McMillan) dealing with amendments to the Contractors' Code were heard together in Los Angeles November 20, 1962 Assembly Bill No 3125 would make contractors liable for materially defective work even though performed in compliance with plans and specifications for the job House Resolution No 274 dealt with a possible need for licensing in the major appliance field

FINDINGS AND RECOMMENDATIONS

1 Much of the objective of Assembly Bill No 3125 is already being achieved under existing provisions of the Contractors' Code The need for additional legislation at this time was not demonstrated

2 The committee heard support for the principle of the measure, but none for the bill in its present form

3 Proposals to license appliance dealers were studied by this committee in 1960 Legislation was introduced in 1961, passed by the Assembly but failed of approval before a Senate committee. Since then proponents have divided, with radio, television and other electronic appliances separating from the so-called major appliances, such as stoves, refrigerators, etc.

4 A petition is currently before the Contractors' Board asking for a specialty classification license based on the Home Improvement Act. The Legislative Counsel advises this committee that the act does not give the board authority to grant this petition The committee concludes, therefore, that such licensing would need to be enacted by new legislation

5. Licensing legislation is not recommended at this time

EFFICIENCY IN AGENCY OPERATIONS

House Resolution No 440 (Hawkins—1961) requesting a study of efficiency in government agency operations, was heard in San Francisco, September 11-12, 1962, and in Los Angeles, November 20, 1962. The committee emphasized three areas of inquiry, which are indicated below

FINDINGS AND RECOMMENDATIONS

I. *Elimination of Paper Work*

1. Encouraging reports were presented indicating substantial progress is being achieved by the administration in reducing the cost of recordkeeping and storage. Additional attention should be directed toward reducing the size and number of forms used in reporting, requiring brevity in informational literature, and consolidating explanatory material
2. A suggestion was presented for the use of county probation officers' reports in lieu of the clinical study section reports now prepared in the reception guidance centers It was estimated this suggestion, if feasible, could save $1,000,000 annually.

   The committee recommends careful consideration and evaluation of this proposal by the Department of Corrections

II. *State Lands Use and Management*

1. Appropriate action should be considered by the Legislature to halt all sales or other disposition of state-owned lands until a competent evaluation of their best and highest use in terms of future state or local governmental need can be made Future park and recreational needs should be given high priority in such evaluations
2. The Legislature should designate a suitable agency or commission to make such an evaluation Local government should be represented as needed
3. State, county, municipal and other local agencies should be encouraged to determine their present and future recreation needs, inventory available and suitable lands, in order to co-ordinate land use and recreation needs on a statewide or regional basis
4. Where state, county or other local government agencies demonstrate a need exists for present or future park or recreation use of lands now owned by the State, the Legislature should enact legislation or a declaration of intent providing for flexible financial arrangements, including long-term leases or lease-purchase, to enable use of such lands to meet approved needs
5. In the chapter on the Marina Del Rey State Park of this report the committee makes recommendations on certain aspects of this subject Meanwhile, the State Lands Commission has already instituted an inventory of lands under its control and a land

management program Although tax deeded lands are exempted and placed under the Controller's office, by virtue of the Controller being a member—and presently chairman—of the Lands Commission, tax deed lands are currently included in the Lands Commission's index

The Highway Commission, now spending $150,000,000 annually in land acquisition, also has indexed its lands The University of California, with a smaller program of opportunity acquisition, is separated by constitutional provision from the normal processing of state lands transactions

6. Increasing co-operation and co-ordination between state agencies can reduce state acquisition expenditures by careful evaluation of lands prior to disposal The principles of sound planning and management should be applied to all state lands, including those held for educational purposes
7. Legislation should be enacted amending Section 7361 of the Public Resources Code to permit selling of timber—especially the salvaging of burnt trees—separate from the selling of land

III. *Air Travel Costs*

1 In certain areas of state transportation requirements air transport could achieve important savings in cost and time over ground transport Examples include high-salaried personnel travel, forest firefighting, transport of prisoners and mental patients

2 Public air carriers presently service 31 or 32 airports out of 117 where a fully loaded DC-3 could operate The feeder-line concept has failed, with 24 intermediate stops lost in the past 17 years

3 The State now has aircraft engine maintenance at Tracy

4 Consideration should be given to the following.

(a) Adjust mileage allowance and rules to enable properly licensed individuals to use their own aircraft on state business

(b) Explore the feasibility of the Aeronautics Commission acting as a co-ordinating agency to develop a suitable program to meet state needs

(c) Co-ordinate state purchasing of scheduled air travel and hotel-motel space to achieve discounts equal to those now extended to private travel agencies

FAIR HOUSING

Assembly Bill No 801 and House Resolution No 437 (Hawkins—1961) on the subject of prohibiting discriminatory practices in publicly assisted housing were heard in Los Angeles September 28-29, 1961

FINDINGS AND RECOMMENDATIONS

1 Despite present statutes racial discrimination exists in publicly assisted housing, community redevelopment and relocation programs, schools, and employment Factors contributing to this situation include inadequate law enforcement at various levels, segregation by economics, the resistance of lending institutions to financing of nondiscriminatory housing—to name a partial list—and racial discrimination practices on the part of associations of real estate licensees and of home builders

2. Legislation should be enacted to provide adequate penalties for state licensees, including real estate licensees, who break the law individually or in association with others

3. Federal housing agencies have abetted racial discrimination in housing It remains to be seen whether this situation will be effectively bettered by the presidential order announced on November 20, 1962.

4 Assembly Bill No 801 or its equivalent should be resubmitted to the 1963 Legislature.

5 From evidence presented it seems clear that the impact of minority group occupancy upon property values is not of itself depressive. Other factors such as panic sales induced by real estate dealers, "block-busting," and segregation or ghettoizing tactics are more significant in their effect.

FIRE

House Resolution No 443 (Hawkins—1961) was heard in San Francisco September 11, 1962 This measure directed the committee to study the operations and scope of state fire protective activities in relation to the need for eliminating overlap, increasing effectiveness, and achieving economies in the State Fire Marshall's office and related agencies

FINDINGS AND RECOMMENDATIONS

1 The State Fire Marshal's office presently employs 49 paid deputies and a clerical staff of 30 Ten branch offices of one deputy each and three district offices help cover the State Operating on a total budget of $600,000—of which 33 percent is self-support through fees, etc —this agency saves the State substantial costs by delegating field enforcement responsibilities of some programs to local fire officials on a broad home rule basis However, where local areas have no legally organized fire departments, the Marshal has responsibility for total enforcement

2 Considerable overlapping activities exist, as found in studying the fire and safety operations of agencies concerned with housing, drycleaning, forestry, corrections and civilian defense The costly duplication and overlap of activities in these fields, if eliminated, would result in substantial savings to the State and improve efficiency in operations

3 Both state fire deputies and investigators from the Department of Professional and Vocational Standards visit the same establishments each year. All necessary inspection functions could be performed by the fire deputy in one visit, reporting on license check and violations to both agencies Prior to 1945 this was the method of operation.

4. The fee schedule for regulating the fire extinguisher field should be revised upward and this service should be made self-supporting 1962 legislation which reduced this income 70 percent should be reconsidered.

5 Retroactive fire and life safety requirements in existing hotels, apartment houses, and state-owned or occupied buildings should be enacted Retroactivity already exists in schools, places of public assembly and institutions

6 Legislative action should be taken to establish a contract fee schedule for state plan checking by the Fire Marshal's office There is no other state plan checking service, the committee is informed.

7. The regulation, sale, use and transporting of explosives should be studied to provide adequate fees for map preparation, checking, and enforcement of safety precautions. A uniform permit system should be established and effectively enforced.

8. Consideration should be given to the possibility of placing the Division of Housing under the State Fire Marshal's office with a view to consolidating functions, eliminating duplication, and achieving major economies.

MARINA DEL REY STATE PARK

By authority of Chapter 2305, 1957 Statutes, introduced by Assemblyman Lester A McMillan, the State appropriated $2,000,000 for a loan to the County of Los Angeles, initiating the construction and development of the Marina Del Rey Federal, state, county and municipal action and public funds since then have drained and reclaimed a large area now rapidly on the way to becoming one of the finest water playgrounds in the world

In 1961 Assembly Bill No 511, introduced by Mr McMillan with Assemblyman Harold K Levering as coauthor, provided for the creation of the Venice Boulevard Expressway. This great surface traffic artery together with the Santa Monica Freeway is intended to provide easy access to the Marina and beach communities

House Resolution No 336 (McMillan—1961) requested a study of the feasibility of acquiring and developing property contiguous to the Marina for public recreational use by the State of California or the County of Los Angeles

Following a field trip to the area, a subcommittee of the Assembly Interim Committee on Governmental Efficiency and Economy held a public hearing in Culver City, May 4, 1962 In addition, a number of staff interviews and community surveys were undertaken

FINDINGS AND RECOMMENDATIONS

1 Because of the fine beaches, warmer water and climate, and sunshine, this area serves not only Southern California but all the State However, with over 6,000,000 now and a 12,000,000 population expected for Los Angeles County alone within 20 years, a state park here should be designed for multiple uses, with no emphasis on overnight camping

2 While Los Angeles County's population is increasing by several hundred each day, land is being used up by subdivision development at the rate of 116 to 120 acres per day Not only is available land disappearing rapidly, but land prices in the metropolitan area are sharply increasing.

3 Public planning and acquisition for recreational needs must, therefore, be accelerated in order to reserve as soon as possible and with resulting long-term savings such sites as are yet available and suitable In 1960 reports indicate 25,000,000 people visited California's state parks Camping and park attendance in the last decade increased by 359 percent from 6,600,000 to 25,000,000. Meanwhile the gain in park acreage was only 19 percent, or from 581,629 acres to 692,284 Existing camping facilities alone are being overused by an estimated 30 percent.

4 Unless the state acts immediately the public funds poured into this area and the great land values thus produced will soon place the acreage still available here, but which is privately owned, in

a price range far out of reach for public use The Division of Beaches and Parks is reportedly paying as much as $1,200 per linear foot for Santa Monica shore property which could have been purchased at a nominal cost 25 years ago It is apparent that state and local governments are facing an imminent and increasingly acute shortage of space for park and recreation use.

5 Legislation is recommended to enable federal, state, county, municipal agencies and private enterprise to co-operate in a master plan of development of this total area for the highest and best public use Essential to this is establishment of additional state park facilities at the subject site

MARRIAGE COUNSELING

The committee heard testimony on marriage counseling (House Resolution No. 81—Mulford, 1962 Regular Session) in Los Angeles November 19, 1962. The committee secured the services of special investigators, consulted police and other governmental files, and made numerous staff investigations in preparation for the hearing. As the result of affidavits received from complainants and reports from the committee's investigations, a number of witnesses were issued subpoenas to ensure their appearance.

FINDINGS AND RECOMMENDATIONS

1. Marriage and family counseling deals with two institutions of basic importance to the State Such counseling has for years been a function of services rendered by physicians, attorneys, clergymen, social workers, psychologists, sociologists, family service agencies of a quasi-public nature, and more recently, specialized courts, such as the justly famous Los Angeles County Court of Conciliation
2. Whether regarded as an emergent profession or a form of therapy, there are as yet only a few accredited academic institutions known to the committee which grant special degrees in marriage counseling
3. An initial effort should be made by the recognized professions named above and their associations or agencies, in co-operation with local Better Business Bureaus and communications media, to set up voluntary standards of practice and advertising of service as marriage counseling Churches have an important responsibility to require special academic training and supervised counseling experience of pastoral counselors who operate as private practitioners.
4. Legislation should be enacted to prohibit the business of providing marriage, family, or child counseling services to the public except by one licensed by the State to perform such services. Authority should be given the Director of the Department of Professional and Vocational Standards, assisted by such additional staff as he may need, to set standards, issue licenses, require fees, and enforce regulation of this activity
5. Legislation should be enacted to license social workers on a mandatory and comprehensive basis
6. Legislation should be enacted prohibiting the use of hypnosis or drugs in marriage counseling by anyone other than a physician, and providing appropriate penalties for violations

MINIMUM PAINTING STANDARDS

House Resolution No 443 (Winton—1961) was heard by the Assembly Interim Committee on Governmental Efficiency and Economy in Los Angeles, September 29, 1961 This measure requested a study of the feasibility of establishing minimum painting standards in home construction In addition, a number of staff studies were made and conferences held with industry and labor

Representatives of a number of state agencies as well as individuals representing manufacturers, distributors, contractors and labor unions testified as to the extent of the problem and the need for legislative action At the hearing and subsequently numerous affidavits and photographs were presented by proponents supporting the claim that the problem was widespread and increasing in seriousness No witnesses appeared in opposition to the proposal To date, the committee has heard of little or no opposition to the proposal

FINDINGS AND RECOMMENDATIONS

1 Paint failures on residential and other construction may be caused by any one or a combination of several factors, including.
   a Faulty surfaces, such as green lumber, improperly cured stucco and plaster or other moist surfaces; inadequate preparation or cleaning
   b Improper dilution of paints
   c Inferior materials.
   d Improper priming
   e Inferior workmanship
   f Inadequate inspection standards
   g Lack of adherence to specifications
   h Collusion.
   i Inadequate or no sealing.
2 The California Division of Architecture has successfully set standards for application and materials on work paid for by state funds and under its jurisdiction.
3 The State Building Standards Commission advises this committee that practical and effective paint standards could be readily incorporated into the proposed state building code, and has requested legislative authorization to prepare such regulations for use on a statewide basis.
4 It is the recommendation of this committee that the State Building Standards Commission be requested to develop suitable and practical painting standards to meet the above problem, in consultation with appropriate state, federal and local agencies, as well as the various segments of the painting industry, labor and consumers. Once such standards are developed, this committee will evaluate related problems such as enforcement and responsibility and make suitable recommendations to the Legislature for action as needed.

PROPERTY APPRAISERS

Assembly Bill No 2341 (Rees—1961) proposing the licensing of property appraisers was heard in Los Angeles November 20, 1962. Similar proposals were heard by a Senate committee earlier this year and the transcript of that hearing was consulted by this committee.

FINDINGS AND RECOMMENDATIONS

1. The field of property appraising is divided into a number of areas, including real estate, right-of-way, farm, general, residential, personal, and other forms of real property evaluation In addition, allied professions, such as engineers, practice appraisal work.
2. Proponents and opponents disagree vigorously on whether a need exists for mandatory licensing, whether a uniform license or the necessary standards and qualifications could be successfully defined Numerous problem areas exist and more could result unless such agreement is achieved.
3. No evidence was offered that any other state has licensed appraisers.
4. This committee makes no recommendation on legislation at this time

SUBDIVISIONS AND LAND FRAUDS

Assembly Bills Nos 2771, 2772, and House Resolution No. 446 (Knox—1961) dealing with subdivision practices, sales, advertising and control of misleading and fraudulent operations were assigned to the Assembly Interim Committee on Governmental Efficiency and Economy Since the problems of offering for sale in California of out-of-state subdivisions were common to those of in-state subdivisions, the committee included the latter in its inquiry In addition, a special hearing was held on certain phases of the Subdivision Map Act as related to subdivisions generally. This topic is reported separately in this volume.

Public hearings were held in San Francisco, November 16-17, 1961, and in Los Angeles, January 18-19, 1962 Subcommittee field trips were made to land promotions in Oregon, Nevada, Arizona, and California. Numerous conferences were held with state agencies and the committee was represented in the National Conference on Interstate Land Sales in San Francisco, October 1-2, 1962.

In this study the committee has examined land merchandising practices and patterns of governmental regulation and supervision from as many aspects as possible The problems and remedies have much in common, whether we consider out-of-state lands offered in California, in-state lands offered in California, or in-state lands offered outside California The committee's main concern, however, was with remote—sometimes termed unanchored—land promotions far from the path of urban development and with doubtful economic future

Although itself an important supplier of such lands, California—like Pennsylvania, Ohio, and New York—is a major consumer and target state From 1,700 acres offered here in six out-of-state filings 1959-60, last fiscal year 1961-62 showed an increase to 143,000 acres in 94 filings with approximately 70 filings more waiting to be processed. These parcels, offered on such a basis as $10 down, $10 per month, accounted for $500,000,000 paid or committed through land sales contracts, according to the estimate of the Attorney General. In one thinly populated county in Arizona more than 300 active subdivisions flourish today

California being both a situs and investor state faces serious enforcement problems including the following:

1 Difficulty of service and prosecution when violators are out-of-state.
2 Inadequate penalties for violations.
3 Getting the filing when required Learning of misrepresentations in time to take action.
4 Abuse of existing waiver provisions
5 Assurance that purchasers read and understand the public report prior to purchase.

6. Inadequate power to act against misleading and deceptive promotions based on the "whole story," instead of present statutory controls limited to affirmative representations.
7. Protecting purchasers' funds and equities to assure clear title and fulfillment of promised improvements without hidden, additional costs.

The main problem concerns subdivisions in small parcels of remote, unanchored, undeveloped and usually submarginal land and the sale of these parcels on installment contracts, sight unseen, to small income citizens for residential, retirement and investment. To the purchaser the problem is one of securing clear title to the land and improvements he has been told he is buying The State faces serious problems of major land blight, health taxation and welfare problems for years to come

FINDINGS AND RECOMMENDATIONS

1. *Land should be recognized in and treated by statute as an investment.* Offerings, purchases, and other dealings in land should be regulated and protected equally with other recognized investment securities
2. Subdivisions located in or sold in California should be *required to obtain a permit based on a determination that the offering is fair, just and equitable* This determination should be made by the Real Estate Commissioner in accordance with procedures to be prescribed by the Legislature Maine, Ohio, Tennessee and Vermont now have a permit system New York gives out-of-state installment contract sales special treatment.
3. Out-of-state developers offering in California should be required to designate the Secretary of State of California to accept service in their behalf
4. The present 20-acre waiver provisions of the Subdivision Act should be eliminated.
5. The penalty for violation of the subdivision statutes should be increased from misdemeanor to felony or misdemeanor, leaving the choice to the courts
6. The public report should be revised, made more readable, and include facts based upon appraisal of comparable lands in the area The Real Estate Commissioner should undertake a public information program to acquaint the people with the importance of the public report Facts such as the pro rata acquisition cost, the amounts expended by the promoter for improvements, promotion, commissions, promotional stock and interests, tax assessment value, etc , should be made available to the land investor just as they are made available under securities disclosure statutes to securities investors. It should be noted they are now made available to the investor in the stock of the land development company.
7. Consideration should be given to adoption of a fraud statute similar to the Federal Mail Fraud Act making punishable the employment of any plan to defraud or which would tend to defraud. The definitions of advertising frauds now existing in Florida, Hawaii and New Jersey statutes should be considered.

8. The use of special assessment districts should be evaluated and controlled, especially in relation to the hiding of improvement costs from purchasers
9. Publicly recognized personalities, including individuals frequently presented by television and other mass media who lend their names or support to land promotions for a consideration should be subjected to the same penalty in case of violations
10. The Real Estate Commissioner should not be required to be or to have been a real estate licensee The Legislature should re-evaluate the Real Estate Commission, consider the advisability of abolishing it or revising it to make it more representative, and free it from domination by the real estate business
11. Legislation for the permit power should be drafted so as to authorize the commissioner to move quickly to protect the public, in view of current aggressive use of mass media by unscrupulous promoters However, time limits should be placed upon the commissioner's deliberations, so as to avoid an abuse of his power merely by refusing to act or by inefficient administration methods The law should also apply to California subdivisions sold exclusively outside the State
12. The purchaser of unimproved land is especially vulnerable if the contract is unrecorded, as is the practice in many current promotions Legislation should require recording of the contract or conveyance of the property into trust until the buyer has completed his payments Use of the trustee device should also be considered to provide safeguards in dealing with the problems of encumbrances, promised improvements, and undercapitalization of the promoter.
13. While the present full disclosure law has been helpful—and is in fact superior to that of most states—it is ineffective to deal with this complicated problem Blue sky laws, insurance regulatory statutes, and other laws evidence recognition by the Legislature that economic areas exist where it is so difficult for the individual to protect himself that the State must intervene.
14. Legislation embodying these recommendations should be carefully drafted against constitutional attack. Legislative findings should be carefully recited and set forth describing the evils legislated against, establishing the legislative intent, and establishing the similarity of the problems involved with those already found in the blue sky and securities regulation statutes.
15. The subdivider should be required to include a copy of the public report as part of the descriptive material sent in reply to inquiries for such literature

Subdivision Map Act

In the course of the committee's intensive study of subdivision practices attention was drawn to a possible need for considering revisions in the Subdivision Map Act. The committee's recommendations to the Legislature on the subject of subdivisions would necessarily require changes in the Subdivision Map Act to eliminate conflicts and bring

the various pertinent statutes into harmony. As a result, on November 20, 1962, the committee heard testimony pertaining to this phase of the problem It is presented here in a separate section for clarity and convenience.

FINDINGS AND RECOMMENDATIONS

1. The Legislature should consider the need for a study leading to eventual recodification of the laws relating to real estate transactions and mapping in the interests of creating a clear and more precise code.
2. Consideration should be given to developing more flexibility in local application and legislation under the Subdivision Map Act. The requirements of densely populated urban communities may not be suited to and may hamper development of thinly populated rural areas On the other hand, failure to consider future growth in what is now a rural or satellite area, may create blight and slums within a few years A possible approach may be found in basing local improvement requirements on a sliding scale of population density per square mile of area
3 The committee recommends that appropriate representatives of county and local governments should be consulted in planning such a study.

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Report of the

ASSEMBLY INTERIM COMMITTEE ON PUBLIC HEALTH

W. BYRON RUMFORD, *Chairman*

SUBCOMMITTEE ON COSMETOLOGY

COSMETOLOGY IN CALIFORNIA

MEMBERS OF SUBCOMMITTEE

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ASSEMBLY

OF THE STATE OF CALIFORNIA

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HON JEROME R WALDIE, *Majority Floor Leader*
HON JOSEPH C SHELL, *Minority Floor Leader*
ARTHUR A OHNIMUS, *Chief Clerk*

LETTER OF TRANSMITTAL

January 3, 1963

HON JESSE M UNRUH, *Speaker, and*
Members of the Assembly

GENTLEMEN The Assembly Interim Committee on Public Health submits the Report on Cosmetology in California prepared by the Subcommittee on Cosmetology in accordance with House Resolution No 361

This report draws upon testimony given at a public hearing together with additional relevant material gathered by the committee staff.

Respectfully submitted,

W. BYRON RUMFORD, *Chairman*

LETTER OF TRANSMITTAL (Subcommittee)

January 3, 1963

HON W BYRON RUMFORD, *Chairman*
Assembly Interim Committee on Public Health

DEAR MR RUMFORD The Subcommittee on Cosmetology was appointed following adjournment of the 1961 General Legislative Session in accordance with the provisions of House Resolution No 361.

The subcommittee wishes to express its appreciation to the many individuals whose continuing interest in cosmetology and whose knowledge of the occupation have been of much assistance

Respectfully submitted,

SHERIDAN N HEGLAND, *Chairman*
REX M CUNNINGHAM *
CLAYTON A DILLS
JAMES L HOLMES
PAUL J. LUNARDI
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* Resigned April 22, 1962.

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REPORT OF SUBCOMMITTEE ON COSMETOLOGY

Findings:

1 In the 10-year period from 1953 to 1962 the number of private cosmetology schools has increased by 337 percent, from 38 to 166

2 The number of cosmetology students trained in California cosmetology schools has risen during the period from 1954 to 1962 by 356 percent, from 1,443 to 6,590

3 The traditional lack of competition between school and shop due to the location of the school and the selection of its clientele has been replaced by a more direct competition due to the movement of schools to suburban locations

4 The California requirement of a minimum of two instructors and an additional one for each 25 students after the first 50 is lower than the requirements for most states which have instructor-student ratio provisions in their laws

5 An accreditation system for cosmetology schools based predominantly on student failure rates in the state examination would operate against schools which, because of their location, offer the least competition to cosmetology salons.

6 The Board of Cosmetology possesses considerable authority over the training of the cosmetology student in the form of control over the curriculum and the state examination

Recommendations:

1 The Board of Cosmetology be given discretion comparable to that now possessed by the Board of Barber Examiners to approve or deny the opening of new cosmetology schools

2 Consideration be given to raising qualifications for the instructor's license

3 The ratio of instructors to students in schools be changed from the present one instructor to 25 students to one instructor for 20 students

4. The freshman period of the cosmetology student be raised from 200 hours to 350 hours

SCOPE OF THE REPORT

This report will seek to cover only a few of the many proposals which have been suggested as changes to the state laws governing cosmetology It will concentrate on the two areas which seem by far the most important, the training of the student and the relationship between the cosmetology school and the cosmetology salon While a multitude of questions will thus not be directly commented upon, it is hoped that the information contained in the report will also throw some light upon possible answers to these other questions

Introduction

If the quantity of legislation introduced in a particular subject area is some indication of a problem being present, cosmetology with over 19 bills introduced during the 1961 session and 11 during the 1959 session provides a pertinent example An analysis of these bills indicates that two main themes predominate quality of training in cosmetology schools, and competition for the patron dollar between the cosmetology school and the cosmetology shop At the October 11, 1961, hearing in San Diego, the witnesses testified on these two points and the relationship between them

It should be noted at the outset that there are several complicating factors present in the cosmetological occupation While the private cosmetology schools have an educative function, there is also the obvious necessity that they operate on a monetary profit basis While education and profit are two goals not usually tied together, the cosmetology school does share this characteristic with a number of training schools such as real estate schools, bartending schools, dental assisting schools, and several others The uniqueness of cosmetology arises not so much from the combination of education and business but from the necessity that the cosmetology student must train on the same subject matter, i e , the woman who wants her hair beautified, as the cosmetology shop depends upon for its livelihood This arrangement cannot help but produce an anomalous competition between the school and the shop which is extremely rare in any other training program

There is further complexity in the fact that the State of California and most other states make it virtually mandatory that any person wanting to become a cosmetologist must attend a cosmetology school for several months (The California requirement is nine months and 1,600 hours) Finally, laws covering the operation of the cosmetology occupation in California cover over 50 pages of the Business and Professions Code and the scope of subject matter ranges from the broad policy to the most minute detail There is thus little doubt as to why any problem in cosmetology appears in some way to be a problem either created by legislation or susceptible to being alleviated by legislation One of the tasks of this report is to attempt to ascertain the probability and effectiveness of legislation in mitigating some of these problems

THE TRAINING OF THE COSMETOLOGIST

There are at least two primary concerns present in the training of the cosmetologist

1 The quality of education.
2 The relationship of the training process to the status of the occupation

A large portion of the San Diego hearing consisted of an enumeration of the faults of the newly graduated cosmetologists These included both technical deficiencies and attitudinal characteristics Mr John Knauer, a salon owner and a past president of the San Diego unit of the California Cosmetologists Association, using the case of "Susie" commented on the lack of proficiency of the new recruit

Susie, as a typical individual desiring to be a cosmetologist, investigates the possibilities and finds that if she spends 1,600 hours in school and passes the state board examinaiton she will be issued a license as a cosmetologist and she can work in any salon in the State Anyone successful in the field will agree that hours, plus passing the state board examination satisfies the legal aspects of becoming a cosmetologist, but they will tell Susie that there is a wide gap between having a license and being a cosmetologist

Most salon owners will agree that if they did not work with Susie for six months to a year she would not be able to survive in such a competitive field

Why are salon owners forced to train and support Susie to become a cosmetologist? If she were trained properly in school this would not be necessary Why do incompetent, and in some cases, undesirable Susies get to the level of taking the state board examination? If Susie were studying to be a doctor or a lawyer she would be expelled if she did not carry a high grade point average If the school owners were salon owners, how many Susies would they hire? It is easy to teach Susie the mechanics of hairdressing The application of these mechanics takes many hours of supervision and training In too many cases Susie does not get this [1]

Mr Robert Jennings, President of Beauty Salon Owners, Incorporated, testified in a similar vein

It cost me between $800 and $1,500 in customers lost, wages not earned and time spent on every student operator I have engaged for the three years Why should this be necessary?

These students have paid anywhere from $300 to $425 tuition and spent 9 to 12 months of their time expecting to get enough individual supervised instruction throughout the course to be fully prepared Instead they find themselves caught up in a big cut-rate salon operation that certainly does not bend far enough toward the training of students [2]

The lack of other desirable characteristics was elaborated by Mr George Lund, Executive Secretary of Beauty Salon Owners Unlimited

We salon owners are recurrently faced with the problem of newly licensed cosmetologists whose attitude toward patrons is condescending in the extreme, who vociferously resent our requests to keep their own working areas clean, whose working uniforms are untidy, and in some cases actually slovenly, who very often discourage patrons from requesting certain services on the grounds that these services are less remunerative than others and are therefore a waste of the operator's time The fact that the main purpose of a cosmetologist is to *serve* the public seems to be completely ignored during the training period of cosmetology students We consider it unfair to the student that the current trend in the private beauty schools toward replacing quality with quantity leaves

[1] *Cosmetology*, hearing of the Subcommittee on Cosmetology of the Assembly Interim Committee on Public Health, October 11, 1961, pp 3-4
[2] *Ibid*, p. 11.

the graduate unable to cope successfully in a field of endeavor the training for which he has spent several hundreds of dollars and 1,600 hours of his time [3]

Closely connected with the comments on the deficiencies in the actual preparation of the cosmetologist in the cosmetology school was the recurring theme of the status or image of cosmetology as an occupation The "ultimate goal," one witness stated, was "to be recognized as a profession in a legal sense" This aspiration was reiterated several times during the course of the hearing along with changes in the laws thought necessary to accomplish the goal. Mr. Knauer noted that·

> At the last state convention of the California Cosmetologists Association the delegates expressed their wish to be recognized as a profession In order for this to be brought about it will be necessary for us to raise our standards Since it will be difficult if not impossible to change some of the people presently serving in the field, we must mold the concepts and attitudes of the people who are entering the field into proper channels so that eventually the standards will be raised to the level that will be recognized as a profession.
>
> A.B. 244 was designed to initiate insofar as possible legislation which would protect the individual desiring to enter the field of cosmetology [4]

Miss Juliette Cote, representing the San Diego Cosmetologists Association, the initiators of A B 244, commented on the motivation for the bill

> Fellow cosmetologists with comparable experience readily agree that we have grown into one of the most promising service-rendering vocations of all times but above all we have progressed as business people as well We fully realize that a terrific awareness of professional growth has come to haunt us. We must do something about it
>
> For years we have been begging for more and better education in order to serve the public to the best of our abilities and for an equal number of years our pleas have been misinterpreted. When we speak of more education we are not speaking or asking for additional hours in the arts of cosmetology. No, we speak of the need for courses in general education which will prepare a person for vocational adjustments We need to prepare the potential cosmetologists with sound business and professional attitudes.[5]

The primary question present is whether the quality of the training which the student now receives is capable of being significantly altered by changes in legislation or if it is substantially within the current authority of the Board of Cosmetology to effectuate, or whether it is governmentally possible to accomplish In this latter category would seem to fall such things as the attitude of the new cosmetologist toward the customer whether it be condescending or polite.

[3] *Ibid*, p 23.
[4] *Ibid*, p 2
[5] *Ibid*, p. 30.

A review of the authority of the Board of Cosmetology with regard to schools reveals a wide discretion The board can set the curriculum content and can regulate the hours accorded to each of the subjects.

> Every school of cosmetology shall maintain a school term of not less than 1,600 hours extending over a period of not less than nine months, and shall maintain a course of practical training and technical instruction, equal to the requirements for examination for a certificate of registration and license as a cosmetologist.
>
> It shall include in its curriculum a course of shop deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public
>
> It shall so arrange the courses devoted to each branch or practice of cosmetology as the board may from time to time adopt as the course to be followed by the schools [6]

In addition, the board sets the subject matter to be covered in the examinations for the license as well as the standards of ability necessary to pass the examination.

> The examination shall not be confined to any special system or method It shall be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the board as to the applicant's skill in, and knowledge of, the practice of the occupation or occupations for which a license is sought.[7]
>
> Examinations for certificates of registration and license as cosmetologists shall include practical demonstrations in shampooing the hair, haircutting, hairdressing, permanent waving, wet hairdressing, water waving, hair coloring, manicuring and facial and scalp massage with the hands. They shall also include written and oral tests in antisepsis, sterilization, sanitation and the use of mechanical apparatus and electricity as applicable to the practice of the occupation of a cosmetologist. They may include such other demonstrations and tests as the board, in its discretion, may require.
>
> The scope of examinations in any other branch of cosmetology shall be such as the board, by regulation, in its discretion, may require.[8]

The contention that the cosmetology code must be entirely rewritten in order to achieve adequate training appears to be based on the mistaken belief that the curriculum is set by statute. While the statutes on cosmetology do provide definite guidelines, there is some doubt as to the ability of statute provisions to directly affect teaching practices and standards. The Board of Cosmetology apparently has a large amount of authority at its disposal and must be looked to for leadership in this area

As was mentioned above, the theme of cosmetology as a legally recognized profession was prevalent at the hearing While there has been

[6] *Business and Professions Code*, Sec 7394
[7] *Business and Professions Code*, Sec 7371
[8] *Business and Professions Code*, Sec 7372

some research on the characteristics and identification of a profession,[9] the relationship to legal status and legislation on cosmetology is rather unclear The uses of occupational licensing by the State are quite diverse but any attempt to limit the access of individuals to the occupation through setting unrealistic qualifications should be regarded with suspicion.[10]

Instructors

It is with regard to the qualifications for instructors which amendments to the law would be necessary in order to institute changes

> Every person who instructs students in a school of cosmetology shall be a licensed cosmetologist (1) who has had either (a) one year of practical experience in all branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or (b) 600 hours of teacher training in a school of cosmetology and (2) who has passed an instructor's examination given by the board and has received an instructor's license [11]

Proponents of the need for improved training repeatedly stressed the centrality of the qualifications for instructors The changes offered in A B 244 would have altered the above by raising the age from 18 to 21, education from 10th grade or equivalent to 12th grade or equivalent, experience requirement from one year *or* 600 hours of teaching instruction to two years *plus* the 600-hour requirement together with passing an examination in the theory and practice of teaching of cosmetology with no mark in any subject below 75 percent These would be substantial changes, especially the two-year experience requirement There is, however, a consensus in cosmetology that a teacher of cosmetology should meet higher standards than are now required Any such change, however, would of necessity be of long-range effect At the present time, there are some 1,500 instructors with not many more than 200 being added each year (See Table I)

TABLE I

INSTRUCTORS IN CALIFORNIA

1953-1962

	1953	*1954*	*1955*	*1956*	*1957*	*1958*	*1959*	*1960*	*1961*	*1962*
Number of licenses	708	667	757	837	876	942	1005	1064	1223	1496
Number taking examination	63	72	64	128	119	194	231	335	309	380
Percent failed	35%	36%	11%	34%	51%	56%	61%	66%	63%	49%

The statistical data on instructors does indicate that the rapid expansion in the number of students has measurably altered the previous instructor-student ratio. There has been a constant expansion in the gap between the increase in instructors and the increase in students The

[9] For example, Sigmund Nosow and William H Form, *Man, Work, and Society: A Reader in the Sociology of Occupation* (New York, 1962), especially pp 197-233. Also Albert J Reiss, Jr., *Occupations and Social Status,* (Glencoe, Ill., 1961)

[10] For an extended discussion of the uses of licensing of occupations see Donald Kirkland West, *The Theory and Practice of Occupational Licensing in California* (unpublished M A thesis, University of California, 1962) Also the comprehensive reports of the Senate Interim Committee on Licensing Business and Professions, 1955, 1956 and 1957

[11] *Business and Professions Code,* Sec 7393

simple fact is that while the number of instructors during this period has doubled, the number of students has more than tripled This is not to infer that in some way the 1953 ratio is a satisfactory figure while the 1962 ratio is dangerously low The establishment of a criteria for determining a proper statewide ratio would go beyond the scope of this report The figures do indicate, however, that in the past few years the failure rate of those taking the instructor's examination is remarkably large when viewed in comparison with failure rates in other cosmetology examinations This could well indicate that the training for instructors has proven to be far below that desirable, and that an attempt has been made to expand the number of instructors and dilute the quality (See Table 1)

While the statewide ratio of instructors to students is not a figure which lends itself readily to interpretation, there is every indication that the instructor-student ratio *within each school* can be quite significant with regard to the education of the cosmetologists The law now states

> Every school of cosmetology, including those under the public school system of this State, shall have at least two instructors and when the daily attendance for either day or night school averages more than 50 students for a period of three months, an additional instructor shall be engaged for each three months' average of 25 students after the first 50 [12]

While a number of states do not have similar provisions on the instructor-student ratio, of those that do, several have smaller ratios than does California (Table II) Each of the far western states has a lower teacher-student ratio than does California Washington has a figure of 1 10 while Idaho has 1 15, Oregon has 1 20, and Arizona has 1.20

TABLE II

RATIO OF INSTRUCTORS TO STUDENTS IN SELECTED STATES [13]

Alabama	1:20	Michigan	1:20
Arizona	1 20	Minnesota	1 20
Arkansas	1:25	Missouri	1 20
California	1 25	Montana	1 25
Colorado	1 20	New Mexico	1 25
Connecticut	1 20	North Dakota	1 25
Georgia	1.20	Ohio	1 20
Idaho	1 15	Oklahoma	1 15
Illinois	1 20	Oregon	1 20
Indiana	1 20	Pennsylvania	1 25
Iowa	1 30	Tennessee	1 25
Kansas	1 25	Utah	1 20
Maryland	1 25	Washington	1 10

This comparison indicates that a change to a 1 20 ratio would bring California into conformity with other states in this area The rationale for a modification in the instructor-student ratio stems from the necessarily close supervision which must prevail if the level of training for the vocational student is to be adequate. The teacher-student ratio

[12] *Business and Professions Code*, Sec 7396 5
[13] Figures were derived from an examination of state statutes

would appear to be one of the key variables involved in accomplishing the goal of well-trained students graduating from cosmetology schools.

An important consideration in the ratio figure is whether or not there is a provision which necessitates an additional instructor to be added when a major fraction of the ratio number is passed, i.e., when the number of students reaches 51, an additional instructor is to be added rather than when the number of students reaches 60. As the law now reads, with the 1-25 ratio, it is possible to have up to 74 students and still have only two instructors, i.e., 2 for 50 and then not another instructor is added until the number of students reaches 75.

The Freshman Period

Another area which both affects the training of students and is controlled by statute is the number of hours of instruction which the student must have before the school can charge the patron for the work done. In California, this period is set at 200 hours, and while during this period the student may engage in work upon patrons, no charge can be made to the patron. Section 7400 of the Business and Professions Code states:

> In every licensed school of cosmetology, a student for a license as a cosmetologist, after 200 hours of instruction, may engage, in the school and as a student, in work connected with any branch or any combination of the branches of cosmetology taught in the school upon a patron who is paying for service or materials and a student for a license as a manicurist, after 50 hours of instruction, may engage, in the school and as a student, in work connected with manicuring taught in the school upon a patron who is paying for service or materials.
>
> No student may engage in any work upon a patron who is paying for service or materials until he has had the required number of hours of instruction.

There have been some suggestions put forth to change this section. A.B. 244 introduced during the 1961 Session contained a provision which would have required that the student complete one-fourth of his hours in *each* subject before working on paying patrons.[14] The meaning of the word "course" as used here presumably means the subject matter subdivision into which the Board of Cosmetology divides the curriculum. Thus if there were 11 courses given, e.g., theory, modeling, shop department, laboratory, wet hairdressing, hair cutting, permanent waving, hair coloring, scalp and hair treatments, plain facial, and manicuring, one-fourth of the hours in each of these would have to be completed before the student would be allowed to work on a paying patron. It would appear that such a provison could not help but cause disruption in the teaching schedule because of its inflexible nature. If a course were suitably left until well into the student's course of study, e.g., scalp and hair treatments held in abeyance until the groundwork

[14] With regard to other bills introduced in 1961, S.B. 344, contained a flat 400-hour provision, A.B. 1658 was presented with a 350-hour provision, as was S.B. 1061. Both of these latter bills were amended to a 400-hour provision. A.B. 1658 passed both houses on the Consent Calendar but was pocket vetoed by the Governor.

had been made in other courses, this would preclude the student's engaging in other clinical work, e g , wet hairdressing until the stage at which the more complex subject should be taught was reached Another consequence might be the teaching of courses before they should be offered in an attempt to get one-fourth of each course in before advancing beyond this point in any one class [15] There is, nevertheless, validity in the intent to ensure that beginning students are adequately prepared in fundamentals before working on the paying patrons It would appear that a period of 350 hours would provide this period for theory and the instruction in fundamentals without being punitive toward the schools

COSMETOLOGY: GROWTH AND PROBLEMS

As was mentioned above, there are two primary problems in cosmetology adequacy of instruction, and competition between school and shop To form the background for this latter discussion, an overview of the development of cosmetology in the last decade as reflected in the statistics should be helpful

Cosmetologists

While the absolute number of cosmetologists in California during the period studied has gone up at an accelerating rate, there has been some fluctuation of the number per 100,000 in population. It reached a high point of 432 8 per 100,000 in 1962, some 11 percent more per 100,000 than in the low year of 1955 The figure will probably go still higher in 1963 There is also evidence to indicate that a rather large percentage of those with licenses are not working Thus the 1958 Census of Business found a total of 15,587 paid cosmetological employees and some 10,477 proprietors for a total of 26,064 employed [16] The number of licenses at this time was 58,270 In a survey of the cosmetologists by the Board of Cosmetology in 1960-61, 66 percent of those that returned the questionnaire stated that they working,[17] but did not indicate whether part time or full time This is not to directly infer that the licentiates are not working because of a scarcity of jobs but rather that many cosmetologists, mostly women with families, renew their licenses each year even if they do not plan to seek employment. Indeed if there is one saving factor in a situation which finds an increase in new licensees of over 300 percent from 1953 to 1962 it is the high turnover in personnel due to women leaving the employment market for marriage and other reasons Any consideration of the figures given must

[15] An analogous provision to the one-fourth of all classes rule would be the preclusion of a college football player from participating in varsity athletics not just until he had finished his freshman year, but until he had finished one-fourth of the hours for each of the classes that had to be taken in college There are numerous parallels that could be drawn between the cosmetology student working on paying patrons as the basis of the financial foundation of the cosmetology school and the recruited football athlete drawing customers to aid in the financial support of the college This is especially true now that cosmetology schools are offering "scholarships" or reduced tuition to "work students" rather than charging full tuition Like all analogies, however, the parallels break down if pushed too far, for while in both cases graduates move on to the "professional" ranks, those not making the team in sports hopefully have been educated to pursue an alternative occupation

[16] *1958 U S Census of Business, Selected Services BC58-SA 5 California,* U S Bureau of the Census (Washington, 1960), p 5 5

[17] 20,000 questionnaires were distributed and 60 percent of these were returned

take into account that cosmetology is largely a woman's occupation, ranking 14th among women's occupational categories.[18]

TABLE III

COSMETOLOGISTS IN CALIFORNIA[19]

1953-1962

	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962
Cosmetologist licensees	50,462	50,739	51,327	54,413	55,191	58,270	61,918	66,161	68,941	73,966
Cosmetologists per 100,000	417 3	405 6	394 8	402 2	389 7	395 5	399 5	417 1	421 6	432 8
New licenses	1,802	1,966	2,237	3,241	3,171	3,561	4,213	4,874	5,980	7,204

Shops

The number of shops until recently has remained relatively constant Except for a sudden spurt in 1955, the highest point, 80 7 shops per 100,000 population, was reached in 1962 The causes for the recent increase are difficult to ascertain, but might be related to the increasing number of new cosmetologists and the somewhat limited capacity of the present number of shops to absorb them It might again be reiterated that not all licenses denote a shop being in existence The 1958 Census

TABLE IV

COSMETOLOGICAL SHOPS IN CALIFORNIA

1953-1962

	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962
Shops	8,385	8,845	10,116	9,761	10,140	10,526	11,201	11,272	12,141	13,792
Shops per 100,000	69 4	70 7	77 8	72 2	71 6	71 6	73 3	71 1	74 2	80 7
New shops	1,454	1,372	1,664	1,614	1,761	1,912	2,113	2,161	2,297	2 723

of Business found some 9,652 shops in operation It also found that some 4,528 of these 9,652 had a payroll, indicating that over half of the beauty shop licenses are operated by the proprietor without additional employees

Schools

It is the number of cosmetology schools which has shown the largest growth rate of any of the component parts of the occupation Following a relatively stable period from 1953-1955, a spurt occurred which has not been slowed While the number of public schools has remained relatively constant at approximately 19 for the past six years the number of private schools has risen from 38 in 1953 to 166 as of July 1, 1962, an increase of 337 percent Since July 1, 1962, seven additional schools have been opened and as of December 1, 1962, 25 applications were pending approval. There is thus no abatement in the opening of businesses for education The result is that unless the number of students expands each year, the number of students per school diminishes rather sharply as was the case from 1956 to 1957 and to some extent from 1961 to 1962 The result is competition between schools for a

[18] *Employment Opportunities for Women in Beauty Services,* U S Women's Bureau (Washington, 1956)

[19] Unless otherwise noted, the basic figures in this chart and those following are from the *Annual Reports of the Board of Cosmetology,* 1953-1962 The computations are the work of the committee staff

work force and inducements such as free tuition and especially reduced rates for "work students"

With the number of shops remaining relatively constant, the ratio of schools to shops has dropped precipitously from the period 1953 to 1955 when the ratio averaged approximately one school for 225 shops to 1962 when the ratio stood at one school for every 83 shops For purposes of comparison the ratio of barber colleges to barbershops has

TABLE V

PRIVATE AND PUBLIC COSMETOLOGY SCHOOLS IN CALIFORNIA
1953-1962

	1953	*1954*	*1955*	*1956*	*1957*	*1958*	*1959*	*1960*	*1961*	*1962*
Number private	38	39	44	62	70	83	88	114	132	166
Number public	*	*	14	14	20	19	17	18	19	19
Number students	*	1,443	1,935	2,804	2,007	3,028	4,027	5,003	6,527	6,590

* No figures available

Note There is no figure available for students actually in school The figure given here and in the remainder of the charts where the term "student" is used (except for the Instructor-student ratio chart) is that for the examinees taking the state examination It is estimated that the number of students attending schools in any year is approximately twice the number of those taking the examination

TABLE VI

RATIO OF PRIVATE COSMETOLOGY SCHOOLS TO SHOPS
1953-1962

	1953	*1954*	*1955*	*1956*	*1957*	*1958*	*1959*	*1960*	*1961*	*1962*
Ratio	1 221	1 227	1 230	1 157	1 145	1 127	1 127	1 99	1 92	1 83

remained relatively constant This is significant for in many respects there is a similar situation present in barbering and cosmetology with regard to the competition, actual and potential, of trainees in school with the trained in the shop (Table VII).

TABLE VII

RATIO OF BARBER COLLEGES TO BARBER SHOPS
1954-1962

	1954	*1955*	*1956*	*1957*	*1958*	*1959*	*1960*	*1961*	*1962*
Number of colleges	18	19	20	23	34 *	25	26	25	23
Ratio to shops	1 513	1 501	1 490	1 431	--	1 427	1 416	1 436	1 477

* Several of these represent new locations of old colleges and not new colleges Any proportion figure would thus be misleading

The Location of the New Cosmetology Schools

Not only the quantity of openings is relevant here but the location of these new schools is also very important Almost without exception they have been established in suburban areas Where previously most schools had been located in downtown sections of metropolitan areas, the new schools have been established in areas not previously occupied by schools Of the 11 new schools which had their first students take the state examination in 1958-59 (Table VIII) only Los Angeles, Sacramento, and San Diego were in urban areas and only these areas plus Huntington Park had other schools in operation To indicate that schools are doubling up even in suburbs, new schools have been added

to those below in Anaheim, Bellflower, and Concord Each now has two schools [20]

TABLE VIII

SCHOOLS OPENED 1958-59: LOCATION AND NUMBER OF STUDENTS

Location	*Number of students 1958/59*	*Number of students 1959/60*	*Number of students 1960/61*	*Number of students 1961/62*
Anaheim	1	14	28	36
Bellflower	14	58	77	59
Concord	1	24	73	58
Huntington Park	1	15	6	36
Los Angeles	11	39	57	44
Merced	12	43	44	47
Reseda	1		86	74
Sacramento	2	61	90	87
San Diego	3	40	58	53
Torrance	7	63	77	86
Walnut Creek	1	44	34	40

The new suburban location of the cosmetology school is even more striking in 1959-60 when of the 15 cities in which schools opened only Fresno can be considered a central city area Another significant factor in this group of new schools was the fact that although opening in the suburbs, four of the schools—Anaheim, Glendale, Hayward, and Van Nuys—were opening in areas where schools were already in existence Indeed, Hayward has since added a third school and three applications have been received by the Board of Cosmetology for schools in areas closely adjacent to Hayward. Part of the significance of this

TABLE IX

SCHOOLS OPENED 1959-60: LOCATION AND NUMBER OF STUDENTS

Location	*Number of students 1959/60*	*Number of students 1960/61*	*Number of students 1961/62*
Anaheim	23	15	19
Bell Gardens	4	22	*
Berkeley	1	22	28
Buena Park	10	29	23
Burbank	6	17	*
Fresno (Dorothy's)	15	15	14
Fresno (Ponce)	48	92	19
Glendale	3	49	35
Hayward	16	56	65
La Mesa	24	61	47
Lancaster	21	38	31
Redlands	6	40	33
San Fernando	1	34	29
San Mateo	2	35	58
Van Nuys	5	95	95

* School no longer in operation

outward migration is that one of the traditional contentions has been that "a different type of people" i e, working girls, women of lower incomes, and elderly women, patronize the schools and therefore there is little or no competition between the school and the salon This contention was for the most part an accurate portrayal of the situation

[20] See Appendix I for the location of schools and number of students taking the examination for each city in California having cosmetology schools

as long as the school kept its location in the downtown area of central cities, but the suburbs are not characterized by the same socioeconomic characteristics as the central city areas Many of them are homogeneous areas of high socioeconomic characteristics Also the luxury built into some of the recently opened schools would lend support to the belief that the school is successfully attempting to cater to a different type of customer than previously was the case

The Accreditation of Cosmetology Schools

One of the proposals put forth has been that schools should be accredited on the basis of the pass-fail record which their students make in the state examination On the surface, this appears to be an attractive parallel to the procedure for accrediting law schools, medical schools and other educative facilities Several factors, however should be taken into consideration here If a singular standard such as rate of students passing the state examination is used, there are grave difficulties involved This standard assumes that there is a relationship between the passage rates of a school's pupils and whether the school is operating principally as an educative or profit-making operation A school which uses its students as a virtually free labor force would presumably have a lower passage rate of students than those schools which stress education A further assumption is that the more recently opened schools are more likely to fall into the category of operating as cutrate beauty salons An accreditation system would then supposedly operate to remove those schools which most use their students as an unpaid labor force

There is no absolutely sure way of testing many of these assumptions An accreditation system, however, would not operate against the newer schools but against those which have been long established This is evidenced by the fact that students attending schools which were operating in 1955 and were still operating in 1960-61 had a higher failure rate on the state examination than did students from the newer schools (See Table X) An accreditation procedure would thus have the effect of penalizing the long-established schools which presumably are, because of location and clientele, least in competition with salons

The variables which determine school passage rates are difficult to ascertain Poor quality of instructors, the operation of the school as a low-cost beauty salon, and other reasons have been put forth as causes for higher than average failure rates These may well be contributing factors in specific schools, but a more satisfactory explanation over a wider scope and over a longer period of time would be in the type of student recruited The newer schools largely located in suburbs tend to draw students who have more education than those students going to schools located in the older areas Table X shows that students attending schools opening predominantly in the suburbs during 1958-59 failed the 1960-61 examinations at a rate of only 11 8 percent compared with a rate of 21 percent of those students attending schools which have been open at least seven years and in most cases much longer The failure rate was thus very much higher in the older schools

than in the newer schools. The failure rate of 16 percent in the schools which had their first students take the examination in 1959-60 was also

TABLE X

STUDENT FAILURE RATES OLDER AND NEWER SCHOOLS

	Schools operating at least 7 years	*Schools opening 1958-59*	*Schools opening 1959-60*
Number of schools	41	11	15 *
Number of students 1960-61	2,870	630	620
Failure percent	21	11 8	16
State average	17 8	17 8	17 8
Number of students 1961-62	2,393	620	496
Failure percent	11 3	9 2	7 3
State average	10.1	10 1	10 1

* Two of these schools were not in operation in 1961-62

lower in 1960-61 than the older schools. In 1961-62, the differences in failure rates narrowed but the pattern remained the same An accreditation system based on rate of student failures could well have the effect of hurting those schools which because of their location and clientele compete least against salons

Another problem here is that the smaller the school the more important two or three students not passing becomes A small school of 20 with a normal failure rate of 3 students or 15 percent could soar well above the failure rate if only 3 other students (a total of 6) did not pass This would raise its failure percentage to 30 percent The smaller the school the greater individual student differences make in that a larger school of over 100 or more can allow for individual variation in talent to even itself out each year

The public schools whose students have the most education of all cosmetology students have by far the lowest failure percentage of all schools For some this might offer a reason for transferring the training

TABLE XI

STUDENT FAILURE PERCENTAGES PUBLIC AND PRIVATE SCHOOLS 1954-1962

	1954	*1955*	*1956*	*1957*	*1958*	*1959*	*1960*	*1961*	*1962*
Private schools, number	39	44	62	70	84	88	114	132	146
Failure rate percent	3 6	5	11	11	11	13 7	21	17 8	16 1
Number examinees	1,184	1,642	2,415	2,532	2 687	3,504	4 519	6,004	6,139
Number failures	42	69	254	273	306	495	949	1,095	630
Public schools, number	*	14	14	20	19	17	18	19	19
Failure rate percent	2	2	5	5	5	8 6	13 8	9 2	1 9
Number examinees	259	293	389	385	341	433	484	523	461
Number failures	5	6	17	20	19	37	67	48	9

* Figure not available

of cosmetologists to the public school system. but in view of the very small number of public school graduates this would be a costly and long-term undertaking The task is one of controlling the adverse effects of the present system of training in cosmetology rather than eliminating the system altogether

The Role of Competition in Cosmetology

The evidence collected in this report suggests that with the rapid expansion in the number of cosmetology schools together with areas in which they have opened, competition for the patron dollar between

school and salon is a reality If this competition fits within the boundaries of acceptable business competition, then there is little justification for changes in the law which would alter the now-existing relationship There are, however, several contributing factors which differentiate the school-salon competition from the usual form of competition between businesses These factors center around the cosmetology school's function as an educative institution rather than as a business enterprise Due to the interest of the public in health, safety, and sanitation, the State has made attendance virtually mandatory at a cosmetology school as a prerequisite for becoming a cosmetologist. This enfranchisement of the cosmetology school, in effect making it a part of the state educational system, has not, however, been accompanied by the usual safeguards which generally are associated with the granting of an exclusive privilege Whereas in a comparable situation the Board of Barber Examiners has the authority to use its discretion as to the advisability of a barber college opening, or moving, or enlarging,[21] the Board of Cosmetology has had to follow the practice that with the meeting of certain structural requirements, an application to open a school is virtually tantamount to being granted a license

The result of the above condition has been competition not only between school and shop, but also between school and school For example, the Sacramento area which contained two schools up until 1958 and added a third in 1959 then added four more in 1962 for a total of seven At the same time the number of students has not expanded proportionately so that while in 1961 three schools had 200 students take the state examination, in 1962 seven schools had 172 students take the examination While the direct impact of this proliferation of schools upon the shops is not precisely ascertainable, the result of having seven schools rather than three cannot help but create an anamolous situation of educational institutions both competing for the usual supply of cosmetology students and further probably enlarging the number that would normally go to cosmetology schools

States differ in their approaches to limiting the number of schools At least one attempts to restrict the number through economic means by providing that the prices that the school charges for its student work cannot be less than 60 percent of the shop charge Such an approach, of course, involves the setting of minimum shop charges Other

[21] The statute authority for the Board of Barber Examiners was passed in 1957 and reads

Every applicant for a certificate of registration to operate a new barber college shall offer proof sufficient to the board that the establishment of a new barber college in a particular area will not be detrimental to the public welfare

In considering whether the establishment of a new barber college in a particular area will be detrimental to the public welfare the board shall consider the need for barber college facilities or additional barber college facilities, as the case may be, in the community where the proposed barber college is to be located giving particular consideration to

(a) The economic character of the community
(b) The adequacy of existing barber shops and barber colleges in that community
(c) the ability of the community to support the proposed barber college
(d) The character of adjacent communities and the extent to which the establishment of the proposed barber college would draw patrons from such adjacent communities
(e) The social and economic effect of the establishment of a barber college on the community where it is proposed to be located, and on the adjacent communities

(Business and Professions Code, Sec 6534 7)

states utilize a high initial license fee, such as $500, or the requirement that each school must have a physician on its instruction staff Another approach which was attempted was a prohibition against the school's charging any fees whatsoever for student work.[22]

The Role of the Board of Cosmetology

The Board of Cosmetology, one of many nearly autonomous boards in the Department of Professional and Vocational Standards, has a more difficult task than several of the others, for cosmetology is one of the few occupations in which there are interests encompassed as divergent as those between shop and school owners have appeared to be. It shares with many of the others the problem of transferring expertness in the occupational specialty into expertness in governing through leadership and regulations under the statutes

The choices involved in a fair and proper means of alleviating the adverse effects of the proliferation of cosmetology schools can be divided into the attempt to write definite restrictions into legislation which hopefully will have the desired effect, or to vest discretion in the Board of Cosmetology, or a combination of discretion and standards The standards under which the Board of Barber Examiners operates would leave a considerable amount of initial discretion in the hands of the Board of Cosmetology. This would be, however, inevitable in that no precedent would be in existence until some actual applications had been decided That such discretion would be a heavy responsibility is not to be doubted.

[22] See Legislative Counsel's Opinion, Appendix II

APPENDIX I

COSMETOLOGY SCHOOLS LOCATION AND NUMBER OF STUDENTS 1955-1962

(Number of schools in each city is given within parentheses. The other number represents the number of students taking the state examination, i.e., Bakersfield in 1961 had three schools with a total of 158 taking the state examination.)

Location	1955	1956	1957	1958	1959	1960	1961	1962
Alameda	--	--	--	--	--	--	6(1)	21(1)
Albany	--	--	--	--	--	--	--	2(1)
Alhambra	--	--	--	7(1)	25(1)	16(1)	23(1)	27(1)
Anaheim	--	--	--	--	1(1)	37(2)	43(2)	55(3)
Bakersfield	45(2)	51(2)	74(3)	89(3)	124(3)	177(3)	158(3)	127(2)
Bell	--	--	3(1)	21(1)	29(1)	24(1)	19(1)	21(1)
Bellflower	--	--	--	--	14(1)	58(1)	77(2)	88(2)
Bell Gardens	--	--	--	--	--	4(1)	25(2)	0(1)
Berkeley	--	--	--	--	--	1(1)	22(1)	14(2)
Buena Park	--	--	--	--	--	10(1)	29(1)	23(1)
Burbank	--	--	--	--	--	6(1)	27(2)	38(1)
Campbell	--	--	--	--	--	--	2(1)	52(1)
Canoga Park	--	--	--	--	--	--	2(1)	11(1)
Carmichael	--	--	--	--	--	--	--	0(1)
Chico	--	--	--	--	--	--	35(1)	59(1)
Chula Vista	--	--	--	--	--	--	15(2)	71(2)
Compton	--	--	--	--	--	--	--	66(1)
Concord	--	--	--	--	1(1)	24(1)	73(1)	79(2)
Costa Mesa	--	--	--	--	--	--	--	9(1)
Covina	--	--	--	14(2)	48(2)	39(2)	62(2)	90(2)
Culver	--	--	--	--	--	--	1(1)	13(1)
Daly City	--	--	--	--	--	--	--	9(1)
Downey	--	--	--	--	--	--	3(2)	--
El Centro	--	--	--	--	--	--	--	21(1)
Escondido	--	--	--	--	--	--	--	0(1)
Eureka	--	--	3(1)	29(1)	33(1)	48(1)	36(1)	29(1)
Fresno	78(2)	136(2)	104(2)	120(3)	153(3)	272(5)	282(4)	208(5)
Fullerton	--	--	--	--	--	--	--	0(1)
Gardena	--	--	--	--	--	--	--	6(1)
Garden Grove	--	--	--	--	--	--	--	5(2)
Glendale	18(1)	32(2)	35(2)	33(2)	43(2)	58(3)	112(3)	89(3)
Hayward	--	6(1)	31(1)	27(1)	39(1)	76(2)	140(2)	149(2)
Highland Park	--	--	--	--	--	--	--	2(1)
Hollywood	140(3)	260(3)	246(3)	191(3)	195(3)	211(3)	222(3)	139(3)
Huntington Park	1(1)	27(1)	22(1)	23(1)	26(2)	36(2)	42(2)	51(2)
Indio	--	--	--	--	--	--	--	13(1)
Inglewood	--	--	--	17(1)	51(1)	57(1)	72(1)	85(1)
La Habra	--	--	--	--	--	--	--	1(1)
La Mesa	--	--	--	--	--	24(1)	61(1)	47(1)
Lancaster	--	--	--	--	--	21(1)	50(2)	50(2)
Lemon Grove	--	--	--	--	--	--	7(1)	14(1)
Lompoc	--	--	--	--	--	--	--	0(1)
Long Beach	101(3)	182(3)	151(3)	196(3)	248(3)	248(3)	284(3)	279(3)
Los Angeles	305(3)	358(4)	393(6)	458(5)	379(5)	484(5)	596(8)	545(11)
Lynwood	--	--	--	--	--	--	20(1)	22(1)
Marysville	12(1)	21(1)	22(1)	31(1)	46(1)	64(1)	40(1)	34(1)
Merced	--	--	--	--	12(1)	43(1)	44(1)	47(1)
Modesto	35(1)	34(1)	34(1)	49(1)	58(1)	37(1)	135(2)	140(3)
Monrovia	--	--	--	--	--	--	28(1)	14(1)
Montebello	--	--	(1)	31(1)	53(1)	39(1)	29(1)	62(1)
Monterey	--	--	--	--	--	--	17(1)	34(1)
Mountain View	--	--	--	--	--	--	--	0(1)
Napa	--	--	--	--	--	--	--	0(1)
North Hollywood	6(1)	14(1)	22(1)	28(1)	43(1)	52(1)	66(1)	48(3)
North Sacramento	--	--	--	--	--	--	4(1)	70(1)
Norwalk	--	--	--	--	--	--	15(1)	46(1)
Oakland	219(3)	293(3)	244(3)	193(3)	295(4)	310(4)	293(4)	244(4)
Oceanside	--	--	--	--	--	--	--	15(1)
Ontario	--	--	--	5(1)	29(1)	39(1)	37(1)	52(2)
Oxnard	--	--	--	27(1)	35(1)	58(1)	47(1)	51(1)
Palo Alto	--	--	--	--	--	--	7(1)	31(1)

APPENDIX I

COSMETOLOGY SCHOOLS LOCATION AND NUMBER OF STUDENTS—Continued 1955-1962

Location	1955	1956	1957	1958	1959	1960	1961	1962
Panorama City	--	--	--	--	--	--	--	9(2)
Pasadena	19(1)	35(2)	54(2)	52(2)	50(2)	35(2)	57(2)	49(2)
Pomona	--	--	66(1)	48(1)	47(1)	65(1)	69(1)	62(1)
Redding	--	--	--	--	--	--	--	17(1)
Redlands	--	--	--	--	--	6(1)	40(1)	33(1)
Redondo Beach	--	--	--	--	--	--	--	16(1)
Redwood City	--	13(1)	30(1)	15(1)	41(1)	29(1)	38(1)	22(1)
Reseda	--	--	--	--	1(1)	--	86(1)	74(1)
Riverside	--	--	--	--	--	--	17(1)	49(1)
Rosemead	--	--	--	22(1)	33(1)	49(1)	64(1)	75(1)
Sacramento	67(2)	71(2)	73(2)	48(2)	123(3)	151(3)	200(3)	172(7)
Salinas	20(1)	38(1)	22(1)	33(1)	41(1)	37(1)	51(2)	59(3)
San Bernardino	55(1)	59(2)	43(1)	65(1)	70(1)	91(1)	97(2)	103(4)
San Diego	104(2)	153(2)	128(2)	122(2)	145(3)	184(3)	226(3)	207(3)
San Fernando	--	--	--	--	--	1(1)	34(1)	29(1)
San Francisco	178(4)	246(4)	210(5)	152(5)	212(5)	286(5)	354(5)	293(7)
San Jose	72(2)	87(3)	121(3)	89(3)	178(3)	165(3)	177(3)	139(3)
San Leandro	--	--	--	--	--	--	--	4(1)
San Luis Obispo	--	--	--	--	--	--	--	2(1)
San Mateo	--	--	--	--	--	2(1)	35(1)	68(2)
San Pedro	10(1)	20(1)	25(1)	16(1)	35(1)	34(1)	37(1)	58(1)
San Rafael	--	1(2)	35(2)	21(2)	28(1)	32(1)	34(1)	34(1)
Santa Ana	22(1)	34(1)	42(1)	49(2)	106(2)	119(2)	122(2)	99(2)
Santa Barbara	29(1)	34(1)	22(1)	10(1)	33(1)	25(1)	48(2)	59(2)
Santa Cruz	--	--	--	--	--	--	--	0(1)
Santa Maria	--	--	--	--	--	--	1(1)	37(1)
Santa Monica	11(1)	22(1)	30(1)	37(1)	29(1)	55(1)	50(1)	47(1)
Santa Rosa	12(1)	29(1)	34(1)	32(1)	51(1)	61(1)	89(2)	69(2)
Sherman Oaks	--	--	--	--	--	--	--	7(1)
Stanton	--	--	--	--	--	--	--	4(1)
Stockton	29(1)	53(2)	51(2)	81(2)	107(2)	95(2)	97(2)	100(2)
Sunnyvale	--	--	--	--	3(1)	24(1)	52(1)	53(1)
Torrance	--	--	--	--	7(1)	73(2)	77(1)	86(1)
Tujunga	--	--	--	--	--	--	8(1)	14(1)
Vallejo	19(1)	29(2)	25(2)	50(2)	68(2)	66(2)	69(2)	60(2)
Van Nuys	35(1)	20(1)	31(1)	41(1)	52(1)	53(2)	151(2)	135(2)
Ventura	--	44(0)	39(1)	29(1)	26(1)	46(1)	21(1)	36(1)
Visalia	--	8(1)	57(1)	65(2)	93(2)	76(2)	118(2)	78(2)
Walnut Creek	--	--	--	--	1(1)	44(1)	34(1)	40(1)
West Covina	--	--	--	--	--	--	--	0(1)
Whittier	--	--	(1)	21(1)	32(1)	32(1)	38(1)	39(1)

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, Agust 21, 1962

HONORABLE WILLIAM B RUMFORD
7018 State Building
1111 Jackson Street
Oakland, California

COSMETOLOGY SCHOOLS—#4763

DEAR MR RUMFORD You have asked two questions with respect to possible legislation suggested by a witness during the hearing before the Assembly Subcommittee on Cosmetology,* relating to the regulation of cosmetology schools These questions are set forth and considered separately below.

QUESTION NO. 1

Would a law providing that charges made by schools of cosmetology for cosmetological services to members of the public be limited to the actual cost of material used in performing those services be constitutional?

OPINION NO. 1

While not free from doubt, it is our opinion that such a law would be held to be unconstitutional

ANALYSIS NO. 1

Legislation of the kind in question can be sustained constitutionally if it constitutes an exercise of the police power of the State to subject individual rights to reasonable regulation for the public health, safety, morals and general welfare The police power is not without limit, and the due process clause of the Fourteenth Amendment of the Federal Constitution (see also Cal Const Art I, Sec 13) requires that any exercise of the power be based upon some reasonable necessity to promote the public health, safety, morals and general welfare, and prohibits its exercise in a maner which is unreasonable, arbitrary, capricious or discriminatory, or arbitrarily infringes upon the constitutional rights of individuals (*Miller* v *Board of Public Works* (1925), 195 Cal 477, *Nebbia* v *New York* (1934), 78 L Ed 940)

Thus, in order to determine whether legislation of the kind here in question would be constitutional, it is necesary to analyze the limiting effect of the due process clause upon the police power of the State The Fourteenth Amendment of the United States Constitution provides, in part, that no state shall deprive any person of life, liberty, or property without due process of law The California Constitution contains a similar "due process clause" (Cal Const Art I, Sec 13)

In general, all property is held subject to the exercise of the police power of the State, and the constitutional declaration that property shall not be taken without due process of law has no application to cases involving the lawful exercise of the police power (11 Cal Jur 2d 823). What the due process clause prohibits is capricious and arbitrary

* See Transcript of Proceedings, hearing of the Assembly Subcommittee on Cosmetology, October 11, 1961.

legislation that discriminates unfavorably as to some and favorably as to others It does not prohibit police regulations which, though limited in their application, are designed to subserve the public welfare and affect all persons within the sphere of their operation alike *(State Sav & Com Bank* v *Anderson* (1913), 165 Cal 437) The general right to engage in a trade, profession, or business is subject to the power inherent in the State to make such rules and regulations as are necessary for the preservation of the public health, safety, and welfare Such regulations do not deprive owners of property without due process of law *(Gregory* v. *Hecke* (1925), 73 Cal App 268)

Turning to the question posed, the constitutionality of legislation limiting the charges made by schools of cosmetology for cosmetological services to members of the public to the actual cost of materials used for such services would depend on whether such legislation was a reasonable regulation in aid of the public safety, health, morals, or welfare The test of a valid limitation is that it be by way of regulation only, and that it go no further than to throw reasonable safeguards in the *public interest* around the exercise of the right to engage in a lawful and useful occupation *(Riley* v *Chambers* (1919), 181 Cal 389) The power to regulate, however, is not the power to suppress, and business may not be destroyed under the guise of regulation *(Whitcomb* v *Emerson* (1941), 46 Cal App 2d 263).

Formerly, regulation of business practices and prices in the interest of the general welfare was deemed so drastic as to be permissible only where a person had entered the field of public service in the use of his property *(Munn* v *Illinois* (1876), 24 L Ed 77) This holding came to stand for the proposition that where a business is "affected with a public interest or clothed with a public use" it may be regulated by the State under the general welfare concept

The effect of the United States Supreme Court's decision in *Nebbia* v *New York* (1934), 78 L. Ed 940, on the "affected with a public interest" doctrine is still unclear in this State In the *Nebbia* case, the Supreme Court held that the term "affected with a public interest" means no more than "subject to the exercise of the police power," and that the private character of a business does not render it immune from price regulation (see 3 Witkin, Summary of California Law, p 1998)

The Supreme Court of California, however, in *State Board of Dry Cleaners* v. *Thrift-D-Lux Cleaners, Inc* (1953), 40 Cal 2d 436, stated that the *Nebbia* case was merely an interpretation of the "affected with a public interest" doctrine, and commented·

> "If the phrase means only what the [U S] Supreme Court has said it means, then it remains an adequate test It does not imply that some particular industries are and others are not subject to control It means that where the control is for the public good any industry may be regulated, provided there is 'adequate reason' for it That 'adequate reason' can only be to achieve a purpose within the police power of the state The test emphasizes that the control must be for the 'public good '

> "When the 'affected with a public interest' doctrine is applied in this sense it is an adequate and proper test As it was traditionally applied to confine regulation to only those industries in the nature of public utilities it is admittedly no longer so limited" (P 443)

The court went on to say that regardless of the legal terminology used in defining the test employed, "any legislation to be justified and supported by the concept of 'general welfare' must aim to promote the welfare of a properly classified segment of the general public as contrasted with that of a small percentage or a special class of a body politic where no such classification can be justified" (P 443)

Justice Traynor, in a dissenting opinion, interpreted the *Nebbia* case as discarding the "affected with a public interest" doctrine and stated that

> "A statute regulating commercial transactions does not violate the due process clause of either Constitution unless it is proved *so unreasonable* as to dispel the presumption that it rests upon some rational basis within the knowledge and experience of the legislators (*Olsen* v *Nebraska*, 313 U S 236, 246 [61 S Ct 862, 85 L Ed 1305, 133 A L R 1500], *United States* v. *Carolene Products Co*, 304 U S 144, 154 [58 S Ct 778, 82 L Ed 1234]; *Serve Yourself Gas, etc Assn* v *Brock*, 39 2d 813, 817 [249 P. 2d 545]; *In re Fuller*, 15 Cal 2d 425, 428 [102 P. 2d 321], *Jersey Maid Milk Products Co* v *Brock*, 13 Cal. 2d 620, 636 [91 P. 2d 577]; *Wholesale Tobacco Dealers Bureau* v. *National Candy & Tobacco Co*, 11 Cal 2d 634, 643 [82 P 2d 3, 118 A L R 486]) . . ." (P. 449, emphasis added)

If, however, the rationale of the majority holding of the California Supreme Court in the *Thrift-D-Lux Cleaners* case is still controlling, it is possible that legislation limiting the charges made by schools of cosmetology for cosmetological services to members of the public to the actual cost of materials used for such services might be held to be unconstitutional

The transcript of the hearings does not indicate how the public health and safety would be protected by the enactment of such a statute Absent any information in this regard, we assume that the main reason for the enactment of such a statute would be to prevent cosmetology schools from competing with licensed shops (see Hearings of the Subcommittee on Cosmetology, Oct 11, 1961, at p 58). Therefore, as stated in the *Thrift-D-Lux Cleaners* case, supra, the question which must be resolved is whether such legislation will "promote the welfare of a properly classified segment of the general public as contrasted with that of a small percentage of special class of the body politic . " (P 443)

In *State Board of Dry Cleaners* v *Thrift-D-Lux Cleaners*, supra, the court cited *In re Kazas* (1937), 22 Cal App 2d 161, as controlling That case held unconstitutional an ordinance fixing minimum prices for haircuts and shaves This decision was explained on the ground that "the ordinance legislated for the benefit of the barbers alone,

who made up 2 percent of the community, and that the 'ordinance does not purport to consider the welfare of the other 98 percent of the population . . .' " (P. 433.)

Similarly, the statute in *State Board* v. *Thrift-D-Lux Cleaners*, supra, which attempted to establish minimum prices in the dry cleaning business, was held unconstitutional because "an advance in prices would benefit less than 1 percent of those persons who comprise the dry cleaning industry in Los Angeles County" (P 444) The court held further that the statute could not be upheld on the ground that it prevented the imposition of fraud upon the public, or eliminated destructive or unfair competition as those practices were adequately legislated against in the Unfair Practices Act as contained in the Business and Profession Code (P 444).

If the court is again willing to make such a searching inquiry as to the basis for such price restrictions, it would appear that unless there was ample evidence as to the manner in which legislation restricting the revenues of cosmetology schools benefited the general public, such legislation would be held unconstitutional

This conclusion appears to be supported by several cases in other jurisdictions which have passed directly on the question In *Mitchell* v *Thompson's School of Beauty Culture* (1939-Iowa), 285 N W 133, the court noted that the purpose of schools of cosmetology was to equip students for taking examinations for licenses as cosmetologists and that an adequate course of study to such end could not be given without including practical experience Therefore, the court held that insofar as the statute required the operators of schools to compel their students to render gratuitous services to the public when they undertook to secure practical experience while working under the supervision of a licensed cosmetologist, it was unconstitutional and amounted to an improper exercise of the police power. The court specifically said that to require the work of such students to be rendered gratuitously would be an *arbitrary interference with private business* and the right to contract guaranteed by the Constitution, and would impose undue and unnecesary restrictions upon lawful occupations in violation thereof

More recently a Massachusetts court in *Hansfield Beauty Academy, Inc.* v *Board of Registration of Hairdressers* (1951-Mass), 96 N E 2d 145, held a statute prohibiting cosmetology schools from making a charge for materials in connection with the practice of hairdressing invalid, and

> " . well within the authority of cases declaring that prohibition of charges for students' services in schools of cosmetology is also unconstitutional *State ex rel Mitchell* v *Thomson's School of Beauty Culture*, 226 Iowa 556, 561-563, 285 N W 133; *Moler* v. *Whisman*, 243 Mo 571, 581, 147 S W 985, 40 L R A , N S , 629 Compare *State* v *Conragan*, 54 R I 256, 171 A 326; *Schwarze* v. *Clark*, 188 Okl 217, 107 P 2d 1018 " (P. 147)

Further, in *Philadelphia School of Beauty Culture* v *Board of Cosmetology* (1951—Pa), the court held that a statute which prohibited a school of beauty culture from making any charge for material used

by its students in giving clinical treatments, was illegal and void, for such provision was held to have no real reasonable or substantial relation to public health and safety or to any other legitimate police power or purpose, and that such a provision deprived the plaintiff of its property without due process of law and the equal protection of the law (see digest of case as contained in 56 A L R 2d 879, 902)

The only case which would appear to uphold the constitutionality of such legislation is *Toebe Academy of Beauty Culture* v *Kelly* (1941— Wis), 300 N W 476 This case involved the validity of a statutory provision that no school of beauty culture should charge for materials used by students in excess of the reasonable cost thereof The court held that there was no unconstitutional discrimination as between beauty schools and beauty parlors, and stated that it was well within the power of the State to require a school to remain in its proper and legitimate field or, if it sought to do more, to make it subject to the law regulating the trade or business This is the only case of which we are aware, however, which has upheld this type of legislation

Thus, while the question is not free from doubt, in view of the California Supreme Court's holding in the *Thrift-D-Lux Cleaners* case, we are of the opinion that the California courts would hold a statute which limited revenue sources of schools of cosmetology as here proposed to be unconstitutional

QUESTION NO. 2

Would a law restricting the teaching of cosmetology to vocational schools in the public school system be constitutional?

OPINION NO. 2

Unless it could be shown that the operation of cosmetology schools was an activity inimical to the public welfare, such a law would appear to be unconstitutional

ANALYSIS NO. 2

Whether a statute restricting the teaching of cosmetology to vocational schools in the public school systems is constitutional turns on whether such legislation is reasonably necessary to promote the public health, safety, morals, or general welfare of the community A well-established rule governing the use of the State's police power is that the Legislature cannot prohibit the pursuit of lawful and useful occupations that may instead be so regulated as to eliminate any evils incidentally connected with them *(Morton* v. *Superior Court* (1954), 124 Cal App 2d 577)

Notwithstanding the above limitation, the courts have upheld legislation which prohibits certain kinds of business activities which are deemed inimical to public welfare *(Murphy* v *California* (1926), 225 U S 623 [conduct of pool halls], *Collins* v *Lean* (1885) 68 Cal 284 [sale of lottery tickets], *Yun Quong, In re* (1911), 159 Cal 508 [sale of opium]; *Sandelin* v *Collins* (1934), 1 Cal 2d 147 [sale of intoxicating liquor] Property in these categories may be seized and destroyed, or legislated out of existence, and no one can complain of the resultant monetary loss *(Collins* v *Lean*, supra) But when such business activities are not inimical to the public welfare, they may not be

legislated out of existence *(San Diego Tuberculosis Assn* v. *East San Diego* (1921), 186 Cal 252; *Jardine* v. *Pasadena* (1926), 199 Cal 64), although they are subject to reasonable restrictions

A careful examination of the transcript of the hearing here involved fails to reveal any basis on which the operations of private schools of cosmetology could be classified as inimical to the public welfare, at least in the generally accepted sense of this classification Therefore, unless such a basis were found, we are of the opinion that a statute restricting the teaching of cosmetology to vocational schools in the public school system would be unconstitutional as an invalid exercise of the State's police power

Very truly yours,

A C MORRISON
Legislative Counsel

By ALAN W STRONG
Deputy Legislative Counsel

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ASSEMBLY INTERIM COMMITTEE REPORTS
1961-1963

VOLUME 9 NUMBER 25

REPORT OF THE
ASSEMBLY INTERIM COMMITTEE ON PUBLIC HEALTH

W. BYRON RUMFORD, *Chairman*

SUBCOMMITTEES ON
HOSPITALS AND MEDICAL FACILITIES
FIRE PROTECTION
NARCOTICS AND MENTALLY ILL
AIR POLLUTION AND RADIATION PROTECTION

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LETTER OF TRANSMITTAL

January 3, 1963

HONORABLE JESSE M UNRUH, *Speaker, and Members of the Assembly*

GENTLEMEN: Your Assembly Interim Committee on Public Health created by House Resolution No 361 (Assembly Journal, June 9, 1961) presents the attached report entitled "Final Report of the Assembly Interim Committee on Public Health, January 1963"

This together with the report of the Subcommittee on Cosmetology, printed under separate cover, constitute a summary of the committee activities during the 1961-1963 interim Included herein are reports of the Subcommittees on Hospitals and Medical Facilities, Fire Protection, Narcotics and Mentally Ill, and Air Pollution and Radiation Protection

The reports submitted contain recommendations for legislation and for continuing study of certain subjects deemed necessary by the committee

Respectfully submitted,

W. BYRON RUMFORD, *Chairman*
DON MULFORD, *Vice Chairman*

RONALD BROOKS CAMERON
GLENN E COOLIDGE [1]
REX M CUNNINGHAM [2]
WALTER I DAHL [3]
CLAYTON A DILLS
W. S GRANT
SHERIDAN N. HEGLAND
JAMES L HOLMES
PAUL J. LUNARDI
MILTON MARKS
HOWARD J THELIN
CHET WOLFRUM

[1] Deceased
[2] Resigned April 22, 1962
[3] Resigned September 1, 1962

HOUSE RESOLUTION No. 361

Relative to constituting certain standing committees of the Assembly as interim committees

Resolved by the Assembly of the State of California, as follows

1 The following standing committees of the Assembly are hereby constituted Assembly interim committees and are authorized and directed to ascertain, study and analyze all facts relating to (1) the subjects and matters assigned to them by this resolution; (2) any subjects or matters referred to them by the Assembly, (3) any subjects or matters related to (1) or (2) which the Committee on Rules shall assign to them upon request of the Assembly or upon its own initiative

(a) The Committee on Public Health is assigned the subject matter of the Health and Safety Code and the subject matter of the healing arts in the Business and Professions Code, all uncodified laws relating thereto, and other matters relating to the public health

2 Each of the above committees shall consist of the Members of the Assembly standing committee on the same subject for the 1961 Regular Session The chairman and vice chairman shall be the chairman and vice chairman of the standing committee Vacancies occurring in the membership of the committee shall be filled by the appointing power The Speaker may increase or reduce the size of the committees at any time during the interim between sessions

3 Each committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1963 Regular Session, with authority to file its final report not later than the fifth calendar day of that session All reports shall be printed out of the funds allocated to said committee and shall be in the form prescribed by the Rules of the Assembly and the Committee on Rules

4 Each committee and its members shall have and exercise all the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members

5 Each committee has the following additional powers and duties

(a) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created

(b) To co-operate with and secure the co-operation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution

6 No subcommittee chairman shall be appointed by the chairman of any interim committee or otherwise except upon prior written consent of the Committee on Rules or the Speaker.

7 No consultants, staff members, or other employees may be employed by any interim committee except upon prior written approval of the Committee on Rules or the Speaker.

8 No contracts for goods or services or otherwise may be negotiated or entered into by any interim committee without the prior written approval of the Committee on Rules

9 No committee or any member or employee thereof may travel outside the State on committee business without the prior written consent of the Committee on Rules or the Speaker in each case

10 Within 30 days after the adoption of this resolution, each interim committee shall file with the Rules Committee a proposed work schedule program report set-

ting forth the specific matters it is contemplated the committee shall study and report upon, which program may be supplemented from time to time, and which report shall also contain the personnel or staff needed for said committee and the estimated expenses of said committee for the period June 16, 1961, to June 16, 1962

11 In order to prevent duplication and overlapping of interim studies between the various interim committees herein created, no committee shall commence the study of any subject or matter not specifically authorized herein or assigned to it unless and until prior written approval thereof has been obtained from the Committee on Rules or the Speaker.

12 Each interim committee shall file with the Assembly a brief general preliminary or progress report of its activities on or before the 20th calendar day of the 1962 Budget Session of the Legislature.

13 Each interim committee shall file its final report with the Assembly on or before the fifth calendar day of the 1963 Regular Session of the Legislature

INTRODUCTION

The Assembly Interim Committee on Public Health, authorized by House Resolution 361, was organized into the subcommittees listed below:

Subcommittee and members	*Dates of hearings*	*Location*
Air Pollution and Radiation Protection	October 10, 1961	Los Angeles
Howard J Thelin, *Chairman*	November 7, 1961	San Francisco
Ronald B Cameron	December 11, 1961	San Francisco
Milton Marks		
W Byron Rumford		
Chet Wolfrum		
Cosmetology	October 11, 1961	San Diego
Sheridan N Hegland, *Chairman*	August 22, 1962	San Francisco
Rex Cunningham		
Clayton Dills		
James L Holmes		
Paul J Lunardi		
Howard J Thelin		
Fire Protection	December 1, 1961	Los Angeles
Don Mulford, *Chairman*		
Glenn E Coolidge		
Walter I Dahl		
W S Grant		
Chet Wolfrum		
Hospitals and Medical Facilities	November 2, 1961	Los Angeles
Walter I Dahl, *Chairman*	November 3, 1961	Los Angeles
Ronald B Cameron	November 27, 1961	Oakland
Glenn E Coolidge	November 28, 1961	Oakland
Rex M Cunningham		
Clayton A Dills		
Don Mulford		
W Byron Rumford		
Chet Wolfrum		
Narcotics and Medically Ill	November 6, 1961	San Francisco
Milton Marks, *Chairman*	October 24, 1962	San Francisco
Ronald B Cameron		
Glenn E Coolidge		
Rex M Cunningham		
Clayton A Dills		
Don Mulford		
W. Byron Rumford		
Trailer Parks		
Paul J Lunardi, *Chairman*		
W S Grant		
Sheridan N Hegland		
James L Holmes		

It should be noted that the following subcommittee reports, as well as the report of the Subcommittee on Cosmetology issued under separate cover, can only contain a small, albeit very significant portion of the information contained in the over 1,200 pages of hearings accumulated by the subcommittees during the past interim session In the realization of this obvious limitation upon space within the reports, the transcripts of the hearings to which reference has been made in the reports have been deposited in the State Library in Sacramento as well as with the Legislative Reference Service of the Assembly and the Documents Department of the University of California in Berkeley.

REPORT OF SUBCOMMITTEE ON HOSPITALS AND MEDICAL FACILITIES

FILING OF HOSPITAL FEES AND CHARGES WITH THE STATE DEPARTMENT OF PUBLIC HEALTH

Findings:

1. The conditions which might have warranted legislation requiring the filing of hospital fees and charges with the State Department of Public Health have been largely alleviated

2. Sufficient grievance machinery apparently exists through private organizations to accomplish the aims of A B. 567.

Recommendation:

No action be taken at this time requiring the filing of hospital fees with the State Department of Public Health.

At the November 3 meeting in Los Angeles the subcommittee heard testimony on A B 567, which would have required the hospitals licensed by the State to file with the State Department of Public Health a schedule of fees and charges for all services and goods normally provided by the hospital Under this proposed addition to the Health and Safety Code, any change in the hospital's schedule would have been prohibited until 30 days after notice to the state department and the filing of an amended schedule of fees and charges The charges for drugs were to be exempted from the above procedure in that price changes would have become effective immediately It would have been necessary, however, to report the changes quarterly to the department.

The text of A B 567 reads:

> Every hospital licensed pursuant to this chapter shall, by January 1, 1962, file with the State Department of Public Health, upon a form provided by the state department, a schedule of the fees and charges for all services and goods normally provided by the hospital Changes in the schedule may be made but, except with respect to charges for drugs provided by and billed through the hospital pharmacy shall become effective immediately, and shall be reported to the state department, on a form provided by the department, within 15 days from and after the close of each calendar quarter commencing January 1, 1962

Part of the motivation for a fee reporting bill arose from conditions in Southern California which had produced a rather negative public image of the hospital The situation was of considerable concern to those most closely associated with the organizations representing hospitals Samuel J. Tibbitts, President of the Hospital Council of Southern California, and representative of the California Hospital Association, submitted a paper to the subcommittee which noted that·

> Four years ago, hospital public relations in Southern California had dropped to a low level. This was due primarily to rising hos-

pital costs, rapid construction of noncommunity-oriented hospitals to keep pace with the population explosion, and an unwise promotion of open end types of indemnity health insurance policies by commercial carriers [1]

The result with regard to pricing of hospital charges was a chaotic jumble which could not help but alienate and confuse the public. To again quote Mr. Tibbitts

> The growth of Southern California small hospitals created many types of pricing schedules for services rendered These schedules were geared to low competitive room rates and recovery of the loss suffered through higher charges for ancillary services This type of charging has been traditional in the United States hospitals, but the typical commercial insurance policy of limited room rate benefits and somewhat unlimited benefits for ancillary services greatly magnified the situation
>
> This situation also provided an excellent opportunity for creative minds and a great many nuisance charges (charges for services and supplies normally included in the room rate) came into being
>
> Some of these were. Record fee, $3 to $5; tongue blades, $0.25; patient gown, $1; common sitz bath, $5; protoscope rental, $3; the $0 50 aspirin and so on Through this system, it was discovered that charges for ancillary services were rapidly shifting from a ratio of 40 to 50 percent to 60 and 70 percent of the total bill
>
> Complaints of the public and particularly group purchasers of hospital care were many, and the hospital council was unable to satisfy grievances or justify charges Who was to say that a hospital charge of $80 for the operating room and $16 for a ward bed was wrong and that the hospital which charged $50 for the operating room and $20 for a ward bed was right? Is a $0 50 aspirin charge in one hospital wrong, if it charges $1 per day less for the room than another hospital in the same area? [2]

The reaction on the part of the Hospital Council of Southern California was to formulate a guiding principles plan which would·

1. Provide a uniform system for establishing hospital rates—that like employee services, equipment and supplies would be included in each basic service

2 Provide hospital bills which would be easily understood by patients and group purchasers

3 Establish hospital charges that would be equitably related to the cost of providing each service.

4 Demonstrate good faith by each hospital, by making available in the hospital a schedule of its charges for examination by patients and other interested parties

5 Establish a grievance procedure whereby grievances against hospitals could be properly adjudicated and processed.[3]

[1] Progress Report "Guiding Principles for Hospitals as Developed by the Hospital Council of Southern California" (Mimeographed paper) p 1
[2] *Ibid*, p 2
[3] *Ibid*, pp. 2-3.

As in many other areas of the governmental-business relationship, the guiding principles program represents an attempt to accomplish on a voluntary basis through a private government what might have been required in the form of state legislation had the conditions described above continued

While A B 567 pertained to a smaller subject matter area than the guiding principles program, the question at the hearing became whether or not abuses still existed which would require state registration of hospital charges. Also relevant here is the efficacy of the guiding principles in accomplishing the five purposes enumerated above With regard to the need for A B 567, the central contention by the representative of the California Hospital Association was that, in effect, the private government was accomplishing the purpose of the bill

> **Chairman Dahl:** Directing yourself immediately to the bill, perhaps you would care to tell the committee why, in your opinion, you think the bill is unnecessary or tell us what you think is good about the bill, if you find anything good about it
>
> **Mr. Tibbitts:** Under the guiding principles program, the hospital is required to post its charges at the admitting desk and at the cashier's office and these are open for inspection at any time by any person who wishes to look at these charges The guiding principles program states that there shall be only one charge for all patients except in cases of charity The guiding principles program also requires that the hospital file its charge book with the Hospital Council of Southern California and in other areas of the state it would be with the hospital conference in that area This, I believe, assures the public that there is one charge and this charge is equitably related to cost So we can see no benefit in filing charges with the State [4]

With regard to the operation of the grievance procedure under the guiding principles, Mr Tibbitts testified that·

> To date, experience shows that four out of five grievances can be satisfactorily handled by the hospital administrator or through adequate explanation by the hospital council office Only 20 percent of the complaints are actually processed by the grievance committee Thus, in the past year, 200 complaints were reviewed by the committee or an average of one and one-fourth complaints per hospital.
>
> Of 200 complaints—60 percent from individuals, 40 percent from insurance carriers—the reasons for the complaints were·
>
> (1) Excessive charges or charges for items not received, 75 percent
>
> (2) Nonadherence to guiding principles, 10 percent
>
> (3) Other—quality of care, professional ethics, etc , 15 percent

[4] *Transcript of Proceedings*, November 2 and 3, 1961 Hearing of the Subcommittee on Hospitals and Medical Facilities of the Assembly Interim Committee on Public Health, p 133

Of complaints received relating to charges, 53 percent were found to be justified and the patient or his agent received a refund from the hospital. More than 70 percent of these were posting or bookkeeping errors Of the 47 percent which were unjustified, a proper letter of explanation was sent to the complaining party and was accepted as being a fair judgment Several "thank you" letters have been received from complainants.

Obvious violations of the principles were found in only a few cases and all were due to lack of understanding on the part of the hospital administrator. Grievances involving quality of care were also few in number, but difficult to adjudicate. In most instances, lack of understanding on the part of the patient was found to be the problem. Careless handling of the patient by one or two employees was also involved

Although the procedure has been satisfactory, it will still stand improvement in regard to promptness and investigation of complaints involving quality of care.[5]

The Hospital Council of Northern California has noted that there have been few complaints, perhaps due to the lack of public knowledge of such a procedure, and none has been reduced to writing.

At the subcommittee hearing, there was no testimony presented in favor of the bill. A communication was received from the Los Angeles County Federation of Labor, AFL-CIO in support of the bill [6]

There is some question as to what ways the information on charges and fees being available at the State Bureau of Hospitals would aid the individual in finding out about hospital costs The records of the Bureau of Hospitals in its Berkeley headquarters or in branch offices would seem to be relatively remote to the person who is going into the hospital Perhaps a distinction should be made between facts which would aid the individual before going into the hospital and those that would aid him in checking the validity of his costs upon coming out of the hospital.

Another distinction could be made with regard to the individual patient's use of such figures in contrast to the insurance companies' use. At one point during the hearing it was stated that the insurance companies had experienced difficulty in obtaining figures on costs·

Assemblyman Cameron: At a meeting I had with a great many major insurance executives here a few months ago, representing the small and large plans that are in the business here in California, they indicated that one of their basic problems was the fact that this specific information was not directly available to them Therefore, although they could actuarily determine how many hernias there would be in a thousand people in a given period of time and how many appendectomies there were, they had no basis on which to actuarily determine what the cost of treatment for these would be because of the tremendous variation in these costs and because of the lack of prior knowledge as to what the charges would be.[7]

[5] *Progress Report*, pp 6-7
[6] *Transcript of Proceedings*, p 143.
[7] *Transcript of Proceedings*, p 136

Although the insurance companies were invited to testify, no witnesses appeared To a large extent, the information to sustain the contention of widespread abuse would of necessity come from hospital plans which at this time pay a large percentage of the hospital bills in California If these particular organizations feel reasonably satisfied with the accounting and billing procedures of hospitals in California and feel that they have reasonable access to the type of information which A B 567 would have provided, one of the justifications for such a bill is absent

The Adequacy of Voluntary Adherence

The fact that there was virtually no evidence in support of the bill introduced at the hearing does not give certainty that there are not abuses, for there is some difficulty present in making vocal to the Legislature complaints from isolated individuals who feel that they have been abused. The spokesman who appeared in opposition to the bill contended that these individuals could be better served by a voluntary program rather than the system put forth under A B 567 It should be noted that the sanctions for noncompliance with these provisions are different from those present in a state-operated program To cite the procedure used in the Southern California council:

> Should the education and grievance committee find that the hospital is in variation from the guiding principles, it so notifies the hospital and requests correction If correction is not made, or if there are repeated violations, the committee may request the appearance of the hospital administrator to present an explanation
>
> If no satisfactory explanation is made, or if the violations continue, the committee may recommend to the Board of Directors of the Hospital Council that the hospital's name be withdrawn from the list of hospitals abiding by the principles and the plaque for display in the hospital be reclaimed by the council.
>
> If the hospital is a council member this would, of course, result in a loss of membership [8]

While from the evidence gathered at the hearing it would appear that the conditions have abated which originally motivated the need for a reporting requirement, there still exists some question with regard to the operation of a plan under private government rather than the State of California With regard to the guiding principles, it should be noted that it is not compulsory that their provisions be adopted by the various hospital councils in California, and some of those in Northern California have not yet done so

Assembly Cameron, the author of A B 567, in a recent communication to the committee has stated that:

> There is no indication that the above sanctions have been applied to any institution, and there have numerous indications that various institutions have not adhered rigidly to the guiding principles This in part, is due to the difficulties of communication and

[8] *Progress Report*, p 6 For a discussion of the characteristics of the government of voluntary association including an analysis of the factors favoring adherence of members to association rules see Grant McConnell, "The Spirit of Private Government," *American Political Science Review*, Vol LII (September 1958), pp 754-770.

understanding; however, it would appear that a more forceful supervisory program by the hospital council would be in the public interest Also consideration should be given for methods of bringing institutions not affiliated with the hospital council into general compliance with provisions of the guiding principles [9]

LICENSING OUT-OF-STATE CLINICAL LABORATORIES

Findings:

1. A serious problem exists in the operation of certain unlicensed out-of-state laboratories in California

2 The existence of such practices seriously undermines the effectiveness of the California medical laboratory licensing program

Recommendation:

Legislation be passed which would in effect bring out-of-state laboratories doing work for doctors in California under the jurisdiction of the State Public Health Department

On November 2, the Subcommittee on Hospitals and Medical Facilities heard testimony on the operation of out-of-state clinical laboratories. A problem has arisen from the fact that while California laboratories have been licensed by the State since 1935, certain out-of-state laboratories with much lower standards of quality have been doing mailorder business into California There is no state control over the quality of their performance or the qualifications of their personnel, and a large amount of evidence suggests that their work has been of a slipshod nature

Addressing the subcommittee, Dr. Max Chapman, Chief of Laboratory Field Services in the Department of Public Health, stressed the primary importance of the problem·

> Among the problems which we are faced with at the present time, I want to say that I feel that this uncontrolled use of unlicensed, unscrupulous, out-of-state laboratories is the most important uncontrolled issue facing the State Department of Public Health and the people of California at this time I know that radiation is uppermost in most people's minds This is something which can be measured, which you can run away from but you can't stop We know that unscrupulous, out-of-state laboratories can be stopped and we know that they exist and we know that there is a way to accomplish this [10]

The Licensing of Clinical Laboratories in California

Clinical laboratories are defined in the Business and Professions Code as:

> Any place, establishment or institution organized and operated for the practical application of one or more of the fundamental sciences by the use of special apparatus, equipment, and methods

[9] Letter to the committee dated December 20, 1962

[10] *Transcript of Proceedings*, November 2 and 3, 1961 Hearing of the Subcommittee on Hospitals and Medical Facilities of the Assembly Interim Committee on Public Health, pp 1-2

for the purpose of obtaining scientific data which may be used as an aid to ascertain the presence, progress, and source of disease in human beings [11]

The Department of Public Health issues four different licenses in this area · clinical laboratories, clinical laboratory technologists, clinical laboratory technicians, and clinical laboratory technician trainees. This program has resulted in California laboratories and their personnel being among the finest in the nation

The Problem and the Evidence

The introduction of the low cost, mass production laboratory is in many ways responsible for the problem Rather than specific rates for custom-made tests, the low cost laboratories usually have a flat fee of from $40 to $75 per month for all of the tests which the doctor wishes to have performed These laboratories do not have their headquarters in California, but instead are located in New York and Oregon and operate a mailorder business in California

These laboratories are deficient on at least two counts. First, their personnel for the most part do not meet California standards Secondly, and most important, there is a large amount of evidence that they are unreliable in their work Dr Chapman presented evidence that reports had been given to doctors on specimens which had never been examined:

> **Dr. Chapman:** I have here some envelopes in which are slides, specimens taken from people who came to their physicians to find out whether or not they might have cancer You can see that each of these has the slide in the little packet with the name of the person, her age, name of the doctor, name of the laboratory and the dates I have lots more of these. This was an easy group to carry None of these has ever been examined
>
> **Chairman Dahl:** None of what have been examined, doctor?
>
> **Dr. Chapman:** None of the specimens contained here has been examined by a laboratory . . Having obtained these specimens, I wrote to a group of the physicians, whose names appear on here, and in almost every instance, the doctor wrote back and said, yes, he had done this and he had received a report from the laboratory . . .
>
> **Assemblyman Wolfrum:** Mr Chairman, could we clear up a point at this time? Are you saying that this packet that you have, roughly 50 envelopes, that these were sent for examination—taken from a patient and sent to a laboratory, a report was returned without making any examination of the slide at all?
>
> **Dr. Chapman:** That's right.
>
> **Assemblyman Wolfrum:** These were out-of-state laboratories?
>
> **Dr. Chapman:** These were out-of-state laboratories and they are also out-of-state specimens [12]

The evidence from other sources produces an even more appalling picture An investigation of New York mass-production, low-cost laboratories by the New York City Bureau of Laboratories uncovered

[11] *Business and Professions Code*, Sec 1206
[12] *Transcript of Proceedings*, pp 3-4

unsanitary conditions, errors in tests, faulty records, and subcontracting of work on specimens. In one series of investigations, personnel from the Bureau of Laboratories found that only one out of four laboratories could perform a proper blood type and grouping Only one out of three could do a correct blood chemistry test [13] Other findings included coagulation tests being conducted on blood samples collected in special tubes, supplied to the doctors by a laboratory, which contained oxalate, a chemical agent which prevents coagulation. Some laboratories were running blood sedimentation tests, which must be done within 24 hours after the blood is drawn, on samples mailed to New York by doctors in Los Angeles.

The Proposed Operation of A.B. 843

The State of California has the most comprehensive laboratory licensing program in the nation Section 1246 in the proposed bill provides for licensing of laboratories in other states by the Department of Public Health

> The department may enter into contracts of reciprocity with other governmental agencies in other states wherein the standards of clinical laboratory technology are not in any degree or particular less than are the standards in this State, for the issuance of reciprocity certificates in the field of clinical laboratory technology

Such a provision is not unique in the statutes of the State and similar provisions can be found granting authority to the Board of Medical Examiners, the Department of Education, and the Insurance Commission [14] The intent of the measure is to ensure that all laboratories doing business in California, whether located in the State or doing business on a mailorder basis, meet the same standards

Reasons for the Use of Out-of-state Laboratories

The use of the mail service out-of-state laboratories is rather obviously not due to the quality of their services Two factors are present There is quite naturally the doctor's desire to minimize their patients' laboratory costs If the lower rates are passed on to the patient, the contract rates offered by these laboratories can mean a large saving to him It would appear, however, that given the quality of the work of these laboratories that this is misplaced economizing The necessity of having accurate laboratory work in treating the patient outweighs the possible monetary saving There is also evidence to suggest that the saving to the patient is not always the primary motivation in the use of these laboratories The New York *Times* report notes that:

> Critics of low cost package testing, under which physicians pay a flat rate for an unlimited number of tests during a given period, charge that unethical doctors use them to make money from patients by charging inflated laboratory fees [15]

The seriousness and prevalence of this behavior was discussed at the hearing

> **Assemblyman Mulford:** Doctor. could you tell me who pays for the laboratory costs? Is it indirectly through the doctor? In

[13] Dr Morris Schaeffer, Director, New York City Bureau of Laboratories, as quoted in *Time*, Oct 24, 1960, pp 55-56
[14] See Legislative Counsel's Opinion in Appendix A
[15] *New York Times*, Oct. 10, 1960, p 61.

other words, is it to the benefit of the doctor to have a lower laboratory cost or does it make any difference? Is that an itemized fee that is charged and so itemized so that it is known to be charged to the patient?

Dr. Chapman: Actually the low fee is a benefit to the patient, and the physician, of course, will seek to bring as low a cost medical care as he can to his patient If one happened to be unscrupulous he might well take advantage of the low fee laboratory work, charge regular rates to the patient. This, of course, is a possibility.

Assemblyman Mulford: That's what I wondered. Is there a possibility that the lab fee could be included in an unscrupulous doctor's—I am not aware that there are any—but could it possibly be that that fee could be included in the doctor's fee?

Dr. Chapman: This is possible, yes.

Assemblyman Mulford: Then by so doing, is it possible that lives of the people of California can be endangered by this practice of using out-of-state laboratories to which you are referring?

Dr. Chapman: That's right.[16]

The thought was expressed by Dr George D Maner, representing the California Medical Association and the California Society of Pathologists, that such an action might well be in violation of the Business and Professions Code The relevant section of the code reads:

> The offer, delivery, receipt or acceptance, by any person licensed under this division of any unearned rebate, refund, commission, preference, patronage dividend, discount, or other unearned consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest or co-ownership in or with any person to whom such patients, clients or customers are referred is unlawful.[17]

Malpractice Suits

There is a question present here on liability for inaccurate test results The New York investigation records include the case of a 40-year-old woman who showed diabetic symptoms and whose doctor sent her blood sample to one of the New York laboratories which in turn sent back a report indicating a low sugar content The doctor administered glucose rather than insulin and the patient died in a diabetic coma The following commentary by the representative of the California Medical Association and the California Society of Pathologists is relevant here.

> **Dr. Maner:** Now there is another area that I may mention in regard to this which is of concern to us This is the question of action on account of negligence We have a situation here, with these out-of-state laboratories, which by virtue of the fact that they are not licensed in California, they are immune from any prosecution or any action, we will say, on a charge of negligence Now as I understand the law, the law presumes that any individual or person delegating a duty to another it is his responsibility to see that he is delegating that duty to a competent, capable individual

[16] *Transcript of Proceedings*, pp. 6-7.
[17] *Business and Professions Code*, Section 650.

Now we can assume that in California, by virtue of the fact that the laboratories are all licensed by law, that there is due care being assumed But here in case there is a negligent action which follows, they being without the confines of the State, no action whatever could be, on account of negligence or professional liability, could be followed

Chairman Dahl: This raises another point, doctor. Supposing, a California physician did use an out-of-state service and it was determined this out-of-state service was inadequate, an improper diagnosis was arrived at or a patient, perhaps died Would not, then, there be liability on the part of the physician with relationship to the patient's family?

Dr. Maner: I would feel that there would [18]

Objections to the Reciprocal Licensing Approach

One objection advanced against the enactment of a bill licensing out-of-state laboratories is that the penalty is assessed against the physician rather than against the substandard laboratory Section 1296 of A B 843 reads.

> It is unlawful for any person, including a person licensed in any of the healing arts, knowingly to utilize scientific data obtained from a clinical laboratory for the purpose of or as an aid in ascertaining the presence, progress, and source of disease in human beings unless such clinical laboratory is licensed or exempted from licensing under the provisions of this chapter, or unless such scientific data was obtained from specimens secured from the patient while such patient was outside the State of California

The difficulties of this manner of enforcement were brought out by Dr Chapman

Chairman Dahl: What possible objections were there to controlling this practice which is, seemingly, not a proper one?

Dr. Chapman: The principal one was that it was said the burden of enforcement was placed on the physicians In other words, the law states that no one shall use reports from laboratories unlicensed from out of the State and this, the attorney has explained to us, is the only way that this could be enforced by limiting the use of the service

Chairman Dahl: Well, if it were declared unlawful, certainly a physician operating in California would not put his license in jeopardy by using such a method, would he?

Dr. Chapman: That is true The point was that the onus was not placed where it belonged In other words, the point of violation should have been directed at the laboratory rather than at a physician who would be only a bystander, you might say, in the operation [19]

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[18] *Transcript of Proceedings*, p 26 The Riverside County Medical Association in a communication to the Public Health Committee dated November 30, 1962, has stated that its insurance underwriter has notified its members that the use of such out-of-state laboratories, particularly in a state in which the same legal controls are not required as in California, could lead doctors into difficult malpractice situations in case of court action

[19] *Ibid*, pp. 8-9.

The willingness of the medical profession to accept the manner of enforcement present in A B 843 was stressed by Dr Maner

> That is the approach of the CMA, its policy forming committee, and its council in studying this bill They felt this was the only way when they endorsed it, in principle, that this was the only way that we could control this nefarious activity on the part of some of these out-of-state laboratories I do not say that I welcome or that the California Medical Association would welcome the onus of the responsibility entirely being laid on the physician, but I feel that we, as a whole, are willing to assume that responsibility [20]

As the laboratory law now operates within the State, there is no provision for penalties against doctors for the use of substandard licensed laboratories There is no necessity for such a provision as the State Department of Public Health has the authority to close any laboratory not meeting the requirements set by the statutes No such authority can exist with regard to out-of-state laboratories with the result that the only workable alternative is a licensing program coupled with some sanctions against any use of laboratories not meeting state standards

A second possible objection to the operational feature of A B 843 is that the discretion of the doctor to choose the laboratory which he felt confidence in would be restricted The contention is that it is the responsibility of the individual physician alone to determine whether or not these out-of-state laboratories are safe and capable—that the State of California is not involved It would follow, however, from such a position that there is no need for the State to license facilities within California If the individual doctor should be the point of responsibility (rather than the Department of Public Health) for the basic character of the operation of out-of-state laboratories, the same logic would apply to laboratories within the State While the doctor obviously has discretion with regard to his choice of laboratories, once they have met the basic standards of the State Department of Public Health, the policy of the State of California has clearly been that state licensing is a necessity to ensure the protection of the people of California The statute governing the licensing of laboratories in California clearly states that "every provision of this chapter shall be *liberally construed* to protect the interests of all persons affected " [21]

A third possible objection is that doctors in areas close to state borders and using laboratories in other states for reasons of convenience would be handicapped by the passage of such a bill. Administratively there is apparently little difficulty involved in licensing these laboratories Dr Chapman stated during the hearing that:

> this could be done very easily . where doctors would like to use the laboratories say, in Reno, because they are more convenient to them Our inspection and visiting consultation service goes right to the border anyway and with this provision we could license the Nevada laboratories without any trouble [22]

[20] *Ibid*, pp 25-26
[21] *Business and Professions Code* Section 1200
[22] *Transcript of Proceedings*, p 37

RESTRICTION OF MISUSED TRADEMARKED DRUGS TO PHARMACIES

Findings:

1 The misuse of trademarked drugs by juveniles to induce bizarre intoxication is a problem of considerable importance.

2 The restricting of such misused drugs to availability only on a doctor's prescription as a means of curing the misuse by juveniles lacks flexibility in administration

3 The pharmacy offers the most suitable environment for attaining a situation in which convenience for the legitimate user is maintained while at the same time inhibiting procurement by the illegitimate user

4 Some problems exist with regard to criteria to be used in identifying misused drugs

Recommendations:

That consideration be given to the amendment of the Business and Professions Code to permit the Board of Pharmacy, perhaps operating in conjunction with other state agencies, to restrict the sale of misused trademarked drugs to sale in pharmacies.

At the November 2, 1961 meeting, the Subcommittee on Hospitals and Medical Facilities heard testimony on A B 1279 which would have given the Board of Pharmacy the authority to require that the sale of certain trademarked drugs be carried out in a pharmacy under the supervision of a registered pharmacist The statute section in question now reads

> Notwithstanding any provision in this chapter to the contrary, the board may by rule prohibit the sale of any drug except in a pharmacy and under the personal supervision of a registered pharmacist if after open hearing following due notice to persons who have filed written request for such notice to the board, it shall find that the public health and safety is or will be endangered by the sale of such drug except in a pharmacy and under the personal supervision of a registered pharmacist A violation of any rule adopted by the board under this section shall be punished in the same manner as provided in Section 4389. If a person holding a certificate, license or permit issued by the board, under the provisions of this chapter, shall violate any such rule he shall, in addition, be subject to disciplinary proceedings, as provided in Section 4357, provided, he is a person against whom disciplinary proceedings may be invoked, under the provisions thereof. This section shall not apply to products sold or offered for sale under the provisions of Sections 4055, 4057, 4058 and 4059 of this code; nor shall this section apply to products lawfully sold or offered for sale to the general public under the provisions of Section 4052 of this code.[23]

[23] *Business and Professions Code*, Section 4161

A B. 1279 would have added the following section:

> . . . except that it shall apply to a product described in subdivision (a) of Section 4052 if the manufacturer of such product files with the board a written request that a hearing under this section be held with respect to such product.

In effect the amendment would have resulted in trademarked or proprietary remedies being restricted to sale in pharmacies if the manufacturer requested a hearing on his product and the board found that "the public health and safety is or will be endangered by the sale of such drug except in a pharmacy and under the personal supervision of a registered pharmacist."

Motivation for the Bill

The purpose of the bill is to restrict access to trademarked drug preparations which have been misused by juveniles The condition which is sought to be alleviated thus bears a close resemblance to juvenile misuse of glue in "glue-sniffing," the purposeful inhalation of vaporized plastic cements There are also parallels with other juvenile misuses of substances not usually connected with aberrant behavior such as paint thinner, lighter fluid, and gasoline.

The Executive Secretary of the Board of Pharmacy, Floyd Heffron, cited three trademarked drug products which were subject to misuse as bizarre intoxicants

> I have cited in the material that I have given you under this 1279 proposal, three examples of the preparations with which we are presently concerned One of these is a small white tablet which may be sold at the present time without restriction except that the policy of the manufacturer in this case is to restrict its sale to pharmacies only We have conducted a survey in reference to the sale of this product, which I will present to you later on. The misuse of this particular product came to our attention by the fact that approximately 85 percent of the distribution for the 13 western states was in the County of Alameda and the adjacent area of Contra Costa County. We find that the juveniles—we have four high schools in the Oakland area involved to a degree—and young adults are taking 5 to 10 times the recommended dosage of this preparation to attain the particular condition they desire. The effects of this product would last from 24 to 72 hours and as far as we can determine there has been no permanent damage or death resulting from it. The action is something like the hangover feeling which one eventually recovers from
>
> As example number two, there is an asthma preparation which has been manufactured and distributed in the State of California for the last 60 years. The misuse of this perparation came to our attention about 2½ or 3 years ago here in the southern part of the State of California, and has since spread pretty well over the entire State This is a preparation which may be purchased at any grocery counter or drug rack It has no exclusive distribution. It does contain two poison drugs which are belladona and stramonium and when used according to directions it is very valuable in the relief of asthmatic conditions. However, the misuse problem

here results from the internal use, rather than the inhalation of the smoke resulting from this As far as we have been able to determine there is nothing in this product which would create the condition which results, hallucinations and so forth, and to the best of our ability it has been established that this condition is created as a delirium more or less from a poison condition which results from the intake of these particular drugs internally

Example number three, deals with nasal inhalers I am sure that members of the committe are familiar with this type of preparation, used commonly for the cold and which may be sold, incidentally on the federal level without restriction By law in the State of California it requires that the content be denatured in such a manner as to render it unfit for internal use However, we have denatured this with bittering agents, with sickening agents and with purgatives and the misuse still continues to a degree The content of the cotton interior contains the equivalent of 50 to 60 times the amount contained in one tablet of preparation which federal law requires may be sold under prescription [24]

Alternative Courses of Action to Prevent Misuse

There are several alternative approaches, not all of them feasible, to alleviating the conditions encountered when juveniles misuse a legitimate product One alternative is the modification of the formula of the substance Incorporation of an irritant, odorant, or nauseant into the product may be a possibility especially with regard to glue With regard to a medication, however, this approach is limited due to the fact that proper use may be affected by such additives Another suggestion is that modification of the formula be made to eliminate the intoxicating effects Again, with regard to glue, this can be a singular goal but there is the problem present that the removal of the ingredient which in large overdoses makes the drug a target of deviate behavior, would also remove the substance which offers relief to legitimate users

Another approach is the implementation of controls in the marketing of the product Such procedures as the display of the product in an area subject to constant supervision to prevent pilferage, the sale of the product only in small quantities, or the obtaining of the name and address of any individuals making large purchases, have been suggested as means to limit the sale of products to legitimate users There is, however, some question as to the ability of the mass distribution food market, the usual marketing outlet for the preparations in question, to accomplish procedures for control There might also be a problem in the ability of a governmental agency to enforce any such control procedures

The case for limitation to sale in pharmacies "under the personal supervision of a registered pharmacist" is almost totally predicated on the assumption that the pharmacy offers a more controlled environment and that this would lead to an effective sifting of the illegitimate users from the legitimate One case study was reported in which sale of the product was at the time of misuse being sold only in pharmacies

[24] *Transcript of Proceedings*, November 2 and 3, 1961 Hearing of the Subcommittee on Hospitals and Medical Facilities of the Assembly Interim Committee on Public Health, pp 39-40

(through the policy of the manufacturer) and in which adequate control was effectuated through gaining the compliance of the pharmacist

In order to prove our contention that Section 4061 could be used to good advantage in overcoming problems of misuse, we enlisted the co-operation of the manufacturer of the product listed as Example No 1 We received excellent co-operation and were furnished monthly reports of all sales of this product in California

As reports of sales were received our field staff contacted the pharmacists involved and informed them of the misuse problem In the vast majority they voluntarily agreed to assist in correcting the problem Our efforts were limited to Alameda County and Contra Costa only, as approximately 85 percent of the West Coast distribution of this product was in those counties at that time

(As used in this report the term "units" does not indicate individual unit sales or dollar value of the sales of such product The word "unit" is used only for comparison with total distribution)

The June 1960 report showed that sales of 550 of a total West Coast distribution of 650 units were in Alameda and Contra Costa County After contacting the pharmacists who were selling this product, the total units sold in Alameda County by August 1, 1960, were down to 250 units during the prior month

As requests were made from pharmacists who had not been contacted by our field staff, the total monthly units increased to 525 by October 1, 1960 After contacts, this total dropped to 130 by December 1, 1960, and to 30 by January 1, 1961

Again by March 1, 1961, the sale had increased to 360 units, but it has gradually decreased since that time, and as of August 1, 1961, the total unit sales in Alameda County and Contra Costa County was down to about 110.

Increased sales in other areas did not become evident until about April 1961 At that time, San Francisco and San Mateo Counties started to show steady increases San Francisco by August 1, 1961, was over the 300 mark, and San Mateo over 150

The distribution survey indicates this to be a local problem, as the Southern California picture has remained fairly constant during the entire period, although there has been a general overall increase in the North [25]

It should be noted that several control procedures exist within the pharmacy. These include:

1 The triplicate prescription
   a Narcotics (Health and Safety Code, Section 11166 05)
2. The single written prescription or telephoned prescription
   a. Drugs
   b Some excepted narcotics (Health and Safety Code, Section 11166 12)
3. Registration of buyers
   a Preparations containing one grain or less of codeine (Health and Safety Code, Sec 11200)
   b. Poisons on the A Schedule (Business and Professions Code, Sec 4166)

[25] Statement submitted to the Subcommittee by Floyd Heffron, p. 4.

4. Personal supervision of registered pharmacist (Business and Professions Code, Section 4061)

As the law now stands the Board of Pharmacy can restrict to pharmacies the sale of trademarked drugs usually sold at supermarkets and similar retail outlets but the restriction is to selling only by doctor's prescription This necessitates that the legitimate user who formerly was able to procure the preparation on the shelves of retail stores must then have a doctor's prescription before being able to purchase the substance The transfer of a preparation from unrestricted selling to being sold only on a doctor's prescription cannot help but be a commercial hardship While the juvenile offender is effectively precluded, the legitimate user is also disuaded from purchasing the substance

The effect of A B 1279 would be to grant authority to the Board of Pharmacy to remove the sale of certain trademarked drugs from the retail store to the fourth procedure listed above in the pharmacy

In addition to changing the formula of the product or altering the marketing pattern, a third route to inhibiting the misuse of products is to penalize the individual offender Anaheim, and Roseville, California, have an ordinance which makes it a legal offense to become intoxicated by inhaling glue The difficulty in such an approach is that it would require legislation for the ingredients of each trademarked product Juvenile misuse is in many aspects a fad phenomenon which can either pass quickly or take more lasting form, but in either case legislation making intoxication by specific substances a misdemeanor would be a supplemental approach rather than an answer in itself

Objections to the Legislation

The spokesmen who appeared in opposition to the bill stressed that if a preparation was being misused, the only proper remedy would be to invoke the prescription-only status and thus drastically reduce its availability Robert A Swan, representing *Vitamincrals* of Glendale, testified that there was only need for two categories

> There can be no middle ground in this matter; either a drug is dangerous or it is not, under the meaning of the law If it is dangerous, then it should only be available on the prescription of a licensed physician While a registered pharmacist is a trained professional within the scope of his practice, only by restricting the prescribing of a dangerous drug to a licensed physician is the public guaranteed the greatest amount of protection [26]

One of the bases for this objection was the fear that

> It is conceivable that this amendment could be used to restrict the sale of over-the-counter proprietary and nonprescription products to sale only in drugstores under the guise of protecting the public health. . [27]

The question here is one of safeguards in the procedure to prevent arbitrary action on the part of the Board of Pharmacy The bill, as it now reads, necessitates a request on the part of the manufacturer for

[26] *Transcript of Proceedings*, p 54.
[27] *Ibid*, p 59.

a hearing before the board can meet to ascertain whether or not the particular product could be restricted to sale in drugstores It would appear that the actual condition surrounding the operation of the law if enacted might produce a condition in which the manufacturer would be faced with the choice of either asking for a hearing or perhaps having his product put in the prescription-only category The natural action would be to request a hearing There is thus a very potent lever to induce the manufacturer to request the hearing to enable the Board of Pharmacy to restrict sale to drugstores While apparently adding a control feature to A B. 1279 the manufacturers' request clause is apparently superfluous

Whether the manufacturer initiates action or the Board of Pharmacy does so directly the crux of the situation, however, still rests on the necessity of such a category of sales together with the type of standards which would be applied in making such a designation One of the difficulties with the "no middle ground" argument is that the definition of "dangerous" as used refers to the property of the product as legitimately used, i e , a dangerous drug is one which can injure regardless of the good intentions of the user The products which the juvenile takes in large overdoses in order to produce bizarre intoxication are not "dangerous" in this sense and are safe for the legitimate user [28] They are "abused" drugs and the public is not guaranteed protection so much by putting them under the prescription of a physician as by elimmating the access of the abuser to the product The present situation in which there are only the alternatives of either no restriction whatsoever or the need for a doctor's prescription would appear not to offer the flexibility needed to cope with the problem of juvenile misuse of trademarked drugs

While the contention can be made that such a grant of authority to the Board of Pharmacy could be subject to misapplication, there are some controls present both in the Administrative Procedure Act and in legislative oversight of administration Mr Heffron, Secretary to the Board of Pharmacy, addressed some comments to the possible misappropriation of authority by the board.

> I think that it is generally assumed by those people who have expressed opposition to this particular suggestion that it would be possible that our board could act arbitrarily in establishing a group of products I can assure you that it is not the intent of the board or the desire of the board to accomplish any monopoly,

[28] The situation present here with regard to the meaning of "safe" is analogous in some respects to the problem which confronts the harassed highway engineers who attempt to cope with the juvenile's misuse of the pedestrian overcrossing "What is a safe railing on a pedestrian overcrossing? The meaning of the term seems to have changed over the years A few years back, a safe railing was one which was high enough and strong enough so that if a person walking beside it stumbled or fell against it, it was high enough and strong enough to prevent his falling through or over Now, a safe railing has become one which cannot be climbed, cannot be crawled through or on the outside of, one which has mesh small enough so that things cannot be thrown through or over onto the traffic below, yet it still must be open to provide visibility and ventilation The only feasible solution thus far has been complete enclosure of the pedestrian area with wire mesh, with provision made at the ends so there can be no access to the outside of the cage A 'cage is just what it is, and it spoils the looks of the structure as well as many of the pleasures of walking across it" A L Elliott, "Kidproof Railings," *California Highways and Public Works*, Vol 41 (September-October, 1962), p 19

but merely to exercise control of maybe those few products, that I have mentioned to you here today and I don't think I could possibly mention three more at this particular time Whether there would be sufficient justification to hold hearings in reference to this particular matter, I think that our powers under the rules and regulations and the Administrative Procedure Act requires us to have more than sufficient evidence to justify the adoption of the regulation of this type [29]

In addition it would be natural to assume that consultation would be made with other governmental agencies such as local police and the State Department of Public Health

Other Considerations

One of the problems present in the adoption of procedures to attempt to cope with juvenile fads is that while flexibility and alacrity may be shown in restricting products, no such characteristics may be present in removing the products from the restricted marketing procedures The decision to remove is admittedly difficult to make for there is considerable difficulty in judging when the particular condition which prompted the misuse of a trademarked drug is no longer in existence Nevertheless, the control reason for granting administrative authority is to create procedures which can meet rapidly changing conditions One of the central factors present in juvenile fads is that they shift rapidly. While the potential for the misuse of a product removed from the supervision of the pharmacy would certainly be present, thought should be given to some criteria for releasing products as well as acquiring them

Another problem present here is the possibility that as in case number one cited above, the condition involving the misuse of a trademarked drug is confined to a certain geographical area The necessarily statewide application of regulations when the abuse is limited only to a single area is a factor which must be taken into consideration when evaluating the suitability of a pharmacy-only restriction upon a misused product

MISCELLANEOUS ITEMS

The Subcommittee on Hospitals and Medical Facilities also heard testimony on several other items

A B 1550 would have authorized the State Board of Pharmacy to adopt regulations establishing procedures to govern issuance and keeping of dangerous drugs in hospitals There has apparently been some discussion in the past on the particular lines of jurisdiction between the Bureau of Hospitals of the Department of Public Health and the Board of Pharmacy on the matter of drug-keeping in hospitals [30] Also involved here is the question of sufficient authority to regulate dangerous drugs in hospitals already being present in the Department of Public Health. The following exchange between Mr Gordon Cum-

[29] *Transcript of Proceedings*, p 61
[30] *Ibid*, p 83

ming, Chief of the Bureau of Hospitals, and Assemblyman Cameron illustrates this point.

Mr. Cumming: Our existing regulations cover all drugs and makes special mention of narcotics and dangerous drugs

Assemblyman Cameron: That has to comply with the federal regulations, but it still covers all drugs in the hospital, as far as your existing power is concerned?

Mr. Cumming: That's correct They must all be locked, they must all be under this kind of control

Assemblyman Cameron: Now this is an administrative rule set down by the department?

Mr. Cumming: No, it is not an administrative rule, exactly It is in the Administrative Code It is part of the administrative law of the State that is established at public hearings, public notices are——

Assemblyman Cameron: And you have ample statutory authority to amend this, to strengthen it in the event that your department deems that it is necessary that more regulation be imposed?

Mr. Cumming: Yes, that's right and if there were things that should be added here and these were brought to the Hospital Advisory Board's attention, I feel sure they would be quite willing to give them consideration

Assemblyman Cameron: And this would affect then the approximately 1,200 facilities that are under your jurisdiction?

Mr. Cumming: That's right [31]

The need for such a grant of authority to the Board of Pharmacy is thus in doubt It should further be noted that the whole area of legislation on dangerous drugs will be considered during the coming session and if a problem does exist, it should be considered in the total context of the control of dangerous drugs rather than in isolation

A.B. 1942

The provisions of the Health and Safety Code dealing with local hospital districts do not permit doctors to be hired to provide emergency care This bill was introduced to alleviate a single particularly pressing problem of emergency facilities in Alameda County [32] An alternative means to remedying the situation has been arrived at by the local jurisdictions and the medical profession

A.B. 2738

At the present time the law requires that the local registrar of births and deaths transmit to the county recorder a copy of each original birth and death certificate at the same time the original certificates are forwarded to the State Registrar in Sacramento Local registrars serving a county-wide health jurisdiction in counties with a population over 550,000 are exempt from filing these duplicate copies with the

[31] *Ibid.*, p 104

[32] *Transcript of Proceedings*, November 27 and 28, 1961 Hearing of the Subcommittee on Hospitals and Medical Facilities of the Assembly Interim Committee on Public Health, pp 106-144

county recorder A B 2738 would have lowered this population figure to 400,000. The weight of evidence at the hearing indicated that the passage of such legislation was not in the public interest and that for purposes of efficient administration of vital records the county recorder is the most suitably equipped officer [33]

H.R. 447

At the November 27 meeting of the subcommittee, inquiry was made into the factors associated with the effective operation of the Department of Public Health Prominently stressed at the meeting were the beneficial relationships with other health resources which were facilitated by the present location and administrative structure of the department [34]

[33] *Ibid*, pp 144-183
[34] *Ibid*, pp 1-105

REPORT OF SUBCOMMITTEE ON FIRE PROTECTION

BEL AIR-BRENTWOOD FIRE

Findings:

1. Although there were a number of contributing causes to the 1961 Bel Air-Brentwood conflagration, wood shingle roofs have been cited as the major contributing factor.

Recommendations:

1. That local governing bodies in areas in which potential conflagration conditions exist give serious consideration to limitation on the use of wood shingles in home building Serious consideration should be given also by these bodies to an alternate protection plan by examining the possibility of treating wood shingles with fire resistant chemicals when available Continuing research is necessary

2 That local city councils study their access road and water supply systems in order to insure that the systems can meet the demands of large-scale fire operations

On November 6, 1961, the greatest fire in Los Angeles' history swept through the heart of Bel Air and drove deep into Brentwood. Within a little more than six hours, 484 homes and 21 other buildings went up in flames. A total loss of $25 million made it the fifth most costly conflagration in the history of the United States

The subcommittee, through the courtesy of the City of Los Angeles Fire Department, toured the scene of the fire The subcommittee was especially interested in determining the causes of the fire and how such fires can be avoided in the future.

There are a number of factors that contributed to the Bel Air-Brentwood conflagration. They can be divided into the following groups weather, topography and access, ground cover, water supply, and wood shingle roofs.

Weather

Southern California, and in particular the Los Angeles region, besides being a semiarid low-rainfall area, is plagued by extremely dry winds that sweep over the region When these winds spring up they generally cause extremely low humidity. When all these weather factors combine, there is an extreme danger of a disastrous fire On November 6, 1961, the dry winds were in force, humidity was low, and there had been an extended period of little rainfall.

Topography and Access

The canyon area of Los Angeles is made up of winding streets, narrow drives, and dead end roads Access from one canyon area to an adjoining canyon area (generally less than a mile in a straight line) is often impossible because there are no connecting roads over the ridges of the adjoining canyons. During the fire, which skipped from one canyon to another, the Los Angeles Fire Department personnel were forced to drive down the length of one canyon to a main boule-

yard and then drive all the way up the adjoining canyon to the scene of the fire—often too late to save homes.

William J Miller, Chief of the Los Angeles Fire Department, made the following statement regarding access

> . this matter of access is a very important one and it is very important in the wildland areas as well as the city areas or any mountainous area When you have a fire burning and you have to drive way down a canyon just to get over to the next street, way down and up, this has quite a bearing on your mobility in being able to combat or keep up with a fire. Roads cost a lot of money, but so do fires.[1]

The narrow, winding roads also caused severe traffic congestion which often delayed the arrival of fire department personnel and equipment

Ground Cover

The brush that covers the canyon area is known as chaparral which includes a variety of brush and trees peculiar to semiarid regions. When humidity drops, chaparral becomes increasingly combustible Under extremely low humidity conditions, it is thought to be the most combustible brush in North America The chaparral in many parts of the canyon area had been growing unburned for over 25 years and in this particular condition was estimated at 50 tons per acre[2] Many residents in the canyon areas had allowed the chaparral to grow in very close proximity of their homes and as a result once the chaparral ignited the home was almost certain to burn also

At this point, it should be noted that when the brush is burned off a severe flood and mud slide hazard exists This added misfortune did in fact occur when it rained approximately two weeks after the fire.

Water Supply

Water pressure fell below an adequate level in many canyon areas during the fire. This was caused by the extraordinary usage by fire department personnel and individual homeowners watering down their roofs and premises Power failures at several key pumping stations also contributed to the lack of sufficient water pressure.

Wood Shingle Roofs

Wood shingle roofs contributed immeasurably to the spread of the fire and to the destruction of most of the homes A total of 484 homes were destroyed in the 1961 conflagration Of the 2,263 buildings damaged or exposed to damage, 59 percent had shingle roofs and 41 percent had fire-retardant roofs

Of the homes destroyed, 79 percent had wood shingle roofs while 21 percent had fire-retardant roofs Of the wood shingle houses that

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[1] *The Methods, Materials, Procedures, Laws, and Law Enforcement Relating to Fire Prevention*, Hearing of the Senate Factfinding Committee on Natural Resources, Nov 27, 1961, p 112

[2] These figures are derived from an article by Rexford Wilson Fire Record Editor of the National Fire Protection Association, "Los Angeles Conflagration of 1961· The Devil Wind and Wood Shingles," *Quarterly of the National Fire Protection Association*, Vol 55 (Jan 1962), p 271 This excellent report together with the author's prescient 1959 article, "Wood Shingles—1959," *Quarterly of the National Fire Protection Association*, Vol 53 (Oct 1959), pp 99-110, and the subcommittee's tour of the burned area, form the basis for much of the information contained in the present report.

burned down, fires originated on the roofs of 98 percent of them Of the homes with fire-retardant roofs, flames originated from sources other than the roof in 83 percent of the cases (that is under eaves or floors or through windows) [3] Thus only 17 percent of the homes with fire-retardant roofs actually became ignited via their roofs Of this 17 percent some of the homes were in close proximity to burning brush and would have become ignited regardless of the type of roof involved.

There are two main characteristics of wood shingle roofs

1 They ignite very easily
2 Once ignited shingle roofs emit into the atmosphere brands which burn a considerable time These brands can drift downwind and alight on other combustible material

Wood shingle roofs caused a "snowball" effect in the Bel Air-Brentwood fire, i e , for every wood shingle roof that caught fire more flaming particles were released into the air Thus brands from one wood shingle roof would cause other wood shingle roofs to ignite A type of "geometric proportion" is the result Other sorts of material do not appear to have this ability to the same degree to act as fire accelerators For instance burning debris from brush does not tend to drift in the atmosphere nearly so long as wood shingle particles Due to the phenomenon of the burning brands drifting in the air, roofs of houses far ahead or in adjoining canyons from the actual brush fire became ignited This fact caused considerable difficulty for the Los Angeles City Fire Department for houses were becoming ignited at considerable distances from where the actual brush fireline was located This necessitated the dispatching of firemen to other areas and as a result thinned out their line of defense for the actual brush fire Soon a "catch-as-catch-can" approach developed for the firemen because roofs of houses were becoming ignited so rapidly in so many different areas that they could not possibly attempt to save all of them

Rexford Wilson in the National Fire Protection Association Quarterly summarized the flaming particle characteristics as follows·

1 The fire has no definite front for formation of a tactical attack.
2 The distances involved force dilution of available men and equipment.
3. The speed of spread once started outdistances the time needed for adequate response [4]

Many fire service authorities feel that the fire never would have "jumped over" Sepulveda Boulevard (the wide main boulevard which separates the Bel Air area from Brentwood) if it had not been for the brands from wood shingles [5]

Brands tax the manpower capabilities of fire department personnel Where the firemen can prepare ahead of the fire and where the fire is from direct exposure of the burning brush, one man can protect up to five fire-retardant roofs, but one man can only protect one or maybe

[3] "Los Angeles Conflagration of 1961," *op cit*, p 246
[4] *Ibid*, p 271
[5] *Ibid*, p 280

two roofs with wood shingles Whereas if the fire exposure is from brands, then the fireman guarding the fire-retardant roof can handle more than five homes, while the fireman guarding the wood roof must usually restrict his operations to only one roof In terms of manpower in this latter condition it takes about 20 companies of firemen to protect 100 wood shingle homes, but only three or four companies to protect 100 homes with fire-retardant roofs [6]

The Lack of Safe Wood Shingles

The difference between wood shingle roofs and wood shake roofs are inconsequential as far as ignition and flaming particle characteristics are concerned. The two types of roofing are different in appearance but not in fire characteristics In fact it has been found that it makes no difference whether the shingles are edge grain or cross grain, whether they are clear, heartwood or not, or whether they are redwood or cedar. All wood shingles ignite with the same ease and they all emit fire brands [7]

Wood shingle manufacturers have been trying for 30 years to develop a suitable fire-retardant treatment for shingles which would resist the sun, wind, and rain Unfortunately, no practical treatment for shingles has been devised as of this time.

At a hearing in Los Angeles on September 28, 1962, concerning possible fire-retardant preparations for shingle roofs, Virgil G. Peterson of Seattle, Secretary-Manager of the Red Cedar Shingle Bureau, stated the following·

> We are quite convinced that an effective and practical fire retardant for application to cedar shingles and shakes does not presently exist [8]

The Assembly Interim Committee on Finance and Insurance under the chairmanship of Assemblyman Thomas M Rees, issued a preliminary report on fire insurance in April of 1962. One of the conclusions of this report was the following:

> The wood shingle manufacturers have been derelict in their obligation to develop a product which will not make firetraps of the homes of Californians The industry should accelerate research on a method of treating wood shingles to resist rather than abet fire.

Suggested Preventatives

Roof sprinklers have been suggested as a solution to combustible wood shingles However, as an earlier section of this discussion pointed out, because of the great demands on the water supply, water pressure is likely to drop when there is a conflagration in a given area. Thus, widespread installation of roof sprinklers might very well be ineffective at the time that they are needed [9]

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[6] *Ibid*, p 253
[7] *Ibid*, p 282
[8] Los Angeles *Times*, Nov 11, 1962, pp 1 and 9
[9] "Los Angeles Conflagration of 1961," *op cit*, p 285

The Prohibition of Wood Shingles

A number of authorities have recommended the outright prohibition of wood shingle and shake roofing They reason that the potential danger of conflagration is so great that the dangers from this type of roofing far outweigh the aesthetic value

William J Miller, Chief of the Los Angeles Fire Department stated the following position.

> I have made the recommendation to the board of inquiry on the fire that they eliminate shingled roofs or any further extension of shingle roofs in the entire city and especially in the mountain areas [10]

Rexford Wilson, Fire Record Editor of the National Fire Protection Association has suggested the following Fire-Resistive Roofing Ordinance

> Section I All buildings except those specifically mentioned in Section II of this ordinance, shall have roof coverings of standard quality, such as·
>
> (a) Brick or concrete surface
> (b) Clay or portland cement tile
> (c) Tin, copper or other metal
> (d) Slate
> (e) Asbestos cement shingles $\frac{5}{32}$ inch thick or thicker
> (f) Built-up roof coverings of not less than three layers of tar or asphalt-saturated rag or asbestos felt. These coverings, except those of asbestos felt, shall be surfaced with gravel, crushed stone or slag
> (g) Other types of coverings have equivalent fire-resistive properties when approved and listed by Underwriters' Laboratories, Incorporated, as Classes A or B.
>
> Section II All the following classes of buildings may be covered as set forth in Section I of this ordinance or with asphalt rag-felt sheet roofing or asphalt rag-felt shingles, or other types of covering having equivalent fire-resistive properties when approved and listed by the Underwriters' Laboratories, Incorporated, as Class C or better.
>
> (a) Dwellings.
> (b) Frame buildings
> (c) Buildings not exceeding two stories, or 30 feet in height and 2,500 square feet in area, and not used for factories, warehouses or mercantile purposes
>
> Section III. The top of dormer windows shall be covered same as the roof, or with other material having equivalent fire-resistive properties.
>
> Section IV No new roofs shall be covered with wood shingles but existing wood shingle roofs may be repaired with wood shingles providing the area repaired during any period of five years does not exceed twenty-five (25) percent of the entire roof. Otherwise

[10] *The Methods, Materials, Procedures, Laws*, Hearing, p 118

the entire roof shall be replaced with material specified in Sections I and II of this ordinance

Section V. The (chief of the fire department) (inspector of buildings) shall have power to condemn and have removed any wood shingle roof that in his opinion is in such a deteriorated condition as to be excessively flammable

Section VI All ordinances or part of ordinances in conflict with this ordinance are hereby repealed

However, members of the shingle industry and contractors and architects dispute the fact that burning particles from wood shingles were a major contribution to the spread of the fire They contend that shingles were merely a minor contribution to a great mass of burning particles swept along by the winds [11]

Proposed Ordinances in the City of Los Angeles

In the 12-month period since the 1961 conflagration the City of Los Angeles has held investigations and hearings on the causes of the holocaust and how such a disaster can be prevented in the future As a result, several ordinances have been proposed and are now under study by the city council One ordinance would create a mountain fire district with stricter building regulations The other ordinance would set out special building regulations through amendments to the Building and Safety Code The proposed ordinances would prohibit building with combustible shake or wood shingle roofs in the mountain fire district [12]

CONTAINERS FOR FLAMMABLE LIQUIDS

Findings:

1 There is no existing statute in California dealing with containers for flammable liquids

2 There is a definite need for a statute which sets forth the types of containers that may be used for flammable liquids

Recommendations:

1 It is recommended that legislation be adopted which would prohibit the sale of flammable liquids in containers which shatter on impact (See a proposed draft of the legislation in Appendix B)

2 It is recommended that the flashpoint figure (the degree that flammable liquids will ignite) be submitted to further study by representatives of the fire service, private industry, and other interested parties

(a) It is suggested that the interested parties consider particularly Vehicle Code Section 355 and Labor Code Section 7800 with a view toward recommending a consistent approach in the state statutes

[11] Sacramento *Bee*, November 4, 1962
[12] Los Angeles *Times*, November 4, 1962, pp 1 and 9

The Subcommittee on Fire Protection found that a dangerous situation presently exists in California for flammables can be sold in containers, such as glass, which shatter on impact A common example would be the sale of highly flammable "white gas" or kerosene in a glass container

At the present time there is no statute in California which deals with containers for flammable liquids Due to the potentially dangerous situation which exists, the subcommittee felt that there is a definite need for legislation concerning containers for flammable liquids However, a number of witnesses appearing at the hearing testified that the language of the proposed statute dealing with containers for flammable liquids was inadequate The particular points of dissatisfaction were (1) the flashpoint standard, (2) the measurement for the flashpoint, (3) the fact that plastic containers could be excluded by the present wording of the bill Significantly, all the witnesses were unanimous in agreeing with the general intent of the bill

Due to the technical nature of the proposed bill, Chairman Mulford urged fire enforcement officials and representatives of private industry who were present at the hearing to meet with each other and to formulate recommendations for the exact wording and requirements of a bill dealing with containers for flammable liquids In this regard, State Fire Marshal Glenn Vance agreed to organize a meeting of the interested parties The meeting was held on January 11, 1962, in Los Angeles A memorandum from Chief Vance to Chairman Mulford setting forth the conclusions of the meeting and those present appears in the appendix Briefly, the discussion at the meeting centered around the following points (a) Only retail transactions should be covered by the proposed bill, (b) that only glass containers should be prohibited and that plastic containers may be used if approved by regulations promulgated by the State Fire Marshal's office, (c) that the flashpoint should tentatively be 200°F as determined by the closed cup test

Disagreement only arose over the question of what degree the flashpoint should be set Representatives of the petroleum industry felt that 100°F or 120°F would be a realistic figure However, fire enforcement officials felt that 200°F was more appropriate since a lower figure would permit exclusion of commonly known flammable liquids It was pointed out that Vehicle Code Section 355, which concerns transportation of flammable liquids, establishes a 200°F flash However, Labor Code Section 7800 sets a 100°F flashpoint for volatile flammable liquids Thus there is an apparent inconsistency between existing sections It would seem that further study would be in order between fire service officials and interested parties in order to arrive at recommendations for a consistent flashpoint figure throughout all of the code sections

A PROPOSED STATUTE WHICH WOULD CREATE A PRESUMPTION IN CIGARETTE-CAUSED FIRES IN HOTELS

Findings:

1 Health and Safety Code, Section 13001, which makes it a misdemeanor to start a fire with a cigarette, is sufficient to obtain convictions for cigarette caused fires in hotel rooms

Recommendations:

1 It is recommended that the proposed statute, which creates a rebuttable presumption that a person renting a room where a cigarette caused fire occurs did in fact start the fire, not be adopted The reasons for not adopting the statute are as follows:

a The rebuttable presumption would not materially aid the district attorney in obtaining convictions under Health and Safety Code Section 13001 where no other evidence except the presumption exists

b The rebuttable presumption could establish negligence in a civil action.

PRESENT LAW IN CALIFORNIA

The existing law in California concerning fires caused by cigarettes reads as follows in Section 13001 of the Health and Safety Code.

> Every person is guilty of a misdemeanor who throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire . . .

Procedure for Arrest and Prosecution of a Misdemeanor

A peace officer or a private party may arrest a person who commits a misdemeanor in his presence [13] However, if a misdemeanor is not committed in the presence of a peace officer or a private party then only a peace officer can arrest the law violator under the authority of a warrant for arrest A warrant must be issued by a judge upon reasonable grounds that the alleged law violator committed a misdemeanor [14] Briefly stated, the standard procedure for obtaining a warrant for a misdemeanor growing out of a fire cause by a cigarette would be the following Fire or police department officials would meet with a representative from the local district attorney's office and decide whether the facts of the particular case justified a prosecution If an affirmative decision is reached, then a formal complaint is filed with the district attorney The district attorney's office then would obtain a warrant for arrest as a matter of course from a judge. A district attorney has the option of whether to prosecute a case or not. Thus, if a conviction seems unlikely, or the facts of a particular case are weak, the district attorney can decline to prosecute In such a

[13] *Penal Code*, Sections 836 and 837 See also *Penal Code*, Section 15.
[14] *Penal Code*, Section 813

situation, a warrant for arrest would not be issued In general, the local district attorney will prosecute defendants under Health and Safety Code 13001 when sufficient evidence is available, e g , the defendant is found in the burning room, the defendant admits he started the fire with a cigarette, witnesses saw him start the fire, etc. However, oftentimes a cigarette will smoulder in a bed or chair for a number of hours and in the meantime the alleged defendant will leave the premises If no other evidence exists besides the fact that a fire occurred in the alleged defendant's room, then often the district attorney will decline to prosecute because of lack of evidence.

The Effect of a Presumption

A B 3024 reads as follows.

> Whenever any fire which damages any property of any inn, hotel, motel, boarding or lodginghouse is determined to have been started in any room by a lighted cigarette, cigar, ashes, or other flaming or glowing substance, it shall be presumed that any person to whom such room is rented at the time such fire occurred, or any person who is a registered occupant of such room, has thrown or placed a lighted cigarette, cigar, ashes, or other flaming or glowing substance in a place in such room where it might directly or indirectly start a fire in violation of Section 13001 of this code

If A B 3024 were to become law, then there would be a presumption that the person registered in a room where there was a cigarette-caused fire did in fact cause the fire Thus lack of evidence concerning the defendant starting the fire would be less of a hurdle at the complaint and warrant for arrest stage

A rebuttable presumption—the presumption in A B. 3024 would be rebuttable—shifts the burden of going forward with evidence If A B 3024 was in effect, the defendant in a misdemeanor trial for a cigarette-caused fire would have to present evidence that he did not cause the fire in the room where he was registered However, it is not difficult to rebut a presumption, and it would appear that sufficient rebuttal would occur under A B 3024 if the defendant denied that he caused the cigarette-caused fire in his room

Under Vehicle Code Section 41102 there is a presumption that the registered owner of a motor vehicle was the one who parked the vehicle when a parking citation was issued In the case where the registered owner of the automobile denies that he parked the vehicle when the citation was issued, the denial on his part is sufficient to rebut the presumption Then, the burden of proof shifts to the district attorney to prove that the person was in fact the one driving at the time the citation was issued. An analogous situation would seem to apply under A.B. 3024 if the defendant denied that he caused the fire Thus the district attorney would still have the burden of going forward and proving that the defendant is guilty at the time of the trial and if no other evidence is available, the district attorney would appear to be in no better position to obtain a conviction than under the present statute The proposed statute would only aid in obtaining a complaint and warrant for arrest when other evidence is not available In cases where

other evidence is available, then the existing code section, Health and Safety Code 13001, would appear to be sufficient

Civil Liability Consequences

It was brought out at the hearing that A B 3024 could affect civil liability in negligence cases It can be argued that the proposed statute establishes a presumption of negligence in a civil action If A B 3024 does affect civil liability it would seem that this aspect is outside the intended scope of the proposed statute

Testimony of Fire Enforcement Officials

Chief John Degenkolb, Chief of the Los Angeles City Fire Department, and State Fire Marshal Glenn Vance both testified at the hearing However, they differed as to the effectiveness of Health and Safety Code Section 13001 Chief Degenkolb felt that the Section 13001 made it difficult to obtain misdemeanor convictions Chief Vance was of the opinion that the code section is sufficient

Chairman Don Mulford asked Chief Vance the following question

> **Chairman Mulford:** In your opinion the state code (Health and Safety Code Section 13001) is applicable and is strong enough that under proper enforcement—that is the desire to enforce—that they could proceed then against those who are guilty of starting fires from cigarettes and so forth [15]
>
> **Chief Vance:** I would say that very definitely The law is clear cut . .

San Diego Convictions Under Section 13001

It was brought out in the hearing that there have been a number of convictions under Section 13001 in the City of San Diego Since the authorities in San Diego have been successful in prosecuting under the present code section, it does not appear that A B 3024 is needed to supplement Section 13001 Vigorous enforcement of Section 13001 would seem to be the answer to the problem of cigarette-caused fires rather than the enactment of additional legislation

[15] *Fire Safety in California*, Hearing of the Subcommittee on Fire Protection of the Assembly Interim Committee on Public Health, p 48

REPORT OF SUBCOMMITTEE ON NARCOTICS AND MENTALLY ILL

EXCEPTED NARCOTIC PRESCRIPTIONS

Findings:

1 There is a divergence of opinion between state law enforcement officers and members of the healing arts profession with regard to whether or not dihydrohydroxycodeinone with additional nonnarcotic ingredients (Percodan) should be placed on the triplicate prescription procedure

2 A difference of opinion exists with regard to the addictive liability of Percodan

3 A further difference of opinion exists with regard to the degree of misuse of the narcotic preparation

Recommendation:

Every attempt should be made to gather and evaluate data which would contribute to clarifying the addictive liability of Percodan and the extent of its misuse

SCOPE OF THE REPORT

While the public eye has recently been focused on the problem created by the illegitimate use of dangerous drugs, the abuse of narcotics still remains a central problem to federal, state, and local law enforcement officers This report has as its primary purpose the clarification of the evidence and issues involved in a small yet important area of the control of the use and abuse of narcotics in California The subject matter concerns the operation of the prescription procedures used in the prescribing of narcotics in California, more precisely, the central concern of this report is the criteria by which judgments should be made in the transfer of narcotics and narcotic preparations from a procedure which offers convenience to the doctor and patient to one which offers control and accountability to the law enforcement officer. The issue as presented in A B 2582 introduced during the 1961 legislative session [1] was whether or not preparations containing dihydrohydroxycodeinone combined with nonnarcotic medicinal ingredients should be removed from the narcotic preparations which are under the oral prescription procedure and placed on the triplicate prescription procedure

Prescription Procedures in California

California has three procedures under which narcotic drugs can be prescribed the triplicate prescription, the single-blank written prescription, and the oral (telephone) prescription Illinois is the only state other than California to have the triplicate procedure At the November 6, 1961, hearing, John E Storer, Chief of the Bureau of Narcotic Enforcement, elaborated on the triplicate procedure during

[1] For the text of the bill see Appendix C, pp 81-82

his presentation of the case for removing dihydrohydroxycodeinone combined with nonnarcotic ingredients [2] from the oral prescription list

> In the triplicate prescription blank . in red in the upper right-hand corner of each prescription, there is a serial number Now, it is required in the law that these prescriptions must be cashed within seven days from the date they are written by the prescriber The doctor is required to keep a record of any prescription that he writes . . . He tears one of these prescriptions from the book . . A tissue copy stays in the book of the prescription which he has just written entirely in his handwriting and dated and signed That is his record The patient takes the other two copies which is a snap-out form but remain together, to the druggist The druggist fills the prescription, places the prescription on his file, both copies, and at the end of the month in which the prescription is written, the law requires that the duplicate copy be sent to the State The original then, is the druggist's record of what he has dispensed on this prescription The duplicate copy goes to the State Narcotics Bureau where it is coded in IBM machines, and the information thereon in coded form is placed on a tabulation sheet If we then hear that a doctor's prescriptions have been stolen from him and knowing that he can only write on these triplicate blanks, we are immediately able to place in our machine a warning that these prescriptions may be in the hands of some person who has no right to have them We tabulate these things three ways, by the patient's name, by the doctor's name, that is, by his registry number because each doctor has a number, and by the serial number of the prescription We can, therefore, trace these prescriptions three different ways We know each doctor's blanks We know they can only be written by that man. Our girls find many forgeries simply because of the dissimilarity of the handwriting [3]

The triplicate prescription procedures thus creates maximum control in preventing narcotics from being diverted from legitimate channels to illegitimate users It offers an accounting for every transaction and makes virtually certain that any irregularity in control will be discovered The central contention of the witnesses who opposed transferring Percodan from the oral prescription list to the triplicate schedule was that given the specific characteristics of the drug, the gain in control and accountability did not offset the loss in convenience to doctor and patient This latter characteristic, convenience, was the primary reason for the origin of the oral prescription. Donald D. Doyle of the Pharmaceutical Institute of the State of California and the California Pharmaceutical Association, in presenting the position of these organizations against placing Percodan on triplicate prescription, offered the following summary

[2] While there are other preparations containing this combination of ingredients, the only brand name with which this report will be concerned is Percodan This brand name will be used in the report to refer to the preparation as it now occurs on the oral prescription list When dihydrohydroxycodeinone is used it will refer to the singular narcotic which does not qualify for the oral prescription list either under California or federal laws

[3] *Exempt Narcotic Prescriptions* Hearing of the Subcommittee on Narcotics and Mentally Ill of the Interim Committee on Public Health, November 6, 1961, pp 7-8

> The California oral prescription law, with respect to certain narcotics, has been in effect since 1953 (Section 11166 12, last paragraph of the California Narcotic Act). This provision was enacted so that patients could get certain types of pain-relieving and cough-relieving medications promptly without having to go to the doctor to get a written prescription from the doctor. The doctor generally telephones the prescription to the pharmacist or the pharmacist calls the doctor The law requires that the pharmacist reduce to writing the oral prescription within 24 hours and he must record the name and address of the person for whom prescribed, the name, address, telephone number and registered number of the prescriber, the physician It is the position of the 21,000 pharmacists in California that in the main this oral prescription law has worked to the great benefit of the public, the medical profession and the druggists, and no change with respect thereto should be made The fact that there has been some abuse of the law does not make it a bad law Every law is abused to some extent If it were not, there would be no need for police, enforcement agencies, prosecutors and criminal courts May I also state that under federal law as well as the laws of 44 states, oral prescription of the same narcotic preparations is permissible [4]

Convenience is thus the central attraction of the oral prescription. It also possesses certain control features that while not approaching those of the triplicate still offer protection from the illegitimate procurer There is a difference of opinion, nevertheless, on just how effective this control actually is The representative of the Bureau of Narcotic Enforcement maintained that the oral prescription is inherently defective in control features and despite precautions on the part of druggists, illegitimate procurement would still be possible. Chief Storer depicted the manner in which the oral prescription could work for the illegitimate procurer

> I can call a drugstore, any drugstore, represent myself to be a physician I can say that Mr Storer will be in in a few minutes to pick up a certain prescription The druggist complies with the law, writes down the prescription on a piece of paper, places it in his files I walk in a few minutes later, identify myself as Mr Storer, pay for the narcotics, pick them up and walk out There is no way for anyone to know that the law has been violated when I do this [5]

Supplemental procedural precautions which have been suggested include the pharmacist phoning back to the doctor to verify the legitimacy of the prescription, or requesting the doctor's narcotic registry number at the time of the telephone conversation. The position of the Bureau of Narcotic Enforcement on each of these procedural modifications was that the ingenuity of the addict was more than equal to manipulating any procedure except the triplicate procedure Even in the latter case there are, however, cases of violations The saving factor in the latter case is the accounting factor through which at least there

[4] *Ibid.*, pp 98-99
[5] *Ibid.*, p 9

is the knowledge that a violation has occurred Under the oral procedure, according to Chief Storer, there is really no adequate method of identifying just when a fraudulent transaction has taken place.

> With respect to these oral prescriptions and the single blanks, the only thing is, as I say, and I must be perfectly candid about it, I must take the negative approach . . . we do not have any thousands of violations because we cannot even find out about it We can't make the arrest We have such a poor nonexistent method of finding out that this has happened that we have no way to do it without canvassing each drugstore and watching each person that comes into the store [6]

Actually, there is a method by which the Bureau of Narcotic Enforcement can ascertain the legitimacy of oral prescriptions Since each druggist must reduce the oral prescription to writing, there is a record which is available to the narcotic enforcement officer if he desires to check back transactions In comparison with the triplicate procedure, however, checking pharmacy records is a laborious undertaking. The triplicate procedure thus offers convenience to the Bureau of Narcotic Enforcement

> We can do more than that We can do that . . . we can inventory the drugstore . we can see that he has not diverted any . we can check every prescription and see that for every tablet that he purchased, that he had a prescription for it We can then take each one of those prescriptions and go to the patient and go to the doctor and determine that each one of those is a bona fide, legitimate prescription and that there are no violations whatsoever, in that store We can do this There are thousands of stores By the simple expedient of the narcotic triplicate prescription, we can save untold hours of manpower and not have to go to these stores and do this thing [7]

In addition to protesting against the removal of convenience which the placing of Percodan on triplicate would engender, several of those who favored the present situation contended that the triplicate procedure in some manner violated the doctor-patient relationship Dr Thomas B Devlin, representing the Joint Legislative Committee of the California Dental Association and the Southern California State Dental Association, cited both convenience and the unwarranted interference arguments in his statement against putting Percodan on triplicate

> The unwarranted placing of Percodan in the triplicate prescription classification would drastically restrict its use This is because of the additional and expensive paper work, the necessity to keep copies of all such prescriptions on file for long periods of time, subsequent inspection and audit of records by agents of the State, scrutiny of patients by agents of the State, and the interjection of a state agency in the doctor-patient relationship which, in the case of Percodan, is wholly unwarranted Under this proposal, the ultimate loser is the patient

[6] *Ibid*, p 16
[7] *Ibid*, p 21.

> It is not uncommon in dental practice for patients to suffer unforseeable postoperative pain Toothache can be pretty bad, boys if you've ever had a bad one In such an event, it is often necessary to telephone a prescription for Percodan in order to provide immediate relief Otherwise, patients, who quite often reside in other communities, must travel many miles in reaching the doctor's office This becomes a double problem when the doctor also resides in another suburban or rural community Under present regulations, this problem does not arise [8]

It should be noted, however, that while both of these factors are relevant, the original intent of the oral prescription procedure was not to alleviate a supposedly unwarranted state interjection into the doctor-patient relationship but to contribute to flexibility in prescribing drugs and preparations which, to use the language of the U S Bureau of Narcotics, "are of relatively little or no addiction liability and for which the acceptance of oral prescriptions might be safely and properly authorized" [9]

The triplicate prescription and the oral prescription provide the framework for the opposing positions Those representing the healing arts perceive a vast difference between the triplicate and oral procedures There is seemingly little sympathy with the triplicate prescription procedure Those charged with the enforcement of the narcotic laws understandably regard their unique triplicate control system quite differently than do the healing arts practitioners They also view the oral prescription procedure, originated by the doctors and pharmacists in California in 1954 and since adopted by most other states, with certain misgivings But while any discussion of the transfer of a narcotic preparation from one prescription procedure to the other must necessarily consider the characteristics of the procedures, there are at least two other equally important aspects which must be considered These are the properties of the drug itself and the extent of the misuse of the drug

THE PROPERTIES OF PERCODAN

At the subcommittee hearing on Percodan several types of evidence were presented in an attempt to establish the addictive liability of Percodan These can be identified as evidence from scientific sources, from the professional experience of those testifying, and from the practices of other governmental jurisdictions

Scientific Sources

The Bureau of Narcotic Enforcement presented a considerable quantity of material dealing with dihydrohydroxycodemone's addictive liability These sources indicated that dihydrohydroxycodemone [10] possesses an addictive liability which, depending upon the source cited, approximates morphine, heroin, and codeine A representative sampling of the material presented to the committee concurs in this evaluation

> Some reference to early addiction to oxycodone has already been made Beck (1923) thought that the development of tolerance to

[8] *Ibid*, p 93
[9] *Oral Prescriptions for Narcotics*, U S Bureau of Narcotics, General Circular No 334 (Washington 1955), p 1
[10] The international nonproprietary name is oxycodone It is also known as eucodal

oxycodone was less than for morphine, but he cautioned that its use should be restricted to the lowest adequate dose for the shortest possible time, thus very definitely suspecting the likelihood of addiction Both Meyer (1924) and Chopra (1942) judged the addiction liability of oxycodone to be at least as great as that of morphine Among the 280 questionnaires analyzed by Wolff (1928), 83 mentioned addiction to eucodal, more than for any other drug Menninger-Lerchenthal (1930) described 21 cases of "eucodalismus," 6 from his own experience, and Dansauer & Reith (1931) found 26 users of eucodal in their review of 238 war-wounded drug addicts Many other references to eucodal addiction, whether primary or secondary is not always clear, were listed in the extensive bibliography of Krueger, Eddy & Sumwalt (1942) and the Technical Study of the Comparative Effects of Morphine and of Certain Habit-forming Drugs (League of Nations, 1939), referred to above, summed up the situation in these words: "The danger of contracting a habit (addiction) through taking eucodal should not be thought to be a less serious matter than the risk of morphine addiction"

Himmelsbach (Small et al, 1938) substituted oxycodone for morphine in three stabilized morphine addicts at the Lexington hospital, for a period of seven days The substitution dose was one and a half times the morphine stabilization dose, the interval of administration was the same for both drugs, namely four times a day; administration was always subcutaneous Substitution was completely satisfactory On abrupt withdrawal of the substituted drug an abstinence syndrome developed at approximately the same time and with the same severity as morphine abstinence On the basis of this experiment the addiction liability of oxycodone would be judged to be close to that of morphine [11]

If we try to assign eucodal to its appropriate place in the opiate group, we have to put it between morphine and codeine; but it is closer to morphine in type of its effect Its fundamental characteristics are very similar to those of morphine, but perhaps less pronounced, especially in the matter of concomitant effects, addiction properties, etc [12]

Addiction is a state of periodic or chronic intoxication which is detrimental to the individual and to society which is produced by the repeated administration of a drug Its characteristics are a compulsion to continue taking the drug and to increase the dose with the development of psychic and, sometimes, physical dependence on the drug's effects Finally, the development of means to continue administration of the drug becomes an important motive in the addict's existence One should note that the leading sentence of this definition makes 'detriment to the individual and to society' necessary to the definition of addiction and that the development of physical dependence is not a necessary characteristic of the term.

[11] Nathan B Eddy, H Halbach, and O J Braenden, 'Synthetic Substances With Morphinelike Effect, Clinical Experience, Potency, Side Effects, Addiction Liability," *Bulletin of the World Health Organization*, Vol 17 (1956), pp 705-709
[12] Harry J Anslinger and William F Tompkins, *The Traffic in Narcotics* (New York, 1953), pp 182-183.

Under the terms of this definition, many drugs would be considered addicting They include opium and some of its derivatives (morphine, heroin, dihydromorphinone (dilaudid), codeine, methyldihydromorphinone (metopon), dihydrocodeinone and eucodal),'' et al [13]

Unfortunately there is some difficulty in ascertaining the relationship of the above information to whether Percodan should be placed on the triplicate procedure For example, the above substances, e g , morphine, dihydrohydroxycodeinone, dihydromorphinone (dilaudid), codeine, methyldihydromorphinone (metopon), dihydrocodeinone and eucodal are now on the triplicate prescription in California and under federal law cannot be dispensed under the oral prescription procedure [14] The central question is whether the narcotic ingredient of a preparation should be what determines whether it qualifies for the oral prescription procedure or whether the preparation has to be judged on its own characteristics The type of scientific evidence presented by the Bureau of Narcotic Enforcement did not in any instance refer to Percodan but to its narcotic ingredient If this type of evidence is to be controlling, there would be few preparations left on the oral narcotic prescription list for almost every preparation on the list contains a narcotic ingredient which by itself without active nonnarcotic ingredients does not qualify for the oral prescription procedure Of the opium derivatives listed above, codeine and dihydrocodeinone, in addition to eucodal (dihydrohydroxycodeinone) have preparations in the oral prescription category The type of scientific evidence gathered by the Bureau of Narcotic Enforcement on dihydrohydroxycodeinone and included above could be done in the same manner for both codeine and dihydrocodeinone Further, the same types of evidence could be presented with regard to the Class X narcotic drugs containing morphine, codeine, or dihydrocodeine and which can be sold without any prescription

While the scientific evidence on the properties of dihydrohydroxycodeinone do not appear to lend a great deal of support to the case for putting Percodan on triplicate they of course do not in any way subtract from other evidence which was introduced to show that Percodan should be placed on triplicate A consideration of the evidence gathered from actual law enforcement operation will be discussed below

One other source which the Bureau of Narcotic Enforcement presented to the committee was the original advertising brochure which the manufacturer of Percodan, Endo Laboratories, used with the preparation The brochure stated that, ''the habit-forming potentialities of Percodan approach those of morphine more closely than those of codeine The same care should therefore be exercised when using Percodan as when morphine is prescribed.'' In later brochures this statement was changed to state that Percodan ''may be habit-forming '' Dr Mozes Lewenstein, Chief of the Narcotic Division of Endo Laboratories, testified that when Percodan was originally marketed, ''we ourselves did not have sufficient information on the habit-forming

[13] *Ibid*, p 242

[14] For the federal classifications see *Drugs Subject to Federal Narcotics Laws*, U S Bureau of Narcotics, General Circular No 259 (Washington 1961), and *Exempt Narcotic Prescriptions*, Hearing, pp 134-138

potentialities and we decided, as Endo has always done, to go all-out and give a strong warning for it As the years went by we found that the addiction liabilities were not too strong so we changed it." [15]

While the original brochure supports the contention that the habit-forming potentialities of Percodan and not simply dihydrohydroxycodeinone resemble morphine, the original brochure was based not upon experience with Percodan but only upon previous literature on dihydrohydroxycodeinone While the judiciousness of marketing a product upon which the manufacturer "did not have sufficient information on the habit-forming potentialities" may be questioned, the warning given in making the comparison with morphine would appear to give a safe margin of caution The point is whether once experience is gained, the original warning is to be taken as an accurate description of the preparation If this were to be the case, the result might well be a reluctance on the part of the manufacturers to provide an original safety margin which would remain as a description no matter what the latter findings showed In any case an advertising brochure, whether it states that the preparation is like morphine or like aspirin in its characteristics is only as convincing as the source upon which the statement is based.

With regard to the scientific research undertaken to support the contrary position, that Percodan does not possess a high addictive liability, only one relevant study has been conducted and this used Percodan-Demi rather than Percodan [16] The single difference is that Percodan-Demi contains one-half the amount of dihydrohydroxycodeinone and homatropine terephthalate present in the regular tablet of Percodan This study had as its purpose "to determine whether or not physical dependence would be produced by the regular periodic oral administration of certain analgesics in their recommended therapeutic doses over a moderately prolonged period of time—in this case, three months." Percodan-Demi was one of four preparations used The others were Empirin with codeine, ethoheptazine with aspirin, and d-propoxyphene Using the double blind clinical investigation procedure to assure administrative validity and a sample of 63 patients, the researchers concluded that "some symptoms suggesting addiction were noted" but that "these symptoms were neither consistent, progressive nor clear cut" The study was not intended to definitely prove or disprove the addictive liability of any of these preparations, and while its results would tend to indicate that Percodan does not possess the addictive liability attributed to it by the Bureau of Narcotic Enforcement, the authors do note that further studies are needed It should also be noted that considerable similarity was found between Percodan-Demi and Empirin with codeine

Evidence From Professional Experience

In addition to relevant scientific research, another source of information on the properties of Percodan is the professional experience of both the law enforcement officers and the members of the healing arts

[15] *Exempt Narcotic Prescriptions*, Hearing, p 112

[16] Leo J Cass, John T Laing, and Willem S Frederik, "Physical Dependence Potentiality of Analgesics," *Current Therapeutic Research*, Vol 3 (July 1961), pp 289-299

While the representatives of the Bureau of Narcotic Enforcement placed considerable validity on the scientific sources, their primary contention was that the use of Percodan by two rather distinct classes of addicts was confirmation that the addictive liability of Percodan warranted removing it from oral prescription A clear differentiation should be made between the two classes of addicts whose use of Percodan serves as evidence for its characteristics These two types are the transferee from heroin and what has been termed the "innocent addict" The former group apparently comes to use Percodan as a surrogate for the more desirable heroin while the latter group is characterized by being rather exclusively limited to Percodan Chief Storer noted the differences in the following manner

> I am not here to say that heroin traffic has been dwarfed into insignificance because of this drug or that the marijuana problem isn't a great one I'm not here to say that a great segment of our addict population is that of Percodan addicts or that people are being harmed in alarming numbers every day by this I merely say that it has a general use We have letters from doctors and experts in the nalline program that all of those people that they have come in contact with who are heroin addicts on the nalline program have a history of the use of Percodan right along with the heroin They switch from one to the other we have that This is all I'm trying to say By controlling this to the extent that we control morphine and delaudid and these potent drugs, we can eliminate this thing and furthermore, much of the Percodan addiction that we have is by people who I would say are not in the underworld They are not the type of people who acquired a heroin habit because of thrills, by the use of marijuana and all that There are housewives people who started it by a physician, who liked the effects of it, who find that it is easy to get and continue on There are many of these people who are innocent people They are not the criminal type They wouldn't know how to buy a capsule of heroin if they tried [17]

According to the Bureau of Narcotic Enforcement the two groups can thus be differentiated on the bases of the initial cause of addiction, the reason for using Percodan, and the effects on each of placing Percodan on triplicate In contrast to the multitude of reasons that have been put forth for the addiction of the transfer addict, the initial cause of addiction of the innocent addict is said to be the carelessness of the doctor in overprescribing The new addict uses Percodan seemingly exclusively while the hardened addict utilizes it on an in-lieu-of basis, that is, when more desirable substances, be it heroin or dangerous drugs, are not available Finally, putting Percodan on triplicate would have different effects on each group The transfer addict would presumably not be deterred from his habit but instead transfer to some other substance The new addict would presumably not have the source of addiction available The contention would seem to be that the placing of Percodan on triplicate would serve as a preventative to medically

[17] *Exempt Narcotic Prescriptions*, Hearing, pp 26-27

caused addiction in that the doctor would be made aware of the danger of Percodan In effect an educative function was ascribed to the triplicate procedure The oral prescription, it was contended, had resulted in the doctor's lack of the realization of the fact that the preparations while on the oral prescription, were still narcotics

At the hearing, four tape recordings were played of interviews with individuals who had been arrested after illegally procuring Percodan through impersonating a physician on the telephone or forging prescriptions [18] The tapes were gathered by Burnell Blanchard, Field Supervisor, Medical-legal Field Office in Los Angeles of the California Bureau of Narcotic Enforcement Each of those who were interviewed had originally been prescribed Percodan over a period of some months by a doctor and only one of whom (who had had a previous difficulty with Empirin codeine) had apparently ever before become dependent on a narcotic preparation

> **Assemblyman Thelin:** But your conclusion has been that there is more medically inspired or caused addictions than in the past?
>
> **Mr. Blanchard:** The general history of all of the people that we are arresting . almost without exception down in the South. I understand here, locally, that the drug addict himself is using it, but that is not so down South I guess we have a too ready supply of heroin I am talking about the person who is medically addicted and then has to commit a crime because the doctor realizes that an error has been made and he rightly tries to correct it, and it has gone too far to correct and the person commits an offense
>
> **Assemblyman Thelin:** And this conclusion, you can verify by the actual arrests that you have made?
>
> **Mr. Blanchard:** Yes [19]
>
> * * * * * * *
>
> **Mr. Blanchard:** Many people are innocently being addicted to its use through misuse and misprescribing by physicians. It is an unfortunate statement to make, but nevertheless the physicians are unaware of the addiction potential to the degree that they believe that the drug is very similar to codeine, that it has codeine-like properties, that the addiction is like that from codeine, which the evidence cited by these authorities will show you an entirely different picture [20]

The experience of those who testified against placing Percodan on triplicate was understandably quite different from that of the bureau. Dr Edward Liston, Chief of the Palo Alto Medical Clinic, testified that

> I have never known in my own practice, which has been an extensive one, of any addiction to Percodan. I have never even known where a patient became habituated to it, and the reason, it seems to me is very simple You have enough aspirin alone in a

[18] *Ibid*, pp 35-47, 76-79
[19] *Ibid*, pp 86-87
[20] Hearing before the Subcommittee on Importation of Dangerous Drugs of the Senate Factfinding Committee on Public Health and Safety, January 25, 1962, p 130

> Percodan tablet to make a person sick as a dog, and that is a built-in preventative, as I see it, against real addiction. Certainly, the figures I have given you . . seem to bear out the fact that doctors in the clinic have no special fear of addicting their patients or they would not be giving out that many prescriptions for Percodan because they are honest men [21]

Evidence From Other Governmental Units

The practices of several other governmental jurisdictions were mentioned at the hearing and there are several aspects of comparative experience that are relevant here The most important would appear to be the position of the federal government with its policy position of having Percodan remain on the oral prescription list despite a request made to the U S Bureau of Narcotics for the removal of Percodan from the oral prescription list A communication has also been received by the committee from a member staff of the White House Conference on Narcotics stating that "in checking with the Federal Bureau of Narcotics, as well as state and local enforcement agencies in the East, it appears that abuse of this drug is extremely rare outside of California" [22]

One difficulty with attempting to compare the experience with Percodan in other states with the condition that the Bureau of Narcotic Enforcement has described in California, is that the presence of the triplicate prescription makes conditions in California quite unique (except for the recently instituted system in Illinois) In other states the narcotic addict who victimizes pharmacies through the use of illegitimate prescriptions encounters a situation wherein morphine, dilaudid, demerol, or several other seemingly more desirable narcotics are available on single prescription blanks rather than the triplicate The effort to illegally procure Percodan from a drugstore through the use of oral prescription is thus only slightly less arduous than using forged single prescription blanks to procure more rewarding preparations. A condition thus prevails which is much the same as depicted by Agent Blanchard with regard to the lack of use of Percodan by transfer addicts in Southern California, the supply of heroin is too readily available to cause recourse to the oral prescription and Percodan

While due to the presence of the triplicate procedure in California conditions may not be comparable between California and other states with regard to the use of Percodan by the transfer addict, conditions would appear to be similar with regard to the possibility of medically caused addiction occurring There would appear to be no discernable difference with regard to medical practices in California which would lead to differences between the states in the matter of medically caused addiction If this is a serious problem in California, then it would appear that the presence of the innocent addict would be felt in other states At this time there is an absence of evidence on the comparative situation but it would seem to be an area in which evidence should be gathered.

[21] *Exempt Narcotic Prescriptions* Hearing, pp 120-121
[22] Letter in Committee files dated October 30, 1962

THE DEGREE OF MISUSE

There is a consensus of opinion by all parties concerned that Percodan as with any narcotic preparation can be habit forming The relative extent of the preparation's addictive liability in comparison with other narcotics is, as has been evidenced in the information gathered by the subcommittee, the subject of differing opinions Eventually, however, it is in an examination and evaluation of the actual prevailing conditions in the degree of misuse of the product which should form the major ingredient in making a decision on which prescription procedure Percodan should be placed While a neat statistical tabulation of the number of fraudulent oral prescriptions transacted together with the number of violators would be desirable, it should be recognized that the Bureau of Narcotic Enforcement faces several obstacles in accounting for violations in the oral or single blank prescription procedures When a fraudulent transaction does take place, the pharmacist while legally liable to arrest usually does not realize that he has been a "victim" since the usual procedure has been followed The following discussion between Assemblyman Holmes and Chief Storer illustrates the situation

Assemblyman Holmes: How many have you been able to apprehend? You got the triplicate prescriptions and there was forgery on that how many have you been able to apprehend where they called in as a forgery? I am talking now about single prescriptions

Chief Storer: On single prescriptions, we have a total of 95 arrests involving the drug Percodan alone this one drug not other drugs from January 1960 to October 1961

Assemblyman Holmes: Ninety-five?

Chief Storer: Yes

Assemblyman Holmes: Did you mean to say awhile ago that you had 70 arrests where they forged the triplicate prescriptions?

Chief Storer: Yes Now, we have 95 on the drug Percodan

Assemblyman Holmes: What I am trying to get at is the percentage between the two

Chief Storer: But, there is no correlation because we know that there are a great many fictitious prescriptions, a great many telephone calls and a great many plain blanks or single prescription blanks laying in drugstores that we have no knowledge of and never will, because there is no victim in these cases As I say, a man makes a fictitious telephone call to a druggist He gets the narcotic The druggist has complied with the law He has done what is required of him He has gotten his money and he is not a victim, and the doctor never knows this has happened, and he is not a victim

Assemblyman Holmes: These are pertinent questions I am asking, Mr Storer For my own knowledge, I want to find out the different procedures, the number of violations, the percentage of violations with the single prescriptions, as well as the triplicate

prescriptions I realize there is a problem in that they might get lost

Chief Storer: I will reply as best I can I recall that on the hearing of this bill, A B 2582, I was asked, "How many are there are there 10 000 or are there 5,000 or 500, or are there 50?" I would state this, I have to take the negative approach to it, and I regret I would like to be able to say there are 20,000 violations This is a terrible thing out of a population of this size, this is too much I cannot do that I can say that on the triplicate prescriptions, we have very few We know that we catch them all, or at least we know they are forged We can do something about it The person may leave the State We may never arrest them We may never find out who did it, but we can take steps that it won't happen again, and should it be repeated very often, we can get them because we can circularize the drugstores[23]

While there are definite limitations on the data, the bureau has reported 34 arrests in the calendar year of 1960 During the 22-month period from January 1960 to October 1961 there were an additional 22 arrests for preparations other than Percodan on the oral prescription procedure[24] For the calendar year 1961, the bureau reported 96 arrests and for the calendar year 1962, the bureau reported 111 arrests[25] Figures from local law enforcement jurisdictions were not presented at the hearing At the present time the manufacturer of Percodan estimates that there are approximately 250,000 prescriptions for Percodan each month in California,[26] while approximately 19,000 triplicate prescriptions are written each month

The only relevant figures published by the federal government on Percodan occur in the U S Bureau of Narcotics' *Traffic in Opium and Other Dangerous Drugs* annual report for 1961 The federal agency lists a total of 27 Percodan addicts over the past five years with the breakdown being six in 1957, three in 1958, four in 1959, five in 1960, and nine in 1961 The total is 27 since the definition of addict used in the compilation is one who has been arrested within the past five years[27]

The problem of determining the degree of misuse of Percodan is thus analogous to measuring the size of the statistical iceberg which does not appear above the surface A further complicating factor is the division between the transfer addict and the medically caused addict While Agent Blanchard testified that the former were not in existence in Southern California, Chief Storer indicated that they were in abundance, apparently in Northern California

[23] *Exempt Narcotic Prescriptions*, Hearing, pp 14-16
[24] Hearing of the Senate Factfinding Committee on Public Health and Safety, p 125
[25] For a classification of offenses by code section see Appendix D, p 83
[26] Hearing of the Senate Factfinding Committee on Public Health and Safety, p 146
[27] There is considerable disagreement about the reporting procedure used in gathering these figures and also their validity It would appear that they should not form a major part of the case for either retaining percodan on the oral prescription list or placing it on triplicate

Conclusion

If the size of the arrest statistics showing above the surface, i e , 34 for 1960, 96 for 1961, and 111 in 1962 are evaluated to be sufficient to infer a serious addictive liability in Percodan and also to be of sufficient magnitude to indicate a serious law enforcement problem, then there is little need to push further If not, there then exists certain areas which should be examined further before a judgment can be made on the necessity of transferring Percodan from oral prescription to the triplicate

1 Evidence from commitments to either state mental hospitals or the narcotic rehabilitation centers should be gathered The assumption here is that the Percodan addict would eventually show up at some point in the cases that pass into and through these institutions While Agent Blanchard did utilize two cases from this source [28] the magnitude of this type of case is difficult to infer from this limited amount of evidence

2 Testimony by local law enforcement officials would also be relevant At the November 1961 Assembly hearing there was a gap in information which might have been available from this source

3. The position of the federal government should be made clear. Evidently the U S Bureau of Narcotics has evaluated the evidence with regard to Percodan and has come to the conclusion that it should not be removed from the oral prescription list The evidence which was evaluated, together with the criteria used, would be of great significance

4 Further information with regard to the medically-caused addiction would be pertinent As the situation now stands, an evaluation of the seriousness of the Percodan problem is necessarily an evaluation of the medical use of this narcotic preparation Only one medical doctor testified at the subcommittee hearing and it would seem that further information should be gathered from this source.

Were Percodan not admittedly an extremely important analgesic whose beneficial characteristics are acknowledged by both those wanting to place the preparation on triplicate and those who do not, the decision would be easier to make If such a large distance were not perceived by the medical profession with regard to the differences between the oral and triplicate procedure, the situation would also be less involved. Finally, if there were more information available with regard to both scientific data on the addictive liability of Percodan and criminal statistics on its misuse, a much larger part of the information necessary to make the decision would be present

In the final analysis, the decision on Percodan cannot be based on any simplistic criterion but must encompass a number of considerations At this point, the evidence on several of these considerations is inconclusive

[28] *Exempt Narcotic Prescriptions*, Hearing, pp 40-42, Hearing of the Senate Fact-finding Committee on Public Health and Safety, pp 133-134

REHABILITATION HEARING

On October 24, 1962, the Subcommittee on Narcotics and Mentally Ill under the chairmanship of Assemblyman Milton Marks held a hearing in San Francisco on the subject of rehabilitation of narcotic addicts. The purpose of the hearing was to review narcotic rehabilitation in California, including commitment procedures, institutional care, and postinstitutional follow-up in light of the experience to date and also with reference to the information exchanged at the White House Conference on Drug and Narcotic Abuse held during September 1962 in Washington, D. C. Assemblyman Marks and Assemblyman Rumford both attended the White House Conference.

The rehabilitation program under the Department of Corrections at the time the subcommittee held its hearing had only been underway for a little more than a year. The legislation authorizing the program was enacted in 1961. The subcommittee was interested in hearing how the program was advancing and what progress was being made.

Mr. Roland Wood, Superintendent of the California Rehabilitation Center at Corona, testified at the hearing and noted that excellent progress was being made under the program. He made the following statement concerning the three main goals of the program:

> . . . Our first goal was to get the addicts off the street, to reduce their chances of contamination, to dry up the market for heroin peddlers. The second goal was to provide treatment for addicts committed to the Rehabilitation Center, the third, by controlling these addicts to close parole supervision and testing for good use after release would provide a continuing form of treatment. This is done with the nalline testing control program for felon addicts, as well as the releasees from the California Rehabilitation Center. It provides for speedy return to institutional confinement in the event that reuse is indicated. This, we feel, provides adequate protection and control to society. Now what have we been doing this past year in implementing the intention of the Legislature?[29]

Mr. Wood testified that the first narcotic addict halfway house under the rehabilitation program recently opened in Los Angeles. He explained the function of the halfway house in the following manner:

> The halfway house, in a sense, it is halfway in and halfway out. A man is released from institutional confinement to this facility where he then can look for a job, where he receives group counseling in the community, where he can receive additional support, he might even be able to visit members of his family, and go out in the daytime and come back in the evening. If the individual begins to slip while he is on parole, he may be brought back to the halfway house, tried out in that lesser control than in an institution but more than parole, and then if he fails be brought back to the institutional confinement.[30]

[29] *The California Narcotic Rehabilitation Program*, Hearing of the Subcommittee on Narcotics and Mentally Ill of Assembly Interim Committee on Public Health, October 24, 1962, p. 2.
[30] *Ibid.*, p. 21.

Weldon H. Smith, Deputy Chief, Parole and Community Services Division, Department of Corrections, explained in more detail how the staffing arrangements will work in the halfway houses. He stated

> We have, as I mentioned, a district office right in the halfway house The district office is composed of a parole officer supervisor, an assistant supervisor, and six parole agents I, and each carries 30 men in their caseload, and they will have supervisory responsibility for these people whether they are in the house or have left the house, we still have programing for these people to come back to Now, in addition to this we have a house manager, and he is in more of a therapist role He will have charge of the internal programing for these people, which will be a continuation of this therapeutic community concept which Mr. Wood mentioned, a transitional thing coming into the community. In addition, on 24-hour coverage, we have a former probation officer and his wife occupying an apartment on the top floor For Saturday and Sunday coverage, which will be shared on a rotation basis by the parole agents, in addition they are going to have graduate students from Los Angeles State who will come in to this in doing various research projects and will also assist us in supervision of these individuals on weekends [31]

Daniel Lieberman, M D , Chief Deputy Director, Department of Mental Hygiene, outlined briefly the narcotic rehabilitation program under the Department of Mental Hygiene He noted that the Mental Hygiene Department and Department of Corrections' rehabilitation programs are in many respects very similar The main distinction is that Mental Hygiene receives its narcotic addicts through civil commitment and that the addicts are generally persons with no criminal records or a minor criminal record

The Department of Mental Hygiene stresses extensive therapy treatment during the time that the addicts are undergoing rehabilitation treatment Dr Lieberman stated

> Therapy takes several forms and is individualized to as great an extent as possible Treatment of a physiological nature is often required to correct serious physical and nutritional deficiencies often seen in these individuals Treatment of withdrawal symptoms is usually necessary, although in our experience most of the narcotic addicts sent to us for treatment have already passed through their period of withdrawal symptoms The kinds of therapy that are stressed include group psychotherapy, individual therapy, vocational rehabilitation, and individual counseling with various members of the professional staff [32]

Joel Fort, M D , Director of the Center on Alcoholism in Oakland, commented on the primary importance of the follow-up treatment

> I think that what they should have after they leave the institution is a comprehensive total push outpatient follow-up program which would not be a psychiatric program per se, a medical pro-

[31] *Ibid*, pp 34-35
[32] *Ibid*, p 41

gram per se, a law enforcement program per se, but ideally a combination of all of these things working together which would include the constructive use of the halfway program, Narcotics Anonymous chapters similar to the Alcoholics Anonymous program, psychiatric help, vocational guidance, frequent and consistent supervision of a parole or probation nature, and the use of halfway houses.[33]

Mr Arlo Smith, Chief Assistant Attorney General, testifying on behalf of the Attorney General's office, made the following statement in regard to rehabilitation and commitment procedures

> One of the greatest problems which this system has overcome is the bringing of an addict into the facility for treatment and rehabilitation The most effective method of bringing the addict into a rehabilitation facility is the new procedure adopted in 1961
>
> A compulsory treatment statute utilizing both the criminal and civil commitment process is the most effective method of bringing the addict into an appropriate facility for treatment [34]

Mr Smith commented on the recent United States Supreme Court case, *Robinson* v *California*, which struck down a portion of Section 11721 of the California Health and Safety Code which made it a misdemeanor to be addicted to a narcotic drug Prior to the Robinson case, 39 percent of the commitments to the California Rehabilitation Center in the period October 1961 to July 1962 resulted from misdemeanor violations of Section 11721 The Attorney General's office has filed a petition for rehearing of the case and at the present time, the Supreme Court has granted a stay of its mandate Mr Smith pointed out that the Robinson case clearly indicated that compulsory treatment of narcotic addicts is constitutional

Conclusions

The narcotic rehabilitation program is at somewhat too early a stage to allow an evaluation of progress and eventual accomplishment It should be noted, however, that at the 1962 White House Conference on Drug and Narcotic Abuse the California program occupied the center of attention due to its being in advance of comparable programs in other states

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[33] *Ibid*, p 60

[34] Statement submitted to the subcommittee For a description of the commitment procedure together with a statistical breakdown in figures for those committed during the period September 1961 to December 1961 see *Narcotic Arrests and Dispositions in California, 1961*, California Bureau of Criminal Statistics (Sacramento 1962), pp 73-77

REPORT OF SUBCOMMITTEE ON AIR POLLUTION AND RADIATION PROTECTION

LICENSING FEES FOR RADIOACTIVE MATERIALS

Findings:

1. The transfer of regulatory authority over radioactive material from the federal government to the State of California has resulted in a financing of the newly acquired licensing and inspection program by fees paid by the licensees

2 Considerable disagreement has been evidenced with this method of financing what is essentially a public health program

3 There is a consensus of opinion that the support for the licensing and inspection program should come from the general fund

Recommendation:

Serious consideration should be given to placing the cost of the licensing and inspection program on the general fund

The Assembly Public Health Committee has taken an active part in the transfer of authority for the regulation of radioactive materials from the federal government to the State A number of hearings have been held and several reports have been issued on the various factors involved [1] The process of transferring authority has now progressed from the initial stages of research and negotiation, through the passage of enabling legislation in A B 1975 during the 1961 session, and now rests at the point of working out the details in implementing the program One of the major factors involved in this working out of a problem in federalism is the State's relationship with the groups who were previously regulated by the federal government While the substitution of state supervision for federal supervision can have many advantages based on the close proximity of the administration of the program as well as other factors, one substantial change in the transfer of authority was the decision to make the regulation program self-financing Whereas under the federal government the costs of the inspections of the radioactive materials had not been paid by those inspected, the program set forth in A B 1975 called for an inspection program financed by the users of the radioactive materials To this end a schedule of fees was drawn up by the Department of Public Health The reaction by the users of radioactive materials in all phases—industrial, research, and medical—was one of opposition to this change from the federal program To determine the issues involved and possible alternative courses of action, A C R 19 was introduced during the 1963 session

WHEREAS, The Legislature, in the California Atomic Energy Development and Radiation Protection Law enacted in 1959, declared it to be the policy of this State to encourage the constructive development of industries producing or utilizing atomic energy and radia-

[1] *Radiation Protection in California*, Report of the Subcommittee on Radiation Protection of the Assembly Interim Committee on Public Health (Sacramento 1961), *Development and Control of Nuclear Industry in California*, and *Atomic Energy Development and Radiation Protection in California*, Reports of the Subcommittee on Air Pollution and Radiation Protection of the Assembly Interim Committee on Public Health (Sacramento 1959)

tion and to eliminate unnecessary exposure of the public to ionizing radiation; and

WHEREAS, The Legislature, in the Radiation Control Law enacted in 1961, directed the Department of Public Health to establish a regulatory program for the licensing of radioactive materials and to provide by regulation a schedule of fees which shall be just sufficient to cover the costs incurred in that program; and

WHEREAS, A schedule of fees for this purpose was adopted by the State Board of Public Health, after public hearings, on December 8, 1961; and

WHEREAS, This fee schedule becomes effective on September 1, 1962, upon ratification of an agreement between the United States Atomic Energy Commission and the State of California by enactment of Assembly Bill No 29, 1962 First Extraordinary Session; and

WHEREAS, It has been asserted that the fees established by this schedule would tend to hamper the full development of the uses of radioactive materials, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of Public Health be directed to do all of the following·

A. Undertake a study of the program as it relates to costs and fees, including at least all of the following means and goals.

1 Hold public hearings, giving wide notice to those who would be subject to the fees

2 Consider the minimum program that would adequately assure the public health and safety and meet the requirements of the agreement with the United States Atomic Energy Commission

3. Estimate the effects of fees on the growth of the radioisotope industry in California.

4 Consider possible alternative means that might be used to fund the program.

The report of the Department of Public Health [2] listed three alternative means by which the state program might be financed

a Financial support from the AEC It was observed that if the AEC is turning over this regulatory program to the State, they might reasonably provide financial support The AEC maintains, however, that they are legally constrained from providing such support

b Increasing fees for X-ray machines One suggestion was that the present $5 annual registration fee for each X-ray machine be increased to $10-$15 per year and that license fees for radioactive materials be set at $10-$20 per year This would provide total revenue comparable to that anticipated from present registration and license fees combined The rationale for this suggestion is that the total radiation control program may reasonably be considered as one entity from the standpoint of public health, and that fees of this magnitude would not represent an unreasonable burden for anyone However, at the time the enabling legislation was considered in 1961, the X-ray users strongly objected to subsidizing the radioactive material control program

[2] For the complete text of the report, see Appendix E, pp 84-89

c The most prevalent suggestion, by far, was that there should be a nominal annual license fee for radioactive materials of around $10, with the remainder of the cost of an adequate control program to be provided from the General Fund. The principal rationale for this suggestion is that this is a program to protect public health and that traditionally such programs are financed from the General Fund

The report recommended that the statutory base of the state regulation program "be appropriately changed so as to provide for an adequate state radiation control program to be financed principally from general support funds." Similar positions were recorded by the Advisory Committee on Radiological Health to the State Department of Public Health [3] and the State Board of Health [4]

The Co-ordinator of Atomic Energy Development and Radiation Protection has also endorsed the General Fund financing proposal His cogent comments indicate the context of the issue as one of competition among states resulting from the devolution of authority from the federal to the state governments Whereas previously the regulation by the Atomic Energy Commission had created a homogeneity in the regulation and inspection program which precluded this particular aspect from being a factor in competition among states for both producers and users of radioactive materials, the co-ordinator's analysis indicates the revised nature of the problem

> The precedent established by the AEC, of making no charge for licenses, has been followed by the states that have entered into, or proposed, agreements for transfer of AEC authority, with the sole exception of California There is a real risk that holding to this unique position may convey generally the impression, voiced by some, that the state government is antagonistic to industrial and medical advances in this new field, despite the formal declaration of policy in our statutes to the effect that such progress is to be encouraged (Health and Safety Code, Sec 25710) The cost of acquiring such an unfavorable reputation may be too much to pay for adhering to the presently prescribed method of fiscal support
>
> The competition of other states for a larger share of the atomic energy industry is keen and becoming ever more intensive as states enter into agreement for assumption of regulatory authority from the AEC California has been the leader in this field from its beginning and continues to hold first place; but the industry is being wooed by direct mail campaigns, such as Kentucky's, and by even more effective action, such as the establishment of elaborate nuclear centers with extensive facilities, under multimillion-dollar state funding, in New York It is not in the California tradition to spend state funds for such promotional subsidies or advertising campaigns; but avoidance of their opposite would appear to be the part of wisdom [5]

The proposed change in the Health and Safety Code recommended by the Advisory Committee on Radiological Health would substitute a flat $10 per license fee for the present system of fees based on radio-

[3] See Appendix E, p 90
[4] See Appendix E, p 91
[5] For the complete text of the letter, see Appendix F, pp 92-94

active properties of the materials license The text of the proposed change in the statute reads.

> The department shall provide by regulation a schedule of fees which shall be paid by applicants for the licensing of radioactive materials and of devices and equipment utilizing such materials and for the renewal of such licenses, and by persons possessing machines which produce ionizing radiation and which are subject to registration in accordance with Section 25780 and regulations adopted pursuant thereto The fees shall not exceed $10 annually for each license and $5 annually for each machine The revenues derived from such fees shall be used, together with other funds made available therefor, for the purpose of issuance of licenses and the inspection and regulation of users of ionizing radiation Any agreement made pursuant to Section 25810 shall include provision for distribution of funds provided for the radiation control program proportionate to the services performed by each participating agency

The use of the General Fund to finance the cost of the program rather than license fees would remove the area of disagreement from the present program and place California in a similar position to other states While the exact cost is not as yet precisely determined, it appears that the basic figures will approximate the cost of the present program at $125,000 minus the projected income of approximately $10,000 from the radioactive material licenses At the present time, there are over 1,000 authorized licensees and registrants using or authorized to use radioactive materials in California

PERSONS USING OR AUTHORIZED TO USE RADIOACTIVE MATERIALS IN CALIFORNIA AS OF NOVEMBER 1, 1962

	Number
Total	1,059
Former U S AEC licensees now under sole jurisdiction of State	*656*
Medical users	346
Industrial users	223
Educational users	33
Governmental users, not elsewhere shown	24
Other (research, processing, distribution, etc)	30
Former U S AEC licensees now under combined State-U S. AEC jurisdiction	*71*
Industrial users	62
Educational users	3
Other	6
Former U S AEC licensees still under sole jurisdiction of AEC	*111*
U S government installations	55
Special nuclear material licenses	17
Export-import licenses	10
Other (out-of-state users, classified users)	4
Pending final disposition	25
Radium users (as of July 1, 1962)	
Registered with State but not yet licensed by State	*204*
Medical	177
Nonmedical	27
Generally licensed gauging devices (as of January 31, 1962)	
Requiring registration but not specific licensing	*17*

Source Bureau of Radiological Health
Licensing and Registration Records, December 3, 1962

X-RAY EQUIPMENT REGULATION AND LICENSING

HOUSE RESOLUTION No. 331
Relating to X-ray equipment used in professional offices

WHEREAS, Assembly Bill No 1975, a bill having overall coverage of atomic power and ionization, contains provisions for the regulation and licensing of X-ray equipment used in professional offices, and

WHEREAS, The inclusion of such X-ray equipment was for the purpose of having legislation which could be the basis of agreements with the federal government on radiation control, and

WHEREAS, It has been asserted that statutes pertaining to X-ray equipment used in professional offices should be separate and distinct legislation and not combined with other problems of radiation; and

WHEREAS, That assertion was recognized by the members of the Public Health Committee when they provided that the portion of Assembly Bill No 1975 which relates to such licensing shall not take effect until July 1, 1962, and

WHEREAS, The delay in operation was provided with the intent that an interim study be made of the regulation and licensing of X-ray equipment and that the recommendations of such interim study be used as the basis for legislation in the event an item on subject is included by the Governor in any special session, now, therefore, be it,

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is hereby directed to assign to the appropriate interim committee for study the regulation and licensing of X-ray equipment and to direct such committee to report its findings to the Assembly by the fifth calendar day of the 1962 Regular Session

SUMMARY

The regulations dealing with X-ray machines in professional offices which have been promulgated by the Department of Public Health recognize the very important distinction between regulation of the X-ray machine and the professional use to which it is put The inclusion within the Radiation Control Law of 1961 of the authority to regulate X-ray machines used in the healing arts permits a comprehensive approach to the problems of radiation which can work to the advantage of both the regulated and to the purpose for which the legislation was passed—the protection of the health and safety of the people of California.

CONCLUSION

There is no need at the present time for amendments to the Radiation Control Law sections dealing with X-ray machines in professional offices

Introduction

In 1961 the California Legislature passed A B 1975, the Radiation Control Law, which had two closely related purposes

1. To serve as a basis for the transfer of federal regulatory authority over sources of ionizing radiation to the State.

2 To serve as a statutory framework for the issuance for the first time within the State of regulations dealing with X-ray machines (including fluoroscope machines) within professional offices

This report will refer to this second purpose

The enactment by Congress of the 1959 amendments to the Atomic Energy Act (Public Law 86-373) portends to have a considerable effect upon the role of the states in the regulation of certain radioactive sources Until these amendments were adopted, the federal government, specifically the Atomic Energy Commission, had virtually complete jurisdiction The changes in the law provide for a decentralization of certain aspects of the regulation of radioactive sources to the state level providing that each state which applies for assumption of the responsibility meets AEC requirements

As of February 1, 1962, California and 12 other states had passed legislation permitting them to enter into agreements with the AEC [6] Section 25830 of the Health and Safety Code reads

> The Governor on behalf of this State, may enter into agreements with the federal government providing for discontinuance of certain of the federal government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this State Such agreements shall become effective only when ratified by law

X-ray Machines and Public Health

While the inclusion of authority within the Radiation Control Law to permit the Department of Public Health to issue regulations on inspection and operation of X-ray devices was not an integral part of the anticipated agreement with the AEC, the reasoning which lead to the coupling of the programs centered on the fact that the type of hazard to the public health is identical The effects of radiation are the same whether received from medical and dental X-rays, industrial exposure, or fallout At the present time there are over 21,000 X-ray machines in California [7] producing an estimated 95 percent of the population's manmade exposure to radiation [8] It is acknowledged that the reduction of medical and dental exposure by only a few percent would be "more than equivalent to eliminating all other sources of manmade radiation exposure" [9]

Unwarranted exposure to radiation must be avoided if the immense and acknowledged benefits from the use of atomic energy and X-rays are to be fully realized Several studies have indicated that there is unnecessary exposure to patients and operating personnel as a result of faulty techniques and hazardous equipment Even though an X-ray machine initially meets the manufacturer's standards and specifications, it should continue to be subject to inspection for compliance with state

[6] See Appendix G, "States With Specific Legislative Authority for Radiation Control Activities as of February 1, 1962"

[7] See Appendix H, "Registered Radiation Installations by Type of Radiation Source Reported in California as of December 31, 1961"

[8] *Regulation and Licensing of X-ray Equipment Used in Professional Offices,* Hearing of the Subcommittee on Air Pollution and Radiation Protection of the Assembly Interim Committee on Public Health, October 11, 1961, pp 3-4

[9] Professor Hanson Blatz as quoted in "Medical and Dental X-ray," *Consumer Reports,* Vol 26, No 9 (September 1961), p 495

regulations The National Committee on Radiation Protection after many years of maintaining that the public safety could be adequately secured through the method of "education and voluntary compliance" has recognized that "conditions are changing rapidly and that state control may become a necessity with the accelerating growth of radiation uses" [10]

Procedure in the Formation and Adoption of the Regulations

After the adoption of the Radiation Control Law, the State Board of Public Health appointed a 12-member advisory committee consisting of representatives from medicine, medical radiology, dentistry, medical physics, industry, labor, and local health departments This group examined in detail and made revisions in the first draft of regulations prepared by the Bureau of Radiological Health in the Department of Public Health, based on model regulations proposed by the AEC, the U S Public Health Service, and the Council of State Governments as well as recommendations from the National Committee on Radiation Protection [11]

The advisory committee's action resulted in a second draft which was circulated to approximately 500 persons in affected professions and industries, followed by public hearings held October 17 in Los Angeles and October 20 in Berkeley At these meetings the tentative regulations were subject to full discussion and subsequently a third draft was prepared by the advisory committee utilizing information received through oral and written comments that had been offered After review by the Co-ordinator of Atomic Energy Development and Radiation Protection,[12] the State Board of Public Health on December 8, 1961, adopted the regulations At this meeting no basic changes were requested

The Regulations

These regulations add California to the list of at least 19 other states which have control programs for X-ray equipment [13] The regulations adopted by the Board of Public Health consist of five groups [14]

1 Registration of sources of radiation.
2 Licensing of radioactive materials
3 Standards for protection against radiation
4 Transportation of radioactive materials
5 Participation by local health departments

It is group three, Article 7, dealing with "Special Requirements for the Use of X-rays in the Healing Arts," which is particularly relevant to this report These requirements follow closely the specifications recommended by the most authoritative body on the subject, the National Committee on Radiation Protection [15]

[10] *Regulation of Radiation Exposure by Legislative Means*, U S National Bureau of Standards, Handbook 61 (Washington 1955), p III
[11] *Proposal for Transfer of Certain Regulatory Authority From the United States Atomic Energy Commission to the State*, California, Governor's Office (December 15, 1961), p 2
[12] Health and Safety Code Section 25734
[13] Consumer Reports, *op cit*, p 501
[14] *Administrative Code of California*, Title 17, Chapter 5, Subchapter 4, Sections 30100 to 30397
[15] *X-ray Protection*, U S National Bureau of Standards, Handbook 60 (Washington 1955), 41 pp

The Assembly Interim Committee on Public Health at its hearing on November 7, 1961, in San Francisco received testimony from interested parties on the regulations No strong objections to the intent of these regulations, nor to their specific content were voiced Dr Eugene Ziegler representing the Joint Legislative Committee of the California State Dental Association and the Southern California State Dental Association, suggested that the necessarily highly technical language of the regulations should be translated into terminology which the practitioner could more easily understand and implement [16] Dr John Heslep, Acting Chief of the Bureau of Radiological Health, has indicated to the committee that the bureau will issue a descriptive summary clarifying the requirements of the regulations which should resolve this difficulty

The Implementation of the Regulations

The size of the inspection staff is closely tied to the fee of five dollars for each reportable radiation machine [17] At the present time it is anticipated that approximately 2,000 machines per year will be inspected, with priority assigned to those areas where potential improvement is greatest

Commenting on the implementation of the program at the November 7 hearing, Dr Heslep stated,

> . we would prefer not to call this an inspection, actually because our hope is that the greatest purpose that can be accomplished by our people as they enter a practitioner's office is to point out to him some of the operational problems with respect to controlling unnecessary exposure and to convince him by rational argument that (he) should do certain things in certain ways to provide this protection [18]

With regard to the place of professional judgment he declared that,

> . a point that I stressed was that we have no intent or desire of interfering with the professional judgment What we're talking about really here are some physical engineering factors that influence the amount of radiation exposure in a procedure, and our intent is to make these factors as favorable as possible from this standpoint [19]

BAY AREA AIR POLLUTION CONTROL DISTRICT TAX RATE

Findings:

1 Air pollution is now and will continue to remain for some time a critical problem in the San Francisco Bay area

2. In order to create an effective field investigation staff a need exists for an increase in the tax rate of the district.

Recommendation:

Favorable action be taken on an increase in the tax rate of the Bay Area Pollution Control District.

[16] *Regulation and Licensing of X-ray Equipment*, Hearing, p 24
[17] Health and Safety Code Section 25817, "The fee shall not exceed five dollars ($5) annually for each machine"
[18] *Regulation and Licensing of X-ray Equipment*, Hearing, pp 9-10.
[19] *Ibid*, p 9

On December 11, 1961, the Subcommittee on Air Pollution and Radiation Protection held a hearing in San Francisco to gather information on A.B 1228. This bill would have raised over a two-year period the tax rate of the Bay Area Air Pollution Control District from the present one cent per hundred dollars assessed valuation to two cents Testimony at the hearing indicated that while a definite figure for the increase was not entirely agreed upon, widespread support existed for an increase

Several members of the Board of the Bay Area Air Pollution Control District testified in favor of an increase Among the interested parties supporting an increase were the Association of Bay Area Governments, the Leagues of Women Voters of the Bay Area, the Oakland Chamber of Commerce, the Western Oil and Gas Association, and several large corporations

Speaking in favor of an increase, the Honorable Clarissa S McMahon, Chairman of the Board, and Supervisor for the City and County of San Francisco, stressed the primary relationship between additional funds and additional personnel in the field.

> These funds are vitally needed The lack of adequate enforcement personnel in the field permits the unscrupulous operator to continue to violate the regulations to the detriment of the Bay area's population and to those who have complied
>
> We have made real progress in combating this menace to our communities, but only within the limited scope of our available funds We are now on a threshold of accomplishment, however, we must place additional personnel in the field, if we are to attain the goal set for us by the State Legislature
>
> As our district's population grows, so will the numbers of uncontrolled sources of air pollution Compliance with district regulations is daily becoming our most important need [20]

Appearing on behalf of the Association of Bay Area Governments, Claude B Hutchison, the Mayor of Berkeley, testified that.

> The Air Pollution Control Committee of our association has concluded that the present district budget, which is based on a $0 01 tax rate, "will not permit the addition of enforcement personnel in a measure adequate to provide sufficient field inspectors to bring about essential and effective enforcement " We understand that the district has only three field inspectors to serve six counties, although we do recognize that some of the personnel in the technical division, as well as in the enforcement division, engage in enforcement activities It is evident that effective enforcement of the district's Regulations Nos 1 and 2, established under provisions of the State Health and Safety Code, will require an increase in staff and field personnel.[21]

[20] *Proposed Increase in Maximum Tax Rate Bay Area Air Pollution Control District*, Hearing of the Subcommittee on Air Pollution and Radiation Protection of the Assembly Interim Committee on Public Health, December 11, 1961, p 5
[21] *Ibid*, p 27

Carl W. Rehfuss, Chairman of the Air Pollution Control Subcommittee of the Western Oil and Gas Association also spoke in favor of an increase

> Our association has been following the air pollution situation in the Bay area for some years. It is our view that good strides have been made in controlling air pollution in this area, but more must be done. Two regulations have been adopted by the district, which we believe are good regulations Our refineries, we feel, have taken the lead in complying with these regulations. The job that must be done now is to get communitywide compliance Otherwise the regulations must be meaningless. We have in the past, and will in the future, endorse the principle of enforcement of air pollution regulation If this enforcement job is not done, we feel that air pollution control in the Bay area will be slowed down, which conceivably could have an adverse effect on the orderly growth of this community As we understand it, funds from any increase in the tax rate for the district would be used to achieve this enforcement. We favor, therefore, any justified tax increase found necessary to get the enforcement job done [22]

The Bay Area Air Pollution Control District as a governmental unit [23] has several central concerns. One of these is the specific job with which it is charged, "to control and suppress air pollution" in the Bay area [24] To accomplish this purpose it has an internal organizational structure which must be financed and managed Also the district is necessarily a political body which must have political relationships with not only its constituent units but also with the state government which controls any expansion in its tax rate. While the district has control to a large extent over its approaches to reducing air pollution in the Bay area and also with regard to its internal organization, it shares authority over any enlargement in its share of the tax rate with the State Legislature

The district has the responsibility for the control over air pollution in the six counties and if an increase in its financial resources is necessary. it has the responsibility to make a request for the increase to the Legislature If it does not make any such request, the inference is that the district has made the judgment that it can do a satisfactory job with the present funds

From the evidence presented at the hearing before the subcommittee, it would appear that an increase is justified especially by the need for enforcement personnel The exact size of the increase needed, together with its specific allocation, however, is for the district to determine subject to review by the Legislature

[22] *Ibid.*, p 61

[23] For consideration of the Bay Area Air Pollution Control District as an example of constituent-unit representation see Stanley Scott, "Metropolitan District Legislation Some Problems and Issues" (University of California Bureau of Public Administration 1958) Also *Air Pollution Its Health Effects and Its Control*, Report of the Subcommittee on Air Pollution and Radiation Protection of the Assembly Interim Committee on Public Health (Sacramento 1959), pp 28-31

[24] *Health and Safety Code*, Section 24346 2

LEAD GASOLINE ADDITIVES

On October 10, 1961, the Subcommittee on Air Pollution and Radiation Protection under the chairmanship of Assemblyman Howard J. Thelin held a hearing on A B 2335 and H R 411 which deal with the composition of motor fuels and the use of fuel additives in relation to the creation of smog

The central issues discussed at the hearing involved the effects of lead additives (tetraethyl lead and tetramethyl lead) on the exhaust fumes, their further effect on smog conditions, and finally their impact upon the health of the people of California Testimony was offered on the three points by witnesses from the Citizens' Antismog Committee, the Department of Public Health, the Ethyl Corporation, the Kettering Laboratory of the University of Cincinnati, and the Western Oil and Gas Association

A study of lead levels in three American cities has been carried out jointly by the U S Public Health Service, the California State Department of Public Health, and industries concerned with the manufacture and use of fuel additives A year-long study of atmospheric lead has been made in Philadelphia, Cincinnati, and Los Angeles In conjunction with the atmospheric lead measurement, blood and urine lead levels in selected population groups were measured in each city That portion of the study related to Los Angeles was conducted by the State Department of Public Health Fieldwork was completed in 1962

While the data of the study is still being analyzed, Mr. John Maga, Chief of the Bureau of Air Sanitation of the State Department of Public Health was able to testify at the hearing on the effects of lead as a health hazard

> Concern has been expressed over the possibility that additives and, in particular, lead produce a health hazard At present lead is considered a potential rather than a proven health hazard So far no individual has been found with a lead level from community air pollution that is in the range in which chronic toxicity is likely to occur [25]

Robert A Kehoe, M D , of the College of Medicine of the University of Cincinnati responded to Assemblyman Rumford's statement in the following manner

> **Assemblyman Rumford**: You are very specific in that you state that no present hazard to the public health is represented by lead dispersed in the air in association with the distribution and use of leaded gasoline
>
> **Dr. Kehoe**: That's right . No, there is no question in my mind in this This is a problem that I started out to solve as early as 1925, we have been on the trail of it ever since and I have no doubt about what the situation is at the present time I don't know what it will be 10 years from now, I'm talking about today.[26]

[25] *Composition of Motor Fuels, Use of Fuel Additives and Their Relation to the Creation of Smog* Hearing of the Subcommittee on Air Pollution and Radiation Protection of the Assembly Interim Committee on Public Health, October 10, 1961, p 13

[26] *Ibid*, pp 119-120

A B 2335 in subsection (a) deals with sulfur content. Mr Harry Morrison, Assistant Manager of the Western Oil and Gas Association, made the following comment about sulfur content

> Some suggestions have been made in A B 2335 that the sulfur in gasoline be reduced to one-twentieth of 1 percent by weight. That is 05 percent The weighted average of the sulfur in gasolines sold in Los Angeles County, according to the latest report of the U S Bureau of Mines, is approximately 06 percent by weight (This is also the approximate weight percent of sulfur in gasoline sold throughout the State of California.)
>
> So the effect of any reduction as proposed in a bill would be to reduce the sulfur from 06 percent to 05 percent Using official data of the Los Angeles County Air Pollution Control District as a basis, this change would reduce sulfur oxides emitted to the atmosphere in Los Angeles County during the summer smog season by 3 1 percent (it would reduce it from 128 tons a day to 124 tons a day) During the winter, when burning of heavy fuel oil is permitted, the current emission would be reduced by only seven-tenths of 1 percent (a reduction from 585 tons per day to 581 tons per day) Thus, the effect of the sulfur limits on gasoline imposed by A B 2335 would be insignificant [27]

From the information gathered at the hearing it would appear that a need does not exist at the present time for a bill such as A B 2335. A final conclusion should await, however, the research findings of the study undertaken by the State Department of Public Health in conjunction with the U S Public Health Service and industry.

MOTOR VEHICLE EMISSIONS CONTROL PROGRAM

INTRODUCTION [28]

Since the mid-1940's, when communitywide air pollution became the subject of public concern in the Los Angeles area, the problem has been recognized in an increasing number of California's population centers; until now, the metropolitan areas of Los Angeles, San Bernardino-Riverside, San Diego, San Francisco-Oakland, San Jose, Fresno, and Sacramento are faced with a characteristic type of air pollution usually described as smog

To meet the rising threat to the economy of the State and the well-being of its people, the Legislature, between 1947 and 1959, passed enabling legislation for the creation of county air pollution control districts and multicounty districts In 1955, the State Department of Public Health was given the responsibility to study the causes, control, and effects of air pollution wherever found in California, and to determine the extent of pollution in the State With county and multicounty agencies was placed the authority and responsibility for the control of industrial and other stationary sources of air pollution

[27] *Ibid*, pp 128-129

[28] *Grateful acknowledgment is made to the Bureau of Air Sanitation of the Department of Public Health and the Motor Vehicle Pollution Control Board for their role in the preparation of this report*

Through this legislation, the legal means of control of all stationary sources of air pollution, except agricultural sources, was made available to any part of the State where local government recognized a need. Under these laws, seven air pollution control districts have been established, encompassing 12 counties

There remained, however, the pollution from motor vehicles Recognition of the importance of atmospheric contamination from this source came somewhat late The essentially nonirritating, nontoxic nature of the hydrocarbons emitted from motor vehicles obscured their role in smog formation until the photochemical smog reactions were discovered.

General recognition of the significance of motor vehicles in the pollution in metropolitan areas and the inadequacy of the then-existing laws prompted legislation in 1959, 1960, and 1962 for control of emissions from motor vehicles A division of labor was established with the State Department of Public Health directed to set standards for air quality and standards for motor vehicle exhaust, and the Motor Vehicle Pollution Control Board created to test and approve emissions control devices

PROGRAM OF STATE DEPARTMENT OF PUBLIC HEALTH

The air pollution activities of the State Department of Public Health were set up in 1955 under Division 1, Part 1, Chapter 2, Article 9, Sections 425 and 426 of the Health and Safety Code The department's program centered in the Bureau of Air Sanitation also includes medical and laboratory units.

With respect to pollution from motor vehicles, the State Department of Public Health sets standards for air quality and motor vehicle emissions, conducts studies on emissions from motor vehicles and the photochemical reactions to determine the need for new standards or revision of existing standards, operates a statewide surveillance of atmospheric pollution from motor vehicles, and determines the health effects of air pollution In addition, programs not specifically related to motor vehicles continue These include other factors responsible for air pollution, health and economic effects of other sources of pollution, methods of control of nonvehicular pollution, surveillance of pollution from other sources, assistance to local agencies for the control of all sources of pollution, and setting air quality standards for pollutants not related to motor vehicles

Revision of Standards for Motor Vehicle Emissions

The present standards for emissions from motor vehicles, although they apply to all motor vehicles, were developed from data on emissions from standard American passenger cars only. No other data were available at the time standards were developed Consequently their application to large trucks and buses, small foreign cars and American compacts, and diesel-powered vehicles may be difficult, inequitable, or impossible Furthermore, subsequent data suggest that the present standards may need revision At this time the Department of Public Health has contracts with the Los Angeles County Air Pollution Control District for measuring emissions from small and very large vehicles Emissions from the crankcase and exhaust are being collected

over a representative driving pattern to determine whether the standards as now expressed can be applied to these vehicles or whether the standards must be modified and what modifications will be necessary.

The department is also engaged in a co-operative study with several other agencies and organizations to measure the emissions from a large number of automobiles and to bring emission data up to date This study and data obtained by the Motor Vehicle Pollution Control Board and others will assist in determining the average emission from cars now on the road With up to date data, the emission standards will be re-evaluated to determine whether the present standard of 275 parts of hydrocarbon per million parts of exhaust gas is adequate to accomplish the needed control

The driving cycle contained in the present emissions standards is based on the operating patterns of standard American passenger cars. Heavy trucks and buses cannot be tested under this cycle because they do not perform like passenger cars A study now underway by the U S. Public Health Service will provide information on the operating characteristics of trucks and buses in Los Angeles and San Francisco. This information will indicate what driving cycle should be specified for determining the average emissions from heavy vehicles A modification of the emissions standards for trucks and buses or a new standard may ultimately result from this study.

New Standards for Motor Vehicle Emissions

The motor vehicle exhaust standards were calculated in late 1959 as emission levels necessary to maintain the air quality standards developed at the same time. Several important aspects of motor vehicle pollution control could not be included because of lack of information

Large amounts of nitrogen oxides are discharged in the exhaust of motor vehicles along with the hydrocarbons and carbon monoxide Although in 1959 it was known that oxides in nitrogen as well as hydrocarbons were required to produce the photochemical reactions that result in smog, the exact relationship between the concentrations of nitrogen oxides and hydrocarbons and the smog effects was not clear. Research to date had been with concentrations of both very much in excess of those found in the atmosphere As hydrocarbons were the fuel for the reactions, it was believed that hydrocarbon control would directly reduce most smog manifestations

The role of nitrogen oxides was less clear Since that time, the department has sponsored studies at Stanford Research Institute and has encouraged similar research by the U S Public Health Service and elsewhere The department has a contract this year with the Los Angeles Air Pollution Control District to study the relationship of oxides of nitrogen and auto exhaust in realistic atmospheric concentrations Data from other investigators working in this field are also being used The problem is extremely complex and the highly precise experiments are difficult and time consuming An enormous amount of additional investigation may still be required before a standard can be set for nitrogen oxides All this investigation is necessary because of the very high cost to California motorists if a nitrogen oxides standard is needed

Although well-operated diesel engines in good mechanical condition emit concentrations of hydrocarbons and carbon monoxide near or below the present standards, they, nevertheless, present a serious problem of smoke and odor on the streets and highways At the request of the 1962 Legislature, the department has prepared a report on available information concerning diesel exhaust, its composition and effects, and what is known about the causes for and prevention of smoke and odor nuisances This report, with recommendations for the setting of diesel smoke and odor standards, is to be submitted to the 1963 Legislature A study of the dilution of diesel exhaust to prevent odor is in progress Plans are being made to measure the concentration of diesel exhaust at the curb and following buses under different speed and load conditions And, in addition, diesel exhaust will be irradiated in a chamber to determine its contribution to photochemical smog reactions These studies will be used in the development of emissions standards for diesel-powered motor vehicles

The 1960 Legislature, in recognition of evidence that crankcase emissions constitute a substantial portion of the total emissions of hydrocarbons from motor vehicles, amended the motor vehicle emissions standard setting of the department to include all emissions from vehicles rather than exhaust alone as stated in the 1959 law

Besides exhaust and crankcase emissions, hydrocarbons are discharged from motor vehicles by evaporation from the fuel tank and carburetor The department is engaged in a contract study of the evaporative hydrocarbon losses from motor vehicles to determine if their quantity is sufficient to require a standard for emissions from these sources

Air Quality Standards

The department is supporting studies on the toxicity of nitrogen dioxide and is following closely the several investigations outside California on the toxicity of low concentrations of the compound Nitrogen dioxide is the most toxic of the nitrogen oxides associated with the photochemical air pollution in California It is hoped that information will become available to permit the department to establish an air quality standard for nitrogen dioxide

In addition to a standard for nitrogen dioxide, there is need for air quality standards for a number of other compounds The department is continually gathering data and encouraging research which will permit the setting of standards for atmospheric pollutants

Surveillance

The air quality standards and motor vehicle emissions control require a surveillance program to determine the present pollution levels throughout the State Changes in atmospheric concentrations of pollutants as a result of motor vehicle pollution control must be assessed to evaluate the effectiveness of the control program and the adequacy of the standards Already crankcase hydrocarbon control devices have been installed on 1961, 1962, and 1963 model American-made gasoline-powered vehicles sold in California With funds provided by the Legislature in 1962, the department is expanding its network to measure

motor vehicle contaminants at 16 stations throughout the State In cooperation with federal and local agencies, measurement will be made of hydrocarbons, nitrogen oxides, carbon monoxide and total oxidant Stations will be located in San Francisco, Oakland, San Jose, Sacramento, Stockton, Fresno, Bakersfield, Santa Barbara, Ventura, Los Angeles, Long Beach, Azusa, San Bernardino, Riverside, Anaheim, and San Diego

Health Effects

The effects of air pollution, mainly smog-type pollution, on health is investigated by the department through direct surveys and through the support of medical research into the health effects of pollution The department maintains a continual program for the collection and evaluation of mortality and morbidity data to evaluate the effects of air pollution The majority of this work is done in Los Angeles

Motor Vehicle Exhaust Facility

The Department of Public Health and the Motor Vehicle Pollution Control Board now contract with the Los Angeles County Air Pollution Control District for motor vehicle emissions control device testing, for emissions studies, and for irradiation studies These contracts utilize almost the entire capacity of the county's motor vehicle exhaust facilities and constitute the principal source of funds used in the facilities. The Los Angeles County Board of Supervisors has stated that the county no longer intends to operate these facilities and that they will not be available for contractual services beyond the current fiscal year. They are, however, willing to transfer the facilities to the State under a mutually agreeable long-term arrangement

In August of this year, Governor Brown announced the intention of the State to take the facilities over and to operate the device testing, emissions studies, and irradiation studies directly under state management

MOTOR VEHICLE POLLUTION CONTROL BOARD

Assembly Bill 17 was enacted in 1960 This law provides for a 13-member Motor Vehicle Pollution Control Board, a system of testing and approving control devices, and a program for the installation of devices on California's motor vehicles

The board sets criteria for the operation of devices based on the motor vehicle emission standards established by the State Department of Public Health. To date, the State Department of Public Health has set hydrocarbon and carbon monoxide limits for exhaust and hydrocarbon standards for crankcase emissions The board's criteria take into consideration such factors as the cost, safety, heat, noise, odor and placement of the device so as not to impair the operation of the motor vehicle

One problem confronting the board has been a timetable for approving crankcase and exhaust devices At first, it was felt that confusion would arise if crankcase and exhaust devices were to be approved separately with different installation dates for each device

However, the board, at its November 14th, 1962, meeting in San Bernardino, decided that the crankcase devices should be installed separately from those for exhaust control This action was taken because the development of crankcase devices for used vehicles seemed far ahead of an exhaust installation for these vehicles

The enforcement and inspection aspect of these control devices remains a problem How shall the State determine that motor vehicles are in compliance with the law, that devices on cars are operating within state standards and that devices are being maintained? The present law does not spell out in detail enforcement and inspection provisions Sections 24390 through 24393 of the Health and Safety Code read only that "no motor vehicle, new, used or commercial, shall be registered in a county wherein the principal provisions of the section are operative, unless and until the motor vehicle is equipped with a certified device"

At present, all used vehicles must comply with the law by a designated date determined by the time two or more devices are certified for these vehicles It is expected that this will lead to last minute rushes to have devices installed and the resources of garages and service stations will be greatly exceeded The Motor Vehicle Pollution Control Board has been considering the need for a staggered timetable for device installation to avoid this last minute rush

The problem of cost of devices has been of central concern While the board has not adopted criteria on costs, it has indicated its concern over this problem and set a policy that the cost shall not be an undue burden on the motoring public

The feasibility of installing exhaust devices on used cars remains a questionable point Whether such installations will be feasible depends on cost of installation, price of the devices, and resources of the motor vehicle service industry to provide the necessary devices and installation

The board has to date set criteria of operation for exhaust devices as follows·

(a) The purchase or cost of installation of such device shall not constitute an undue cost burden to the motorist
(b) Such device shall operate on a designated classification of motor vehicle as specified in Section 2104 without replacement of the device or any major component thereof so that for 12,000 miles its emissions are within the limits established by the state standards
(c) Such device shall operate in a safe manner and so that the device will not result in any unsafe condition resulting from excessive heat applied to the floorboards, hydraulic brake cylinders, brake lines, gasoline tank, fuel pump fuel lines, transmission or other components of the motor vehicle or otherwise result in an unsafe motor vehicle
(d) Malfunction or failure of the device shall not endanger life or property
(e) Such device shall not malfunction or fail under the stress of backfire in the exhaust system

(f) Such device shall not allow exhaust products of the motor vehicle to enter the passenger compartment in a volume beyond the volume characteristic of the motor vehicle with a standard exhaust system

(g) Heat emanating from an operating device shall not create a hazard to persons or property who are in close proximity to the motor vehicle

(h) Such device shall not cause an increase in back pressure in the exhaust system greater than 25 percent beyond the back pressure characteristic of the motor vehicle equipped with a standard exhaust system

(i) Such device shall not be permanently impaired by the variety of severe motor vehicle operating conditions frequently encountered in California including heavy rains, mountain and desert driving, and other severe operating conditions

(j) Such device shall operate in a manner so as not to create excessive noise or odor beyond the standard characteristics of the motor vehicle equipped with a standard exhaust system, nor should the installation of such device create a noxious or toxic effect in the ambient air

Because large trucks and buses do not fall within six engine size categories used by the state MVPCB for device testing and approval, the board, in November, 1962, recommended that separate test procedures be developed for these vehicles Manufacturers would thereby be encouraged to enter the device market for these vehicles so that devices would be available as soon as possible

The board has approved 17 crankcase-control devices, 15 of which are for factory installation only, and two of which are for installation on used cars The timetable for new car installation of crankcase devices becomes mandatory starting in April, 1963, for commercial vehicles in 1964, and for used cars in 1965

The board has started testing of seven exhaust-control devices Twenty-five prototypes of each of these are being placed on test vehicles which will be tested for a total of 12,000 miles each The results after 12,000 will be used to determine whether the devices meet state standards

The MVPCB has undertaken to make the public aware of the necessity for these devices, what progress has been made, and what the individual motorist can do to assist in the program Through a public information program, co-operation from major oil companies, the Western Oil and Gas Association, the Automobile Manufacturers Association and other state and local agencies concerned with air pollution, the board has attempted to inform California motorists that the State is moving ahead in the field of motor vehicle pollution, that crankcase devices are a reality on all new cars being sold in California and throughout the United States, and that exhaust devices are now being thoroughly tested.

One of the board's important programs has been to create a public awareness of the necessity for regularly servicing crankcase valves installed on automobiles in California Starting with the 1963 model, some manufacturers have been using a closed, or sealed system, that

requires little maintenance However, the 1961, 1962, and many 1963 cars do require regular valve servicing or replacement Through a concerted effort on the part of the MVPCB, the automobile clubs, the Western Oil and Gas Association, and the oil companies, a marked increase in public awareness has been achieved In January, 1962, a survey of 500 service stations and garages in Los Angeles County indicated that only 19 percent were servicing or replacing the crankcase valve, while in October, a similar survey showed that the work had risen to 51 percent A need for continued public education and information is thus indicated.

MVPCB Recommendations for New Legislation

The MVPCB has made the following suggestions for legislation in the 1963 legislative session.

(1) The approval of devices will bring up the problems of installation, repair, maintenance and inspection It appears that this can best be met through a system of licensed garages and service stations, similar to those now licensed for the inspection of brakes and headlights

(2) To permit orderly device installation and prevent "bottlenecks" due to last minute rush to meet legal deadlines, a staggered timetable should be provided for the installation and inspection of both crankcase and exhaust devices on used vehicles.

The present law requiring devices will take effect on January 1 of the year in which the devices are required for the various classes of vehicles. In the case of *used cars,* such a program would mean a last minute rush by motorists to meet the deadline and thus create confusion and heavy demands on licensed service stations and garages There should be legislation to permit the installation and inspection period to be spread over the period of a year according to the last digit in the license number of the motor vehicle

(3) Separate certification dates are needed for exhaust and crankcase devices At present the law reads that certification for two or more devices shall trigger the timetable for the installation for devices However, it is not specified whether this refers to the exhaust or crankcase devices The law should be clear that certification of either two exhaust or two crankcase devices would require installation for this particular emission source, so that separate programs can be launched for installation of each type of device

(4) In addition to the right to approve and certify devices for use on cars, the board should be given the right to revoke approval should devices, during the course of their manufacture, installation or operation, fail to continue to meet state standards or be changed in such a way as to no longer comply with state standards

(5) The wording of the law with regard to approval of devices should be enlarged to include the approval of engine modifications or systems bringing motor vehicles within state standards At present, exemptions can be granted for such vehicles However, exemption would remove these vehicles from any inspection or other program and would permit changes or alterations of the system without safeguards to insure that the vehicles remained in compliance

APPENDIX A

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 15, 1961

HONORABLE WILLIAM B RUMFORD
7018 State Building
Oakland, California

CLINICAL LABORATORIES—#1016

QUESTION

DEAR MR RUMFORD: You have inquired as to the constitutionality of that portion of Assembly Bill No 843 of the 1961 Regular Session, as amended on June 2, 1961,* which authorizes the Department of Public Health "to enter into contracts of reciprocity with other governmental agencies in other states wherein the standards of clinical laboratory technology are not in any degree or particular less than are the standards in this State for the issuance of reciprocity certificates in the field of clinical laboratory technology" (proposed Sec 1246)

OPINION

In our opinion the provision is constitutional and an agreement entered into pursuant to it would not require the consent of Congress

ANALYSIS

The Legislature has broad authority under its police power to regulate in the interest of public health, safety, morals and general welfare (*In re Ramirez* (1924), 193 Cal 633, 649-650) One of the most important fields of regulation under the police power is that of public health and safety (*Lewis Food Co v State Department of Public Health* (1952), 110 Cal App 2d 759, 762) The proposal in question is clearly related to the protection of the public health and we believe it can be sustained as a proper exercise of the police power

It might be argued that the statute is an invalid exercise of the police power in that it involves an improper delegation of legislative power by giving another state a voice in determining what the law of this State should be. However, it is generally held that reciprocity statutes do not have that effect

Dunvan v *Smith* (1953, Ky), 262 S W 2d 373, involved the Kentucky Uniform Support of Dependents Act That act was designed to enable a needy person in one state to secure money for support from a person residing in another state who was legally liable for his support It was operative only between Kentucky and those states which had a "reciprocal or substantially similar law" In upholding the act against a contention of unlawful delegation, the Kentucky court stated that the statute, which was similar to other reciprocal acts, did not give another state a voice in determining what Kentucky law should be. The Kentucky Legislature prescribed the conditions under which the law was to come into existence, and when the conditions arose the law became effective, not by virtue of the voice of a foreign legislature, but by virtue of the legislative will of Kentucky (see also 42 A L R 2d, p. 789)

* The bill was not enacted

We believe that the same reasoning would apply to the proposed statute under discussion, if a question of improper delegation were raised

In this connection we note that the authority proposed to be granted by Section 1246 is not novel to the law of this State There are several statutes which contain provisions similar to the one in question. For example, Section 2118 of the Business and Professions Code authorizes the Board of Medical Examiners to enter into contracts of reciprocity with other states, wherein the standards are not in any degree less than are the standards of this State, for the issuance of reciprocity certificates to practice a system or mode of treating the sick or afflicted. Section 7023 of the Education Code permits the Department of Education to enter into reciprocal agreements with other states to provide for the services authorized by Chapter 11 of Division 6 of that code (vocational rehabilitation) to residents of the state concerned Section 1679 of the Insurance Code grants the Insurance Commissioner discretion to enter into a reciprocal arrangement with the officer having supervision of the insurance business in any other state, whose qualification standards for an applicant for a specified insurance agency or brokerage license are substantially the same as or in excess of those of this State, to accept, in lieu of the examination of an applicant residing therein, a certificate of such officer to the effect that the applicant is licensed in that state in a capacity similar to that for which a license is sought in this State and has complied with its qualification standards with respect to certain specified factors.

We further note that Section 10 of Article I of the United States Constitution prohibits a state from entering into any agreement or compact with another state or with a foreign power without the consent of Congress While this constitutional provision is by its terms broad enough to prohibit every interstate compact or agreement without congressional consent, it is nevertheless, under the ordinary rules of constitutional construction, confined to those objects and purposes for which the provision was framed (*Virginia* v. *Tennessee* (1893), 148 U S 503, 37 L Ed 537). So construed the provision does not apply to every possible agreement or compact between two states, but only to those which might tend to alter the political power of the states affected, and thus encroach on, or interfere with, the supremacy of the United States (*Ham* v. *Maine—New Hampshire Interstate Bridge Authority* (N H. 1943), 30 A. 2d 1, 3) Stated in another manner, the provision refers only to political compacts, alliances, and treaties; agreements incapable of operating thus may be made by the states without the consent of Congress (*Dixie Wholesale Grocery* v *Martin* (Ky , 1939), 129 S W 2d 181, 184; cert. denied 308 U S. 609, 84 L Ed 509; see also 81 C.J S pp. 903-904).

Since any agreement which might be entered into pursuant to the authority contained in the proposed statute would not appear to involve the political powers of the states involved, we do not believe such an agreement would require the consent of Congress.

Very truly yours,

A. C. MORRISON
Legislative Counsel

By (MRS) ANN MACKEY
Deputy Legislative Counsel

AM.TG

APPENDIX B

STATE FIRE MARSHAL
February 9, 1962

HON. DON MULFORD, *Chairman*
Subcommittee on Fire Protection
State Building—Room 7019
1111 Jackson Street
Oakland, California

Attention: Mr. Gene Poschman
Legislative Assistant

DEAR MR MULFORD: In accordance with your request, a meeting was convened on January 11th in Los Angeles, to discuss A.B. 132 introduced during the 1961 Regular Legislative Session and directed to interim study.

Invitations were sent to person interested in this proposed legislation throughout California.

The following persons were in attendance:

Name	*Organization*
Glenn B. Vance	State Fire Marshal
T G Woods	Standard Oil Company of California
James L Keller	Union Oil Company of California
Charles E Smith	Society of the Plastics Industry
Walter L McGonigle	Society of the Plastics Industry
Alan E Davis	California Manufacturers Association
Captain R Ballentine	California Fire Chiefs' Association
James M Hammark	Los Angeles Fire Department
Owen H Held	California State Firemen's Association
Charles W Stiles	California Division of Industrial Safety
Louis Segal	State Fire Marshal's Office
Jack M Valon	Division of Industrial Safety
Chauncey Weisman	Division of Industrial Safety
W L Gerssert	Union Oil Company of California

There was general agreement that the following recommendations should be reflected as amendments to this proposed legislation

1 That "sale" or "delivery" of flammable liquids be confined to retail transactions.

2 That only glass or containers which will shatter on impact be prohibited This would permit certain plastic materials to be used for containers

It was deemed admissible by this group to include enabling legislation to direct the State Fire Marshal's office to prepare regulations establishing minimum standards relative to the various types of plastic containers now on the market, to establish limits of impact.

3. The threshold of 200° F. flashpoint in A.B. 132 was discussed at some length. The representatives of the petroleum industry felt this limitation was too high and possibly should be lowered to 100° F. or 120° F. The representatives from the fire service did not agree with the suggested lower limit as it would permit omission of commonly used flammable liquids.

It was pointed out that 200° F is the flashpoint used in the vehicle code provisions regulating transportation of flammable liquids over the state highways.

4 It was generally agreed that Section 13118 of the existing law and as set forth in A B 132 is no longer necessary with enactment of A B. 266.

The following suggested wording for A.B. 132 incorporates most of the above recommendations and appeared generally acceptable to the persons in attendance at this meeting except for the flashpoint used in defining flammable liquids.

RECOMMENDED WORDING FOR ASSEMBLY BILL No. 132

An act to add Section 13117 to, and repeal Section 13118 of, the Health and Safety Code, relating to flammable liquids

The people of the State of California do enact as follows:

SECTION 1 Section 13117 is added to the Health and Safety Code, to read:

13117 It is unlawful for any person, firm or corporation, to offer for sale, sell or deliver any flammable liquids in an amount exceeding sixteen (16) ounces except in a container of a material other than glass or other material which will shatter on impact and such container shall be fitted with replaceable top, cap or other device so as to prevent spillage of liquid contents. The State Fire Marshal shall prepare regulations to establish minimum standards of safety for such containers

This section shall not apply to containers in which beverages, articles of food, economic poisons, drugs or medical supplies are kept, or flammable liquids whose chemical purity would be contaminated or which would corrode or dissolve containers other than glass, in which case presentation of satisfactory proof of such conditions may be required by the authority having jurisdiction When the capacity of such containers as mentioned in this paragraph exceeds eight (8) ounces suitable protection to prevent accidental damage to such containers shall be provided when stored.

Flammable liquid as used in this section shall mean any liquid having a flashpoint at or below 200 degrees F, closed cup test, and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees F

SEC 2 Section 13118 of said code is repealed.

The persons who attended this meeting expressed a willingness to serve on any future study committee formed to continue exploration of this legislation.

Respectfully submitted,

GLENN B VANCE
State Fire Marshal

APPENDIX C

CALIFORNIA LEGISLATURE, 1961 REGULAR (GENERAL) SESSION

ASSEMBLY BILL No. 2582

Introduced by Mr. Cameron

April 11, 1961

REFERRED TO COMMITTEE ON PUBLIC HEALTH

An act to amend Sections 11166 12 and 11200 of, and to add Sections 11202 and 11203 to, the Health and Safety Code, relating to narcotics

The people of the State of California do enact as follows

SECTION 1 Section 11166 12 of the Health and Safety Code is amended to read

11166 12 The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any of the following

(a) Codeine, ~~dihydrohydroxycodeinone,~~ or dihydrocodeinone combined with other nonnarcotic medicinal ingredients

(b) Codeine in combination with ~~any of the narcotic drugs mentioned in this section, with the exception of dihydrocodeinone or dihydrohydroxycodeinone~~ *apomorphine hydrochloride, ethylmorphine hydrochloride, noscapine, papaverine hydrochloride, narceine, or coturnine.*

(c) Preparations containing not more than two grains of opium to the fluid or avoirdupois ounce combined with other non narcotic medicinal ingredients ~~except codeine~~ .

LEGISLATIVE COUNSEL'S DIGEST

A B 2582, as introduced, Cameron (Pub H) Narcotic prescriptions

Amends Secs 11166 12 and 11200, and adds Secs 11202 and 11203, H & S C

Removes dihydrohydroxycodeinone from list of drugs exempted from requirements for writing of triplicate narcotic prescriptions on official blanks

Adds certain drugs to list of those exempted from triplicate narcotic prescription requirements

Requires oral prescriptions of listed drugs to be reduced to handwriting by the pharmacist prior to filling the prescription, and to be verified in writing by the physician within five days

Adds certain drugs to those for which no prescription or physicians' reports are required, and imposes certain limitations on their sale

(d) Apomorphine hydrochloride.
(e) Ethylmorphine hydrochloride
(f) Papaverine hydrochloride.
(g) Noscapine (formerly narcotine).
(h) Narceine.
(i) Cotarnine.
(j) Preparations in solid form containing not more than 2.5 milligrams diphenoxylate and not less than 25 micrograms atropine sulfate per dosage unit

Any of the combinations mentioned in the above subsections may be dispensed upon an oral prescription which must be reduce to ~~writing~~ *handwriting* ~~within twenty-four (24) hours,~~ by the pharmacist, *prior to filling such prescription* The name and address of the person for whom prescribed and the name, address, telephone number, and registered number of the prescriber must be recorded on the prescription. *Within five (5) days after such prescribing, the physician shall supply the pharmacy with a written prescription verifying such oral or telephonic order*

SEC 2 Section 11200 of said code is amended to read:

11200 The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations containing in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce, without additional narcotics, not more than one gram of codeine, ~~or two grains of Noscapine (formerly Narcotine)~~ or to mistura glycyrrhiza compound, N F , *or to pharmaceutical preparations containing noscapine (formerly narcotine), or any of its salts, or pharmaceutical preparations containing papaverine, or any of its salts, or pharmaceutical preparations containing narceine, or any of its salts, or pharmaceutical preparations containing cotarnine, or any of its salts* However, the exemptions herein provided do not exempt any person from the provisions of Section 11225 of this division, *and any sale or purchase of the narcotics or preparations mentioned in this section shall be made in good faith for medicinal purposes only*.

SEC 3 Section 11202 is added to said code, to read:

11202 Preparations exempted under Section 11200 may be sold at retail by pharmacists in quantities of not more than four fluid ounces, or, if a solid or semisolid preparation, four avoirdupois ounces, to one person at any one time

SEC 4 Section 11203 is added to said code, to read.

11203 No person shall obtain or attempt to obtain under exemptions of Section 11200 more than one preparation exempted by the provisions of that section within 48 consecutive hours

O

APPENDIX D

PERCODAN OFFENSES

January-December 1961
January-November 30, 1962

	Offenses	
Health and Safety Code	*1961*	*1962*
11715	57	53
11170	12	23
11170.5	13	13
11500	12	16
11500.5	0	2
11501	1	8
11502	0	2
11163	0	4
11165	1	3
11168	0	2
11171	2	0
11176	0	1
11182	0	1
Business and Professions Code		
4036	0	1
Welfare and Institutions Code		
600A	0	1

APPENDIX E

REPORT TO ASSEMBLY INTERIM COMMITTEE ON PUBLIC HEALTH SENATE GOVERNMENTAL EFFICIENCY COMMITTEE

Pursuant to Assembly Concurrent Resolution No. 19 Concerning Licensing Fees for Radioactive Materials

BACKGROUND

Enactment in 1959 of U S Public Law 86-373, which added Section 274 to the Atomic Energy Act of 1954, provided for an historic step; namely, voluntary relinquishment of a segment of federal responsibility and jurisdiction to the states Initial federal regulation of atomic energy and radioactive materials was a natural outgrowth of the secret military nature under which they were developed

The Atomic Energy Act of 1954, however, clearly recognized the importance of the nonmilitary aspects of atomic energy and its by-products, and paved the way for extensive nongovernmental development in these fields Dating from that time there has been increasing criticism to the effect that the dual roles of the Atomic Energy Commission (AEC) for development and promotion on the one hand, and regulation on the other hand, are basically incompatible At the same time, there has been a growing consensus that regulation and control of radiological health and safety more properly belongs at the state level of government, in accordance with long-established tradition The aforementioned 1959 amendment to the Atomic Energy Act amounted to Congressional and Presidential acceptance of these views, at least in large measure

The California Legislature, also in 1959, adopted an Atomic Energy Development and Radiation Protection Law (Health and Safety Code, Sections 25700-25781) One of the provisions of this law charged appropriate state agencies to "develop programs designed to protect the people of the State from unnecessary exposure to radiation"

The entire problem of the proper state role in this field then received intensive scrutiny by the Co-ordinator of Atomic Energy Development and Radiation Protection, by the Departmental Co-ordinating Committee on Atomic Energy Development and Radiation Protection, by the Advisory Council on Atomic Energy Development and Radiation Protection, by the departments of state government most concerned, and by the Assembly Interim Committee on Public Health It was generally agreed that the State should develop a comprehensive radiation control program

A January 1961 report of the Assembly Interim Committee on Public Health contained the following recommendations:

> "The State of California should take immediate steps to develop a comprehensive program of radiation control Such steps should include·
>
> a A requirement that all radiation sources be certified in safe operating condition in addition to the present requirement that such sources register with the Department of Public Health

b Legislative authorization for the Governor to enter into negotiations with the Atomic Energy Commission for the transfer to the State of California of jurisdiction over byproduct, source, and certain special nuclear materials which is now exercised by the commission, reserving to the Legislature the right to approve or disapprove the results of such negotiation "

ENABLING LEGISLATION

This led to introduction of Assembly Bill No 1975 at the 1961 Legislative session. This measure was adopted and became the Radiation Control Law (Health and Safety Code, Sections 25800-25870) Only two provisions of this law will be noted here First, the Governor was empowered to enter into an agreement for transfer of regulatory authority over radioactive materials as provided for by federal law, such agreement to become effective only when ratified by the Legislature (Section 25830)

The second provision of concern with respect to this report states "The department (of Public Health) shall provide by regulation a schedule of fees which shall be paid by applicants for the licensing of radioactive materials and of devices and equipment utilizing such materials and for the renewal of such licenses which shall be sufficient to cover the costs incurred by the department in connection with the issuance of such licenses and the inspection and regulation of the licensees" (Section 25816)

ADMINISTRATIVE IMPLEMENTATION OF ENABLING LEGISLATION

In order to affect an AEC-state agreement, it was necessary for the Governor to certify that the State has a program for the control of radiation hazards adequate to protect the public health and safety, and for the AEC to make a finding that the state program was compatible with the AEC's program, and adequate to protect the public health and safety

The first step toward this end was the development of a set of State Radiation Control Regulations The State Department of Public Health (hereinafter the department) appointed a 12-man advisory committee, composed of representatives of affected interests, to assist in this task Included on this advisory committee were representatives of industry, labor, medicine, medical radiology, medical physics, dentistry, and public health

A first draft of the regulations was prepared by the department staff and was worked over extensively with the advisory committee A redraft was made which was considered in detail at public meetings in Los Angeles and Berkeley Extensive revisions were made which again were considered by the advisory committee A final draft was prepared which embodied the consensus of those knowledgeable in this subject

The regulations were considered in a public hearing by the State Board of Public Health on December 8, 1961, and were adopted by the board, with minor changes The bulk of the discussion at the public hearing related to the schedule of radioactive material license fees, which is a part of the regulations The Board of Public Health concluded that the fee schedule proposed was as reasonable and equitable

as was possible to achieve, given the necessity, as provided by law, for recovering revenue from fees sufficient to defray the costs of operating the licensing and control program for radioactive materials.

On December 15, 1961, Governor Brown submitted a formal proposal to the AEC for California to assume the proffered regulatory jurisdiction from the AEC After detailed consideration of the proposal, it was found by the AEC to be acceptable A formal "Agreement Between the United States Atomic Energy Commission and the State of California for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954 as Amended" was signed by AEC Chairman Seaborg on March 9, 1962, and by Governor Brown on March 12, 1962.

LEGISLATIVE APPROVAL OF THE AEC—STATE AGREEMENT

As noted previously, the enabling legislation required that any AEC-State Agreement be ratified by law Assembly Bill No 29 of the 1962 First Extraordinary Session of the California Legislature provided for such ratification

During the committee hearings on this bill, adverse testimony was presented alleging that the radioactive material license fees would tend to hamper the full development of beneficial uses of radioactive materials Assemblyman Byron Rumford, principal author of A B 29, pointed out that the bill under consideration had nothing directly to do with the matter of license fees, that the policy decision regarding these fees had already been made by the Legislature, and that the specific fees had been established administratively by the Board of Public Health.

A B 29 was adopted and the AEC-state agreement was thereby ratified, to become effective September 1, 1962 In consideration of the views of those objecting to the method of financing, however, A C R 19 was introduced by Assemblyman Rumford, and others, directing the department to restudy the entire question of radioactive material license fees and to report to the Legislature thereon by October 1, 1962

DEPARTMENT STUDIES PURSUANT TO A.C.R. 19

The first step was to call two public meetings to discuss the problems to be considered pursuant to A C R 19 The first was held in Los Angeles on May 22, the second in Berkeley on May 24 Prior notice of the meetings, together with background explanatory material, was sent to everyone in the State who had an AEC license, or who had registered with the department as having radioactive material, as well as to concerned professional and trade groups The notice invited written comments in lieu of or in addition to participation in the public meetings

Some 90 persons attended the Los Angeles meeting and 65 persons attended the Berkeley meeting Most of those attending made some comments Letters or written statements were received from 70 persons or groups

The department's advisory committee was requested to consider the same matters, together with the points which were raised regarding them at the above-mentioned public meetings

In addition, there were numerous deliberations and discussions within the staff of the department and between the staff and representatives of affected interests.

Finally, the question as to whether to make any changes in the existing license fee schedule was considered in a public hearing by the Board of Public Health on July 20, 1962

DISCUSSION

Essentially, four questions were investigated These are discussed below.

1 What is the minimum program necessary to adequately assure the public health and safety and to meet the requirements of the agreement with the AEC?

This is a key question as it establishes budget needs and, therefore, the total amount of license fee revenue required It is complicated by the fact that other agencies are to participate in parts of the program and will receive a portion of the fee revenue These agencies are the Division of Industrial Safety of the Department of Industrial Relations and some local health departments It was not and is not known how rapidly and to what extent local health departments will become participants in the program

In determining the total scope of the required program, it was necessary to consider (a) the number of radioactive material users, (b) the nature and extent of radioactive material use, and (c) the amount of effort required to deal with potential health and safety problems attendant to such use Good information with respect to (a) and (b) was available from AEC license records and from registration data Experience of the AEC in a comparable program provided the principal basis for determining personnel needs, which was the key to budgetary requirements

It was administratively necessary to develop a budget on the presumption that the department would conduct the entire program On this basis, manpower, equipment, and other needs led to an annual budget of $125,000

An estimate was then made as to the portion of the program that would be conducted by other agencies A revised budget for the department of $81,250 per year was drawn to provide for that part of the program to be administered by the department

The difference, $43,750 per year, will be allocated to other participating agencies to partially reimburse them for cost of making inspections for the State

During the course of this investigation, a few persons did suggest that the scope of the program was excessive and should be reduced Others expressed the belief that the proposed program was too modest The department, after most careful consideration, has concluded that this is the minimal necessary program that will adequately provide for its responsibilities under the AEC-state agreement and for health and safety generally The AEC has developed its regulatory program over 15 years and has

learned by trial and error what is necessary They have been devoting approximately $150,000 a year to essentially the program to which the State plans to devote $125,000 a year It appears, in the absence of any convincing evidence to the contrary, that the scope of the state program is reasonable

2 Given the requirement to derive a certain amount of revenue through license fees, could the fee schedule contained in the Radiation Control Regulations be revised to make it more reasonable and equitable?

A few recommendations were received for changes in the existing fee schedule Some were requests for fee reductions for certain specific cases These did not include suggestions to compensate for the resulting loss of revenue. Other suggestions would base the fees differently or change the method of collection No one of the suggested changes received appreciable support.

The Board of Public Health, after a public hearing on July 20, 1962, concluded that there was no justifiable case for changing the existing fee schedule

3 What effects will the fees have on use of radioactive materials in California?

The fees will almost certainly have some deterrent effect on radioactive material use The extent of this effect cannot be ascertained with any substantial degree of accuracy at this time It will be several months before a reasonably clear picture begins to emerge

Some persons who are most vocally opposed to the fees have predicted dire consequences For example, a representative of the California Manufacturers' Association stated at the July 20 public hearing· "The present fee schedule will squeeze 30 percent of the present (industrial) licensees out of the isotope business," and "The inauguration of the fee schedule, even for one year, would be a serious blow to less well-established uses in the industry, from which it would take years to recover " Comments of a similar nature were made by several persons and groups, including the Southern California Chapter of the Society of Nuclear Medicine, with respect to medical use of radioisotopes; and by private schools with respect to uses in education

Others presented the view that the effect of the fees will be small They maintain that other costs involved in radioactive materials use are such that the fees cannot represent a serious problem

As is usually the case, the true picture probably lies somewhere in between It is generally agreed that the large users will not be seriously harmed by the fees Many small- and medium-size users are sufficiently profitable or otherwise advantageous so that the fees will be at least bearable On the other hand, some such uses or prospective uses are sufficiently marginal or speculative that the fees may represent the deciding factor as to whether or not to continue or proceed

In any case, the overwhelming consensus expressed by those who spoke at the public meetings and who wrote was that the requirement that the program be wholly fee supported is unfair and discriminatory against a fledgling industry, and that the fees represent a serious deterrent to uses of radioactive materials in industry, medicine, research, and education.

4. What alternative means might be used to fund the program?
The following three alternative methods of funding were considered:
   a Financial support from the AEC It was observed that if the AEC is turning over this regulatory program to the State, they might reasonably provide financial support The AEC maintains, however, that they are legally constrained from providing such support
   b Increasing fees for X-ray machines One suggestion was that the present $5 annual registration fee for each X-ray machine be increased to $10-$15 per year and that license fees for radioactive materials be set at $10-$20 per year Thus would provide total revenue comparable to that anticipated from present registration and license fees combined The rationale for this suggestion is that the total radiation control program may reasonably be considered as one entity from the standpoint of public health, and that fees of this magnitude would not represent an unreasonable burden for anyone However, at the time the enabling legislation was considered in 1961, the X-ray users strongly objected to subsidizing the radioactive material control program
   c The most prevalent suggestion, by far, was that there should be a nominal annual license fee for radioactive materials of around $10, with the remainder of the cost of an adequate control program to be provided from the general fund The principal rationale for this suggestion is that this is a program to protect public health and that traditionally such programs are financed from the general fund

RECOMMENDATIONS

Attached to this report are copies of resolutions adopted by the department's Radiological Health Advisory Committee and by the State Board of Public Health

The department believes (a) that the radioactive material regulatory program is truly a public health program, and (b) that the fees made necessary by present statutory requirements represent an undesirable deterrent to beneficial uses of radioactive materials

Thus, the department recommends that the statute be appropriately changed so as to provide for an adequate state radiation control program to be financed principally from general support funds

MALCOLM H MERRILL, M D , *Director*
Department of Public Health

September 28, 1962

RESOLUTION OF THE ADVISORY COMMITTEE ON RADIOLOGICAL HEALTH TO THE STATE DEPARTMENT OF PUBLIC HEALTH

JULY 1962

WHEREAS, Section 25816 of the Health and Safety Code requires that license fees for radioactive materials shall be sufficient to cover costs of license issuance, inspection, and regulation of licensees, and

WHEREAS, Assembly Concurrent Resolution No. 19 of the 1962 First Extraordinary Session of the California Legislature directed the State Department of Public Health to undertake a study of the radioactive materials licensing program as it relates to costs and fees, and

WHEREAS, Considerable evidence has been adduced from public meetings and from written statements which indicates that the license fees required represent an undesirable, serious deterrent to medical, industrial, research, and educational uses of radioactive materials in this State; and

WHEREAS, The principal purpose of the California radiation control program is to protect the pubic health, now, therefore, be it

Resolved, by the Advisory Committee on Radiological Health to the State Department of Public Health:

1. That it is necessary and desirable that users of radioactive materials be relieved of the major burden of license fees in order that constructive and beneficial uses of such materials are not unnecessarily hampered
2. That the state radiation control program should be financed largely from general support funds in the same manner as other public health programs
3. That changes in the Health and Safety Code such as those noted below should be made at the earliest possible time in order to accomplish these objectives
4. That regular budgetary appropriations should be made to provide for a radiation control program adequate for protection of the public health and safety.

PROPOSED CHANGES IN HEALTH AND SAFETY CODE

Delete Sections 25816 and 25817 and add a new Section 25816 worded as follows

"The department shall provide by regulation a schedule of fees which shall be paid by applicants for the licensing of radioactive materials and of devices and equipment utilizing such materials and for the renewal of such licenses, and by persons possessing machines which produce ionizing radiation and which are subject to registration in accordance with Section 25780 and regulations adopted pursuant thereto The fees shall not exceed $10 annually for each license and $5 annually for each machine The revenues derived from such fees shall be used, together with other funds made available therefor, for the purpose of issuance of licenses and the inspection and regulation of users of ionizing radiation Any agreement made pursuant to Section 25810 shall include provision for distribution of funds provided for the radiation control program proportionate to the services performed by each participating agency"

RESOLUTION OF THE STATE BOARD OF PUBLIC HEALTH

SEPTEMBER 1962

WHEREAS, Section 25816 of the Health and Safety Code requires that license fees for radioactive materials shall be sufficient to cover costs of license issuance, inspection, and regulation of licensees, and

WHEREAS, Assembly Concurrent Resolution No 19 of the 1962 First Extraordinary Session of the California Legislature directed the State Department of Public Health to undertake a study of the radioactive materials licensing program as it relates to costs and fees; and

WHEREAS, Considerable evidence has been adduced from public meetings and from written statements which indicates that the license fees required represent an undesirable, serious deterrent to medical, industrial, research, and educational uses of radioactive materials in this State; and

WHEREAS, The principal purpose of the California Radiation Control program is to protect the public health, now, therefore, be it

Resolved, by the State Board of Public Health·

1 That it is necessary and desirable that users of radioactive materials be relieved of the major burden of license fees in order that constructive and beneficial uses of such materials are not unnecessarily hampered

2 That the state radiation control program should be financed largely from general support funds in the same manner as other public health programs

3. That changes in the Health and Safety Code be made at the earliest possible time in order to accomplish these objectives

4. That the department seek regular budgetary appropriations to provide for a radiation control program adequate for protection of the public health and safety

APPENDIX F

STATE OF CALIFORNIA
OFFICE OF ATOMIC ENERGY DEVELOPMENT
AND RADIATION PROTECTION
SACRAMENTO 14, October 2, 1962

HON W. BYRON RUMFORD
Chairman, Assembly Interim
Committee on Public Health
Room 3098, State Capitol
Sacramento 14, California

DEAR MR RUMFORD Since a conflict of dates prevents my attendance at the meeting of your committee on October 4. I am writing to offer my views on the fiscal support of the program for the licensing of radioactive materials Certain of the following comments are specifically directed to suggestions made at the public meetings held by the Director of Public Health in accordance with A C R 19

1 One of the participants in the public discussions urged invoking of the clause in the federal statute providing for "suspension" of the agreement between the United States and California, in order to postpone introduction of a fee system until the Legislature could act on the matter At your request, I investigated this possibility, discussing the matter with Mr Harold L Price, Director of Regulation, and Mr Charles Eason of the Office of General Counsel of the AEC Both stated categorically that, in the AEC view, such suspension could only be accomplished by holding a public hearing and finding that the testimony established that California could not adequately assure the health and safety of its people Almost any alternative would seem preferable to a public admission of that nature

2 It was suggested that the costs to the State might be reduced, at least temporarily, by utilizing some AEC assistance in the regulatory program This point was also discussed with Mr Price, who stated that, in their view, the law requires a complete severance at the agreed date of transfer and does not permit any cash grant or its equivalent in manpower The federal statute seems to support that position, especially as expanded in its accompanying Senate Report No 870 (86th Congress, 1st Session)

3 Since some witnesses had asserted that the scope of the state program was unnecessarily large, I consulted on this issue with persons of technical competence in radiation protection who were not affected by the fees or involved in the state regulatory program In particular, I discussed the matter with members of the Division of Radiological Health of the U S Public Health Service and with those responsible for radiation safety at the U S Naval Radiological Defense Laboratory in San Francisco and the Lawrence Radiation Laboratory in Berkeley None thought the scope of the program or the number of personnel too large, on the contrary, some thought that a larger staff would be required In my view, the present program is a reasonable minimum

The next five comments relate to the merits of the suggestion, advocated by almost all who spoke at the public meetings, that the radioactive materials control program be supported largely or entirely from the General Fund:

4 The precedent established by the AEC, of making no charge for licenses, has been followed by the states that have entered into, or proposed, agreements for transfer of AEC authority, with the sole exception of California There is a real risk that holding to this unique position may convey generally the impression, voiced by some, that the state government is antagonistic to industrial and medical advances in this new field, despite the formal declaration of policy in our statutes to the effect that such progress is to be encouraged (Health and Safety Code, Sec 25710) The cost of acquiring such an unfavorable reputation may be too much to pay for adhering to the presently prescribed method of fiscal support.

5 The competition of other states for a larger share of the atomic energy industry is keen and becoming ever more intensive as states enter into agreement for assumption of regulatory authority from the AEC. California has been the leader in this field from its beginning and continues to hold first place, but the industry is being wooed by direct mail campaigns, such as Kentucky's, and by even more effective action, such as the establishment of elaborate nuclear centers with extensive facilities, under multi-million-dollar state funding, in New York It is not in the California tradition to spend state funds for such promotional subsidies or advertising campaigns, but avoidance of their opposite would appear to be the part of wisdom

6. It has been repeatedly stressed, by myself and others, that the justification for California's radiation control program is in its public health significance for this and future generations rather than in the question of insuring industrial safety. As a public health program, there is sound precedent for deriving its support from the General Fund rather than from a special levy on the individual users of radiation sources At least a compromise tending in that direction seems warranted

7. The caliber of persons required to execute a radiation control program is such that they are hard to recruit in the present labor market A stable, long-range program is an essential for the establishment of such a staff, and, especially in its early stages, a fee-supported system tends to lack that stability It would therefore make for a better and stronger program to place its budget and funding on a sounder footing.

8. The Advisory Council on Atomic Energy Development and Radiation Protection, which, by statute, advises the Governor on matters in this field, considered this question at its meeting of May 22, 1962. Three of its members, including myself, attended the public meeting held in Los Angeles by the Director of Public Health After extensive discussion, the council adopted unanimously a resolution urging the Governor to propose support of the licensing program, in whole or in large part, from the General Fund

9. The disparity between the fees for registration and inspection of X-ray machines and the fees for licensing and inspection of the use of radioactive materials is a sore point for many. There is force in the argument, technically unassailable, that radiation from whatever source is part of a single, indivisible problem, in the public health sense. The extension of that argument, offered by many who testified in the public meetings, was to propose that all users of radiation sources pay the same fee, which should be kept small in order to avoid hampering development, and that any additional funds required be furnished from the General Fund. A notable advantage of such a system is that a very small increase in the fee for an X-ray machine, such as from the present $5 per year to $10, would largely offset the decrease in fees paid by the comparatively small number of radioisotope users Since a $10 annual fee cannot be regarded as "hampering" any appropriate use of radiation sources, a statutory amendment to change to such a system deserves serious consideration.

In conclusion, I wish to comment favorably on the report rendered by the Director of Public Health pursuant to A.C R 19. Having reviewed it carefully, I believe it is a balanced statement of the essential points brought out in the studies on which it was based and that these studies gave full opportunity for the presentation of the views of all concerned.

Sincerely,

ALEXANDER GRENDON, *Co-ordinator*

cc: Honorable Luther E Gibson, Chairman
Senate Committee on Governmental Efficiency

APPENDIX G

TABLE I

STATES WITH SPECIFIC LEGISLATIVE AUTHORITY FOR RADIATION CONTROL ACTIVITIES

As of February 1, 1962

Broad Authority State	*Approximate Population (1960 Census) × 10⁶*
Alaska	2
* Arkansas	1 8
* California	15 7
Colorado	1 6
Connecticut	2 5
* Florida	5.0
Hawaii	6
* Idaho	7
Illinois	10 1
* Indiana	4 7
Kansas	2 2
* Kentucky	3 0
* Maine	1 0
Maryland	3 1
Massachusetts	5 1
Minnesota	3 4
New Hampshire	6
* New Jersey	6 1
New Mexico	1 0
* New York	16 8
North Carolina	4 6
Ohio	9 7
Oklahoma	2 3
* Oregon	1 8
South Dakota	.7
* Tennessee	3 6
* Texas	9 6
* Washington	2 9
Twenty-eight states	120 4 million

Limited Specific Legislative Authority	
Georgia (water pollution only)	3 9
North Dakota (registration)	6
Pennsylvania (waste disposal and disaster aspects)	11 3
Virginia (registration)	4 0
Wisconsin (registration)	4 0
Wyoming (registration)	3
Six states	24 1 million
Total, 34 states	144 5 million

* Includes authority to enter into State-AEC agreements (Mississippi feels that additional laws are unnecessary for this purpose in that state.)

APPENDIX H

REGISTERED RADIATION INSTALLATIONS [1] BY TYPE OF RADIATION SOURCE REPORTED CALIFORNIA, AS OF DECEMBER 31, 1961

(Preliminary Estimates)

Type of source reported	*Number of installations reporting source* [2]	*Number of X-ray units reported* [3]
Total	13,921	21,373
Radiation machines	13,533	21,373
Medical X-ray	6,561	12,284
Radiographic	5,772	7,824
Fluoroscopic	3,100	3,585
Therapeutic	593	875
Dental X-ray	6,312	7,664
Veterinary X-ray	509	626
Nonmedical X-ray	279	799
Other radiation machines		
Reactors	11	
Accelerators	33	
Other radiation equipment	19	
Radioactive materials	837	
Medical uses	433	
Veterinary uses	5	
Nonmedical uses	402	

[1] An installation is a location where one or more sources of radiation are used or stored
[2] Individual items do not always add to totals because some installations have more than one type of source
[3] X-ray units with more than one use (e g , combines radiograph-fluoroscope units) are shown under each use, and are counted more than once

Source State of California, Department of Public Health, Bureau of Radiological Health

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ASSEMBLY INTERIM COMMITTEE REPORTS
1961-1963

VOLUME 10 NUMBER 16

REPORT OF THE

ASSEMBLY INTERIM COMMITTEE ON EDUCATION

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CHARLES B. GARRIGUS, *Vice Chairman*

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JANUARY 1963

J. KENNETH CORY, *Consultant*
HAZEL FREDERICKSEN, *Consultant on Special Education*
MARJORIE E HEALD, *Secretary*
RONALD H. LARSON, *Legislative Intern* (Sept 1961-June 1962)
JOHN MILEM, *Legislative Intern* (July 1962)

Published by the
ASSEMBLY
OF THE STATE OF CALIFORNIA

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HON. CARLOS BEE
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LETTER OF TRANSMITTAL

January 7, 1963

HON JESSE M UNRUH
Speaker of the Assembly, and
Members of the Assembly
Assembly Chamber, State Capitol

GENTLEMEN: Pursuant to House Resolution No 361 of the 1961 Regular Legislative Session, the Assembly Interim Committee on Education submits herewith its final report

This report contains the findings and conclusions of four Assembly education subcommittees These subcommittees were appointed in August of 1961 and have carried out the work of the Education Committee during the interim period These reports were only considered by the subcommittees and therefore appear in subcommittee report form.

Respectfully submitted,

RICHARD T HANNA, *Chairman*

Subcommittee on Finance

Hanna, *Chairman*
Collier [1]
Flournoy [1]
Porter
Reagan [1]
Winton
Casey

Subcommittee on Special Education

Bee, *Chairman*
Busterud
Cusanovich
Elliott [2]
Gaffney
Casey

Subcommittee on Adult Education

Garrigus, *Chairman*
Allen
Brown
Hanna
Hegland
Sedgwick
Waldie

Subcommittee on Higher Education

Sedgwick, *Chairman*
Flournoy
Gaffney
Hegland [3]
Waldie
Casey

[1] Assemblymen Collier, Flournoy and Reagan concur in the Report of the Subcommittee on School Finance with exceptions as indicated by footnotes in the body of the report
[2] Assemblyman Elliott declined to sign the report
[3] Assemblyman Hegland dissents from the frame of reference of the Report of the Subcommittee on Higher Education and has submitted a minority report

REPORT OF THE

SUBCOMMITTEE ON SCHOOL FINANCE

of the

ASSEMBLY INTERIM COMMITTEE ON EDUCATION

MEMBERS OF THE SUBCOMMITTEE

RICHARD T HANNA, *Chairman*

JOHN L E COLLIER *	BRUCE V. REAGAN *
HOUSTON I FLOURNOY *	GORDON H WINTON, JR
CARLEY V. PORTER	JACK T CASEY

* Assemblymen Collier, Flournoy and Reagan concur in the Report of the Subcommittee on School Finance with exceptions as indicated by footnotes in the body of the report

January 1963

SUMMARY OF RECOMMENDATIONS

1. State support for the public school system of the State should be increased in the amount of at least $40 million.

2. The basic unit of support for the public school system of California, the foundation program, should be given a meaningful definition Interim study during 1963-64 should be given this matter.

3 The foundation program levels should be set at $309 for elementary ADA and $404 for high school ADA with comparable formulae for small schools and small districts

4. Basic aid from the State to the local school districts should be set at $120 per ADA, the constitutional minimum.

5 A property relief tax of 60 cents for elementary schools and 50 cents for high schools should be levied in each county in the State, with specified exceptions, the proceeds of which shoud be distributed among the school districts of the county on a foundation program basis The maximum tax rates of districts would be reduced by the amount of the property relief tax or by the amount of district tax required to raise the amount received by the district from the proceeds of the property relief tax, whichever is less.

6 Ninety-five percent of funds received from the federal government under provisions of Public Law 874 or similar laws should be considered as part of district capacity for purposes of computation of equalization aid, with an exception for certain very poor districts.

7 One hundred percent of miscellaneous funds as defined in Education Code Section 17606 should be considered as part of district aid capacity for purposes of computation of equalization aid. Miscellaneous funds should be redefined so as to include forest reserve funds.

8. For purposes of computation of equalization aid, district aid capacity should be computed at the rate of 30 cents for elementary school districts and 25 cents for high school districts on the assessed valuation of the district as adjusted by the Collier factor.

9 Apportionment of the State School Fund should be placed on a current year basis and allowances for growth should be discontinued.

10. Allowances for project-connected pupils should be made only on behalf of so-called "Group One" pupils These allowances should be limited to an amount not to exceed the foundation program amount per ADA of the school district to which the allowances are made.

11 The entire question of the position of the junior colleges should be studied. It is inappropriate to recommend changes in financial support for junior colleges apart from such a study

12. The amount of the State School Fund available for distribution to the county school service fund should not exceed $1 60 times the ADA of the State

13 The distribution and apportionment of funds in the county school service fund for direct services should be based upon the ADA of the immediately preceding year rather than of the second preceding year.

14. County school service funds for other purposes should be allowed only on the basis of project budgets indicating the proposed projects for which the funds are to be spent Funds should not be allowed for more than two of any particular project within a single fiscal year

15 The partnership principle in support for the salaries of county superintendents of schools should be re-established.

16. A study should be undertaken to provide a new formula for state support of special education which will eliminate the inequities of the present formula in regard to the equalization principle and local effort

17 A pilot program should be established to deal with the emotionally disturbed child and the child with limited capacity to benefit from education

18 The computation of district capacity to support pupil transportation expenditures should be based upon 100 percent of the assessed valuation of the district

19 The higher computation tax rates beyond which the State pays 100 percent of the expense of pupil transportation should be repealed The State would then meet 50 percent of the cost above the lower computation tax rate

20 School districts should be required to report separately their expenditures for transportation to outdoor science and conservation classes and to classes in forestry

21 The Department of Education should be directed to develop criteria to allow for differentiation of what constitutes an outdoor science or conservation class from what constitutes merely an instructional excursion

22 The apportionment of funds from the Driver Training Penalty Assessment Fund should be made in June of the fiscal year rather than in December.

23. The provisions of the Education Code dealing with reimbursement to districts for certain expenses connected with driver training should be amended so as to reflect the present reimbursement practice

24 Study should be made of a reasonable maximum amount which a district may receive per student instructed in driver training under the 75 percent reimbursement provision

25 Deficits in basic and equalization aid should be met first from basic aid in excess of the constitutional minimum and then from equalization aid

26 Deficits in funds available for special education should be met by reducing the maximum reimbursement amounts successively by increments of $5 until the deficit is removed

27 The State Board of Education should be authorized to grant an extension of one year for the submission of county master plans

for school district organization called for in Education Code Section 3581

28 A county committee on school district organization should have the opportunity to present a master plan for school district organization after the expiration of the deadline provided for in Education Code Section 3581, up to the time of the submission by the Department of Education of such a plan under Education Code Section 3582

29 The statutes concerning minor boundary changes in unified districts should be amended to make the same provisions for unified districts as one level districts

30. Minimum retirement allowances for retired teachers should be increased

31 Further study should be given to the possibility of granting retirement credit to teachers for out-of-state service

INTRODUCTION

No state in the nation takes as seriously its commitment to education as does the State of California.

This is clearly evident from the nationally acknowledged first-rank position of those California educational institutions which are totally dependent upon the State for their support, the University of California and the State College System of California.

Wide agreement exists that California does not have the same proud record in its public schools as it does in higher education.

This is a matter of grave concern, since it is difficult to maintain the highest quality in higher educational institutions if those entering them are not well prepared by the public schools. Furthermore, it is necessary that California afford the best education possible to those who go no farther than the 12 or 14 years offered in the public school system

California's proud record in higher education suggests that a failure to reach the highest quality in the public school system is due not to a lack of commitment to the pursuit of excellence in education but to other factors For these factors we must search

One immediately obvious difference between the public school system and the system of higher education in California is that the latter is the responsibility of a single governmental authority, the State, while the former is a joint responsibility shared by the State and the local school district It may well be that poor articulation of this joint responsibility may be causing problems which California cannot afford

During the 1961-62 interim, the Subcommittee on School Finance of the Assembly Interim Committee on Education has undertaken to explore one major area of this partnership of joint responsibility for the public school system, the structure of public school finance While the committee wishes to dissociate itself from the simplistic notion that money equals quality, it nevertheless believes that there is a relationship between the amount of money spent for education and the quality of education produced It believes that by articulating clearly the financial responsibilities of the State and the locality and by placing the resources of the State where they are most needed, it may well be possible to increase to a considerable degree the quality of the public school education in California.

The study was undertaken at the direction of the Committee on Rules of the Assembly acting under the authority of House Resolution 330, introduced by Assemblyman Richard T. Hanna.

In the study the committee has enjoyed the capable participation of the office of the Legislative Analyst, particularly represented by Mr A Alan Post, the Legislative Analyst, Mr Clinton M Jordan and Mr Maxwell S Heigho, the office of the Auditor General represented by Mr Albert L Monighan, the Department of Education of the State of California, represented by Dr Ronald W. Cox, and various nongovernmental groups of private citizens.

It has been some 30 years since a study of similar scope has been undertaken by the Legislature The Riley-Stewart Act of 1933 had

established a basic structure of public school finance for California However, over a period of 30 years, the State had faced what had seemed to be crisis situations on various special areas of education. As a result, numerous changes have taken place with the result that the structure of public school finance no longer bears very much resemblance to the structure established in the Riley-Stewart Act Furthermore, these numerous changes have for the most part served to make the structure more complex

For this reason, the system of public school finance appears to resemble a maze in which the newcomer is unable to distinguish usable routes from "problem" alleys The committee had first to have a route mapped into each of the areas of the system This was done by the offices of the Legislative Analyst and the Auditor General From this basic route, that is, explanation of the area of finance under discussion, consideration moved to the problems which had developed in the area. In this the offices of the Legislative Analyst and the Auditor General and the California Department of Education took a leading part, ably assisted by the representatives of various organizations interested in educational finance.

The committee's sense of balance and direction was provided by a series of never clearly articulated but nevertheless often-mentioned principles which might be stated in some fashion such as this:

It is the purpose of the State to assure sufficient financial support to guarantee a minimum acceptable level of education to every child in the State who is capable of benefiting from it

It is the purpose of the State to do this in such a way as to equalize the tax load upon all citizens and areas of the State to the extent that this is possible

It is the purpose of the State to afford this support to the local school districts within a framework of partnership in which the State and the local area contribute equitably and in which local control and flexibility are retained

Detailed analysis of the mechanics of each section of school finance has been eliminated from the text of the report for the sake of brevity A detailed disquisition of the mechanics is printed in the Appendix

In order to make the complete study more understandable the entire State School Fund was broken down into areas This does have the effect of disrupting continuity, however, if the reader keeps in mind that this is a technique of convenience the overall picture is readily discernible

The committee wishes to emphasize that it has sought, in making its recommendations, to destroy special privileges in school finance The committee firmly believes that additional state support for the public school system is necessary The committee urges additional support to the extent of at least $40 million [1]

[1] Assemblyman Collier states, "I do not agree that 'additional state support for the public school system is necessary Neither do I support the idea that the local property taxpayer should carry any additional load However, the proposition of a county sales tax for school purposes, without jeopardizing state contributions, has not been given proper and sufficient study."

Assemblyman Reagan does not believe there is justification for the selection of $40 million as the amount of additional state aid which should be recommended at this time

Assemblyman Flournoy believes that the additional state contribution should be in the amount of $60-$70 million rather than $40 million

However, the position of the committee is that it is inappropriate to increase the amount of state support for the public school system, and thus, the effort made by all of the people, as long as the public school burden in terms of local effort is not equitably felt throughout the State The committee would oppose the addition of state funds apart from the acceptance of the recommendations for adjustments which are made in this report.

THE FOUNDATION PROGRAM

The foundation program is the basic unit of support for the public school system of California.[2] California, however, has failed to accomplish the first step in the process of establishing a satisfactory foundation program, the establishment of a meaningful definition of the program Present definitions of the foundation program ordinarily employ such terms as "minimum acceptable level of education" and "essential educational opportunities " These terms might be satisfactory as generalizations but, unfortunately, no specific and detailed content has been agreed upon Thus, what for some is essential is nonessential for others, what some would say a minimum level must include, others would exclude.

Further, the primary emphasis in considerations of support for the foundation program ordinarily is given to the question of amounts of money available rather than to the question of whether the amounts available are adequate to meet the needs, inadequate, or more than adequate With this as the primary emphasis, it is easy to understand why legislators come to feel that educators are out to get whatever can be gotten out of the State apart from any justifications other than those which refer to "the needs of the children" in most lofty and unspecific language

It is also a matter for concern to the committee that the tendency, in the absence of a defined foundation program, is to attempt to relate the foundation program to an average of the total current expense of education The committee is well aware that as additional state money is distributed to the local districts their total current expense of education will rise and that this rise will be used to justify an additional claim for state money

Furthermore, the committee is also aware that the use of the total current expense of education as a measure is inappropriate in that it contains elements which are not subject to support from the foundation program

The committee urges vigorous effort and full co-operation by all agencies of the State responsible for the determination of a meaningful and usable substitute for the present ambivalent phrase, "minimum acceptable level of education" as the policy basis for the foundation program The committee believes that such definition is essential. Until definition is arrived at, it will be impossible for the Legislature to see clearly what is the obligation of the State to the public school system in terms of financial assistance When the Legislature does not see clearly what this obligation is, the likelihood is that the public school system will suffer.

[2] See also Appendix, pages 137-141

This committee must urge most strongly that every appropriate effort be made to arrive quickly at an agreement as to what constitutes an acceptable foundation program. This must be defined in terms of real educational needs and true educational costs

The committee recommends that a full study be made of this subject by an appropriate committee during the 1963-64 interim.

The second area of concern to the committee is closely related to the lack of definition of the foundation programs, a regular and an alternate program, at the elementary and high school levels

If the foundation program has or will have meaning in terms of representing a minimum level or an essential opportunity which the State will support, then all of the children of the State should be subject to the same minimum.

At the present time the two foundation programs for the elementary level are set at $234 and $309 A district to be eligible for the $309 program must have an adjusted assessed valuation per ADA of less than $10,000.

The meaning of this is that the minimum level is higher for a child in a district of low wealth than it is in a district of medium or high wealth.

This is repugnant to the sense of equity and justice. The minimum should be set at a single level. The State should assure through its financial assistance that all districts have an equal opportunity, as nearly as may be possible, to reach that minimum level for its students

There are some further questions and problems relative to the foundation program which may best be discussed after the basis for state support for the foundation program is outlined

Eligibility of the local school district to participate with the State in the support of a foundation program is dependent upon the tax rate levied for the support of the schools of the district. To qualify the district must charge a tax not less than the appropriate rate shown below:

Elementary	60¢
High school	50¢
Junior college	24¢

The foundation program for a school district is computed on the basis of the average daily attendance (ADA) of the school district, with the following major exceptions and modifications:

1. For elementary school districts of fewer than 101 ADA, the number of full-time teachers is also a factor; for high school districts of fewer than 301 ADA, the number of certificated personnel is also a factor

2 For necessary small schools in districts larger than these figures, a foundation program for the necessary small school is established, based upon that for the small district The foundation program of the district in which such a necessary small school is located is adjusted accordingly.

3 For certain recently reorganized districts, "no loss" provisions and "incentive for unification" provisions operate to increase the foundation program.

4 For high school districts the foundation program is based upon the ADA of students other than adults, for junior college districts the foundation program is based upon the ADA of resident students other than adults.

The amounts upon the basis of which foundation programs are computed are shown below

FOUNDATION PROGRAMS FOR ELEMENTARY SCHOOLS

Average daily attendance	*Number full-time teachers*	*Regular*	*Alternate*
0– 25	1	$5,600	
26– 50	2	11,200	$299 per unit of ADA
51– 75	3	16,800	
76–100	4	22,400	
101–900	Not applicable	$224 per unit of ADA	$299 per unit of ADA
901 or more	Not applicable	$234 per unit of ADA	$309 per unit of ADA

FOUNDATION PROGRAMS FOR HIGH SCHOOLS

Average daily attendance	*Number of certificated employees*	*Regular*	*Alternate*
0– 20	3	$33,000	$394 per unit of ADA
21– 40	4	38,100	
41– 60	5	43,200	
61– 75	6	48,300	
76– 90	7	53,400	
91–105	8	58,500	
106–120	9	63,600	
121–135	10	68,700	
136–150	11	73,800	
151–180	12	78,900	
181–220	13	84,000	
221–260	14	89,100	
261–300	15	94,200	
301 or more	Not applicable	$324 per unit of ADA	$404 per unit of ADA

The foundation program for junior colleges is set at $543 per unit of resident ADA other than adults There is no alternate program for junior colleges and there is no special scale for small junior colleges

Eligibility for participation in the alternate foundation programs is dependent upon the local assessed valuation per ADA Any district with an adjusted assessed valuation per ADA less than those shown below is eligible for the alternate program

Elementary	$10,000 00
High school	22,857 14
Junior college	No alternate program

The foundation program consists of support from the State in the form of basic and equalization aid and allowances for growth and support from the local school district in the form of a computed amount of district aid

The distribution of a flat grant of $120 per ADA is a constitutional requirement in California This flat grant is called basic aid [3] By statute the amount distributed as basic aid was increased from $120 to

[3] See also Appendix, pages 142-143. The Constitution requires that each district receive at least $2,400 of basic aid

$125 in 1957 This amount is distributed on behalf of all ADA in the State without regard to whether the districts which receive it are qualified to participate in any foundation program

District aid is a computed figure upon which the eligibility of the district to receive equalization aid is dependent It does not bear any necessary relation to the district taxes actually levied or collected

District aid is computed on the adjusted assessed valuation of the district at the rates shown below

	Foundation program	
	Regular	*Alternate*
Elementary	$0 60	$1 35
High school	0 50	0 85
Junior college	0 24	--

A district is eligible to receive equalization aid if its total of basic aid and computed district aid do not equal or exceed its foundation program [4] For all but the smallest districts, entitlement to equalization aid may be expressed in terms of the adjusted assessed valuation of the district per ADA Districts with an adjusted assessed valuation per ADA of less than the amounts shown below are eligible for equalization aid

Elementary (101-900 ADA)	$16,500 00
(901 ADA or more)	18,166 66
High school (301 ADA or more)	39,800 00
Junior college	176,250 00

Since basic and equalization aid allowances to districts are based upon the ADA of the immediately preceding year, those districts which are experiencing growth would not be assured of having sufficient funds to meet the foundation program per ADA of the current year apart from the granting by the State of allowances for growth [5] These allowances are made in March and June and are based upon the difference between current ADA and the ADA of the immediately preceding year

PROPERTY TAX RELIEF PROGRAM

The committee wishes to take a very strong position in support of a property tax relief program [6]

The committee is impressed that uniform utilization of locally taxable wealth is not possible under the present arrangement of taxation within districts, since many of these districts appear to exist primarily to include areas of high wealth and low student population so as to insure a very, very low rate of taxation for school support This is not equitable

Not only do neighboring areas of such "islands of wealth" suffer from the inaccessability of the wealth of the area, but the entire State

[4] See also Appendix, pages 144-146, 156-165

[5] See also Appendix, pages 208-216

[6] Assemblyman Collier dissents from the proposal made in this section He states, "I am unalterably opposed to the compulsory countywide property tax that is referred to in the report as a 'property tax relief program'" He further states, "the proposition of a county sales tax for school purposes, without jeopardizing state contributions, has not been given proper and sufficient study"

Assemblyman Reagan does not believe that the proposal of the committee will afford relief to the property taxpayer

suffers The lack of utilization of locally taxable wealth requires that the State step in with equalization aid for the areas which are so deprived As the State has to apply its aid in such areas, the equalization aid available to support potentially higher foundation program levels is drained off

It is estimated that, at present foundation program levels, the proposal to establish a property relief tax at the rate of 60 cents for elementary schools and 50 cents for high schools would free approximately $25 million of state equalization aid which could be reapplied in the form of higher foundation program levels

It should be noted that the property tax relief proposal is an equalization device. It does not affect local control of education, as it is merely a fiscal device Local authorities will find their circumstances somewhat altered Low-wealth school districts will be able to support their present programs at reduced local tax rates, while high-wealth areas may find that it will be necessary for them to adjust their rates upward somewhat if they are to maintain existing levels of educational service The committee anticipates that these two movements of tax rates, downward in areas of low wealth and upward in areas of high wealth, will tend to reduce the disparity which presently exists overall in the tax rates of these two kinds of districts

With regard to the specifics of the recommendation, the committee recommends that a property relief tax be established at the rate of 60 cents at the elementary level and 50 cents at the high school level in every county, with the exceptions that the tax rate may be proportionately lower in any county in which the collection of the tax at either of these rates would exceed the requirements of that county in terms of meeting the total foundation program of all districts in the county.

For example, a 60 cents tax for the elementary districts of Mono County would raise an amount of revenue which would considerably exceed the foundation programs of the elementary districts of Mono County The committee recommends that Mono County and other counties of similarly high wealth be required to levy only that tax which will produce sufficient revenues to meet the foundation programs of the county.

The committee recommends that the revenues from the property relief tax be distributed among the districts of the county on the basis of the relationship between the foundation programs of the individual districts and the total of the foundation programs of all districts of the county Thus, an elementary district whose foundation program constituted 10 percent of the total of the foundation programs of all elementary districts in that county would receive 10 percent of the revenues of the property relief tax

The committee recommends that the maximum tax rates of all districts be reduced by the amount of the property relief tax levied and which are applicable to their district Thus, the maximum tax rate for elementary districts would be reduced by 60 cents, for high school districts by 50 cents, and for unified districts by $1 10 The committee recommends an exception to this in the case of those districts which would receive less from a property relief tax than they would from a district tax at a comparable rate In the case of these

districts, the committee recommends that the maximum tax rate be reduced by that rate which when applied to the assessed valuation of the district would actually raise the amount allocated from the property relief tax revenues This provision will allow these wealthy districts to continue to maintain their present level of educational expenditure if they wish to do so without the necessity for seeking override approval beyond that which they may have already obtained.

For purposes of computation of state equalization aid, the capacity for county aid shall be computed on the basis of the appropriate 60 cents or 50 cents tax rate on the assessed valuation of the county as that valuation is adjusted by the Collier Factor (Education Code Section 17261) The effect of this recommendation will be to continue the practice of the State in not giving any county an additional benefit for assessing at a rate lower than the state average and in not reducing the state support to any county whose assessment practice is higher than the state average

The committee firmly believes that progress in the partnership of support for the public education system of California by the State and the local school districts is not possible apart from the enactment of the property tax relief program The committee would look with disfavor upon plans for the application of additional state funds in support of the public school system if those plans merely preserved the inequities which presently exist Plans which fail to provide for property tax relief are plans which preserve at least one major inequity. They must not be enacted.[7]

PUBLIC LAW 874 FUNDS

Many school districts in California receive funds from the federal government under the provisions of Public Law 874 Public Law 874 represents a recognition of the impact of the activities of the federal government upon the local school district In many cases persons work and live on government properties which are not subject to taxation and, thus, do not contribute to the support of the educational system in which the children of these persons are educated. In other cases, the activities of the federal government carried on by contract may have such an impact on a community that the federal government feels an obligation to participate in the financial support of the schools of that community.

The federal government makes payments to the school districts in which children of such parents attend, thus compensating the districts for the problems of impact and nontaxability which are caused by government activities.

These payments are made on an ADA basis They have no relationship to the wealth of the school district.

It is appropriate that these funds should be considered as part of the local ability to support the public school system and that equalization aid should be granted to school districts only after these funds have been taken into consideration.[8]

[7] See also Appendix, pages 232-235
[8] See also Appendix, pages 160-164

The present method of computing district aid capacity based upon the existence of these funds is most unsatisfactory This method involves the computation of the amount of additional taxable property which the district would have to have if it were to raise, at its existing tax rate, an amount of revenue equivalent to 40 percent of that which it actually receives due to P.L. 874. This existing tax rate may vary greatly from district to district

As the tax rate of a district rises, the amount of additional assessed valuation to produce a given amount of revenue declines. As this amount of assessed valuation declines, the computed district aid capacity, based upon a fixed computation rate on this assessed valuation, also declines As district aid capacity declines, entitlement to equalization aid rises Thus, merely by changing its tax rate, without any change in its actual wealth, a district may vary the amount of equalization aid to which it is entitled The committee believes this to be inequitable.

Furthermore, the adjustment in the assessed valuation of the district for the purposes of computing district aid capacity is based upon only 40 percent of the P L 874 funds received As a result of this fact and of the variation in tax rates in districts receiving the funds, only 25 percent is a state average; the variations from district to district in this utilization range from 5 percent to 74 percent The committee believes this also is inequitable.

The committee believes that these funds are appropriately a part of the capacity of the local school district to support education The committee believes that an equitable means of assuring uniform utilization of these funds in support of the foundation program must be enacted.

The committee recommends that 95 percent of the P L 874 funds be considered as district aid capacity for the purposes of computation of entitlement to equalization aid

The committee wishes to recognize the very special circumstances of the China Lake Union Elementary District in Kern County. This district is in the very peculiar position of receiving from the federal government each year funds which are in excess of the total assessed valuation of the district Every other district in the State is capable through its local tax base of raising additional funds beyond the foundation program if it should wish to do so In the case of China Lake this is impossible For this reason the committee recommends that, for any district in which the entitlement to P L. 874 funds exceeds the total assessed valuation of the district, only 25 percent of those P L. 874 funds be applied in the computation of district aid capacity

The committee wishes to take note of the situations of other districts of low wealth for the purpose of clarifying the distinction between them and China Lake with regard to this matter. There are 13 elementary districts and no unified districts in the State which have an assessed valuation per elementary ADA of less than $3,000 These are shown in the chart below.

Of these 13 districts, only 9 receive P L. 874 funds Of these 9, only 3 receive P L. 874 funds in amounts in excess of $100 per unit of elementary ADA in the district.

These three districts are characterized by low assessed valuation per ADA, by high P L 874 payments, *and* by low tax rates The committee fails to be impressed by any argument that these districts are making a local effort which would justify special consideration based upon their low wealth.

ELEMENTARY DISTRICT WITH LESS THAN $3,000 AV/ADA IN 1960-61

Column 1—Average daily attendance of the district (ADA)
Column 2—Assessed valuation per ADA (AV/ADA)
Column 3—Total P L 874 funds received by district
Column 4—P L 874 funds received per unit of district ADA
Column 5—General purpose tax rate of district
Column 6—All other tax rates of district

District, County	*1*	*2*	*3*	*4*	*5*	*6*
China Lake, Kern	2,264	$168	$436,913	$193	$3 50	$0 75
Herlong, Lassen	511	1,249	79,966	156	0 90	--
Willowbrook, Los Angeles	3,638	1,656	18,060	5	0 90	0 6151
Fieldbrook, Humboldt	153	1,813	--	--	0 97	0 14
Center, Sacramento	732	1,892	105,848	145	1 20	0 03
Del Paso Heights, Sacramento	1,332	1,947	22,368	17	1 03	0 27
Center, Solano	596	1,974	111,887	188	0 688	0 334
Robla, Sacramento	1,286	2,402	41,099	32	1 50	0 46
McKinleyville, Humboldt	1,623	2,428	--	--	1 519	0 311
Ella, Yuba	1,281	2,541	18,307	14	0 90	0 23
Buckeye, Shasta	298	2,868	--	--	0 90	0 36
Olinda, Shasta	160	2,881	--	--	0 90	0 86
Rio Linda, Sacramento	6,990	2,903	355,920	51	1 14	0 16

This recommendation of the committee for utilization of P L 874 funds in computing district aid capacity may be expected to free about $20 million of state equalization aid for redistribution in support of higher foundation program levels

This proposal is another one which the committee firmly believes must be enacted before justification can be presented that the State should increase its total support for the foundation programs of the local school districts. Once again, the committee must emphasize that it does not believe it is appropriate to ask all of the people of the State to make an additional effort when there exists such considerable inequities in the structure of school finance The committee recommends additional state support only on the condition that these inequities are removed.

MISCELLANEOUS FUNDS

Not only are federal funds due to P L 874 considered in the computation of District Aid capacity, but also those funds which are defined as miscellaneous funds in Education Code Section 17606 are similarly considered [10]

The only substantial difference in the present handling of these funds is that whereas 40 percent of the P L 874 funds are used in the computation of adjusted assessed valuation, 75 percent of the miscellaneous funds are so used

The recommendation of the committee with regard to these funds is that 100 percent of such funds be considered as district aid capacity Thus, as with P L 874 funds, they will not be converted in assessed valuation, but they will merely be added to the district aid capacity

[10] See also Appendix, pages 164-165

and will reduce the obligation in terms of equalization aid on the part of the State to the districts which receive them

The committee also recommends with regard to miscellaneous funds that the definition contained in Education Code Section 17606 be amended by striking out the last sentence of the section which excludes federal forest reserve funds from consideration as miscellaneous funds

BASIC AID

The committee recognizes a problem relative to the existence of basic aid The committee is thoroughly committed to the principle of the use of state funds for equalization purposes However, less than 30 percent of the state funds available for foundation program support are available for use as equalization aid.

The principal reason for this is that each unit of ADA in a school district entitles that school district to receive $125 of state funds as a flat grant. This grant is made irrespective of the need of the district or of the wealth of the district.

As a result of this relatively large flat grant, most of the funds available for foundation program support are allowed as basic aid, leaving less than 30 percent for equalization aid

Of this $125 figure, only $120 is required by the Constitution to be distributed, but not less than $2,400 per district The remaining $5 was added by statute in 1957

The committee recommends very strongly that basic aid be reduced from $125 to $120 and that the funds freed from basic aid by this step be turned into equalization aid [11]

This proposal would have no effect whatever on equalization aid districts, since the $5 they would lose in basic aid would be made up through an additional $5 of equalization aid

Basic aid districts, depending upon their wealth, would lose some portion of the $5 up to the whole amount However, these are the districts whose local capacity to support education is greatest.

ALLOWANCES FOR GROWTH

Because foundation program allowances have been made on the basis of the ADA of the preceding year, the State has made allowances for growth to ensure that each district has sufficient funds to ensure meeting the foundation program for the ADA of the current year

There are several problems with the procedure by which these calculations are made, the net result of which is that the State pays some districts for foundation program support for ADA which do not exist

The most appropriate solution to this problem is to base the foundation program on the ADA of the current year This proposal is made both by the Department of Education and by the Legislative Analyst There are certain technical details on which these two disagree, but the committee believes that these are appropriately left for negotiation

[11] Assemblyman Collier opposes this recommendation He states, "The basic aid and the point at which a district becomes eligible for equalization aid have political implications Experience teaches me that we should be practical in this area of discussion"

between them The committee recommends that foundation program support be placed upon a current-year basis and that the apportionment for growth be eliminated. The funds freed by this elimination must be retained in the State School Fund through adjustments of the distribution formulae.

ALLOWANCES FOR PROJECT-CONNECTED PUPILS

Special allowances are made by the State to certain school districts in which there are pupils who are there because of the existence of a "major, localized, undertaking by or under the jurisdiction of the State Department of Water Resources which has a duration . of more than three years "[12]

Thus far only the Oroville features of the Feather River Project have been designated as falling within this definition. The only school districts which have been eligible for allowances under this provision have been five districts in Butte County

The statutes relating to project-connected pupils define two groups for which districts are eligible to receive the special allowances (1) those whose parents are employed in connection with the project itself, and (2) those whose parents are employed elsewhere in the community but would not be expected to be there apart from the existence of the project

This statute was enacted because of a fear that the impact of such projects might tend to depress the capacity of school districts in such communities to support their schools adequately This has not been shown to be a justifiable fear The assessed valuation per ADA of the principal impacted districts, Oroville City Elementary District and Oroville Union High School District, has risen at a rate greater than that of the State as a whole during the period since the enactment of the statute in 1957 [13]

Furthermore, to the extent that such impact might reduce the assessed valuation per ADA in a district and thus reduce the capacity for district aid, the State would step in with increased equalization aid for the district Thus, the presence of such pupils will not reduce the foundation program of any district but will result in an increase in state support.

Since this is the case, the committee is confident that no district is going to suffer on account of the impact of such projects

Because of these factors, the committee recommends that eligibility by the districts for funds under these provisions be limited to those pupils whose parents are actually employed in the project.

The committee also believes that it is inappropriate for the State to be making the effort which it is presently making with regard to project-connected pupils In view of the increase in assessed valuation, it is difficult to justify the payment to Oroville Union High School District of $593 58 per project-connected ADA at a time when the foun-

[12] See also Appendix, pages 203-208

[13] In response to a question from the committee, the office of the Legislative Analyst made a special study of Oroville which led to the conclusion reported here The report of the office of Legislative Analyst appears in full in the Appendix, pages 236-240.

dation program of the district was only $324 per ADA. The committee recommends that the allowances under these provisions be limited so that state allowances on behalf of project-connected ADA will not exceed the foundation program of the district receiving the funds.

The committee wishes to express its grave concern at the potential dislocation of state revenues through this program when the water project stretches from Oroville to San Diego The committee strongly recommends that this program be cut back to manageable proportions while this may still be done

THE STRUCTURE OF THE FOUNDATION PROGRAM

The committee has received no recommendation which it is able to accept regarding the use of the funds freed through the various adjustments proposed in the preceding pages and the use of at least $40 million of additional state funds which the committee believes must be made available [14] [15]

As a result, the committee in spite of its limitations is placed in the position of having to formulate at least a tentative proposal of its own.

The proposal which follows is one which provides for a removal of the inequities to which reference has been made in the preceding pages.

The committee has expressed its distress at the implied inequity in setting one minimum acceptable level for children in certain districts and a different minimum acceptable level for children in other districts. There should be a single foundation program at the high school level as there is now a single foundation program at the junior college level

The committee recommends that the present foundation program structure be abolished and that it be replaced by a new foundation program structure as follows.

FOUNDATION PROGRAM FOR ELEMENTARY SCHOOLS

Average daily attendance	*Number of full-time teachers*	*Amount*
0– 25	1	$7,475
26– 50	2	14,950
51– 75	3	22,425
76–100	4	29,900
101–900	Not applicable	$299 per unit of ADA
901 or more	Not applicable	$309 per unit of ADA

[14] The committee wishes to make clear that it does not believe that only $40 million is sufficient to meet the obligations of the State to the public schools The committee recommends $40 million because it believes this is a realistic figure to expect the State to provide at this time To the extent that it is possible to provide additional funds beyond $40 million at this time, the committee would recommend appropriate adjustments in the foundation program formulae recommended here

[15] Assemblyman Collier dissents from the proposal contained in this section He states, "The basic aid and the point at which a district becomes eligible for equalization aid have political implications Experience teaches me that we should be practical in this area of discussion"

Assemblyman Flournoy believes that the State has the capacity and responsibility to support foundation program levels which would be the result of $60 to $70 million rather than $40 million of new additional state funds

FOUNDATION PROGRAM FOR HIGH SCHOOLS

Average daily attendance	*Number of certificated employees*	*Amount*
0– 20	3	$41,400
21– 40	4	47,800
41– 60	5	54,200
61– 75	6	60,600
76– 90	7	67,000
91–105	8	73,400
106–120	9	79,800
121–135	10	86,200
136–150	11	92,600
151–180	12	99,000
181–220	13	105,400
221–260	14	111,800
261–300	15	118,200
301 or more	Not applicable	$404 per unit of ADA

The foundation program for a district will be met by a computation which will include the following elements·

Basic aid of $120 per ADA or $2,400 per district, whichever is greater;

County aid based upon the revenues from a 60-cent elementary and a 50-cent high school property relief tax,

District aid based upon a district computational tax of 30 cents for elementary and 25 cents for high school and including 95 percent of P L 874 funds and 100 percent of miscellaneous funds,

Equalization aid to the extent that this is necessary to make up the difference between the total of the three preceding elements and the foundation program of the district

SUPPORT FOR JUNIOR COLLEGES

The committee is not prepared to make any recommendation in favor of additional foundation program support for the junior colleges [16]

There are several reasons for this

First, despite the fact that the committee held hearings virtually monthly over a period of more than a year, no more than a minimal and perfunctory presentation of need was made on behalf of the junior colleges

Second, the committee is aware that the junior colleges received additional foundation program support at the 1961 session when the elementary and high schools did not

Third, the committee believes that the junior colleges are at present much less limited than are the elementary and high schools in terms of the local resources upon which they have not yet called

Fourth, the committee wishes to express its dissatisfaction with the structure of the public school system and the system of higher education of the State to the extent that the position of the junior colleges in these two systems is one of considerable ambiguity The committee believes that the junior colleges are appropriately a part of higher

[16] Regarding support for junior colleges, see also the report on higher education, pages 48-48.

education; it does not wish to place financial barriers in the way of their being so considered The committee has grave doubts about the propriety of the foundation program concept based upon average daily attendance for any system of higher education

THE COUNTY SCHOOL SERVICE FUND

The county school service fund is the vehicle by which the State apportions to the county superintendents of schools funds which will allow these officials to perform certain services in which the State has an interest [17]

The justification for the existence of this fund is contained in Education Code Section 8501. This is deemed to be of sufficient interest to justify quotation in full at this point

> The Legislature hereby declares that it is in the interest of the State and of the people for the office of the county superintendent of schools, through the county school service fund, to provide coordination of the educational program among districts under his jurisdiction and to provide professional and financial assistance to school districts which otherwise, because of size or location, would not be able to furnish a satisfactory program of education for their children Such assistance is a matter of general concern inasmuch as the education of the children of the State is an obligation and function of the State.
>
> In adopting this act, the Legislature considers that the co-ordination of the educational program constitutes the greatest continuing need to be met through the county school service fund To meet this need the necessity is recognized to provide professional services to co-ordinate courses of study, guidance services, health services, special education, attendance activities, and advisory services in school business administration
>
> As an additional need, the Legislature recognizes the necessity to provide professional services in districts too small to supply such services for themselves economically and effectively, such as (1) to prepare courses of study, (2) to supervise instructional practices, (3) to provide direct guidance services, health services, and attendance services normally provided in an educational program, (4) to provide for the purchase, distribution, and use of supplementary instructional materials and equipment, and (5) to provide educational opportunity to normal and special pupils who would otherwise be denied it It is recognized further that providing for professional service is a transitory function of the county school service fund to be assumed by school districts when, through growth or reorganization, they will be able to perform the services for themselves.
>
> It is the further intent of the Legislature that
>
> (a) Services involving the co-ordination of the educational program which have among others the purposes of (1) enforcing minimum standards, (2) improving the educational program, and (3) promoting order and reasonable uniformity in the educational

[17] See also Appendix, pages 105-135.

program shall be provided, except as may be specifically authorized, at the district level, reserving to the district the opportunity and responsibility for internal improvement, and that such services will be provided in such a manner than recognition will be given to the responsibilities placed upon school districts by the Legislature to determine and administer their own educational program.

(b) Services to school districts which do not constitute co-ordination among districts shall be provided in such a manner that impetus will be given to strengthening school districts and to improving district organization to the end that more effective programs of education may be offered, and that the provision of services through the county school service fund shall not act to deter or delay any school districts from furnishing such services for themselves

(c) Services to school districts shall be co-operatively provided by two or more county superintendents of schools without regard for county boundaries whenever a particular service may be so provided with economy and effectiveness

(d) The direct operation of an educational program by the county superintendent of schools shall, except as specifically authorized by the Legislature, be limited to those emergency cases where children would otherwise be denied an opportunity for education

Two matters of terminology should be made clear at this point The services performed without charge by the county superintendents on behalf of small school districts only are referred to as "direct services" The other services to which reference is made are known as "other purposes"

The amounts of money involved in the county school service fund are, for direct services, about $5 million and, for other purposes, about $11 million

Two problems exist with regard to the financing of direct services performed by the county superintendent of schools for the small districts

First, the formulae of the State School Fund are so constructed that the same funds for direct services may be provided at the expense of equalization aid Direct services is the only area of the State School Fund which enjoys such a favored position

The committee is totally unable to understand the rationale for such special treatment of this particular area of public school finance The county school service fund does not deserve such a sanctified position

For this reason, the committee recommends that the formulae for the distribution of the State School Fund be amended in the way in which the Legislative Analyst proposes namely, that a cap be placed upon the amount which is available to the county school service fund for direct services and that this be in the form of $1 60 times the total ADA of the State The effect of this proposal will be to protect equalization aid from having to make up any deficit in the direct services portion of the county school service fund

Second, the distribution and apportionment of direct services funds is based upon the small school ADA of the second preceding year

Since the small school ADA is a declining figure, the use of the second preceding year ADA allows the county superintendents to receive funds to perform direct services for districts which may no longer be eligible to receive the services

The committee recommends that the distribution and apportionment of funds for direct services be based upon the small school ADA of the immediately preceding year, since this more nearly approximates the ADA eligible to receive direct services The committee is most anxious to put an end to a situation under which direct services funds are made available for small school ADA who will not be served simply because they are not in existence in the year in which the funds are made available.

With regard to funds for "other purposes," the committee wishes to express most profound concern over the incredible looseness with which the funds are expended As long as they are not misappropriated or embezzled, there apparently is no control by the State over the purposes for which they may be spent

The committee received testimony to the effect that about 60 percent of the "other purposes" funds were spent for "co-ordination " Co-ordination is considered to be a state function which is performed for the State by the county superintendents In the language of the Education Code, ". co-ordination . constitutes the greatest continuing need to be met through the county school service fund "

If this is a state function which constitutes the greatest continuing need to be met through the expenditure of these state funds, then it is appropriate that the State exercise some control over what is being done with the funds

The affirmative answer of spokesmen for the Department of Education to the following question at the hearing on the county school service fund is most revealing·

> "Are you suggesting by the formula, we have perhaps reached the point where we create the pot and then the needs are adjusted to whatever is in the pot whether they are below or above that amount?"

The committee is most emphatic in its recommendation that a stop be put to this situation The committee recommends that amounts be allowed to the county superintendents of schools for "other purposes" only in response to the presentation of line-item budgets by those officials These budgets would indicate, by project, proposed expenditures of these funds Furthermore, the committee recommends that only two of any one kind of project be approved in the State in any one fiscal year This means that no more than two counties could receive funds for the preparation, for example, of a fourth-grade social studies guide

The enactment of legislation carrying out this recommendation will make it possible for the first time for the State to learn for what its money is being spent It will also tend to reduce the amount of duplication in terms of the projects which are being undertaken by the county superintendents Further, it will encourage the Department of Education to develop a definition of "other purposes" so as to have some basis for including or excluding projects for eligibility for support.

The committee wishes to make two recommendations which do not appear to require the enactment of statutes.

The committee places itself on record as opposing any increase in state support for the salaries of county superintendents apart from an increased local effort At the 1961 session, the salaries of these officials were raised in violation of the partnership principle in that the contribution of the State was increased but that of the counties was not The committee is opposed to any future increases made on such a basis

The committee also wishes to call attention to its opposition to Section 1516 to Title V of the Administrative Code which provides that when any district which has been receiving direct services becomes part of a unified district, the county superintendent shall continue to be eligible to receive state funds to provide direct services to the small district which no longer exists Furthermore, it provides that this entitlement to funds for services not rendered may continue forever under certain circumstances The committee believes that the Department of Education and the State Board of Education will, without further attention being called to the matter, remove this monstrosity from the Administrative Code

SPECIAL EDUCATION

Special education, insofar as school finance is concerned, covers those expenses of the education of the physically handicapped, the mentally retarded, and the severely mentally retarded which are in excess of the expense for the education of the normal child In addition, it includes the expense of special transportation of the physically handicapped and the severely mentally retarded [18]

The principles governing state participation in the financing of special education is that the State will meet the costs in excess of the expense of educating a normal child.

The distribution of state funds in support of special education, being related to actual costs, is on a reimbursement basis

The committee has received testimony which gives it cause for concern that some special education programs possibly are being "loaded" by local districts, either by the inclusion within them of pupils not actually requiring such education services,[19] or by the inclusion within the expenses of the programs goods and services actually utilized by normal children in regular classes The committee recognizes that dangers such as these are inherent in any 100 percent reimbursement program

The committee also recognizes that special education has been mandated by the State, but it does not recognize a difference between this mandate and the mandate to educate the normal child

The committee rejects the argument that partnership is an inappropriate means for the support for programs of special education The committee believes that a recommendation which provides for the participation by all districts which provide special education programs in the financing of those programs would further the partnership principle and would be an excellent means of controlling the costs of the program.

[18] See also Appendix, pages 166-183.
[19] See also Appendix, pages 175-176.

Unfortunately, the committee has not received any proposal which would provide for such sharing on the part of all districts which are eligible for reimbursements The committee, thus, declines to make a recommendation for district support for special education but wishes to make clear that it would entertain very favorably a proposal for an equalizing formula similar to that used in the computation of transportation reimbursements Such a proposal would recognize the partnership principle in that all districts offering special education programs would participate with the State in the financing of them, but that district participation would be linked to the wealth of the district The less wealthy districts would participate to a lesser degree than would the more wealthy districts

Closely related to this problem is the problem of the proliferation of programs in special education This proliferation creates an undesirable competition between programs for legislative consideration. Perhaps a matching funds device should be utilized, since this would place the determination for expansion of programs or establishment of new ones upon the local district Special consideration should be denied to all; equal consideration should be available to all

This subcommittee is aware of the recommendations made by the subcommittee on special education concerning potential dropouts and those students who are capable of receiving limited benefit from formal education

The committee is unwilling at this time to propose support on a broad scale for these programs However, the committee wishes to recommend the expenditure of a sum of approximately $250,000 for a carefully defined, detailed pilot program which will (1) seek to reach the emotionally disturbed child in the early grades and (2) locate and direct those whose capacity to profit from formal education is limited either by ability or aspiration into programs that emphasize training along with basic communicative skills [20] The committee believes that such a study would be in keeping with equal consideration for all

The committee has received numerous other recommendations with regard to the support of the State for programs of special education The only ones among these which are of consequence are those which ask that the maximum limits of reimbursement be raised

The committee is not at this time willing to recommend such changes due to the inherent "bootstrap" nature of tying support to an average and because of the problem of the absence of partnership in the support for special education

TRANSPORTATION

The State of California participates with the local school district in bearing the cost of the transportation of pupils [21]

The State reimburses districts for that proportion of their expenses which exceeds the amount which would be produced by the following tax rates on 90 percent of the assessed valuation of the district:

[20] Assemblyman Reagan opposes this recommendation
[21] See also Appendix, pages 184-194.

If transportation is given at

One grade level	$0 08
Two grade levels	.12
Three grade levels	.16

In addition, the State reimburses districts for 50 percent of their expenses below this limit but which are above the following rates on 90 percent of the assessed valuation

If transportation is given at

One grade level	$0 02
Two grade levels	.03
Three grade levels	04

Approximately 1,300 school districts in California receive transportation reimbursements Of these, all but 114 have reimbursable expenses which exceed the limit of district participation and thus are eligible for 100 percent reimbursement beyond that limit These districts have no incentive for keeping their expenditures down other than a limitation that no district will be reimbursed for expenditures which are more than the median cost per bus per day plus 25 percent of districts operating buses of a similar size for a similar amount of time This table of median costs, however, is another "bootstrapping" operation which rises year by year and, thus, allows for ever higher expenditures on the basis that everyone is spending more.

The committee wishes to re-express the partnership concept in the financing of public education by insisting that the State must not be expected to pay 100 percent of the expenses beyond any maximum This is a very unwise principle and must be repealed The State rather should share on a 50-50 basis with the districts in meeting the expenses above the lower computational tax rates of 2 cents, 3 cents and 4 cents.

The committee also recommends that the computation of district capacity to meet transportation expenditures be based upon 100 percent of the assessed valuation of the district The 90 percent figure is a relic of a bygone era; transportation is the only area of educational finance in which the change has not been made The committee perceives no reason why the change should not be made here also and so recommends

The committee recommends that school districts be required to make a separate report to the Department of Education of their expenditures for transportation to outdoor science and conservation classes and to classes in forestry At present these expenditures are not distinguished for reporting and reimbursement purposes from expenditures incurred in transporting pupils from their homes to their regular day schools. Such a requirement would enable evaluation of the extent to which the State is supporting transportation to these special classes.

The committee also recommends that the department be directed to develop criteria to allow for differentiation of what constitutes an outdoor science or conservation class and what constitutes merely an instructional excursion

DRIVER TRAINING

California provides for both driver education and driver training The former is mandatory and constitutes classroom instruction in the appropriate attitudes for drivers, the laws which relate to driving, and similar related matters Driver training is permissive and constitutes actual instruction in the technique of the operation of an automobile [22]

The State participates in the financial support for programs of driver training through the Driver Training Penalty Assessment Fund, the revenues of which accrue from a $2 fee on each $20 fine or fraction thereof for moving traffic violations

The amount which is received by the school districts in reimbursements for a year is dependent upon the amount of money in the Driver Training Penalty Assessment Fund The Education Code in Section 17406 requires that the apportionment shall be made not later than December 10th. This provision requires an estimate by the department of the funds which will come into the Driver Training Penalty Assessment Fund during the remaining months of the fiscal year To the extent that such estimates may be inaccurate, a degree of uncertainty must hang over the whole matter from December to the end of the fiscal year as to how much money each district will actually receive under these provisions

The committee believes the most appropriate solution to this problem is to amend the section which provides that the apportionment shall be made in December so that the apportionment will actually be made in June

There exists a problem of ambiguity in the code sections which govern the reimbursements to districts for expenses incurred in connection with driver training

Districts are eligible to receive full reimbursement for instruction of pupils in driver training up to $42 per pupil trained Districts are also eligible to receive reimbursements for expenditures incurred in replacement of vehicles and simulators used in driver training. The practice of the Department of Education with regard to the latter is to reimburse for all expenses both instructional capital up to $42 and to reimburse for 75 percent of any capital expenditures which exceed the combined figure of $42

The committee recommends that the language of the code be amended to reflect clearly this practice

The committee also believes that a cap should be placed upon the total amount which may be reimbursed under the 75 percent reimbursement provision It is not, however, at this time in possession of sufficient information to justify the recommendation of a specific figure

THE STATE SCHOOL FUND

It is the intention of the committee that the State of California make a greater effort in the support of the public school system of the State than it is now making Thus, the committee believes that additional state moneys must be ploughed into the State School Fund in addition

[22] See also Appendix, pages 194-202

to the moneys which are freed through the adjustments which are recommended.

The committee declines to make specific recommendations for the derivation and distribution of the funds in view of the dependence of these formulae upon the ADA and other variable factors However, the committee has confidence that proposals drawn in view of the recommendations of this committee will be drawn in such a way that the appropriate formulae for derivation and distribution of the State School Fund will be in accord with the recommendations contained here [23]

The committee wishes to express its whole-hearted support for the provision of Education Code Section 17301(b), the Unruh Bill, providing the two-part derivation of the State School Fund and eliminating the apportionment of the undistributed balance

The committee is aware of the existence in certain recent years of deficits in the State School Fund The committee believes that the handling of these deficits has been contrary to the principle of equalization and wishes to recommend changes in these

To the extent that there exists a deficit in basic and equalization aid, the committee recommends that that deficit be met first out of basic aid which exceeds the constitutional minimum for basic aid, if there is any such, before meeting the deficit out of equalization aid. At the present time deficits in basic and equalization aid are met by only those districts on equalization aid, which by definition are the districts least able to suffer loss of expected revenues

The committee recommends that deficits in special education be met by reducing the maximum reimbursement amounts for each program by $5 successively until the deficit is eliminated This proposal will allow those districts which operate relatively inexpensive special education programs to receive their full reimbursement and not suffer from the fact that the greater expense in other districts caused a deficit in the reimbursements [24]

DISTRICT PROBLEMS

There are two areas in which district problems apart from state financial support have come to the attention of the committee.

One of these relates to the problem of district organization The committee in two days of hearings in May of 1962 heard much testimony indicating that confusion reigns in the minds of many regarding what is the position of the State with regard to district reorganization.

There appears to be an impression that it is the purpose of the Legislature to insure that every area of the State becomes part of the unified district This impression is erroneous The statute clearly states its purpose The statute provides that a county committee must prepare

[23] See also Appendix, pages 75-105

[24] Assemblyman Flournoy believes it would be more equitable to handle deficits in special education program reimbursements by reducing the maximum allowable limits by increments of .005 (one-half of 1 percent) of the maximum allowable limit until the deficit is removed The effect of this would be to apply the same proportion of the deficit to the programs for the physically handicapped, the mentally retarded, the severely mentally retarded, and to transportation for physically handicapped and severely mentally retarded, rather than to apply different proportions of the deficit to each of these

and submit a recommendation that will include all of the territory of the county, in a district that operates kindergarten or grades 1 through 12 (a unified district) or a recommendation that includes the territory of a county in another type of reorganization which constitutes an intermediate step to a district that operates grades K-12. Then this recommendation is submitted to the State Board of Education for its approval or rejection If the state board approves the recommendation of the county committee then an election shall be called within two years It is then the people's prerogative to accept or reject this proposal of unification or intermediate steps thereto Upon the acceptance or rejection of the proposal by the electorate all conditions of the law are satisfied The purpose of this statute is to encourage every area of the State to consider and to study the question of unification Any area is perfectly free to reject unification if it wishes and such rejection is within the statutory framework which the State has established

The committee must express its displeasure at the failure of the agents of the State to represent accurately the position of the State in this regard Many communities have been led to believe that the only form of district reorganization which they could consider was unification This is untrue. Many have been led to believe that it was the purpose of the State to force unification upon everyone This, also, is untrue The committee is faced with something of a crisis of confidence with regard to those who have been responsible for this misrepresentation of the position of the State

It is for this reason that the committee most emphatically refuses to recommend adoption of the proposals for incentives for unification which have been presented during this interim.

The committee believes that district reorganization should occur on the basis of primary local and educational factors and not on the basis of financial bribes offered by the State However, it is also the committee's position that in following the policy of the master plan that no district should be penalized by district reorganization The committee believes that the property tax relief program will minimize the financial deterrents to reorganization

The committee did receive testimony on several technical revisions to the existing school district reorganization statutes The committee can see the need for at least two adjustments in these provisions, the first being the recommendation that the time limit imposed by the master plan be extended The committee recommends that the State Board of Education be authorized to extend for one year the requirement of the submission of the reorganization proposals[25] This amendment should be so drafted that the authorizing body shall use its discretion to insure that those counties which are sincerely going about the task of studying the problem be granted an additional year of study and at the end of that additional year the State Department of Education shall commence its study and have one year in which to complete their study but at any time up until the time that the state department submits their proposals to the state board, the local committee should have the prerogative of also submitting their proposal

[25] Assemblyman Flournoy concurs in this recommendation with the understanding that such extensions would be limited to cases of demonstrated hardship and that such extensions might be for any period up to a year

The committee was impressed with the difficulties pointed out with regard to boundary changes in unified school districts. Districts other than unified districts are not required for minor boundary changes to call an election The committee can see no justification for this special burden to be placed upon the unified districts and believes statutes should be amended to provide a similar provision for boundary changes for all school districts The committee is aware of several technical difficulties that exist in the reorganization law and that the Legislature should consider each one on its merits as proposed as long as these technical adjustments do not affect the basic intent of the master plan or the proposal for a one year extension of time, the committee believes that they should be considered.

The committee is also aware of the problem of the local school district relative to the maximum tax rates under which districts must operate. These rates were set many years, even decades, ago at a time when property was assessed at a much higher proportion of true value than is the case today and at a time when a much smaller proportion of the total population was attending the schools

The argument has been made to the committee that the assessed valuation of the State is growing more rapidly than the population and, thus, that this is less of a problem than it was a decade ago. The research of the committee indicates that there are three factors in this recent more rapid growth of the assessed valuation, actual growth, inflation of values, and changes in assessment practice It would appear that most of the excess rate of growth of assessed valuation over school population is not actual growth but is due to other factors There appears to have been little change over the last decade in the actual wealth of California per unit of ADA.

The committee wishes to call attention to the fact that there are numerous purposes for which local boards may establish tax rates which are not subject to the maximum general purpose tax rate. These purposes are set out in the table below·

1. District contribution to the Retirement Annuity Fund;
2. District contribution to State Employees' Retirement System;
3. District contribution of OASDI,
4. Meals for needy pupils,
5. Community services,
6. Annual repayment on account of Public School Building Fund apportionment;
7. Annual repayment on account of State School Building Fund apportionment,
8. Payment to original district for acquisition of property;
9. Education of mentally retarded minors;
10. Payment to county school service fund for education of mentally retarded minors;
11. Payment to districts for education provided in county institutions;
12. Installation of fire sprinkler systems or other fire facilities recommended by the State Fire Marshal.

In view of the multiplicity of objects for which school districts may tax without regard to the maximum limit for general purposes, the

maximum tax rate structure takes on the appearance of a sieve rather than a dike Districts are allowed unlimited authority for noneducational purposes but only limited authority for the educational purposes for which they exist.

In effect the State is setting an arbitary limit on the discretion of local officials Such an arbitrary limit is scarcely consistent with notions of local control and home rule. The vast majority of the total revenue from taxes in the United States is collected from taxes upon the levy of which there exists no limitations In view of the acknowledged priority of education in the claim upon governmental revenues, it seems most peculiar to place such severe limitations upon those responsible for education at the local level.

It appears very clear that the necessity of the local boards to seek override approval from the voters has given the voters an opportunity to express opposition to high taxes by means of voting against an override for education which would make only an infinitesimal change in their total bill for taxes, local, state, and federal. The appropriate opportunity for the expression of such opposition is through the choice of individuals who make the decisions regarding the programs for the support of which the taxes must be levied

The committee wishes to emphasize its desire that education be freed from its position as whipping boy for those who wish to protest the level of taxation [26]

TEACHERS' RETIREMENT

At the February 15, 1962, meeting of the subcommittee there was consideration of the subject matter of S B 939, increases in the minimum retirement allowances for retired teachers

At the 1961 session, S B 939 was favorably recommended by the Senate Education Committee (see 1961 report, p. 170), and the counterpart to S B. 939, A.B. 2170 was also endorsed "do pass" by the Assembly Education Committee Both measures failed to emerge from the respective fiscal committees due to alleged defects in financing the increases

Therefore, this committee wishes to give every favor and impetus to remedial legislation in this field, but the form of such legislation is not certain.

The California Teachers Association, with the co-operation of the State Teachers' Retirement System, is undertaking a cost analysis of a plan to increase the minimum allowance and then to relate this allowance to a "cost-of-living" type of factor This arrangement is intended to account for future decline in money value

It is expected that the results of the cost analysis will be available soon When this becomes available, the problem should be re-evaluated and legislation considered.

[26] Assemblyman Collier dissociates himself from the views of the committee on maximum tax rates He states, 'In referring to maximum tax rates, the report states, 'These rates were set many years, even decades, ago at a time when property was assessed at a much higher proportion of true value than is the case today' I believe the reverse of assessing is true, we are assessing higher today I vigorously oppose the suggestion that the public be bypassed in setting tax rates In fact, some school districts' tax rate expires at a time certain and the total taxes are re-examined and resubmitted for enactment."

CREDIT FOR OUT-OF-STATE SERVICE IN TEACHERS' RETIREMENT

Pursuant to House Resolution 293 and 319, this subcommittee considered various proposals to give credit under the Teachers' Retirement System for service outside the State of California

Such was the law prior to 1944, but in July of that year the retirement system was financially reorganized and such credit provisions eliminated, with the exception of certain persons whose rights had vested under prior law It was felt by the Legislature at that time, 1944, that elimination of this credit was essential to have a sound retirement program The committee received testimony from the interested teachers which supported the fact that their program would indeed be beneficial to those teachers with out-of-state service who already were here teaching in California Testimony received by the committee indicated that it would definitely be a nice gesture on the part of California to provide out-of-state credit for teacher retirement However, a study of costs of granting such credit was done by the actuarial firm of Coates, Herfurth and England, the study being financed by the interested teachers and completed with the co-operation of the State Teachers' Retirement System This study shows that the cost of a 10-year credit at the 1960 value would be in excess of $25,000 It has been further estimated that the program would cost more than $200,000,000 the first year if retirement is given to the proposed benefit formula Placed in view of total testimony received by the committee on all of the needs of educational finance, the committee believes that this need, although it does exist, is quite low in priority compared to the needs of operating the schools today This fact is compounded by the testimony which indicated that the Teachers' Retirement System would be on a financially unsound basis if such credit were given as presently proposed Finally, although it was not demonstrated clearly to the committee that extension of the credit would have a salutary effect on luring or retaining teachers in the California system, the committee recommends that a continuing study of this possible extension of such credit be encouraged.

REPORT OF THE

SUBCOMMITTEE ON ADULT EDUCATION

of the

ASSEMBLY INTERIM COMMITTEE ON EDUCATION

MEMBERS OF THE SUBCOMMITTEE

CHARLES B. GARRIGUS, *Chairman*

BRUCE F. ALLEN
GEORGE E. BROWN
RICHARD T. HANNA
SHERIDAN N. HEGLAND
HAROLD T. SEDGWICK
JEROME R. WALDIE

January 1963

ADULT EDUCATION REPORT

Because of the national, state and local emphasis on the problems of the displaced worker, the Assembly, in House Resolution 320, directed its appropriate committee to study the role of public education in training employed and displaced workers for secure employment The Honorable Charles Garrigus, Chairman of the Adult Education Subcommittee of the Assembly Committee on Education stated the raison d'être of the inquiry thus:

> "The State, being the chief supporter of education, the chief beneficiary of production and a certain loser by recession and unemployment, is concerned that there be adequate planning on the part of labor, management, and the State . . . to prevent any serious increase in unemployed labor"

To promote and encourage adequate planning in this regard the committee called together leaders of business, labor, adult education and state employment officials to give testimony on public education's place in training and retraining workers

In two hearings of the subcommittee, November 4, 1961, at Fresno, and April 24, 1962, at Los Angeles, valuable and unique testimony was given as to current practices, problems and proposals to effectuate the common desire of management, labor and the State of California for economic strength in this State.

At no time did the subcommittee underestimate the complexity of the problem nor the efforts of responsible persons currently trying to solve it Because of the activity of the Governor's Committee on Automation in further studying this area and the need to evaluate the impact of federal legislation on state policies, the committee does not at this time make recommendations as to specific legislation, although the committee was impressed by the consistent emphasis by leaders of business and industry on the importance of basic education as a necessary and oftentimes missing prerequisite for training and retraining It is important that California move with deliberate speed toward the solution of these problems and further analysis is indicated. Any such movement should include close liaison by education with labor and management Further, it seems clear that education cannot peak specific skills for specific jobs and should not attempt to do so

We must be chary of gearing the state program so as to receive federal money unless such a program actually meets California's needs, we must avoid stultifying the business community through overemphasis on automation as the cause of hard-core unemployment; we must analyze the position of basic communicative skills as a factor in the insufficient ability manifested by the persistently unemployed worker.

For the purposes of this further study and because the committee was so impressed with the high level of participation at the hearings, the committee has made available a limited number of special transcripts of these hearings Copies have been sent to the participating persons and state agencies and to the Governor's Committee on Automation To the extent copies remain they are available to interested persons at the office of the committee

REPORT OF THE

SUBCOMMITTEE ON HIGHER EDUCATION

of the

ASSEMBLY INTERIM COMMITTEE ON EDUCATION

MEMBERS OF THE SUBCOMMITTEE

HAROLD T. SEDGWICK, *Chairman*

HOUSTON I FLOURNOY
EDWARD M GAFFNEY
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January 1963

* Assemblyman Hegland dissents from the frame of reference of the Report of the Subcommittee on Higher Education and has submitted a minority report

HIGHER EDUCATION SUBCOMMITTEE REPORT

Pursuant to House Resolution 361, the Assembly Interim Committee on Education established a Subcommittee on Higher Education for the purpose of reviewing the implementation of the Master Plan for Higher Education, enacted as the Donahoe Act for Higher Education at the 1960 special session.

The enactment of the Master Plan for Higher Education represented the culmination of an intensive study of the future needs of higher education in California by the master plan survey team and others.

The Donahoe Act created the Co-ordinating Council for Higher Education whose task it was to be to assist the three segments of public higher education, the University of California, the California State Colleges, and the public junior colleges in co-ordinating their functions and eliminating unnecessary duplication and unhealthy competition

Testimony received by the committee indicated that the Co-ordinating Council has since its first meeting in October 1960 · selected a director, developed an organizational framework, created operating procedures and for the most part overcome the difficulties in recruiting and staffing In spite of the inherent organizational difficulties of a new agency, the Council has found opportunity to address itself to the actual work assigned. The committee expects that during the 1963 legislative session the Co-ordinating Council will afford guidance in the form of factual studies.

It is the belief of the committee that the Council offers the best possibility for co-ordinating higher education in California which may be effected at this time. Therefore, we recommend that no changes be made in statutes pertaining to the Council or to the Donahoe Act at this session.

The Council should continue to perform those functions assigned to it and should do so with rapidity and vigor.

The Master Plan recommended that junior college functions carried out at certain state colleges be terminated by the fall of 1964 Currently only a few such programs remain and the Chancellor of the California State Colleges has indicated that these will be terminated by the fall of 1963—one year ahead of schedule.

The Co-ordinating Council is required to comment on the functions appropriate to each segment in light of the Donahoe Act The Council would be well advised in the opinion of this committee to study particularly during the next year the appropriateness of certain technical, vocational and operational programs given in the University, state colleges and junior colleges This study should attempt to determine whether programs offered by each of these segments is truly appropriate to their functions and whether certain of these programs might not more appropriately be offered by other segments For example, certain programs operated by the University of California might in light of changing social conditions be more appropriately and economically provided by the state colleges. Programs in the state colleges might

in some cases be more adequately offered by junior colleges and certain programs in the junior colleges could be offered in evening high schools.

The master plan made the following recommendations regarding admission procedures and policies for the university and state colleges:

"1 In order to raise materially standards for admission to the lower division, the state colleges select first-time freshmen from the top one-third [1] (33⅓ percent) and the University from the top one-eighth [2] (12½ percent) of all graduates of California public high schools with:

a Continuation of existing special programs and curricula involving exceptions to this rule subject to approval by the respective boards, and these to be kept to a minimum, and those that are continued to be reported annually to the co-ordinating agency. Any new special programs and curricula involving such exceptions to be approved by the co-ordinating agency

b Graduates of private and out-of-state secondary schools to be held to equivalent levels

"2 Implementation of Recommendation No. 1 to be left to the two systems with the following provisions:

a Each to have the new requirements in force for students admitted for fall, 1962

b Inasmuch as the survey team favors acceptance in both systems of a requirement that all, or almost all, of the recommending units for admission shall be in college preparatory courses that the application of such a requirement be carefully studied during 1960, and this principle be applied as fully as possible through both systems"

Information presented to this committee indicates that the University of California has implemented these recommendations as of the fall of 1962. Testimony of representatives of the state colleges indicated that the problems in implementing these recommendations were greater than those of the University and that new admission policies will be put into effect in state colleges in the fall of 1963. However, these new admission policies will allow approximately 39 percent of high school graduates to enter the state colleges in the fall of 1963.

The committee believes that appropriate steps should be taken to ensure that the Master Plan is followed. The deadline for the admission changes has passed. Therefore, the committee believes that a target date of 1965 (three years after the deadline) is inappropriate. The committee most seriously urges the Trustees to complete their obligations earlier and thus avoid legislative direction.

An additional recommendation of the Master Plan was as follows:

"The state colleges and the University require a minimum of at least 56 units of acceptable advanced standing credit before considering the admission of applicants ineligible to admission as freshmen because of inadequate grades in high school, except for curricula that require earlier transfer, and except also that

[1] As defined by the State College System
[2] As defined by the University of California

each state college and campus of the university, through special procedures developed by each, be permitted to accept for earlier transfer not more than 2 percent of all students who make application for advanced standing in any year"

The University put this recommendation into effect in 1961. The state colleges in the fall of 1961 implemented the recommendation which required 60 units of acceptable transfer work with a minimum of a "C" average. However, the Trustees also adopted admission policies which permit students originally ineligible for admission to state colleges to attend a junior college, accumulate 24 units with a "B" average and then transfer to the state colleges. This was not the recommendation of the Master Plan.

The committee wishes to express its concern for this further departure from the Master Plan. In order to return to the principles of the Master Plan the committee urges that this provision be deleted from the California Administrative Code before statutory action is necessary.

It has become apparent during the work of this committee that a great deal more information needs to be obtained regarding junior college operations. More importantly, however, this committee would recommend that a major and comprehensive survey be made of the California junior colleges which would take into account all aspects of the junior colleges and particularly the role and functions which these highly important institutions are and should play in higher education in California. Such a major survey has not been made in California, at least not in the recent past, such a study would prove extremely useful in allowing the junior colleges, as well as state agencies to plan for at least 10 years in advance. Some direction should be provided as to where the junior colleges ought to be at the end of this decade. Such a study can best be done and most effectively done with the co-operation of all those responsible for junior college education. We recommend, however, that the responsibilities for undertaking such a study be assigned to the Co-ordinating Council for Higher Education and that the Council be responsible for reporting the results of such a study to the Legislature not later than the beginning of the 1965 legislative session.

In making such a study the Council should work co-operatively and actively with representatives of the junior colleges, the State Board of Education and other appropriate local and state agencies.

One of the important aspects in establishing an effective system of co-ordination among the three segments of public higher education is the availability of comparable data upon which analysis can be developed. The University and the state colleges and junior colleges are not now in a position to provide such comparable data. The Co-ordinating Council has approved the organization of a major and continuing study to be known as the *Cost and Statistical Analysis for California Public Higher Education*. We heartily recommend such a study. It should be undertaken by the Council as quickly as possible and a progress report on the development of this study should be made to the 1964 session of the Legislature.

The committee has also considered during the interim the subject matter of A B 2240 (1961, Z'berg) dealing with faculty representative bodies in the state colleges. The committee learned through testimony given by representatives of the Office of the Chancellor of the California State Colleges that much of the purpose contained in this proposal is being implemented voluntarily at the present time. The committee does not wish to mandate a particular system of faculty representation in view of the steps which are presently being taken in that direction The committee believes that this voluntary program should be evaluated in the reasonably immediate future at which time further consideration may be given to recommending legislation of the nature of A B 2240 that should appear to be necessary.

MINORITY REPORT ON HIGHER EDUCATION

I am in almost total disagreement with the frame of reference of the report. We need not more, but less, "co-ordination " It is questionable if any educational competition can be "unhealthy." A heirarchy in systems is nondemocratic; and "economies" allegedly gained by downgrading courses, pushing less favored ones from the university to state colleges and from junior colleges to evening high schools (artificially and deductively "co-ordinated"), might well cost us more in erosion of traditional freedoms and values, both educational and social

No man—and certainly no test, including grades—without presumption should deny another an effort to attend the public institution of his choice, at least on a probationary status; and to assign to any institution of higher learning a permanently inferior role is counter to common sense. That which we are sacrificing is of greater significance than dollar bills.

SHERIDAN HEGLAND

REPORT OF THE

SUBCOMMITTEE ON SPECIAL EDUCATION

of the

ASSEMBLY INTERIM COMMITTEE ON EDUCATION

MEMBERS OF THE SUBCOMMITTEE

CARLOS BEE, *Chairman*

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JACK T. CASEY

January 1963

* Assemblyman Elliott declined to sign the report

INTRODUCTION

The Subcommittee on Special Education was established by House Resolution 361 5 in the 1961 Regular Session of the State Legislature.

Under this authority the committee was instructed to hold such hearings and conduct studies deemed advisable for recommendations of any necessary and appropriate legislation to the 1963 Regular Session of the Legislature

The following bills were assigned to this subcommittee for interim study Assembly Bill 2389 (Garrigus), pupil exclusion; Assembly Bill 2602 (Garrigus), forestry and technical schools; Assembly Bill 2708 (Britschgi), teachers of the mentally and physically handicapped; Assembly Bill 2967 (Hegland), civil defense drills, Assembly Bill 2629 (Garrigus), public speaking in secondary schools; House Resolution 167 (Winton), divergent youth education; House Resolution 327 (Chapel), narcotics education, House Resolution 334 (Chapel), alcohol education, House Resolution 450 (Lanterman), child care program.

The subcommittee did not have enough time or money at its disposal to conduct thorough and intensive studies of the proposals in each assigned bill, therefore investigation was limited to those bills in which public interest had been shown to be greatest at the time such bills were introduced

In the investigation made of each bill considered by the subcommittee, there were basic and general issues that furnished a framework against which evaluations and decisions were made on the specific bill The subcommittee tried to discuss general proposals of each bill rather than minute details of them, and to evaluate testimony with the knowledge that everyone sees a problem from his own particular vantage point

The summary of materials on each bill covered in this report is believed, by members of the subcommittee, to give a considerable knowledge on the bill content, and many of the answers to central questions brought out in the 1961 legislative session when these bills were introduced

AVIATION EDUCATION

Two hearings were held on House Resolution 277, one in Crescent City on August 3, 1961, a second one in Los Angeles on November 7, 1961 The following is a summary of factual testimony given in these two hearings

At the present time, January, 1962, according to the State Department of Education, there are 39 high schools and 15 junior colleges in California offering an aeronautics course and/or flight instruction in some form

Most of the 39 high schools offer what is officially recognized as a ground school course only This is an integral part of the science curricula

Del Norte County High School in Crescent City is the one known high school providing actual flight instruction; three others give a course in flight orientation

The junior colleges offer the aeronautics course as an industrial arts or engineering course They usually conduct their flight program as a club activity which normally has no actual legal connection with the curriculum of the college because of the fear of liability from flight hazards

In high schools there are approximately 500 students enrolled in ground school Forty students in Del Norte County High School are receiving pilot instruction

There are approximately 45 high school teaching staff employed in ground school instruction, and probably five high school teachers who are qualified to engage in flight instruction in some form.

It is estimated that 23 high school faculty members are adequately trained with a knowledge of the aviation industry to give sound career counseling

Very few certified teachers—about 15—hold the special aeronautics credential However, there are probably 100-150 teachers in math and science programs in state high schools, who have a background that would qualify them to teach a course in aviation education but they would need some intensive refresher courses to bring them up to date As far as we can ascertain San Jose State College is the only teachers' college that prepares an individual to teach aeronautics

The amount of money now being spent in California for aviation education is approximately $59,875 It is broken down as follows:

Salaries of teachers, estimating 45 at $6,000 per year devoting one-fifth time to aviation	$54,000
Equipment	2,250
Insurance	2,000
One-eighth time of State Department of Education consultant	1,250
One-eighth travel of State Department of Education consultant	375

Testimony given at two hearings on aviation education, plus numerous conferences and information received in letters from interested citizens give the following information

The major need is for skilled mechanics in production and maintenance; however, there is also need for pilots, and for aircraft salesmen

The growth of aviation has outdistanced the supply of people trained for work in this industry

The chief obstacles to the fulfillment of these needs seem to be:

a A lack of high school counselors with sufficient knowledge of the aviation industry to give students information or guidance in this field

b An insufficient number of teachers trained to teach the science of aviation Many of those now giving aviation education are credentialed as mathematics, physics, or industrial arts teachers The amount and quality of aviation science taught is limited by the teacher's interest and experience.

c A lack of funds by local school boards A student may learn the principles of aviation in a classroom, but needs an opportunity to work with actual equipment in a laboratory, and flight experience, to put into effect what he has learned in principle, such as physics of flying, communications, meteorology, navigation, engines, etc. Funds are not available to cover laboratory equipment and insurance.

d. In practically all areas there is a problem of distance from the location of the high school to a flying field Even though students take ground school instruction only, they need practical demonstration and experience to link academic knowledge to performance

e. There is a scarcity of textbooks on aviation study designed for the 11th- and 12th-grade student A textbook covering the many facets of aviation would stimulate the interest of students

f. It is the consensus of opinion of persons appearing before the subcommittee that "it takes a real selling job" to inaugurate a program of aviation education in high schools This is mainly due to the concern of people for safety of students

g. The lack of a statewide liability insurance program to cover ground work done on planes by students, as well as flight insurance, causes apprehension of school boards in regard to being held responsible for negligence in case of accident.

RECOMMENDATIONS

a. There appears to be a lack of adequate communication and public relations between the State Department of Education and the Aeronautics Commission in Sacramento

The State Superintendent of Schools should work with members of the commission and the Aviation Education Association to develop a basic program

b An advisory committee on aviation education should be re-established. This committee should include representatives of schools and colleges, and representatives of the aviation industry.

c The aviation program should be financed through the regular channels of school finance The courses in aviation education should be recognized and included in ADA and reimbursed from the State School Fund

d A statewide liability insurance program is essential if aviation education includes a flight program or flight experience. This would alleviate the apprehension a school board might have in regard to the possibility of a school being sued for negligence

e. Suitable courses for the training of mechanics to work in the production and maintenance divisions of the aviation industry should be given in all vocational and trade schools in the State.

DIVERGENT YOUTH

Hearings on two bills, A B 2389, pupil exclusion; A.B. 2602, forestry and technical schools, and on House Resolution 167, were held in Los Angeles on November 16, 1961, and in San Francisco on January 12, 1962 These bills were grouped together for hearings since all of them deal with the nonconforming or divergent youth An additional hearing on H R 167 was held in El Centro on May 25, 1962

Divergent youths are those who do not perform satisfactorily in a normal high school program and are not easily assimilated in the mainstream of community life

Testimony given by various persons in all hearings stressed these five points·

1 An increasing number of youths are violating the law, and the severity of the offense is greater The juvenile offender is now a major contributor to the crime problem
2 Early identification of divergent youths is essential.
3 Divergent youths are not homogeneous groups They are characterized by innumerable personal differences.
4. Schools should offer a broad comprehensive program to provide for the training of all children who will become future citizens.
5. Knowledge and plans should be shared between various interested agencies and the schools in order that greater co-ordination exist among these groups.

Some Underlying Reasons Given for Youth Divergence Were:

1 The great population increase in California has resulted in mobility of families without roots in any community and often a lack of employment for the father so the family lacks economic or social stability.
2 Any child who has experienced handicaps or hardships resulting from low economic status, broken or unstable families; minority; newcomer or transient status, or a combination of these conditions may become a so-called "divergent" youth
3 Any child who has a language or reading disability, and some children not mentally equipped to succeed in a regular high school program may become a nonconforming youth. Children with any of the above problems are handicapped and need special attention
4 The increase in school population is often greater than schools can meet There is a lack of physical space; sufficient well-qualified teachers, counselors and guidance personnel; special education classes designed to meet the needs of youths who do not adjust to regular classroom teaching

Two Groups Create Serious School Problems

1. Those who drop out of school because of poor academic aptitudes, situational or emotional handicaps, or who come from economically or socially deprived homes Punishment, threatening, or other methods of disciplining these children has little positive value They are miserable and angry because of their inade-

quacies and escape, by dropping out of school, is a result. Those in the older age bracket of this group—16 to 20—if idle, may return to the schoolgrounds and become a real problem to school and the community

2 Those who remain in school but become progressively less interested are a source of trouble to other students, to school authorities, and often to society, since their lack of school satisfaction, usually a combination of emotional and environmental factors, results in frustration that often breaks out in aggressive and disturbing behavior

Youths from either of these groups are potential troublemakers; however, there is always a beginning of any type of behavior, some motivation or circumstance prior to the act Individuals do not start out as nuclear physicists or judges Neither do they become auto thieves or drug addicts overnight. Early recognition of maladjustment may prevent later difficulty

Teachers are in strategic positions for observation of pupils at close hand, under controlled circumstances, and for considerable periods of time. They are not involved emotionally to the extent parents are Therefore, if trained to recognize problems of children at an early age, teachers can often forestall impending trouble

Recognition is, of course, only the first step A teacher must also know where to refer the pupil so that the cause, and how to treat it, can be taken care of Causes leading to deviate behavior are quite often complex and do not lend themselves readily to simple solutions.

The analysis of the cause of a child's divergence and the treatment of it may mean family and individual counseling on social, economic, or other problems, or it may mean more intensive treatment.

As the education system is now constituted, intensive treatment is not essentially a school function even in schools with a counseling and guidance department

RECOMMENDATIONS

1 Early identification by elementary and/or high schools, and careful study of children whose behavior deviates sufficiently from normal to suggest incipient pathology. Undoubtedly there are children who, for a variety of reasons, become divergent in high school although no particular problems have been apparent in elementary schools

2 That schools and agencies use constructively the knowledge already available to make existing programs more effective

3. That schools make the opportunity to learn as equal as possible, even though all children do not come to school with equal endowment.

4. That increasing efforts be made by parents, public and private schools, and agencies to work together in co-ordinating plans to solve youth problems

5 That the existing Educational Code sections having to do with divergent youth be properly implemented and enforced to help solve youth problems.

6. That the chairman of the Assembly Education Committee should have made for him a summary of recent studies done by local schools and agencies on the subject of divergent youth and programs for them.
7. That legislators give serious thought to the relative costs of providing funds to schools for additional well-qualified teachers, counselors, programs, classes, and equipment for needs of divergent youth, as against providing for institutional care for nonproductive and/or law-violating youths of a community.

A.B. 2602

The following specific comments were made on A.B. 2602 (forestry and technical schools) in the hearings in Los Angeles and San Francisco.

Permissive forestry and technical schools present a kind of special education of great service to a number of youths who, for some reason, do not profit from the regular high school program

There are a lot of definite possibilities in programs comparable to the old CCC programs. Keeping youths who are not adjusting to school programs occupied with some worthwhile work, plus some type of educational opportunity in connection with the work, is fulfilling a definite need

Forestry and technical schools are a step in the right direction if co-ordinated with other programs for helping them fit into the economy Such schools or camps must be organized so they will be more than just keeping youths off the streets These schools should motivate and help youths to find final direction and a place in society.

There is great need for part-time schools, trade schools, continuation schools, and trade apprenticeships.

There is no doubt that work experience and training is valuable for all youth, and particularly necessary and urgent for many

There is need for a further study of the proposed administration and facilitation suggested in A.B. 2602 prior to implementation.

A.B. 2389

A.B. 2389 dealing with exclusion of pupils from school drew the following specific comments in the Los Angeles and San Francisco hearings

Exclusion means eliminating the problem as far as the school is concerned but does not solve any difficulty for the youngster or for society

Even assuming good reason exists to exempt or expel a youngster, if he or she is not of an age for employment, has no needed skills, or no employment opportunities exist, and furthermore when there is inadequate home supervision the expelled youngster is headed for trouble.

As long as we have compulsory education we should have a total program in the education field, broad enough and diversified enough to meet the interests and abilities of all children so no thought should be given to exclusion

It might be worthwhile to review the pertinent code sections relating to pupil exemption to determine if revision would be helpful. In many

areas of the State the present Education Code sections have, in practice, been workable.

Also A B 1596 allows school principals to suspend pupils for the duration of the current semester at the secondary school level

If there were agencies better able to handle dropouts (15-, 16- or 17-year-olds) than the school, then A B 2389 would deserve consideration However, there are few jobs for this age boy or girl, a lack of something to do causes them to get in trouble They become wards of the juvenile court, are detained in county or state institutions and the cost to the taxpayer is 7 to 10 times greater than public school costs Exclusion from school is not the answer to any problem behavior.

NEUROLOGICALLY, EMOTIONALLY AND PHYSICALLY HANDICAPPED CHILDREN

Three legislative bills (A B 3129, A B 2708, S B. 616) concerned with education for neurologically, emotionally and physically handicapped were referred to the Education Subcommittee on Special Education for study and recommendations for any necessary and appropriate legislation to the 1963 legislative session

Public hearings on these bills were held in Los Angeles on April 26, 1962, and in San Diego on April 27. 1962

In both hearings several persons who testified emphasized the growth of problems faced by public schools and agencies due to the increase in the number of severely handicapped children.

Reasons given for the increase were twofold · the rising birth rate, and the survival of children with varying degrees of brain damage and heart defects who are now saved through the advanced diagnostic and treatment skills of the medical profession

A large number of these children are multiply handicapped, therefore their varying problems and needs may overlap. The mentally handicapped child may also be emotionally or neurologically handicapped, or a child of high intelligence may make low academic progress due to a neurological or other disorder causing serious communication problems

Handicapped children not only differ from the majority of school pupils, but they display a wide range of learning and behavior difficulties among themselves. These handicaps impede their own normal school progress and often interfere severely with the education of others.

Testimony in these hearings brought out the existing problems of educating emotionally and neurologically handicapped children Many types of school programs have been attempted for children handicapped by mental retardation, blindness, deafness, cerebral palsy, or with orthopedic difficulties, however, the need for school programs into which a seriously disturbed child can conform is of recent recognition Educating the emotionally and neurologically handicapped child is a problem of considerable magnitude and complexity and requires early and appropriate action.

Some public schools now offer special educational programs for children with difficult emotional problems, however, children who are able

to fit into special programs in a normal classroom must be those who are not too disturbed to conform, to some extent, to routine school procedures.

Remedial work with severely disturbed children usually needs to be done on a one-to-one basis Finances are inadequate for this expensive approach and there is a shortage of teachers with the necessary special skills and special training

A major requirement in any work with handicapped children is early identification and proper diagnosis before the child is placed in a special education program Teachers learn by experience and training to identify a child who needs special attention This is often possible at the kindergarten level

Programs of special classwork at the secondary level for training mentally handicapped should be carefully scrutinized Work experience and occupational training-education programs are helpful but little or no provision has been offered for their future in adulthood—such as sheltered workshops for those unable to fit properly into the common business world.

Additional points brought out in both hearings were these:

1 Adequate programs demand adequate support California's present pattern of state financing is not structured to amply support the programs required by handicapped children State support for providing special education for handicapped has diminished over the past several years Deficits in the 1961-62 fiscal year (covering the 1960-61 school year attendance) reimbursements of local school systems for costs of educating handicapped pupils was about 14 percent below what was due such school systems At that rate of decline the next apportionment may show a deficit of close to 25 percent Local taxpayers have had to absorb the state deficit If this prevails, local school districts may have to curtail whatever services they are now able to provide for handicapped children

Unless the deficit problems for existing programs are settled little progress can be made to extend, improve or implement services for any category of handicapped children.

2 Various groups have used excessive competitive tactics, during past legislative sessions in attempts to get funds for specific types of exceptional children As a result the legislative structure, relating to exceptional children, has been built in a "patchwork" fashion.

Unless California schools can provide programs appropriate to the needs of all handicapped children, communities will become increasingly burdened with the problems of those who are unprepared academically, vocationally, or emotionally to meet the demands of a self-governing society

RECOMMENDATIONS

1. The Legislature should provide financial support to implement the occupational training program and work experience program for handicapped children, authorized by the Legislature in 1959 (Education Code Sections 6931-6932 and Sections 8351-8357)

2. Legislation should be enacted requiring special preparation and suitable remuneration for teachers of handicapped children.
3. Consideration should be given to granting leaves of absence and financial assistance to school districts to permit teachers time for necessary preparation to teach handicapped children
4 Particular attention must be given to early identification of emotionally handicapped children in order that each child be provided with educational opportunities commensurate with his or her varied needs
5 If programs for handicapped children are to be soundly developed, attention must be directed to all handicapped; mentally, physically, socially, emotionally, and neurologically, and to the factors which deny any child the opportunity to develop as healthy a mind and body as possible for his particular situation
6 Before approaching legislators, any group desiring special educational opportunities for specific types of handicapped children should analyze and try to determine how the needs could be met for all handicapped children

NARCOTICS

House Resolution No 327, relative to strengthening and making more effective the existing laws and program for teaching in public schools the evils of narcotics, was introduced in the 1961 Regular Session of the Legislature.

This resolution was referred to the Interim Subcommittee on Special Education for study and recommendations

A hearing on this resolution was held in El Centro on May 25, 1962 The committee heard testimony from local and state school personnel and from law enforcement officers, local, state and federal

The testimony brought out the fact that for many years school faculties have discussed the advisability and methodology of teaching, in public schools, the evils of narcotics

Divergent views are held by members of school staffs as to whether materials pointing out the evils of narcotics should be presented in direct routine education Some school staff members feel that the development and use of such materials tend to attract attention and arouse curiosity of young people to experiment with narcotics and dangerous drugs

Other school personnel believe that direct instruction on this subject is the best protection against experimenting with narcotics, barbiturates, and amphetamines by impressionable youth

Law enforcement officers seem to have some reservations in regard to the value of using information concerning narcotic drugs as direct routine educational media The believe youths should be given the necessary understanding of the viciousness of addiction, but this should be done through a general public informational program given by medical groups and others who have authoritative information

As a result of testimony and reports given before the committee, the following conclusions and recommendations emerged.

At the present time the Education Code requirement relative to narcotics states, "Instruction upon the nature of alcohol and narcotics and their effects upon the human system, as determined by science, shall be included in all elementary and secondary schools. A district board may determine the grade or grades in which such instruction shall be given."

The code further states, "Each applicant for the general elementary credential shall present evidence showing that he is proficient in the following studies . . . narcotics and their effects upon the human system as determined by science"

Since the Education Code requires instruction in this subject, teachers believe the present materials, supplied by the office of the State Superintendent of Public Instruction, should be revised and brought up to date in accordance with what experts on this subject believe should be taught today The materials now used were written in 1952

RECOMMENDATIONS

1 In those locations in the State where there is a significant narcotics problem, the local educational authorities should consider the careful development of a school program pointing out the evils of narcotics and stressing the serious effects of dangerous drugs as a stepping stone for narcotics

2 In areas where a school program on the evils of narcotics and dangerous drugs is offered, the local educational authorities should determine whether such a program should be offered in junior high school or earlier, and whether it should be offered as a part of an overall health program or emphasized as a problem in and of itself

3 The text now in use for teaching in elementary and/or high schools, the evils of narcotics, should be revised and brought up to date The staff of the State Department of Education should collaborate with the staff of the State Departments of Health and Mental Hygiene, and with the staffs of state and federal narcotics bureaus in preparation of an up-to-date text This text should be written and illustrated to make it easy for teachers to cover the subject within the time available and in accordance with current thinking on the part of experts

CHILD CARE PROGRAMS

House Resolution No 450 calling for an interim committee to study the unresolved problems of child care programs was assigned to the Education Subcommittee on Special Education for investigation and recommendations

A hearing on this resolution was held in Los Angeles, September 21, 1962 The following is a brief summary of testimony offered by proponents of public and of private child care programs

Private child care personnel feel the State, by its support of public child care programs is entering into competition with private enterprise They point out that public day care programs originated as a

wartime measure and continued as a "welfare project for the needy." They question the eligibility cause in the present legal provision for operation of public child care centers which enables any parent to participate in the public child care program on a total cost basis.

Private child care programs, through private nursery schools, church-sponsored schools, community chest fund centers, and family day care homes care for approximately 100,000 children annually.

In order to protect the health and welfare of children and their families the State Department of Social Welfare has the legal responsibility for licensing of day care services provided by individuals, corporations or associations This department states that of the day care services licensed by them about 60 percent are privately owned, 18 percent are parent co-operative nurseries, and 22 percent are church or other nonprofit nurseries.

The Social Welfare Board has the duty of making necessary rules and regulations for the performance of day care services

The staff of the State Department of Social Welfare licenses day nurseries program, but the state department delegates to county welfare departments the responsibility for licensing and supervising family day care homes.

Private day care for children is provided in either group programs, such as day nurseries or nursery schools, or in family day care homes. Separate standards govern group care programs and family day care homes

Family day care homes are for children of all ages, but are especially well suited to give individual care to infants and young children. These homes charge from $10 to $12 50 per week

Day nurseries include a variety of programs Fees average about $16 per week with some reduction for an additional child Only 6 percent of the licensed day nurseries are community fund supported with provision for sliding fees based upon family ability to pay.

Fees in both *family day care homes* and in *day nurseries* are generally geared to what working families can realistically pay with variations, depending somewhat upon geographical location. Many of these facilities have been developed to care for children during their mothers' working hours.

Nursery schools are primarily concerned with providing an educational and developmental experience for children who may attend only 2 or 3 hours daily, 2 or 3 days a week. Fees for these services vary from $15 to $45 per month

Private day care programs differ in several respects from the public child care programs of the State Department of Education For one thing, there is no means test in private programs.

In *public child care centers* the law provides a means test to determine eligibility of a family to use the services of a center. This test is expressed in terms of monthly income of the family .

Where the combined total monthly income, from all sources, of both parents having one child exceeds $508, or if there is more than one child, exceeds $508 plus an additional $66 for each additional child, parents are charged the full cost of supervision, care, and cost of food for the child at the center.

Where but one parent who has care and custody of a child is the sole wage earner and the total monthly income exceeds $396, or if there is more than one child, exceeds $363 plus an additional $66 for each additional child, this parent shall be charged the full cost of care for the child at the center, except that a sliding fee schedule is operative for the first $66 above the income ceiling in recognition of the financial problems of single-parent families

Fees for children of parents having lower monthly incomes are fixed on a sliding scale basis ranging from a lesser amount for parents in low-income levels to a higher amount for higher income levels, but provides, as nearly as possible, 14 cents per hour per child

Of the families served through public child care centers about 75 percent are one-parent families, generally with the mother as the sole parent. Twenty percent of these sole-parent families have three or more children; 33⅓ percent have two children, and the remainder a single child.

There are at present 233 public child care centers operated by 47 school districts in 20 counties of the State The annual enrollment is in excess of 25,000 children

Programs in public child care centers are planned to meet the fundamental needs for growth and development common to all children

A problem exists in providing day care for children whose families are without funds to purchase care Some one-parent families with several children cannot afford day care The actual number of families is unknown where children are unsupervised because of the families' lack of money

The testimony of both private and public child care personnel stressed the present existing need for services This need is measured by the upward trend in total attendance hours of children in child care facilities This upward trend is attributed to (1) the increase in California population, (2) the increase in the number of employed mothers with children under the age of six years

FINDINGS

A The use of state funds is limited to defined "low-income" families Of the 10,000 families using public child care facilities, 230 are recipients of aid to needy children, generally parents who are getting training in marketable skills

Service is also available to "exempt category" families because of society's need for people employed in essential activities such as military, health and welfare (medical, dental, nursing, hospital maintenance), research, and in some essential industries

B The State has established a basic maximum amount as low income and has prepared a sliding fee schedule to be used for parents of varying income levels This schedule is uniformly applied throughout the State About one-third of the total cost of the program is met by parent fees

C The average statewide apportionment is 28 cents per child attendance hours in normal child care centers However, state support is 52 cents per child attendance hour in pilot programs for mentally retarded and physically handicapped children

D Children of financially "needy" families are given preference in public child care centers

E. Generally fees of private child care centers are higher than public; however, there are church schools and community-chest-financed day care centers that charge for services based on the families' ability to pay.

F. There is a lack of private day care facilities strategically located to meet the needs of families, especially those of minority groups

G Private child care centers do not cost the nonparticipating taxpayer anything

H. There is need in both public and private child care centers for well-qualified professional staff The requirement for higher levels of training for staff is recognized by public and private child care executives and, at least in public centers, only highly qualified persons are now employed as replacements or expansion of professional personnel

RECOMMENDATIONS

1 That public day care centers be required to give a list of available private child care facilities in the area, to parents who apply and are not eligible for public day care, or who require a specific type of care

2 That a statewide advisory committee, composed of representatives of both public and private child care facilities be set up by executives of the two groups to work out the still existing unresolved problems involved in the provision of day care

3. That prior to further expansion of public day care facilities in any area of the State, it be established under criteria determined by the State Departments of Education, Welfare, and Health that a need for such care exists.

4. That priority, in determining the necessity for public day care be based on the needs of members of low-income groups, or of those parents taking training to enable them to become self-supporting

5. That thoughtful determination be given to how far the State can go in the cost of education as it relates to a welfare program providing day care to eligible parents for young children, plus supervision and care of school-age children before and after school hours

6 That continuous efforts be made, in both public and private day care, to improve the levels of training of professional personnel and the quality of the program, for the greatest benefits of the children served

PUBLIC SPEAKING

Assembly Bill 2629, specifying that all senior high schools shall offer an elective course in public speaking, was introduced in the 1961 Regular Session of the Legislature It was referred to the Education Subcommittee on Special Education for interim study and recommendations

A hearing on this bill was held in Los Angeles on September 21, 1962 The committee heard testimony from proponents and opponents of this measure

Testimony brought out the following information·

This legislation would require each of the 178 senior high schools operating in the State during the 1961-1962 school year, to offer an elective course, either for one or two semesters presumably each year, but would not apply to the 418 four-year high schools

Proponents of this legislation want a *mandatory* law requiring every junior and senior high school in the State to schedule a semester of public speaking for every student, to be taught in classes separate from other subjects, by accredited teachers of public speaking They believe necessary curriculum changes can be made without any cost to the taxpayer, and that teachers of speech could be attracted to California if speech courses were mandatory.

It was suggested that a change in terminology would be advantageous Speech courses should be titled "effective speech" instead of "public speaking" Few actually need public speaking as such and the idea of speaking publicly is frightening to many, but everyone needs and yearns to speak effectively In order to express themselves effectively students must first learn to think and reason, then formulate their reasoning into words that will most properly express their ideas

Opponents of Assembly Bill 2629 point out that the State Legislature has never required schools to offer specific elective subjects It seems desirable to continue to have decisions concerning elective subjects left to the district boards of education The local districts know their communities and student interest in public speaking courses, as against courses offered in foreign language, science, mathematics, economics, and other fields

Under the provisions of Education Code 13192, which becomes operative July 1, 1963, it will be necessary for a teacher, who is regularly assigned to teach public speaking, to have a major or a minor in public speaking The employment of a teacher with these qualifications is difficult because of the scarcity of teachers who majored in this field

If a demand was made for numbers of teachers with a degree in public speaking this would affect the curriculum of all colleges and universities now offering teacher training. A limited number of such educational institutions are now equipped to offer a sequence of courses enabling a teacher to major in public speaking

Furthermore, small high schools could not financially afford this specialization in one subject If taught as a part of the English course it can be handled

Public speaking is now offered in a majority of high schools in California either in combination speech and drama classes, or as an essential unit in an English class

Requiring a public speaking course in technical, trade, and vocational high schools would create difficult problems in scheduling and assignment for the small number of students who would take such a course

RECOMMENDATIONS

1. That all junior and senior high school students be helped to speak effectively through placing greater emphasis on their need to think and reason clearly, organize their thoughts, and express their ideas easily.
2. That wherever practical and financially possible, a teacher with a major or minor in public speaking be employed in the English department to teach the classes offered in public speaking.
3. That decisions concerning electives in junior and senior high schools be left to district boards of education
4. That public speaking should not be made a mandatory subject in the high school curriculum in competition with the courses that are already mandatory under state law.

APPENDIX

APPENDIX

INTRODUCTION

The appendix to this report consists of a series of reports by the office of the Legislative Analyst to the Subcommittee on School Finance of the Assembly Interim Committee on Education. These reports appear as they were presented to the committee with the exception that certain appendices to some of the reports have been deleted. These are Appendix II to the report of November 9, 1961, on the county school service fund, consisting of selected references from the Education Code; Appendix II to the report of December 13, 1961, and the appendix to the report of February 14, 1962, both of which consisted of drafts of the public school personnel and salary survey questionnaire; and Appendices I, II, and III to the report of May 17, 1962, which consisted of reproductions of various forms used for the reporting of transportation expenditures by districts.

The final report was prepared in answer to a question asked by the subcommittee at its final meeting Thus, it is actually merely a memorandum rather than a formal report It is included here for the sake of the significant data which it contains.

SUMMARY OF RECOMMENDATIONS ON PUBLIC SCHOOL FINANCE MADE FROM A STUDY OF THE STATE SCHOOL FUND AS CONTAINED IN REPORTS ISSUED IN 1961-62

Prepared by the Office of the Legislative Analyst,
State of California, October 10, 1962

County School Service Fund

1. Sections 17303 and 17303 5 shall be amended to provide that the derivation of funds for the State School Fund for purposes of direct services from the county school service fund shall be made on the basis of $21 50 per small school ADA. This will separate the derivation of funds intended for direct services from those available for equalization aid A cap should be applied to this total derivation, providing that the amount thus raised shall not in any year exceed the product of the previous year's total state ADA times $1 60 (Page 118, report of November 9, 1961)

2. For purposes of derivation of funds for direct services, the small school ADA figure to be used shall be that of the next preceding fiscal year, rather than that of the second preceding fiscal year as presently specified by Section 17303.5(a). This will place the amount available for support of direct services on a more current ADA basis, better relating the amount of money raised to the number of ADA to be served This small school ADA has been declining in recent years (Page 119, report of November 9, 1961)

3. The Department of Education shall be directed to review the formulas contained in Title 5 of the Administrative Code concerning the county school service fund. This review shall be intended to better relate these formulas to actual need for services. The present formulas do not reflect an accurate basis of need for purposes of guidance in budget review of allowances from the county school service fund. (Page 121.)

Since the date of our report the Department of Education has revised Section 1509 of Title 5 of the Administrative Code (amendment filed April 18, 1962). This section still permits formulas to be used " . for the purpose of guidance in determining the amount that may be allowed each county superintendent of schools for the several purposes authorized by the Education Code . " and Section 18351(1) is cited as the authorization for this procedure A review of the analysis of the formulas indicates that the formulas are unreliable as guides for determining county office needs We therefore recommend the statutory authority for the use of these formulas (Section 18351(1)) be repealed and that line item budget review entirely replace distribution formulas

4 The definition of "co-ordination" shall be redrawn and clarified. The present lack of clear definition of this activity in the Education Code has permitted these county office expenditures to evade critical review. (Page 121)

5 The Department of Education shall be directed to eliminate Section 1516 from Title 5 of the Administrative Code. This section provides for allowances to county superintendents which may, in fact, be turned over to certain newly unified school districts; they would have the effect of assuring support for a level of services no longer required as a result of district unification. This compensatory expenditure is not appropriate to the county school service fund. (Page 122)

6 The provisions of Article 1, Chapter 2, Division 3, of the Education Code with regard to salaries of county superintendents shall be amended to reflect better proportionate relationships between state and county resources Future increases in the salary figures shall represent increased efforts by both the State and the counties At the last adjustment, no increased county effort was required; the full expense was assumed by the State. (Page 123.)

7 County support of the foundation program for emergency, special training and juvenile hall schools shall be set at 50 percent This recommendation will apply the same method of calculating state support as is used for any school district, except that the county effort shall represent 50 percent of the foundation program, with state basic and equalization aid meeting the remaining half (Page 123)

8 The Education Code shall be amended to eliminate state support for all county school service fund services except those performed for small schools Services will continue to be available to large school districts, but they will be performed only on a fully reimburseable basis if the districts want the service This would prevent the duplication of state support at both the district and the county level (Page 124)

Basic Aid

9 The basic aid guarantee to all school districts shall be reset at $120 per ADA; this would repeal the statutory guarantee of an additional $5 per ADA Funds thus "freed" shall be applied to equalization aid purposes (but no change will be made in the total foundation program figures) (Page 143)

Equalization Aid

10 If Recommendation No 9, above, is not applied, the deficit factor presently applied only to equalization aid allowances shall, instead, be applied to the $5 per ADA added by statute to the constitutionally guaranteed $120 per ADA basic aid allowance This would promote better equalization by applying deficit factors to all districts more equally, rather than at present where deficit factors are applied only to the allowances of those districts requiring equalization aid (Page 144)

11 State support of ADA in summer schools shall be limited to no more than $180 per unit of summer school ADA Summer school costs are for the most part limited to purposes covered by basic and equalization aid allowances, and to some extent by growth allowances Presently the State supports summer school ADA at a rate greater than that actually necessary to maintain summer school activities That is, summer schools do not incur costs commensurate with the total of the purposes included in the full unit rate of state aid of $201 36 This unit rate of $201 36 includes support for transportation, special education, and the county school service fund, areas of expense not related to summer school costs. (Page 146)

Foundation Program

12 The tax base for the support of junior colleges shall be broadened to include all areas within the State, thus extending the availability of and responsibility for the support of junior colleges to the entire State (Page 160)

13 Assessed valuation increments computed on account of allowances under P L. 874 shall be eliminated in the calculations determining local school support effort This will be replaced with the application of a uniform percentage of each P L 874 dollar towards local ability to support schools in addition to the effort from local assessed valuation and other increments This uniform percentage shall be 95 percent of the P L 874 funds received by a district, this would permit 5 percent for any administrative costs which are not included in the unit rate reimbursed by the federal government This suggestion would not affect basic aid districts. (Pages 163-164)

14 Allowances to school districts from federal forest reserve funds shall be included in the definition of miscellaneous funds in Section 17606 of the Education Code The calculated increment of assessed valuation due to miscellaneous funds shall be eliminated in determining district equalization aid The total miscellaneous funds received by a district shall be used as a direct deduction from equalization aid in determining the district's basic and equalization aid allowances, as these funds are received by the district at no additional administrative cost These suggestions do not, under present law, affect those districts which are presently receiving only basic aid from the State (Page 165.)

Special Education

15 Unused district aid capacity (found only in basic aid districts) shall be applied to 50 percent of the total excess expense reimbursement computation for all special education programs to be met from state apportionments The determination of unused district aid capacity is to be based upon the principal apportionment of the same year as that in which the excess current expense was actually incurred This would permit a better application of state funds in those districts where wealth is low and which are adversely affected by deficit factors (Pages 173-174)

16 The Education Code shall be amended to provide that school district governing boards shall be permitted to levy a tax similar to that

provided by Section 6913 1 (for the education of the mentally retarded) for any of the areas of special education It remains the responsibility of the administration of the school district to the taxpayers whether this additional tax is to be levied for the purposes of special education (Page 175)

17 The Department of Education shall be directed to determine a reasonable proportion of students likely to require speech training in remedial classes in relation to the total number of pupils Upon such a determination, a maximum shall be placed upon the number of pupils to be enrolled as speech defectives for the purposes of ADA computations (Administrative procedures will be devised to accommodate particular exceptions) This maximum shall be of the same general nature as that contained in Section 194 5 of Title 5 of the Administrative Code with regard to special physical education classes for the physically handicapped

The department shall also be directed to revise Section 194 5 of Title 5 to specify a maximum percentage of the number of pupils that may be enrolled in special physical education classes, rather than a maximum percentage of the ADA in such classes (Page 176.)

18 The provisions of Section 11201 and 11202 of the Education Code shall be amended to parallel the structure of Section 9 (1) of Title 5 with regard to individual instruction and ADA computations on the basis of the total number of hours of instruction This would promote consistency in the measurement of school district effort in the field of individual or exceptional instruction (Page 177)

Pupil Transportation

19 State financial support for pupil transportation shall be on the basis of a 50-50 sharing of all expenses that are greater than the product of the lower computational tax rate applied to the district assessed valuation This would eliminate the present feature of the reimbursement formula whereby all expenses beyond a particular point are borne by the State This would serve to promote vigilance in the area of pupil transportation expenditures

The Department of Education shall be directed to develop a method of tax relief for low wealth districts in their support of transportation under the 50-50 sharing basis (Page 190)

20 The Department of Education shall be required by the Education Code to review and approve or disapprove all proposed, new or renewal contracts for transportation services between school districts and private companies The review shall include

a The reasonableness of the costs of any increased services proposed,
b The effect of the proposal with regard to increases in state cost;
c A study of the adequacy of the transportation system before and after the proposal (Page 192)

21 The formulae for the computation of transportation reimbursements shall be amended to provide that the computational tax rates will be applied to 100 percent of the district assessed valuation Presently,

only 90 percent of the assessed valuation is used This will utilize assessed valuation to the same degree it is used in computation of foundation program allowances, and it will permit a broader application of state money for reimbursements than is currently possible without increasing the cost to the State (Page 193)

22 School districts shall be required to report to the Department of Education their expenditures for transportation to outdoor science and conservation classes, and to classes in forestry Presently, no separate report of these expenditures is required, therefore making analysis of these expenditures and their effect upon transportation costs to the State impossible

The department shall also be directed to develop criteria for what constitutes an outdoor science or conservation class for the purpose of transportation reimbursement There is presently no clear definition between this form of education and an instructional excursion (Page 194)

Driver Training

(At the time our report on Driver Training was being prepared, we did not have the opinion of the Legislative Counsel with regard to the effect of Sections 18251 and 18253 of the Education Code This matter has since been extensively studied by the Legislative Counsel and, in view of his conclusions, we have since developed the following recommendations on driver training reimbursements)

23 Sections 18251 and 18253 of the Education Code shall be amended with regard to the support of driver training instruction and driver training replacement costs Section 18251 shall be amended to refer solely to the support of driver training expense, exclusive of replacement of vehicles and simulators and shall not exceed $42 per pupil trained Section 18253 shall relate solely to the support of replacement of vehicles and simulators Transfer of expense from one category to another would be precluded Reimbursements made under Section 18253 shall be made on the basis of three-fourths of the actual cost to the district of replacements

Since the Legislative Counsel's interpretation of the present code indicates that there is no limitation on the amount of state support per pupil trained, we believe a reasonable limitation should be incorporated in Section 18253 (Page 194-199)

24. The Education Code shall be amended to eliminate the present necessity to estimate the revenue accruing to the Driver Training Penalty Assessment Fund each year Because of the present regulations, it is necessary to estimate the total revenue to the fund each year in December on the basis of receipts in the period from July to December There are two proposed solutions:

a The Education Code shall be amended to place the apportionment of driver training reimbursements in June of each fiscal year, rather than in December of that year, as it now is In this manner the fiscal year's revenues in the Driver Training Penalty Assessment Fund may be more accurately determined, and the reimbursement apportionments made more accurately (Page 228.)

b The Education Code shall be amended to place the determination of the total amount available for reimbursements from the Driver Training Penalty Assessment Fund on the basis of actual revenue accrued in the previous fiscal year. This would eliminate the need to estimate revenues, but would require a permanent advance from the General Fund in order to preclude serious disruption in the support of driver training while the transition is made. (Pages 200-201)

Project-connected Pupils

25 The present formula for project-connected pupil allowances shall be amended to place a cap upon state expenditures from the Water Fund This cap will represent the allowance by the State of no more than the full foundation program for each project-connected ADA. The effect of this would be to add to the basic and equalization rate per unit of projected-connected ADA, as apportioned for foundation program purposes from the State School Fund, enough money from the Water Fund to assure the full allowance of the appropriate foundation program for each project-connected ADA (Pages 207-208)

Allowances for Growth

26 The growth apportionment shall be eliminated, and the support of public schools placed on a current basis The principal apportionment of basic and equalization aid shall be in the form of advances on current ADA, subject to correction when the final current ADA is determined. The proposal would provide a method for keeping current both the apportionments and the ADA for which they are intended (Page 213)

27 The Education Code shall be amended to provide that, in the determination of the number of ADA attributable to growth in a unified district, increases in the ADA at one grade level shall be offset by any decrease in ADA at another level (or levels) Thus, growth expenditures would be made only for real ADA growth, rather than on the basis of growth before and without reference to decreases in ADA at other levels (Pages 214-215)

28 For districts other than unified school districts, only net ADA growth shall be represented in growth apportionments, not the total ADA growth (Both this proposal and No 27, above, can be applied within the recommendation to eliminate the present growth apportionments, No 26 above) (Page 216.)

A SUMMARY OF THE ELEMENTS OF DERIVATION AND DISTRIBUTION OF THE STATE SCHOOL FUND AS ESTIMATED FOR 1961-62

Prepared by the Office of the Legislative Analyst,
State of California, September 18, 1961

INTRODUCTION

The format of this report is designed to promote a better understanding of the various segments of the State School Fund apportionment formula in that it isolates each segment, describes "how it works," and presents examples for clarity.

State support of public schools through the State School Fund may be considered as occurring in two steps, the second of which is in turn divided into two parts The State School Fund is the vehicle for state financial support of public education; money is transferred each year into the fund for this purpose The exact amount of money transferred in any year is governed by a formula relating transfers to the actual average daily attendance for the previous fiscal year, application of this formula represents the DERIVATION of the State School Fund.

Once the fund is derived, it may be broken down into individual sums intended for the support of particular aspects of education, such as equalization aid, special education for physically handicapped children, or pupil transportation This breaking down of the State School Fund into elements may be referred to as DISTRIBUTION

However, in order to translate state financial support into actual expenditures to the various school districts, the State School Fund must be apportioned as ALLOWANCES. These allowances are the actual payments to districts for the various purposes identified in the distribution of the fund as, for example, the amount of basic and equalization aid necessary to meet a district's foundation program

In order to develop a uniform format for the analysis of the Education Code sections containing the definition and authorization of DISTRIBUTION and ALLOWANCES, each of the elements of the State School Fund has been discussed lineally Each relevant section from the Education Code pertaining to the distribution of and allowances from the fund has been presented as a code reference and citation, together with a description of the section's working, the assignment of the appropriate responsibility, and actual examples of expenditures made

With regard to the discussion of the DERIVATION of support for driver training and allowances for project-connected pupils on page 79, the description of the operation of the referenced Education Code sections may be found in the pages under DISTRIBUTION and ALLOWANCES, pages 98 and 99.

Item	Index reference	Page number
A. Principal Apportionment		
(1) County School Service Fund		
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(1) Special Education	B-1	88
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A SUMMARY OF THE ELEMENTS OF DERIVATION AND DISTRIBUTION OF THE STATE SCHOOL FUND AS ESTIMATED FOR 1961-62

I Elements of derivation					II Elements of distribution					
Item	Education Code section	Statutory unit rate	ADA factor[1]	Total	Item	Index reference	Education Code section	Statutory unit rate	ADA factor[1]	Total
1-a Statutory minimum	17301(a)	$180 00	3,549,300		Distribution under Section 17303					
					County school service fund, "other purposes"	A-1-b	17303(a)	$3 06	3,549 300	$10,860,858
					Pupil transportation	B-2	17303(b)	3 02	3,549,300	10,718,886
					Special education	B-1	17303(c)	5 00	3,549,300	17,746,500
					Apportionments for growth	C	17303(d)	3 92	3,549,300	13,913,256
					Basic and equalization aid	A-2	17303(e)	165 00	3,549,300	585,634,500
				$638,874,000				$180 00		$638,874,000
b Plus additional funds, as necessary	17301(b)	$21 36	3,549,300		Distribution under Section 17303 5					
					County school service fund, direct services	A-1-a	17303 5(a)	$21 50	250,000	$5,375,000
					Pupil transportation	B-2	17303 5(b)	93	3,549,300	3,478,414
					Special education	B-1	17303 5(c)	2 69	3,549,300	9,441,138
					Apportionments for growth	C	17303 5(d)	7 34	3,549,300	26,051,562
					Basic and equalization aid	A-2	17303 5(e)	5 78	3 549,300	21,162,854
					Plus the difference between			1 60	3,549,300	5,678,880
								—21 50	250,000	—5,375,000
				75,813,048						$75,813,048
Subtotal		$201 36		$714,687,048	Total of Sections 17303 and 17303 5 Plus					$714,687,048
2 Estimated allowances for driver training	17305 17305 5			6,546,110	Allowances for driver training	B-3	17305 17305 5			6,546,110
3 Estimated allowances for project-connected pupils	17307			15,000	Allowances for project-connected pupils	B-4	17307			15,000
4 Total State School Fund Support				$721,248,158	Total estimates State School Fund					$721,248,158

[1] Estimated ADA for 1960-61, the actual ADA figure for that year has not yet been processed
[2] Under Chapter 899 of 1961, only so much more than $180 per ADA as is actually necessary will be transferred

I. ELEMENTS OF DERIVATION OF THE STATE SCHOOL FUND

EDUCATION CODE REFERENCE AND CITATION

Article 6, Section 8, Constitution "The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for apportionment in each fiscal year, an amount not less than ($180) per pupil in average daily attendance in the kindergarten schools, elementary schools, secondary schools and technical schools in the public school system during the next preceding fiscal year

"The entire State School Fund shall be apportioned in each fiscal year in such manner as the Legislature may provide for the support of, and aid to, kindergarten schools, elementary schools, secondary schools and technical schools except that there shall be apportioned to each school district in each fiscal year not less than ($120) per (ADA) in the district during the next preceding fiscal year and except that the amount apportioned to each school district in each fiscal year shall be not less than ($2 400) "

STATUTORY MINIMUM

17301 "(a) The State Controller shall during each fiscal year transfer from the General Fund to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding year credited to all kindergarten, elementary, high school and junior college schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, one hundred eighty dollars

"(b) The Controller shall also transfer as needed during each fiscal year, such additional amounts from the General Fund to the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes set forth in Section 17303 5, provided that the total of such additional amounts shall not exceed, except pursuant to subdivision (c) of this section, twenty-one dollars and thirty-six cents per pupil in average daily attendance

"(c) In addition to the amount authorized to be transferred to the State School Fund from the General Fund under subdivisions (a) and (b) of this section, the Controller shall transfer during the fiscal year, upon certification of the Superintendent of Public Instruction if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303 5 an amount not to exceed the lesser of (1) 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Sections 17303 and 17303 5, and (2) the net amount if any, by which the total amounts authorized to be transferred from the General Fund to the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303 5

(d) He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303 5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 of this chapter and in Sections 11256, 11257 and 17251, and Sections 17101 to 17417, inclusive, and Sections 17601 to 18460, inclusive "

HOW IT WORKS

Section 17301 provides for transfer of money into the State School Fund for the support of basic and equalization aid the county school service fund, special education (with the exceptions of driver training and allowances for project-connected pupils), pupil transportation and apportionments for growth "Statutory minimum" refers to the total of the two figures specified in Section 17301, i e , $180 and $21 36 per unit of ADA, which equal $201 36

The transfer of money to the State School Fund will now be made in two steps As a result of this it is expected that "surpluses" within the fund will be almost completely eliminated In previous years, the entire amount computed on the basis of the previous year's ADA times the statutory rate was transferred into the State School Fund, if the total of computed allowances for any year was less than the amount thus transferred that year, such "surplus" money had to be distributed within that year as additional state aid It was not possible to return the surplus funds to the General Fund or retain them in the State School Fund against a possible "deficit" In one recent year there was a surplus of over 10 million dollars which had thus to be distributed after all computed allowances had already been met

By means of the two-step method of transferring money from the General Fund, only so much as is actually needed to meet the minimum set by law would be transferred In the event the total of computed allowances exceeds in any year the product of the previous year's actual ADA times $180 per ADA, additional funds not to exceed $21 36 per ADA are available for transfer upon certification of need by the Superintendent of Public Instruction If computed allowances for any year come to a figure less than the equivalent of $201 36 per ADA, then only so much more funds into the State School Fund than $180 per ADA "as necessary" will be transferred, thereby eliminating the transfer of "surplus"

Just as in recent years there have occurred large surpluses, so, too, in recent years there have occurred sizeable deficits between the total of funds available and the total of computed allowances In 1959-60 there was a deficit of approximately $11 4 million, somewhat larger than the total surplus for the year before Under the present method of transferring money into the State School Fund, should the total of computed allowances be greater than the product of actual ADA times the maximum statutory rate, Section 17301(c) provides that additional funds may be transferred, either (1) 1 percent of the previous year's total State School Fund or (2) the net amount, if any, by which amounts authorized to be transferred in previous years actually exceeded computed allowances for those years, whichever amount is the lesser In practice, until a "credit" develops from years when total computed allowances were less than the equivalent of $201 36 per ADA, there will be no additional General Fund expenditure Only after a "credit" has developed may there be additional General Fund support for the State School Fund in a deficit year

It should be noted that in addition to the General Fund and the Driver Training Penalty Assessment Fund, as well as the Investment Fund (the latter two providing the money for the support of driver training and allowances for project-connected pupils, respectively) there is some money available for apportionment purposes in the permanent State School Fund, a fund composed of money received from rentals, interest on investments and oil royalties on state school lands The sum of this permanent fund (to which is added the support from the General Fund) is quite small, for 1961-62 it is estimated to be only about 3 million dollars The State School Fund becomes

DRIVER TRAINING

17305 "(a) In addition subject to the provisions of Section 17305 5, there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of instructing pupils in the operation of motor vehicles The amount shall not exceed forty-two dollars per pupil instructed in automobile driver training, in accordance with the rules and regulations as set forth by the State Board of Education Such amounts as are necessary to carry out the provisions of this section are appropriated from the General Fund and shall be transferred therefrom to the State School Fund by the State Controller

"(b) Subject to the provisions of Section 17305 5, there shall also be provided the sum the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of replacing vehicles used exclusively in automobile driver training programs and simulators used in such programs, but the amount shall not exceed 75 percent of the portion of such expense which is in excess of forty-two dollars multiplied by the number of pupils instructed by the district in automobile driver training"

17305 5 "The amounts provided under Section 17305 for any fiscal year shall not exceed the total of the moneys in the Driver Training Penalty Assessment Fund in the State Treasury"

PROJECTED-CONNECTED PUPILS

17307 "In addition there shall be provided such amount as the Superintendent of Public Instruction shall certify as necessary to provide the allowances to school districts during each fiscal year under the provisions of Section 18303 to 18307, inclusive, such amount is hereby appropriated from the Investment Fund in the State Treasury and shall be transferred therefrom to the State School Fund by the State Controller each fiscal year"

the vehicle for all apportionments for public school purposes even though in and of itself it consists of only a very small proportion of the total money involved, the rest being placed in the State School Fund from the General Fund

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLE
A-1-a Distribution "Section 17303 (and 17304.5) The amount transferred pursuant to subdivision (j) (and subdivision (b)) of section 17301 shall be expended in accordance with the following schedule "		(It should be noted here that all data prepared by local districts is processed and reviewed in the offices of the county superintendents of schools for submission to the Department of Education Therefore the county superintendents and the Department of Education have a joint responsibility in this matter)	
COUNTY SCHOOL SERVICE FUND Direct Services 17304 5(a) "Twenty-one dollars and fifty cents multiplied by the total (ADA) credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of (ADA), to high school districts which had less than 301 , and to unified school districts which had less than 1,501 , for allowance to county school service funds pursuant to subdivision (a) of Section 18353 (thus section authorizes allowances for support of direct services) "	"Direct services" refers to the services of the county offices to small school districts for supervision, health, and pupil personnel activities The Department of Education has contended that these services can be more effectively administered by the county office than by the little school districts Although there are two components of the county school service fund apportionment, the activities comprising direct services are not intended to be supported by funds derived for "other purposes". Likewise, if more money is available in the State School Fund for direct services than actual needs require, the difference may not be applied to the allowances for "other purposes " Once the money is actually apportioned to the individual counties for direct services, however, no control exists on how the money is actually spent Whereas computations for other elements of the State School Fund are based upon the actual total state ADA for the previous year, direct services reflects the actual small school ADA for the second year previous	The Department of Education must review the proposed expenditures of the county superintendents against the amounts for which each county is eligible as the result of application of a formula The department must then correlate the total of the amounts which each county may receive as the result of this comparison with the total sum available for direct services If there is not sufficient money available for all computed allowances a deficit factor must be applied to each dollar apportioned	In the 1960-61 principal apportionment allowances for direct services equaled $5,385,213 There was no deficit factor applied

A-1-a Allowances
COUNTY SCHOOL SERVICE FUND
DIRECT SERVICES

18352(a) "The Superintendent of Public Instruction shall during each fiscal year allow to the county school service fund of each county from the State school Fund such amounts as the budget submitted by the county superintendent of schools and approved by the Superintendent of Public Instruction, under Section 18351, shows is necessary, but

(a) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for supervision of instruction and health attendance, and guidance services pursuant to Sections 5901 to 5751, inclusive, for pupils in elementary school districts which during the preceding school year had less than 901 units of (ADA) in high school districts which had less than 301 , and in unified districts which had less than 1,501 shall not exceed the sum provided by law for such purpose or the amounts shown necessary by such budgets, for such purpose whichever is the lesser."

The only control upon state support for direct services is in the comparison of a formula figure for any county against the county's proposed expenditure The formula is contained in Title V of the Administrative Code, Section 1510-1516 The county's estimated expenditure is prepared under Section 18351 of the Education Code, which calls for each county to submit by April 1 a budget 'for the succeeding fiscal year," setting forth all known revenues and all proposed expenditures The formula is the creature of the state department, and the complete format of the count. "budget' is also the creature of the state agency

Section 18352(a) declares that the Superintendent of Public Instruction will allow to any county the amount shown as necessary by the budget, but for all counties not more than the amount provided by law or the amount necessary, as shown by all the budgets, whichever is the lesser

Both the Department of Education and the office of the county superintendent of schools have responsibility with regard to these allowances The county offices must submit the required "budget" each year outlining proposed expenditures and known revenues from local or federal sources together with anticipated state allowances Estimating expenditures has allowed the counties to submit figures far higher than actual expenditures in previous years warrant, and the counties have been free in recent years to propound their own versions of what they proposed to do in direct services and "other purposes"

The state department must then correlate the total proposed expenditures for direct services with the figures derived by applying the formulas contained in Title Past interpretations of the phrase "amounts shown necessary by such budgets' have allowed the department to compare formula figures with budgeted net expenditures rather than with the county offices' statements of anticipated state allowances, thus contributing to a build-up of cash reserves by the counties without concomitant relief for the State

At present the department, in response to the provisions of S R 152 of the 1961 General Session, is completely reviewing each county's proposed budget, using formula figures as a guide to necessity, and at the earliest possible time will review the entire budget approval procedure

The largest single county apportionment that year was to Fresno County, with $334,772, then Tulare County with $209,487 Other figures included Los Angeles County with $132,551 and Alpine County with $1,978

In 1960-61 Alameda County received for direct services $56 595 By application of formula the county would have been eligible for $57,318 the budgeted net expenditure according to the county office's proposed budget, was $59,043 (that is, the amount necessary to implement other known sources of income in order to meet the proposed expenditures) The actual determination of the allowance for the county reflected that the lesser of the two figures, $57,318 and $59 045, was established, without regard to actual needs in the county Inasmuch as the total sum reserved in the distribution of the State School Fund was not sufficient to meet the total of all the counties' allowances, it was necessary to apply a deficit factor of 99234701 to each dollar distributed, therefore, $57,318 was reduced to $56,885

A-1-b Distribution
COUNTY SCHOOL SERVICE FUND
"OTHER PURPOSES"

17303(a) "Three dollars and six cents multiplied by the total (ADA) credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (b) of Section 18353 (this section authorizes allowances for support of other purposes)

"Other purposes" refers to the services of the county superintendent for all school districts regardless of size Chief activity in terms of the money expended in this category, is coordination of the educational program, but also included are library and audiovisual services, teacher and employee institutes, and problems relating to teacher placement The method of computation for allowances for "other purposes" is derived by multiplying the actual total of state ADA for the previous year by $3 0b per ADA

The functions of the Department of Education are the same for "other purposes" as for direct services (above, A-1-a)

The 1960-61 principal apportionment included $10 082,419 for "other purposes", this was not equal to the total of computed allowances, therefore, a deficit factor was applied

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLE
A-1-b Allowances COUNTY SCHOOL SERVICE FUND "Other Purposes" 18352(b) "(b) The total amount allowed by the superintendent of Public Instruction under this section to all county school service funds for other purposes shall not exceed the sum provided by law for such purposes, or the amounts shown necessary by such budgets, whichever is the lesser."	This subdivision has the same effect as the relation above. In the same manner, the total amount for which a county is eligible under formula (as contained in Title V, Sections 1525-1538) is compared with the amount shown necessary by the county office's proposed budget. The lesser of these two figures is the amount to be allowed.	The responsibilities of the Department of Education and the county superintendents of schools for allowances are parallel for "other purposes" with those for direct services (above, A-1-a).	In 1960-61 Alameda County received for "other purposes" from the State School Fund $445,455. The formula figure was $489,480, and the budgeted net expenditure was $462,868. Therefore, as the lesser, the formula amount was the sum to be allowed. It was necessary to apply a deflat factor of approximately .95 that year, so that actual allowances were reduced to $445,455. The largest single allowance was for Los Angeles County with $1,482,476, the next largest was Fresno County, with $504,376. All others were below this figure, to as little as $3,950 for Alpine County.
A-2 Distribution BASIC AND EQUALIZATION AID 17303(c) "One hundred sixty-five dollars multiplied by the (ADA) during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, for basic aid, equalization aid and for allowances in lieu of basic and equalization aid, to be apportioned on account of (ADA) during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and county school tuition funds." 17303.5(c) "Eight dollars and seventy-eight cents multiplied by the (ADA) during fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, plus the difference between one dollar and sixty cents multiplied by the (ADA) during the	As the result of the two-step transfer of money from the General Fund to the State School Fund the derivation of the various elements of the fund is accomplished in two parts providing together the maximum total amount that may be included. The first section establishes the largest part of the total per ADA support for basic and equalization aid, $165 of $175.78. Of this figure, $125 may be identified as basic aid. Inasmuch as in any year this much per ADA is bound to be available, the significant question is whether the full amount of the computed equalization aid will be available. In computing the total support for basic and equalization aid, the total ADA for the preceding year is used, multiplied by the specified statutory rate. The second section (17303.5(c)) completes the provision of funds for basic and equalization aid. This section includes language which can permit the county school service fund formula for direct services to be met at the expense of equalization aid, or the increase of equalization aid, or the	The Department of Education has the principal responsibility for the administration of basic and equalization aid. The Education Code spells out the various foundation program levels established by the Legislature, and it is the job of the department to distribute the basic and equalization aid support money to each district on the basis of its assessed valuation as a measure of its ability to provide local support.	In 1960-61 total basic aid equaled $422,339,780. Equalization aid represented another $161,056,963. Basic and equalization aid in the principal apportionment of the State School Fund accounted for $583,396,743 for 85.8 percent of the entire 1960-61 State School Fund.

preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds and twenty-three dollars and ten cents ($23 10) multiplied by the total (ADA) credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 (ADA), to high school districts which had less than 301 (ADA), and to unified districts which had less than 1,501 (ADA), for basic and equalization aid, and for allowances in lieu of basic and equalization aid "

A-2 Allowances

BASIC AND EQUALIZATION AID

ALLOWANCES FOR BASIC AID

17751 "The Superintendent of Public Instruction shall allow ($135) to each elementary school district for each unit of (ADA) therein during the preceding fiscal year as computed for the district under sections 11401 and 11404 (outlining the method of computing ADA for K-8), but not less than ($2,400) shall be allowed to any elementary school district, to be known as basic state aid "

17801 "The Superintendent of Public Instruction shall allow to each high school district ($125) for each unit of (ADA) in the district during the preceding fiscal year but not less than ($2,400) shall be allowed to any high school district, to be known as basic state aid

"The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the (ADA) during the preceding fiscal year of adults, as adults are defined in Section 6352 and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults "

17851 "The Superintendent of Public Instruction shall allow to each junior college district ($125) for each unit of (ADA) in grades 13 and 14 during the preceding fiscal year

increase of equalization aid, by stipulating that to the product of total ADA times $8 78 is to be added the difference between total state ADA times $1 60 and small school ADA times $23 10 (interpreted to be $21 50 by S R 219 and H R 475 of the 1961 General Session) When the latter of these two elements exceeds the former the result is a reduction from the total amount ached eyed by multiplying the total ADA times $8 78

The Constitution guarantees a minimum of $120 per unit of ADA for basic aid In 1957 the Legislature raised the figure by $5

Small elementary and high school districts are assured of at least $2 400 in basic aid allowances in the event their ADA is so low that the ADA figure of $125 would not provide that much

Adults in classes for inmates of state or county institutions or city jails, road camps or farms are excluded from computations of basic aid for adult enrollments

Junior college ADA for basic aid is generally credited to the district of residence However, when 3 000 or more units of ADA are covered by a simple interdistrict agreement or when the students do not reside in a district with a junior college, the ADA is credited to the district of attendance In each of these cases the district of attendance is reimbursed by tuition payments from the district or territory of residence

Included among the basic aid allowances are those for county school tuition funds wherein the State School Fund is the source of $1 25 for each pupil attending school in another state (Oregon, Nevada or Arizona)

Also part of the overall expenditure is support for the schools and classes maintained by the county superintendents of schools Here however, the allowances are not merely $125 per

The responsibility for these allowances may be assigned directly to the Department of Education The allowances are made on the basis of reports of ADA received from the districts for attendances in the previous fiscal year These are processed by the county superintendents of schools

Total basic and allowances in 1960-61 equaled $422 338,780 By grade levels this figure is distributed

Elementary	$301 566,187
High School	99 996,218
Junior College	20,777,375

For all ADA excluding adults the 1960-61 allowances included $408,592,625 from the three grade levels for ADA of adults $9,684,125, for the county school tuition fund, $12,375, and for county school service funds for schools and classes maintained by the county superintendents, $3 050,655

With regard to minimal allowances of $2,400 for very small districts, in 1960-61 there were 146 small elementary districts of less than 20 ADA receiving a total of $357,600 in basic aid allowances In addition there was one high school district also receiving the minimum

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLE
A-2 Allowances BASIC AND EQUILIZATION AID—Cont ALLOWANCES FOR BASIC AID—Continued "Beginning with the Fiscal Year 1960-61, (ADA) for the purposes of this section shall be computed under Sections 11451 and 11501 subject to the provisions of Section 17944 and Section 17602.5 (which excludes any students living in territory where no junior college exists or living in another junior college district but including students living in the district but attending a junior college in another district) "The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the (ADA) during the preceding fiscal year of adults as adults are defined in Section 6852, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults." 17951 "The Superintendent of Public Instruction shall allow each district for each unit of (ADA) during the preceding fiscal year for adults, as adults are defined in Section 6852, exclusive of (ADA) in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults, ($125) as basic state aid (the balance of the section treats with equalization aid)." 18401 "The Superintendent of Public Instruction shall allow to each county school tuition fund ($125) for each unit of (ADA) of pupils residing in the county and attending school in an adjoining state during the preceding fiscal year." 18355 "The Superintendent of Public Instruction shall allow in addition to all other allowances, to the county school service fund	ADA but the full foundation program, there is no computation of any district aid. This is for the pupils in schools or classes maintained by county offices for emergency schools for physically handicapped pupils at the secondary level, or secondary classes in juvenile halls, homes and camps there is no distinction between basic and equalization aid, it is all considered basic aid		

"(a) For all emergency schools maintained in each elementary school district of the county by the county superintendent during the preceding fiscal year, the same amount as he would compute as the foundation program of an elementary school district except that the provisions of Section 17657 (defining a necessary small school) shall not apply and whenever Sections 17655, 17660 or 17661 require him to multiply (ADA) by ($.24) he shall multiply by ($24) No allowance shall be made under this subdivision which is in excess of the actual expense of maintaining emergency schools

"(b) ($324) for each unit of (ADA) of physically handicapped pupils of secondary grade educated by the county superintendent of schools during the preceding fiscal year."

18359 "The Superintendent of Public Instruction shall allow to the county school service fund for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, an amount computed by multiplying the (ADA) in such secondary schools during the preceding fiscal year by ($324)."

ALLOWANCES FOR EQUALIZATION AID

17901 "The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each elementary district (for basic and district aid) with the amount of the foundation program for each district.

"If the total amount allowed to, and computed for any elementary school district (for basic and district aid) is less than the amount of the foundation program he shall add to the (computed basic and district aid) such additional amount, to be known as state equalization aid, as may be necessary to equal (the computed foundation program)."

(The balance of this section outlines the method for computing equalization aid for elementary alternate foundation program districts.)

17902 "The Superintendent of Public Instruction shall compare the total of the amounts

The provisions of Sections 17901, 17902 17904 and 17951 outline equalization aid for elementary, high school and junior college districts and for adult enrollments in high school and junior college districts. In brief, equalization aid is a state allowance added to basic aid to assure that any district will be able to meet the appropriate foundation program. After the state basic aid allowance is established, the local district aid is calculated on the basis of a computational tax rate. To the sum of basic aid plus the individual district's own district aid will be added a state allowance for equalization aid if needed to meet the difference between basic plus district aid and the foundation program. Obviously, a wealthy school district with a high assessed valuation will be capable of raising enough district aid that there will be no need for additional state aid to meet the foundation program level.

The computation of equalization aid falls to the Department of Education. Each district must be reviewed in order that the exact amount of equalization aid, if any, may be determined. Such determination is related to the amount of district aid of which each district is capable, reflecting the assessed valuation of each district.

In 1960-61 state allowances for equalization aid equaled 27.6 percent of the entire support of basic aid equalization aid, namely $161,056,968.

Before withholdings were made based upon insufficient numbers of teachers and certificated personnel as authorized by Sections 17403 and 17404.5 (since repealed from the Education Code in 1961) and based upon previous excesses withheld (under Section 17414), the total of equalization aid allowances was some $829,995 higher than the total expenditure in the principal apportionment.

Additional allowances to certain newly organized unified school districts (as authorized by Section 17612) equaled $33,803. These payments went to new unified districts in El Dorado, Humboldt, Inyo, Lassen, Los Angeles, Madera, Sacramento, Sonoma and Tehama Counties.

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLE
A-2 Allowances—Continued BASIC AND EQUALIZATION AID—Cont ALLOWANCES FOR EQUALIZATION AID—Cont allowed to, and computed for each high school district (for basic and district aid) with the amount of the foundation program of school support computed for each district "If the total amount allowed to and computed for, any high school district (for basic and distress aid) is less than the amount of the foundation program he shall add to the (computed basic and district aid) such additional amount, to be known as state equalization aid, as may be necessary to equal (the computed foundation program) (Section 17903 outlines the method for computing equalization aid for alternate foundation program high school districts Section 17903 2 provides for the method of determining equalization aid when certain high school districts unite)	The computation of state allowances for adults are further affected by additional steps limiting allowances depending on whether such adults are resident within the district of attendance, and depending upon what grade level they are attending Section 17912 provides for the computation of allowances to newly formed unified districts that are the result of optional reorganizations approved by electors The section states that allowances for basic and equalization aid "during the succeeding four years, and thereafter, of its existence" are guaranteed not to be less than allowances to the various districts formed into the new unified district had it not been formed Although adjustments of allowances over or under the proper amount by $100 are permitted, and must be effected within the next three succeeding fiscal years, it is specified that no such adjustments may be made in allowances for basic aid		
17904 "The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each junior college district (for basic and district aid) with the amount of the foundation program of school support computed for each district "If the total amount computed for any district (for basic and district aid) is less than the amount of the foundation program of school support computed for such district he shall add to the amount computed (for basic and district aid) such additional amount, to be known as state equalization aid, as may be necessary to equal that computed (for the foundation program) "			

17951 " and, except as otherwise provided in this section, the same amount as state equalization aid as is computed (for adults) by dividing the allowance computed for the district under sections 17614 and 17615 (outlining base and equalization aid to acquiring districts) and sections 17701, 17702, 17703 and 17704 (here cited) by the (ADA) of the district during the preceding fiscal year, exclusive of (ADA) for adults as adults are defined less fourteen dollars ($14) for each unit of (ADA) attached to a high school and less ($54) for each unit of (ADA) attached to a junior college The allowance provided by this section for each adult not residing in the district and not residing in any district maintaining a junior college shall be limited to ($125) as base state aid, and no allowance shall be made based upon equalization aid The total of base and equalization aid allowed each district shall not exceed ($220) for each unit of (ADA) for resident adults, exclusive of (ADA) in classes for inmates as (outlined elsewhere above) "

17612 " the amounts allowed as base and equalization aid during the first year of existence . of a unified school district (formed by optional reorganization of a school district approved by electors) on or after July 1, 1953, shall not be less than the amounts that would have been allowed to all of the districts formed into the unified district, had such unified district not been formed (the balance of this section outlines methods for computing such state aid) "

17414 "If during any fiscal year there is apportioned to a school district or to any fund from the State School Fund at least ($100) more or at least ($100) less than the amount to which the district or fund was entitled, the Superintendent of Public Instruction, in accordance with regulations that he is herewith authorized to adopt not later than the third succeeding fiscal year shall withhold from, or add to, the apportionment made during such fiscal year, the amount of such excess or de-

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLE
A-2 Allowances—Continued BASIC AND EQUALIZATION AID—Cont ALLOWANCES FOR EQUALIZATION AID—Cont ficiency, as the case may be Notwithstanding any other provision of this code to the contrary, excesses withheld or deficiencies added by the Superintendent of Public Instruction under this section or Section 17602 (regarding possible excesses or deficiencies in federal funds intended to local districts) shall be added to or allowed from any portion of the State School Fund except Base State Aid " 17651-17667 (These sections of the Education Code outline the computation of the various levels of the foundation program for school districts.)			
B-1 Distribution SPECIAL EDUCATION 17303(c) "Five dollars multiplied by the total (ADA) credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 15060, and Articles 11, 12 and 13 , Chapter 3 of this division " 17303.5(c) "Two dollars and sixty-six cents multiplied by the total (ADA) credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 15060, and Articles 11, 12 and 13 of Chapter 3 of this division "	These two sections provide that from within the State School Fund an amount equal to $7.96 per ADA is reserved for reimbursements to districts for the expenses of special education for the physically handicapped, mentally retarded and severely mentally retarded, plus pupil transportation for the physically handicapped and severely mentally retarded Except for the instances noted in Section 6810 of the Education Code, these reimbursements are for the excess amount of the current expense incurred over the expense for the education in regular day schools of normal children Section 6816 allows reimbursement for the total current expense of education for remedial classes and individual instruction in the home for physically handicapped pupils The Education Code specifies the maximum amount per pupil in special education schools or classes that may be apportioned Such reimbursement is intended to help meet the extra costs of special equipment, extra teachers, or	With no direct specification of how much money is earmarked for any one area of special education except reader services for the blind, the Department of Education must apportion the available funds to meet the various claims presented When the total of all computed allowances for this purpose exceeds the total of funds available, the department applies a defiet factor to each dollar apportioned in the same manner as for the other elements of the State School Fund In claiming excess current expense reimbursement the school districts must show how much more than the cost of normal education they have actually spent for special schools or classes, it is up to the department to apportion only that amount per ADA, up to the specified per ADA limit	In 1960-61 special education represented $25,695,000 in State School Fund support For physically handicapped minors, the expenditure was $13,361,438 for mentally retarded minors, $9,379,077, for the severely mentally retarded minors, $1,231,695 and for transportation of the physically handicapped and severely mentally retarded minors, $1,452,792 (Together with these apportionments for special education the 1960-61 special purpose apportionments attributed $343,336 as apportionments previously withheld for additional elementary teachers and high school certificated employees.)

B-1 Allowances

SPECIAL EDUCATION

(a) ALLOWANCES FOR EXCESS EXPENSE FOR PHYSICALLY HANDICAPPED MINORS

18102 "The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to such district of educating physically handicapped minor pupils but not to exceed of ($910) for each unit of (ADA) of physically handicapped minor pupils in the district during the next preceding year, and an additional amount not in excess of ($910), or cost to the district whichever is lesser, for each unit of (ADA) of blind pupils, when a reader has actually been provided to assist him with his studies, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings, and the purchase of special supplies and equipment for blind pupils"

18103 (The provisions are identical with Section 18102 except that references to the school district have been changed to the county superintendent of schools)

"The allowance made under this section shall in no case exceed the difference between the actual expense of maintaining the emergency schools during the preceding fiscal year and the amount allowed under Section 18355"

18105 "The total amount which may be allowed to school districts and county superintendents of schools for the purposes of this article shall be apportioned by the county superintendent of schools to the districts in his county in the manner provided in Section 18102"

Section 18102 of the Education Code provides that up to $910 per physically handicapped pupil may be allowed to a school district as excess expense reimbursement to meet the exceptional costs that are over and above the costs of educating normal pupils In the case of the blind pupils, if a reader has actually been employed or Braille material purchased or prepared for the blind student, an additional $910 per such blind pupil is also available to the district

In instances where the county superintendent of schools, with the approval of the county board of education, has provided for the education of physically handicapped minors who otherwise would have been denied proper educational advantages, the same amount per such ADA is available The total allowance to any county shall not exceed the difference between the actual expense of maintaining emergency schools (supported by the county school service fund) and the allowances provided in Section 18355 (which equal the full foundation program per handicapped ADA)

With regard to the provision for up to $910 per unit of ADA for reader services for blind pupils, Section 18103 specifies that a limit of $115,000 is placed upon these expenditures, if computed allowances for reader services exceed this total, a deficit factor has to be applied

The responsibility is dual

The individual school district, or office of the county superintendent, is eligible for excess expense reimbursement only up to as much above the cost of normal education as the particular special education program cost Therefore the expense of special classes or schools must be recorded as distinct from the requirements for normal education The Department of Education must correlate the claims of the districts and county offices with the requirements of the code in order that only so much more as is actually spent is reimbursed Articles 19, 20, 21 and 21 1 of Title V of the Administrative Code reflect the specifications of the Department of Education with regard to the eligibility of school districts to qualify for excess current expense reimbursement

In 1960-61 allowances for the education of physically handicapped children amounted to $12,621,436, including $40,000 for reader services for blind pupils The maximum amount available for reader services has been raised by the 1961 Legislature by $75,000 For 1959-60 the actual physically handicapped ADA was $16,458, therefore, on the basis of an average, state allowances equaled $768 43 per physically handicapped ADA

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLE
B-1 Allowances—Continued SPECIAL EDUCATION—Continued (a) ALLOWANCES FOR EXCESS EXPENSE FOR PHYSICALLY HANDICAPPED MINORS —Continued tendents of schools under Sections 18102 and 18103 for (reader services for blind pupils) shall not exceed ($115,000) in any fiscal year If the total amount which may be allowed during any fiscal year is less than the total allowances computed under Sections 18102 and 18103 the amounts allowed shall be reduced proportionately " (b) ALLOWANCES FOR EXCESS EXPENSE FOR MENTALLY RETARDED MINORS 18152 "The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education, including transportation, to the school district of educating mentally retarded minors who come within the provisions of section 6902 during the preceding fiscal year in special schools or classes but not in excess of ($375) per unit of (ADA) of such minors " 18153 (The provisions are identical with Section 18152 except that references to the school district have been changed to the county superintendent of schools) 18156 "No allowances shall be made under this article for the education of mentally retarded minors in special schools or classes which do not comply with the standards established by the Department of Education " (c) ALLOWANCES FOR EXCESS EXPENSE FOR SEVERELY MENTALLY RETARDED MINORS 18202 "The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to the district, excluding transporta-	The provisions of the Education Code, Section 18152, with regard to mentally retarded minors, are closely parallel to those for excess expense reimbursement for physically handicapped minors, save mainly that the per pupil maximum allowance is lower, $375 per pupil The Education Code further stipulates that reimbursements are contingent upon school districts' maintaining special classes in conformity with the requirements contained in Title V of the Administrative Code, Sections 180 to 187 These sections follow the pattern of the articles for physically handicapped and mentally retarded insofar as the allowances for excess current expense reimbursement are concerned	As in the case of reimbursements to districts and county offices for physically handicapped minors, the responsibilities fall both to the local units and the state department The responsibilities fall for allowances for the education of the severely mentally retarded in the same manner as for the physically handicapped or mentally retarded	Allowances for excess current expense reimbursement for the education of the mentally retarded amounted to $9,379,077 in 1960-61 The actual 1959-60 mentally retarded ADA was 33,478 Therefore, as an average per pupil expenditure, the 1960-61 allowances equaled $280 (n As noted elsewhere, this category of pupils is not eligible for excess current expense reimbursement for transportation, therefore such expenditures are merged together with the total expenditure for pupil transportation for normal children For the 2,294 pupils enrolled on a voluntary basis in special schools or classes for the severely mentally retarded in 1959-60, upon whom the 1960-61 allowances are made, the State School

tion, of educating mentally retarded minors who come within the provisions of Section 6903 during the preceding fiscal year but not in excess of ($670) per unit of (ADA) of such minors" 18203 (The provisions are identical with Section 18202 except that references to the school district have been changed to the county superintendent of schools) 18206 "No allowance shall be made under this article for the education of mentally retarded minors in special schools or classes which do not comply with the standards established by the Department of Education" (d) ALLOWANCES FOR TRANSPORTATION OF SPECIAL STUDENTS 18060 "(a) In addition to all other amounts allowed to a school district under this article (commencing at Section 18051), the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting blind, deaf, aphasic, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 6903, to and from special day classes but not in excess of ($475) for each unit of (ADA) during the next preceding fiscal year resulting from the attendance of such pupils on the special day classes to and from which they are transported by the district "(b) (identical with subdivision (a) except that references to the school district have been changed to the county superintendent of schools)" 18062 "In addition to all other amounts allowed to a school district , the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting minor pupils whose vision or hearing is impaired to a degree making it practical to transport them to some location in another district where specialized instruction	This category, together with the physically handicapped minors is eligible for special pupil transportation reimbursement (see below) Unlike the education of the mentally retarded, special classes or schools for the severely mentally retarded are not mandatory, and the decision must be made before children are admitted to any such classes whether they will be likely to benefit from such classes (Education Code Section 6903). Section 15060 of the Education Code provides that a school district may receive current expense reimbursement for transporting deaf, blind aphasic, cerebral palsied or orthopedically handicapped pupils and severely mentally retarded pupils to and from special day classes, these reimbursements may not exceed $475 per pupil so transported. For pupils whose vision or hearing is impaired and for whom it is practical to transport them to some other district for specialized instruction, a school district may receive up to $475 per pupil	It might be added that the decision must be made at the local level whether any particular severely mentally retarded minor might be expected to benefit from attendance at special classes Pupil transportation for the severely mentally retarded and physically handicapped minors is similar to the allowances for reimbursement for education expenses so far as the distribution of responsibilities is concerned The same requirements exist, namely, the districts are expected to claim reimbursement only for current expense to the district of providing such transportation In the case of handicapped pupils transported by the district to some location outside the district, the responsibility also exists to define the practicality in such practice The department must approve the requests for reimbursement, and therefore must review the particulars in each case to assure that only the actual current expense is represented in the claims For interdistrict transportation claims the department must review the practicality of the program as well as the actual cost	Fund provided $1,231,895 This equals an average per pupil figure of $536 92 Total allowances during 1960-61 for pupil transportation for physically handicapped and severely mentally retarded minors equaled $2,456,792 Taking the total 1959-60 ADA for physically handicapped ADA (16425) and for severely mentally retarded (2,394), the average allowance per total unit would have been $131 03 if all such pupils had been so transported

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLE
B-1 Allowances—Continued SPECIAL EDUCATION—Continued (d) ALLOWANCES FOR TRANSPORTATION OF SPECIAL STUDENTS—Continued may be afforded The amount allowed shall not be in excess of ($175) for each unit of (ADA) of such pupils during the next preceding fiscal year "Allowances under this section shall be subject to the approval of the Superintendent of Public Instruction of the practicability of transporting the pupils involved in any particular instance to the place where specialized instruction is afforded " **B-2-Distribution** PUPIL TRANSPORTATION 17309(b) "Three dollars and two cents multiplied by the total (ADA) credited to all kindergarten elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 10 of Chapter 3 of this division, except Section 18060 " 17503 5(b) "Ninety-eight cents multiplied by the total (ADA) credited to all kindergarten, elementary, high school and junior college schools in the state and to county school tuition funds during the preceding school year for the purposes of Article 10 of Chapter 3 of this division "	These sections reserve funds for the state support of pupil transportation, on the basis of $4 per ADA From the money so set aside the Department of Education will reimburse claims by the various school districts for the costs of pupil transportation Elsewhere in the Education Code it is stipulated how the individual districts will actually be reimbursed, the sections cited here merely serve to make the money available	The Department of Education is charged with the method of determining how much any school district may receive from the total amount of money provided, each district submits its claim to the Department of Education for reimbursement These claims must be be reviewed to assure compliance with the Education Code For the claims that are allowed, the apportionments must then be met by the money that is available for this purpose To the extent that the sum of the valid claims is greater than the amount of money put aside by Sections 17303(b) and 17303 5(b) the department must apply a deficit factor	In 1960-61 pupil transportation represented $13,343,667 of the State School Fund, in 1959-60 the State was the source of $21,586,092 of that year's total expenditure of $53,909,311
B-2 Allowances ALLOWANCES FOR PUPIL TRANSPORTATION 18051 "The Superintendent of Public Instruction shall not allow under this article during any fiscal year a total amount in excess of the amount provided by law " 18052 "The Superintendent of Public Instruction shall allow to each school district and	Section 18054 outlines the powers of the Superintendent of Public Instruction in making regulations for the application of pupil transportation allowances The Education Code contains the identification of areas to be included in these regulations, but does not attempt to fix the content	The Department of Education has the responsibility for promulgating the requirements for allowances The individual districts must observe these regulations in order to be eligible for reimbursement Title V of the Administrative Code, Subchapter 5 5 commencing with Section 1260, contains the relevant regulations	In 1959-60 the total statewide expenditure for pupil transportation was $53,909,311 while the total state allowance to districts was $13,586,092 (37 1 percent of the over all expenditure) The total of computed allowances was greater than the figure reserved in the State School Fund, and therefore it was neces-

county school service fund such amount as is required by this article "

18054 "The superintendent of Public Instruction shall make all allowances under this article in accordance with regulations, not in conflict with this article, adopted by him, and he is hereby authorized and directed to adopt such regulations None of such regulations shall be binding upon any school district, but no allowance shall be made under this article for any item of current expense or capital outlay with respect to which the school district has failed to comply with the regulations of the Superintendent of Public Instruction

"The regulations adopted shall, among other matters

"(a) Prescribe the records to be kept by, and reports to be made by, school districts

"(b) Fix the minimum distances for determining the total current expenses of a district for transportation

"(c) Determine what expenditures constitute 'current expenses'

"(d) Establish and prescribe formulae for computing financial allowances under which busses may be acquired

"(e) Provide for the review and approval of all expenditures upon which allowances are computed

"(f) Establish and prescribe formulae for computing financial allowances for reimbursement of (bus) replacement expenses "

18055 "(a) He shall allow to each elementary school district, high school and junior college district, except as to any to which subdivisions (b) (c) and (d) of this section or Section 18057 is applicable, an amount which shall be computed as follows

"He shall determine the total current expenses of the district for such transportation during the preceding fiscal year He shall then determine what rate of tax levied on each $100 of 90 percent of the assessed valuation o the district hereinafter referred to as computed tax rate, would, if levied, produce such amount If the computed rate of tax

Section 18055 outlines the method for computing allowances for (1) elementary, high school and junior college districts providing their own transportation, (2) for high schools maintaining junior colleges, (3) for elementary districts not part of high school districts but transporting pupils to high schools in other districts, and (4) for high school districts not part of junior college districts but transporting pupils to junior colleges in other districts Hence four distinctions are drawn

To these four distinctions are applied a uniform method for deriving a rate of tax to be based upon 90 percent of the district's assessed valuation This computational tax rate is used in determining allowances If the tax rate for one of the four types of districts enumerated above exceeds a specified figure (2 cents, 3 cents or 4 cents) allowances will represent half of the amount that would be raised by 8, 12 or 16 cents, respectively, less 2, 3 or 4 cents, again respectively, and allowances will represent all of the amount which would be produced by a computed tax rate in excess of 8, 12, or 16 cents as the individual district case might apply

Section 18056 establishes a method for computing allowances to unified districts formed as the result of optional reorganization by electors subsequent to July 1, 1948 Using the same format as developed in Section 18055, this section provides full current expense reimbursement for transportation attributable to relocation or reorganization of attendance centers within the district, for an eligible district for its first five years, and after that a distinction is made between unified districts maintaining a junior college For those with no junior college, allowances are based upon 3 and 12 cents in the same manner as Section 18055(b) For those

The districts submit claims to the department on the basis of their performances as directed by the department's regulations The department then must apply the provisions of the Education Code to the individual claims in order to ascertain eligibility for allowances and the amounts of the allowances

The department has discretionary power with regard to allowances to newly formed unified districts for pupil transportation and allowances for bus purchase in the matter of whether such allowances were required through school relocation or shifts of attendance centers

sary to recompute the allowances by increasing the district tax rate by four-tenths of a cent This meant that there was $34,960 available for inclusion in the final apportionment even though computed allowances were over $440,000 greater than the amount reserved

Alturas, with an ADA of 728 for the 1959-60 State School Fund spent $6,212 for pupil transportation, a figure equal to $12 65 per ADA. The total assessed valuation of the district in 1959-60 was $8,189,205, or in terms of per ADA $8,502 The total of state allowances for pupil transportation was $5,343, or $7 34 per ADA

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLE
B-2 Allowances—Continued SPECIAL EDUCATION—Continued ALLOWANCES FOR PUPIL TRANSPORTATION—Continued is more than ($ 02) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than ($ 08) of the computed tax rate less ($ 02) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of ($ 08) (b) He shall allow to each high school district maintaining a junior college, except as to any which Section 18057 is applicable, an amount which shall be computed as follows (a parallel outline to (a) above, except——) If the computed rate of tax is more than ($ 03) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than ($ 12) of the computed tax rate less ($ 03) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of ($ 12) "(c) He shall allow to each elementary school district which is not part of a high school district and which during the preceding fiscal year provided for the transportation of pupils to the elementary schools of the district and to one or more high schools in other districts, an amount which shall be computed as follows (the same format as (a) (b) above except——) If the computed tax rate is more than ($ 04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than ($ 16) of the computed tax rate less ($ 04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of ($ 16) "If an elementary district which is not a part of a high school district provides only for the transportation of pupils to a high school, an	unified districts with a junior college, allowances are based upon 4 and 16 cents, as in Section 18055(e) or (d) Section 18057 outlines the possibilities for allowances for districts having the same board and maintaining a single transportation system Depending upon which combination of types of districts and systems of transportation maintained, allowances are based either upon 3 and 12 cents (as in Section 18055 (b) or 18056 (b)) or upon 4 and 16 cents (as in Section 18055 (c) or (d) and 18056 (c)) Section 18058 provides further that for eligible unified school districts, as defined in Section 18056, for the first five years in which such district purchases school buses determined to have been required because of school or attendance center relocations, or reorganization of attendance centers within the district, such expense will be added to the allowances made for pupil transportation This provision is however limited in application to the first five years after the district's formation Section 18061 provides that in the event total allowances are greater than the total amount reserved in the State School Fund the amount shall be successively recomputed by adding one-tenth of a cent to the lower tax rates until there is no deficit left Should more money be available than allowances require, such excess money is to be included within the final apportionment		

amount shall be computed as provided in subdivision (a) of this section

"(d) He shall allow to each high school district not a part of any junior college district which during the preceding fiscal year provided for the transportation of pupils to the high schools of the district and pupils attending junior colleges maintained by other districts an amount which shall be computed as follows (the same format as (a) (b) and (e) above, except) If the computed rate of tax is more than ($ 04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than ($ 16) of the computed tax rate less ($ 04) and (2) 100 percent of the amount which would be produced by a computed tax rate in excess of ($ 16)

"If a high school district which is not a part of a junior college district provides only for the transportation of pupils to a junior college, an amount shall be computed as provided in subdivision (a) of this section"

1935f "(e) He shall allow to each unified school district (formed as a result of an optional reorganization of school districts by electors) the formation of which became effective on July 1, 1918, or thereafter, an amount equal to the total current expenses of the district for the transportation of pupils, determined by the Superintendent of Public Instruction to have been required because of a change in the location of schoolhouse or the reorganization of attendance centers within the district during such preceding fiscal year No allowance shall be made under this paragraph subsequent to the close of the fifth fiscal year following that in which the district was formed and thereafter the provisions of subsection (b) or (c) shall control as to such district

"(b) He shall allow to each unified school district not maintaining a junior college which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows (Again, the provision that the total current expenses for transportation be determined as well as what rate of tax based upon 90 percent of the assessed valuation

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLE
B-2 Allowances—Continued SPECIAL EDUCATION—Continued ALLOWANCES FOR PUPIL TRANSPORTATION —Continued would provide that amount.) If the computed rate of tax is more than ($.03) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than ($.12) of the computed tax rate less ($.03) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of ($.12) "(c) He shall allow to each unified school district maintaining a junior college which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows (the same procedure as outlined in the subsection above, except) If the computed rate of tax is more than ($.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than ($.16) of the computed tax rate less ($.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of ($.16)			
19037 "He shall compute for each group of two or more school districts which have been continuously from a time prior of July 1, 1949, governed by board of identical personnel during the preceding fiscal year and have maintained a single transportation system for all of such districts which provided for the transportation of pupils an amount which shall be computed as follows "He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year "(a) (for a group comprising (1) an elementary and high school district not maintaining a junior college and each provided transportation			

of pupils, (2) or an elementary, high school and junior college district and each provides pupil transportation, the same procedure as outlined in Section 18055 (b))

"(b) (for a group comprising (1) an elementary and high school district maintaining a junior college district each of which provided pupil transportation including for junior college pupils, or (2) comprises an elementary, high school and junior college district each of which provided pupil transportation, the same procedure as outlined in Section 18055 (c) or (d))"

18058 "In the case of a unified school district (such as outlined in Section 18056) the formation of which became effective for all purposes on July 1, 1948, or thereafter, there shall be included in addition to the current expenses of transportation of the district the cost of such school busses for the first five fiscal years in which it purchases school busses as are determined by the Superintendent of Public Instruction to have been required because of changes in the location of schools or the reorganization of attendance centers within the district. This paragraph shall not be effective as to any unified school district after the end of the fifth fiscal year succeeding the formation of the district."

18061 "(a) In the event that the total amount which may be allowed under Section 18051 during any fiscal year is less than the total allowances computed under Sections 18055, 18056 18057 and 18058 the amount allowed shall be successively recomputed by adding ($.001) to the lower tax rates provided until there is no deficit. Any balance remaining shall be allowed pursuant to Section 18460

"(b) In the event the total amount which may be allowed under Section 18051 during any fiscal year is more than the total allowances computed the balance shall be allowed pursuant to Section 18460"

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLE
B-3 Distribution DRIVER TRAINING 17305 "(a) In addition, subject to the provisions of Section 17305 5, there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of instructing pupils in the operation of motor vehicles The amount shall not exceed ($42) per pupil instructed such amounts as are necessary are appropriated from the General Fund and shall be transferred therefrom to the State School Fund " "(b) Subject to the provisions of Section 17305 5 there shall also be provided the sum necessary for the actual cost of replacing vehicles and simulators used in such programs but the amount shall not exceed 75 percent of the portion of such expense which is in excess of ($42) multiplied by the number of pupils instructed by the district " 17305 5 "The amounts provided under Section 17305 shall not exceed the total of the moneys in the Driver Training Penalty Assessment Fund in the State Treasury "	Up to $42 per pupil instructed may be paid to school districts for providing driver training The number of pupils a district may claim reimbursement for is limited to a figure related to each district's enrollment As in the case of excess expense reimbursement for special education programs, if a district spends less than $42 per pupil instructed, it will only receive as much as it has actually spent Commencing in 1961-62 there is provision for additional reimbursement to districts for the expenses of vehicle and simulator replacements occasioned by driver training Up to 75 percent of the portion of that expense that is in excess of $42 per pupil instructed may be apportioned to districts to help meet these costs General Fund expenditures for driver training are limited to no more than the total of moneys in the Driver Training Penalty Assessment Fund, composed of fees collected on fines for moving traffic violations	The Department must review the claims by districts both with regard to the number of pupils trained, and the actual district expenditure for driver training support Driver training expenses are not included in the computation of the total state ADA times $201 36 In the establishment of the State School Fund each year an estimated expenditure figure for driver training is included, but warranted expenditures are the only amounts actually transferred into the State school Fund, therefore, there are no "unspent moneys" to be included for redistribution in the final apportionment	In 1960-61 apportionments for driver training equaled $3,988,458, based upon the then-current figure of $35 per pupil instructed as a maximum For 1961-62, it is estimated that this expenditure will be in excess of $6 million, to this must be added the estimate of the Department of Education of $500,000 as a first-year expenditure for vehicle and simulator replacement
B-3 Allowances DRIVER TRAINING 18251 "The Superintendent of Public Instruction shall allow to each school district an amount equal to the actual cost, but not in excess of ($42) per pupil instructed in automobile driver training, during the preceding fiscal year in accordance with regulations set forth by the State Board of Education " 18252 "No allowance shall be made under this article unless the school district has complied with the rules and regulations of the State Board of Education governing the	The maximum per pupil allowance for driver training was raised from $35 to $42 by the 1961 Legislature As in the manner of excess current expense reimbursements for special education for the physically handicapped or mentally retarded, allowances to school districts for driver training were to be controlled by district expenditures or $42 maximum per pupil instructed whichever is lesser The 1961 session also added authorization for state support of excess expenses for vehicle and simulator replacement, setting the limit of state participation at three-fourths of the	Section 18253 of the Education Code specifically empowers the State Board of Education to prescribe rules and regulations for driver training programs Such regulations are to cover the establishment, scope and conduct by local districts of driver training education The maximum number of pupils that may be instructed in driver training by a district is limited to a figure related to each district's enrollment in the 10th 11th or 12th grade (Title V, Section 176) Therefore a control exists over how many pupils may be represented in claims for state reim	In 1960-61 the total allowance to all districts for driver training was $3,988,458 This sum was distributed to 271 districts who reported that 114,719 pupils received "behind-the-wheel" training in 1959-60 The total excess expense for these pupils was $5,448,776, amounting to an average of $47 50 per pupil trained Of the 271 districts, only 27 received the total excess expense, the remaining 244 received only the $35 maximum, indicating that their excess expense was greater than $35 per pupil Spreading the total allowances over the total reported pupils,

establishment, conduct, and scope of automobile driver education and training." 18253 "The Superintendent of Public Instruction shall allow to each school district an amount equal to the actual expense of replacing vehicles used exclusively in automobile driver training programs and of replacing simulators used in such programs, but the amount shall not exceed three-fourths of the actual amount in excess of ($15) per pupil during the preceding fiscal year which was expended in replacing such vehicles and simulators." 18254 "The allowances made under Sections 18251 and 18253 shall, when the Superintendent of Public Instruction determines that the funds available in the Driver Training Penalty Assessment Fund during the fiscal year will be insufficient to provide the full amounts otherwise allowable be proportionately reduced In making such reductions, (he) may adjust apportionments of the amounts allowable, and shall take any other action he deems necessary , to insure that each district receives an equal amount per pupil instructed and per vehicle or simulator replaced	excess expense that is over $42 per pupil instructed The total allowance for driver training that may be made in any year is now pegged to the total sum during the current fiscal year in the Driver Training Penalty Assessment Fund, a fund composed of fees on moving traffic violation fines These fees are based upon $2 per $30 of moving violation fine Should the total of computed allowances for driver training exceed the balance in the fund for that fiscal year, a deficit factor would have to be applied to assure that total allowances are not greater than the total fund In this manner it may be said that the support of driver training is self-sustaining	bursement The local district is charged with compliance with the Board of Education's regulations The Department of Education must correlate the claims of the districts with the funds available, both as regards the total support of driver training, and in the individual districts Justified maximum, may be paid to a district, claims must be reviewed in the light of actual per pupil expenses	the average allowance was $34 77 per pupil trained In 1960-61 Los Angeles City High School district received $362 665 for driver training, almost one-tenth of the total State School Fund expenditure for this purpose
B-4 Distribution PROJECT-CONNECTED PUPILS 17307 "In addition there shall be provided such amount as the Superintendent of Public Instruction shall certify is necessary to provide the allowances to school districts during each fiscal year under the provisions of Section 18303 to 18307, inclusive Such amount is hereby appropriated from the Investment Fund and shall be transferred therefrom to the State School Fund each fiscal year"	An allowance for project-connected pupils is to accomodate a district for enrollment growth due to an undertaking of the Department of Water Resources These pupils may either be children of people working for the Department of Water Resources or contracting agencies or firms, or children of persons employed by the school district or a contiguous district, where such child is in addition to the number of pupils otherwise expected in the district	The Department of Education exercises much the same responsibility for the administration of project-connected pupil support as for driver training Any district's claim for reimbursement must conform to the definition of project-connected pupils, and the claim for additional state money must be reviewed in terms of its accuracy Only so much money will be transferred from the Investment Fund as the Superintendent of Public Instruction certifies is necessary and these amounts are in excess of the $201 36 per ADA.	In 1960-61 project-connected pupil allowances came to $10,130, all of which was spent in Butte County as part of the Feather River Project For 1961-62 such an expenditure is estimated at approximately $15,000

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLES
B-4 Allowances PROJECT-CONNECTED PUPILS—Cont 18303 "The Superintendent of Public Instruction shall allow to each eligible district for each unit of (ADA) in the regular full-time day schools of the district during the preceding fiscal year of project-connected pupils, an amount equal to the product of the assessed valuation multiplied by the general fund tax rate of the district during the preceding fiscal year, divided by the average daily attendance of the district, exclusive of the (ADA) of project-connected pupils reduced by the difference between the amount of base state aid and equalization aid per unit of (ADA) apportioned to the district pursuant to Section 17402 during the current fiscal year and the amount per unit of (ADA) that would have been apportioned had the computations been made after the exclusion of (ADA) of project-connected pupils from the (ADA) of the district", 18304 "The units of (ADA) of project-connected pupils (whose parent or guardian is employed by a contractor or subcontractor on the State) shall be computed by dividing the total number of days of attendance of such pupils by the number of days school was actually taught in the regular day schools of the district during the fiscal year The units of (ADA) of project-connected pupils (whose parent or guardian is employed in the school district or in a contiguous district and such child is in addition to the number who would otherwise be expected to be in attendance) shall be computed by dividing the total number of days of attendance of such pupils by the number of days school was actually taught in	The school district experiencing enrollment growth attributable to a project of the California Department of Water Resources is eligible to a state allowance for "project-connected pupils" who would not otherwise have been enrolled in the district The ADA thus derived will have to equal at least 10 and represent at least 3 percent of the total district ADA The actual allowance to any district eligible is the result of computations involving the district's assessed valuation and its general fund tax rate, the district's preceding year ADA (exclusive of those who are project-connected), and the base and equalization aid apportioned to the district In order to derive these allowances, two methods are prescribed for computing the project-connected ADA for whom the allowances are intended, a distinction is drawn between children whose parents or guardians are employed by the State, a contractor or subcontractor on the project, and children whose parents are employed either in the school district affected or a contiguous district and such additional children would not otherwise have been expected to be part of the claimant district's ADA	The principal responsibility falls to the Department of Education in determining the exact allowance per ADA to be made for project-connected pupils The provisions of Section 18303 charge the department with the determination of the allowances The individual districts must relate project-connected pupils with units of ADA for the purposes of determining the allowances, and the districts also must establish that such pupils are indeed really project-connected	Total allowances in 1960-61 for project-connected pupils came to $10,130, all of which was distributed in Butte County as a result of the Feather River project Two districts received the total, Oroville City, $8, 531 and Thermalito Elementary, $1 599 We understand that in terms of actual pupils involved, these allowances represent Oroville, 129 pupils (or 87 ADA by application of Section 18304), Thermalito, 50 pupils (or 33 ADA)

the regular day schools of the district during the fiscal year and by multiplying the quotient by 55 percent Section 11254 having to do with the treatment of fractions in (ADA) shall apply only to the total number of (ADA) computed pursuant to this section " 18305 "A district shall be eligible for an allowance under Section 18303 if the (ADA) of project-connected pupils is at least 10 and at least 4 percent of the total (ADA) during the preceding fiscal year "			
C Distribution APPORTIONMENTS FOR GROWTH 17303(d) "Three dollars and ninety-two cents multiplied by the total (ADA) credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 9 of Chapter 3 of this division " 17303 5(d) "Seven dollars and thirty-four cents multiplied by the total (ADA) credited to all kindergarten elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 9 of Chapter 3 of this division "	These sections establish within the State School Fund an amount equal to the product of the total state ADA times $11 26, for the purposes of allowances to school districts experiencing enrollment growth during the school year Inasmuch as the total ADA figure used in deriving the State School Fund represents the actual ADA for the preceding year, a district experiencing enrollment growth does not, in effect, receive state aid sufficient to guarantee the foundation program for each unit of ADA actually enrolled that year Growth allowances are made to eligible districts to bring the total of their state aid up to an amount equal to what their foundation program would have been The apportionments are made in two parts, one in February for the period from July 1 to December 31, and the other in June for the balance of the year to April 15 Any deficit in apportionments for the first period may be made up out of any surpluses in the second period	Statements of ADA growth in school districts must be evaluated together with changes in the districts' assessed valuations before the Department of Education can ascertain how much growth support per growth unit may be apportioned All claims for growth apportionments, once they are reduced to a per growth unit figure, must be reviewed in relation to the amount of money reserved for this purpose If the total of the allowances exceeds the sum reserved, the department must apply a deficit factor In the event more money is set aside than computed allowances would require the unspent money is included within the final apportionment	In 1960-61 the first period growth apportionment was $14,819,304, and the second period apportionment was $22 305,967, for a total of $37,124,271 For 1961-62 it is estimated that this figure will rise to $39 965,118, on the basis of $11 26 per unit of total ADA in the derivation formula, instead of $11 02 as in 1960-61 The total 1960-61 expenditure was less than the amount reserved, and the balance was applied to the final apportionment to restore deficit factors applied to equalization aid
C. Allowances FOR GROWTH APPORTIONMENTS 18001 "(a) The Superintendent of Public Instruction shall not allow under this article	Growth apportionments are made in two installments the first in February (not to ex-	These allowances are the responsibility of the Department of Education The district	In 1959-60 total growth apportionments equaled $34,770,998 In the first period allow-

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLES
C Allowances—Continued FOR GROWTH APPORTIONMENTS—Continued during any fiscal year a total amount in excess of the amount provided by law (b) The total allowed to all districts for the first period shall not exceed 40 percent of the amount computed under subdivision (a) of this section " 18003 "The Superintendent of Public Instruction shall allow for each unit of (ADA) attributable to growth an amount which shall be computed as follows an amount "The (ADA) of the district during the period in the then current year and for the same period in the preceding fiscal year shall be computed except that there shall be excluded the (ADA) of adults and the (ADA) in classes for inmates of any state institution for adults, or of any city, county or city and county jail, road camp or farm for adults "The Superintendent of Public Instruction shall allow for each period for each district an amount equal to the difference between (1) the amount of basic state aid and state equalization aid which was apportioned on account of (ADA) and (2) the amount which would have been apportioned had the total (ADA) been equal to the total (ADA) during the period of the current year and had the apportionment been computed by subtracting the district aid from the foundation program, multiplied for the first period by the ratio of days the regular day schools were maintained to 175, and for the second period by the ratio of the difference between 175 and the days the regular day schools were maintained during the first period of the current fiscal year to 175 "In making any computation under Section 17702 (computations of district aid) , the assessed valuation of the district for the current	ceed 40 percent of the total sum reserved), and the second in June In computing ADA for the purposes of identifying growth ADA, all adults are to be excluded but a district's total non-adults ADA may be counted (formerly only the ADA in regular day classes was counted, both adult and minor) The actual allowance to any district for enrollment growth is the result of computations taking into account base and equalization aid from the State, local district aid, hypothetical allowances based upon what would have been apportioned originally for the year had the district had that enrollment in the year previous, and had the computation for the current year been made by subtracting district aid from the foundation program, and the number of days regular day schools were actually operated as they relate to 175 (the number of days of a minimum school year) In developing the actual allowance for any school district, any change in that district's assessed valuation over the preceding fiscal year must be taken into account Section 18004 outlines the method for computing allowances for newly formed districts These allowances are derived from computations based upon what state allowances would have been made for foundation program purposes had the district been in existence the preceding year and had district aid been raised, as well as the new district's ADA and the ratio of days regular day schools were operated to 175	reports the growth of its enrollment, and the department then computes the exact allowances the district may receive on the basis of this growth and on the basis of the district's assessed valuation in that current year	ances totaled $13,908,399, second period allowances amounted to $20,862,599 By grade level, the allowances were thus Grade level / First Period / Second Period Elementary / $9,439,190 / $17,101,578 High school / 3,456,014 / 3,440,249 Junior college / 1,012,595 / 320,772 Total / $13,908,399 / $20,862,599 In terms of units of attendance attributable to growth during the 1959-60 year, the figures may be broken down as follows Grade level / First Period / Second Period Elementary / 141,090 / 164,091 High school / 56,706 / 40,017 Junior college / 18,607 / 4,817 Total / 216,003 / 208,895 The number of school districts affected by the 1959-60 apportionments for growth were first period, 1,340 districts, and second period, 1,267

year increased by the adjustments of the preceding fiscal year made under Section 17602 shall be used."

1800) "The Superintendent of Public Instruction shall allow for each period referred to above to each school district which was not in existence during the preceding fiscal year an amount which shall be computed as follows:

The (ADA) during the period in the then current fiscal year shall be computed, except that the computation of a day of attendance shall be determined according to the law in effect during the preceding fiscal year and there shall be excluded the (ADA) of adults and the (ADA) in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

"The Superintendent of Public Instruction shall allow to each such district for each unit of (ADA) so computed for the first period of the then current year an amount determined by dividing the total of the amounts which would have been apportioned during the current fiscal year had the district been in existence during the preceding fiscal year had the computation been made by subtracting the district aid from the foundation program, and had the tax required to be levied been levied, by such (ADA) multiplied by the ratio of days the regular day schools of the district were maintained to 175.

"He shall allow to each such district for the second period of the then current fiscal year an amount determined by dividing the amounts of aid which would have been apportioned during the current fiscal year on account of such (ADA) had the district been in existence during the preceding fiscal year had the computation been made by subtracting the district aid from the foundation program, and had the tax required to be levied been levied, by such (ADA) multiplied by the ratio of the difference between 175 and the days the regular day schools were maintained during the first period of the then current fiscal year to 175."

II. ELEMENTS OF DISTRIBUTION, AND ALLOWANCES, OF THE STATE SCHOOL FUND—Continued

EDUCATION CODE REFERENCE AND CITATION	HOW IT WORKS	RESPONSIBILITY	EXAMPLE
D Distribution FINAL APPORTIONMENT 18460 "If the total amount allowed county school service funds under Sections 18351 to 18354, inclusive, is less than the amounts provided by Section 18352 the balance shall be added to the balances resulting from the application of Sections 18009, 18061, 18352, 18453, and subdivision (b) of Section 17304 (these refer to sections providing allowances for growth, pupil transportation, foundation program support and withholdings for fewer than the prescribed number of teachers) Only so much of the total of such balances as is actually necessary shall be used as follows "(a) (to restore reduced allowances for foundation program support) The increase for each elementary, high school, or junior college district shall be an amount that bears the same ratio to the total balance as the amount of equalization aid allowed to such district bears to the total amount of equalization aid allowed to all districts "(b) second, to restore in the order herein listed, the amounts reduced under Sections 18007, 18008, 18456, and subdivision (a) of Section 18061 (that is, to restore in order the allowances for growth, county school service fund, special education and pupil transportation) "Any remaining balances otherwise transferrable under subdivision (b) of Section 17301 shall remain in the General Fund, but shall be considered to the extent applicable pursuant to subdivision (c) of Section 17301 in determining the total amount available to meet deficits in computed apportionments " 18461 "Any undistributed balance from the amounts transferred to the State School Fund under subdivision (a) of Section 17301 which for any reason remains in the State School Fund	In past years the *final* apportionment was the vehicle for the distribution of funds not only to make up any deficits between computed allowances and funds actually available for the various purposes of the State School Fund, but also for the distribution of any additional money also in the fund but not required to meet that year's computed allowances In one recent year $10 million was so distributed as additional state aid Now the transfer of money into the State School Fund from the General Fund is intended to preclude placing more money into the school fund than computed allowances actually require Therefore, the final apportionment may be expected to represent no more than the sum of money actually needed to meet computed allowances up to limits established in Section 17301(b) and (c) Section 15360 outlines the priority established for the final apportionment, in the event the total computed apportionments are greater than the total amount of money available in any year to meet these apportionments First assignment is to equalization aid, then to apportionments for growth, the county school service fund, special education and lastly pupil transportation Section 18461 refers to any money in the State School Fund that was transferred under Section 17301(a) on the basis of the equivalent of $180 per ADA, which for any reason remains undistributed, this money shall be apportioned as additional state aid to all school districts School Fund requirements in recent years have been such that there is little likelihood that a significant amount of money would accrue under the conditions enumerated by Section 18461	The final apportionment is the Department of Education's responsibility, for it consists of restoring any deficit factors applied to previous apportionments of the State School Fund	In 1960-61 there was a final apportionment of $292,375 This amount was not sufficient to restore fully the deficit factor applied to equalization aid, and therefore the entire amount was distributed to equalization aid school districts prorated on the basis of the amount of equalization aid each district received

and has not otherwise been apportioned by law shall be apportioned as state aid to all the districts The amount of additional state aid allowed each such district for each unit of . (ADA) shall be determined by dividing such remaining balance by the (ADA) of all districts" **D. Allowances** (Because of the nature of the final apportionment, there are not "allowances" in the sense in which the term has been used here)			

COUNTY SCHOOL SERVICE FUND

ADMINISTRATIVE CODE CITATIONS AND HOW THEY WORK

CONCLUSIONS AND RECOMMENDATIONS

Prepared by Office of the Legislative Analyst, State of *California*, November 9, 1961

ADMINISTRATIVE CODE REFERENCE AND CITATION	HOW IT WORKS
A-1-a Allowances	
COUNTY SCHOOL SERVICE FUND, Direct Services 1509 "The superintendent of Public Instruction shall allow to each eligible county superintendent of schools for the several purposes authorized (for direct services) the amount requested by the county superintendents or the amount that is computed in accordance with the provisions of subdivision (a) of Section 18962 of the Education Code, whichever is the lesser." (Authority cited for this section: Section 15351(c) of the Education Code.)	Section 15351(c) of the Education Code authorizes the Superintendent of Public Instruction to "establish and prescribe formulae for the sole purpose of **guidance** (emphasis added) in determining the amount that may be allowed to each county superintendent of schools" in the county school service fund apportionments from the State School Fund. Thus the criteria outlined in Title 5 of the Administrative Code, Sections 1509-1538 are regulations promulgated by the Department of Education, not statutes enacted by the Legislature.
1510 "(He) for budget approval purposes shall determine the amount to apportion to each eligible county superintendent of schools for the purposes of supervision of instruction as authorized by Section 8601 of the Education Code in accordance with the procedure that is prescribed herein: "(a) He shall group the elementary districts with fewer than 901 (ADA) and the unified districts with 5 or less than 1,501 of a county in accordance with the average daily attendance of the elementary schools of the district for the most recently completed fiscal year into four groups, as follows: Group (ADA) I 1-100 II 101-250 III 251-500 IV 501 and over "The total (ADA) for all districts in the county in each group shall be computed. "(b) The total (ADA) for all districts in the county in each group shall be divided by the number for each group as indicated below: Group Divisor I 600 II 1,000 III 2,100 IV 2,640	Direct services are those activities of the county superintendent's office that are performed for small school districts (districts with less than 901 ADA in the case of elementary grades, 701 in the case of high school grades or 1,501 in the case of unified districts). There are formulae in the Administrative Code for allowances to county offices for these direct services consisting of supervision of instruction, health services, pupil personnel services, and the administration of these three services. The formulae follow a common format. Supervision of Instruction, Section 1510. The county superintendent may employ personnel to supervise instruction in the small elementary districts and elementary schools in small unified (but not small) high school districts of the county. Allowances for this function are based upon a staffing pattern, developed in four stages. First, the small elementary and unified districts within the county are divided into four groups on the basis of the elementary ADA in the second preceding fiscal year, and the total of ADA within each group is determined. Secondly, the total ADA for each of these groups is divided by an assigned value, and the quotients thus derived are called the "basic staffing pattern." Thirdly, this basic staffing pattern is increased to compensate for travel time for the supervisors, the product of 600833 (an arbitrary load-per-day factor) times the sum of the one-way distance from the county office to each of the eligible schools (unified districts) is added to the basic staffing pattern. The sum of this is "the complete staffing pattern" for supervision in the county. The last procedure converts the complete staffing pattern by multiplying it by the median salary of all elementary teachers in the county (or all teachers in elementary schools in the State, if it is a greater figure), this product is then increased by 62 percent and that product is then multiplied by 1.43. That is, the complete staffing pattern is converted to dollar allowances by multiplying it by salary factors, the median teacher salary is to be increased by 62 percent (the differential determined by the department for supervisor's salary over an elementary teacher's salary) and by 1.43 (assigned by the department to cover ancillary expenses such as equipment or operating costs chargeable to the supervision activity). The result obtained from these various factors of conversion constitutes the county allowance for supervision of instruction.

"The quotients, computed to the nearest one-thousandth, shall be added, and the sum shall be called the basic staffing pattern

"(c) The basic staffing pattern shall be increased to compensate for necessary travel time and sparsity of attendance centers by adding to the basic staffing pattern the product of .000833 and the sum of the one-way distance from the county office to each of the schools eligible for supervision of instruction The sum shall be called the complete staffing pattern for supervision of instruction in the county

(d) The complete staffing pattern for supervision of instruction in the county shall be multiplied by the product of the median salary of all teachers in the elementary schools of the county, or the median salary of all teachers in the elementary schools of the State whichever is greater, increased by 6.2 percent and 1.45 (He) shall allow the amount computed to the county superintendent of schools for supervision of instruction"

1511 "(a) For the purpose of providing health services to eligible districts in a county as provided by Education Code section 8701 and defined by Education Code Section 1751, excluding the services of psychologists and psychiatrists (he) shall group the elementary districts in the county which during the most recently completed fiscal year reported fewer than 901 (ADA) in the elementary schools of the district into four classes as follows

Class	(ADA)
I	
II	1-100
III	101-250
IV	251-500
	501 and over

"He shall compute the total average daily attendance for all districts in the county in each class

"(b) He shall group the high school districts in the county which during the most recently completed fiscal year reported fewer than 301 (ADA) in the junior high schools and the high schools into two classes as follows

Class	(ADA)
I	
II	1-100
	101 and over

"He shall compute the total (ADA) for all districts in the county in each class

"(c) He shall group the unified districts in the county which during the most recently completed fiscal year reported fewer than 1,501 (ADA) in the elementary and high schools of the district into classes as was done in subsections (a) and (b), respectively, of this section

"(d) He shall divide the total (ADA) for all districts in each class computed under subsections (a), (b), and (c) of this section by the number for each class as indicated as follows

Class	Divisor
I	
II	1,875
III	2,093
IV	2,500
	3,600

Health Services, Section 1511 The Education Code (Section 8701) permits the county superintendent to appoint a supervisor of health, consisting of among others a physician, teacher, nurse, oculist, dentist, optometrist, otologist, chiropodist, school audiometrist or any one or more of such persons Section 1511 of Title V spells out the formula by which allowances to the county offices for the health supervisor may be determined The format follows closely that of allowances for supervision of instruction, except that in this instance the entire small school ADA within the county is included in the computation (whereas only the ADA in small elementary districts and elementary ADA in small unified districts was used for supervision) The basic staffing pattern for health services is expanded to include a sparsity factor in the same manner as for supervision of instruction to arrive at the complete staffing pattern for health services The complete staffing pattern is further converted in like manner, except that instead of an increased differential of 6.2 percent between median teacher salaries and administrative salaries as is the case of supervision of instruction, the differential is only 6 percent

COUNTY SCHOOL SERVICE FUND—Continued

ADMINISTRATIVE CODE REFERENCE AND CITATION	HOW IT WORKS
A-1-a Allowances—Continued COUNTY SCHOOL SERVICE FUND, DIRECT SERVICES—Continued "He shall compute the quotients to the nearest one-thousandth and add them The sum shall be called the basic staffing pattern for health services for the county "(e) (This subsection provides that the basic staffing pattern shall be expanded to the complete staffing pattern in the same manner as in Section 1510(e), that is, by adding to the basic staffing pattern the product of 000833 and the sum of the one-way distance from the county office to each eligible school) "(f) He shall multiply the complete staffing pattern for health services of the county by the product of the median salary of all teachers in the elementary schools of the county (or of the state for the preceding fiscal year), whichever is greater, increased by 6 percent and by 1 43 He shall allow the amount computed "	
1512 "(a) For the purpose of providing pupil personnel services to eligible districts in a county as provided by Education Code Sections 8651 (Attendance Services), 8751 (Guidance Services), including services of psychologists and psychiatrists as provided in Education Code Section 11751, (He) shall group the districts of the county in the same manner as provided in subsections (a) (b), and (c) of Section 1511 of this title He shall compute the total (ADA) for all districts in the county in each class "(b) He shall divide the total (ADA) for all districts in the county in each class by the number for each class as indicated below Class — Divisor I — 2,000 II — 2,222 III — 2,857 IV — 3,333 "He shall compute the quotients to the nearest one-thousandth and shall add them The sum shall be called the basic staffing pattern for pupil personnel services for the county "(c) He shall increase the basic staffing pattern to compensate for necessary travel time and sparsity of attendance centers by adding to the basic staffing pattern the product computed to the nearest one-thousandth of 000833 and the sum of the one-way distance from the county office to each of the schools eligible for pupil personnel services The sum obtained shall be called the complete staffing pattern for pupil personnel services of the county "(d) He shall multiply the complete staffing pattern by the product of the median salary of all teachers in the elementary schools of the county or the median salary of all teachers in elementary schools of the State for the preceding fiscal year, whichever is greater, increased by 45 percent and 1 43 He shall allow the amount computed to the county superintendent of schools for pupil personnel services"	Pupil Personnel Services, Section 1512 The Education Code, in Section 8651 permits the county superintendents to employ personnel to "supervise the attendance" of small school district pupils The method for computing formula allowances is identical to that for health services as outlined above, except that the salary differential used in converting the complete staffing pattern for pupil personnel services is 45 percent

1513 "For the purpose of providing an administrative staff for directing county school service fund personnel employed for supervision of instruction, health services, and pupil personnel services, (he) shall make an allowance in accordance with the following procedure

"(a) He shall determine the sum of the complete staffing patterns computed under Sections 1510, 1511, and 1512

"(b) He shall determine the sum of the complete staffing patterns for a county computed under Sections 1532 and 1534 (relating to the functions of screening and directing teachers and advisory services on provisional credentials, and to coordination)

"(c) He shall add the sums of the complete staffing patterns computed under subsections (a) and (b) of this section The sum obtained shall be called the complete staffing pattern for the county

"(d) He shall compute the number of positions for administration for the sum determined in subsection (c) of this section in accordance with the following schedule

Sums of complete staffing patterns	Number of positions
1– 5 999	0
6–10 999	0 5
11–15 999	1 0
16–30 999	2 0
31–45 999	3 0
46–60 999	4 0
61–75 999	5 0
76–90 999	6 0

"(e) He shall multiply the total number of positions for administration computed for the sum determined in subsection (c) of this section by the product of the median elementary teacher's salary in the county, or the median elementary teacher's salary in the State, for the preceding fiscal year, whichever is greater, increased by 96 percent and 1 36

"(f) The amount allowed for the administration of supervision of instruction, health services, and pupil personnel services, shall be the same proportion of the amount computed under subsection (e) of this section as the sum of the complete staffing patterns determined in subsection (a) of this section bears to the complete staffing pattern for the county determined in subsection (c) of this section "

1514 "If the total of allowances requested or computed for all counties is greater than the total that may be allowed pursuant to subdivision (a) of Section 17303 of the Education Code, the amounts requested or computed for each county shall be reduced proportionately "

1515 "The amounts allowed to a county superintendent pursuant to this article shall be a restricted portion of the county school service fund of the county Any amounts not expended in any fiscal year shall be available for expenditure in the county during the succeeding fiscal year "

1516 "Whenever a unified district has been formed from territory of a county or counties in which there has been included one or more districts which, during the year prior to unification, had less than 901 (ADA) if an elementary district, less than 310 (ADA) if a high school district or less than 1,501 (ADA) if a unified district hereinafter in this section called 'small districts', and which upon unification has more than 1,500 (ADA), and the unified district has become effective for all purposes on or after July 1, 1959, the Superintendent of Public Instruction shall during the second year that the unified district is effective for all purposes and for each year thereafter

Administration of Supervision of Instruction, Health Services and Pupil Personnel Services, Section 1513 In order to provide a staff for the county offices to administer the various personnel employed in these activities as authorized by Sections 8601, 8651 and 8701 of the Education Code and allowed by Sections 1510, 1511 and 1512 of the Administrative Code a further allowance is computed The complete staffing patterns developed for supervision of instruction, for health services and for pupil personnel services are added to the complete staffing patterns developed for the functions of co-ordination of the education program (Section 1534) and for the screening and directing of teachers and advisory services on provisional teaching credentials (Section 1532) According to the sum of these complete staffing patterns a particular number of positions for administration is allowed As in the case of converting the complete staffing pattern in Sections 1510, 1511 or 1512, so too the number of positions is multiplied by the product of salary factors The amount actually allowed in the formula for the administration of supervision of instruction, of health services and of pupil personnel services must bear the same ratio to the final total figure computed in Section 1513 as the sum of the relevant staffing patterns does to the total of all the staffing patterns considered in this section

Section 1515 provides that any money actually allowed to a county superintendent and not expended that fiscal year shall be available for expenditure in the following fiscal year but is restricted to direct services Thus there is no reversion to the State School Fund of money allowed in excess of needs

Section 1516 assures the county superintendent that in cases where one or more small school districts unifies and the new district upon unification has more than 1,500 (thus removing it from eligibility for direct services), that the county office shall be allowed during the second year and each year thereafter the difference between (1) the amount allowed for supervision of instruction, for health services and for pupil personnel services for the small districts included into the new district during the new district's first year and (2) the product of the ADA of the small unifying districts in the year prior to unification, plus any ADA growth in the unified district, times $10 This provision

COUNTY SCHOOL SERVICE FUND—Continued

ADMINISTRATIVE CODE REFERENCE AND CITATION	HOW IT WORKS
A-1-a Allowances—Continued COUNTY SCHOOL SERVICE FUND, District Services—Continued (emphasis added) allow to the county school service fund of the county or counties affected the difference between the amount allowed to the county school service fund pursuant to Sections 1510 1511 and 1512 on account of the districts included in the unified district during the year the unified district was first effective for all purposes, and the product of the units of (ADA) in the small district included in the unified district during the year prior to unification, plus the growth in (ADA) in the unified district multiplied by ($10) "The allowance made to a county school service fund pursuant to this section may in accordance with Education Code Section 20105 be apportioned by the county superintendent of schools with the approval of the county board of education to the unified district on account of which the allowance was made"	affects only those unifications which became effective for all purposes on or after July 1, 1960, therefore no allowances have been made to date The final paragraph of Section 1516 indicates that it is permissive whether the county superintendent pass on to the unified district involved the allowance made to the county school service fund on the basis of its unification Therefore it would appear that if the county board of education desired the money could be retained at the county level
A-1-b Allowances COUNTY SCHOOL SERVICE FUND "Other Purposes" 1520 "For the purposes of Section 850i of the Education Code, co-ordination of the educational program consists of the actions, efforts and procedures of a county superintendent of schools directed to one or more districts to (1) enforce minimum educational standards, (2) improve the educational program, (3) promote order and reasonable uniformity in the educational program (4) effect working relationships between school districts and other agencies serving youth whose functions are related to the programs of the public schools and (5) promote effective and efficient operation of the programs of the public schools, and (5) promote effective and efficient operation of the programs of instruction and special services in the areas of courses of study, guidance services, health services, special education, attendance activities and advisory services in school business administration under his jurisdiction " 1521 "Co-ordination provided shall be at the district level through working with district personnel who are responsible for the conduct of the service so that the service will supplement the work or responsibilities assigned to members of the staff of the district, and not supplant district personnel or the work and assignments that normally are given to staff members of a district " 1522 "Co-ordination services provided by the county (office) shall be with full recognition that the responsibility for operating the educational program and for effecting internal improvements in a district is the responsibility of the (district) governing board, and such program and improvements shall be effected and financed by the school district " 1525 " The Superintendent of Public Instruction shall allow to each eligible county superintendent of schools for the several purposes authorized by the Education Code the amount requested by the county superintendent for such purposes or the amount that is computed in accordance with the provisions of this article, subject to the provisions of subdivision (b) of Section 18352 of the Education Code, whichever is the lesser "	Allowances to the county superintendents of schools from the State School Fund for "other purposes" are intended to contribute to the support of the county office activities in services performed for all the districts in the county instead of only the supervisors' functions for small ADA districts as in the case of direct services State allowances for "other purposes" include audiovisual and library services, partial support of the county superintendent's salary, services in the screening and directing of teachers, teacher institutes, co-ordination of the education program, and administration of "other purpose" activities Sections 1520-1522 of Title V reflect the Department of Education's definition of co-ordination of the education program, the activity for which in 1960-61 over 80 percent of the total state support for "other purposes" was directed, approximately $6 million Section 1544 (to be discussed below) outlines the formula for computing support for co-ordination Section 1520 lists the five points identified as the function of co-ordination, including promoting "order and reasonable uniformity in the education program " Section 1525 provides that the Superintendent of Public Instruction shall allow to the various counties either the amounts proposed for expenditure, or the amounts available in the formulae contained in Sections 1528-1538 whichever is the lesser, with the total of all allowances not to exceed the amount available by law by Section 17300(a) of the Education Code

1528 "For the purpose of providing audiovisual services to contracting districts as provided by Education Code Sections 8851-56 (he) shall allow the amount requested by the county superintendent or the amount contributed by districts in the county during the preceding year for audiovisual services, whichever is the lesser

'Beginning with 1961-62 amounts contributed by districts during the preceding year for the special purpose of matching federal funds for a project under Title III of the National Defense Education Act of 1958 shall be excluded when computing the allowance under this section "

1529 "The allowances, federal allocations and contributions for audiovisual services shall be kept as a restricted portion of the county school service fund of the county and shall be expended only for audio-visual purposes "

1530 "For the purpose of providing library services as provided by Education Code Sections 8401-05 the superintendent of Public Instruction shall allow the amount expended by the county superintendent of schools from moneys allowed under section 18453 of the Education Code for the purpose during the preceding fiscal year not to exceed the amount computed in accordance with the following schedule

Most recent annual ADA of the county	Maximum allowance for library purposes
0- 100	$200
101-1 000	1 000
1 001-3 000	5 000
3 001 and over	7 000

1531 "The Superintendent of Public Instruction shall allow the amount specified in Article 1, Chapter 2 Division 3 of the Education Code (sections 751-766) as the State's contribution to wards payment of the annual salary of the county superintendent of schools "

1532 "For the purpose of screening and directing teachers as authorized by section 6152 of the Education Code and for providing advisory services on provisional credentials as authorized by section 9157 of the Education Code (he) shall allow an amount computed by dividing the most recently reported annual (ADA) in the county by 350 000 and multiplying the quotient, computed to the nearest one-thousandth by two, and by further multiplying this quotient or two whichever is the lesser number, to be known as the complete staffing pattern by the product of the median elementary teacher's salary in the county, or the average (emphasis added) elementary teacher's salary in the State for the preceding fiscal year, whichever is greater, increased by 62 percent and 1 43 "

1533 "For the purpose of providing expenses for institutes as authorized by Sections 9051, 9052, 13361 to 13280 13621 and 13622 of the Education Code, (he) shall allow an amount equal to the actual expenditures from moneys allowed under section 18382 of the Education Code

Allowances for Audiovisual Services Section 1528 The Superintendent of Public Instruction will allow for audiovisual services at the county office either (1) the amount proposed for expenditure by the county office, or (2) an amount equal to the sum contributed by districts in the county during the preceding year, whichever is the lesser Commencing with 1961-62 the Administrative Code stipulates that district matching fund contributions for projects authorized by Title III of the National Defense Education Act shall not be considered in reckoning the allowances for county school service fund purposes Money allowed for audiovisual services to the county offices shall be considered restricted for expenditure only for that purpose

Allowances for Library Services Section 1530 As an allowance for the support of library services by the county superintendent which may include the maintenance of a county library for elementary school districts, the county superintendent may receive funds equal to the amount expended from state sources in the preceding school year up to limits established by the department reflecting county ADA and arbitrary maximum allowances

Section 1531 refers to the support from the State School Fund for salaries of the county superintendents These salaries grouped to represent eight classes of counties, are determined by applying a specified factor to the state wide median teacher salary as established for each year The county and the State both share in the support of the superintendent's salary but the State's share is equal to from over 60 to almost 90 percent of the total salary, depending upon the class of the county In the case of a Class I county, with a county superintendent's salary of approximately $23,000 per annum, the county share is only $7,000 while the State picks up the balance For a Class III county with a salary figure of almost $5 000 the county share is only $1 000 Future increases in the statewide median teacher salary will cause the county superintendent salaries to go up, although the county share of the cost will remain fixed at the present level while the State absorbs all the increase

Screening and Directing Teachers and Advisory Services on Provisional Credentials Section 1532 This section outlines the method for computing an allowance to county superintendents for their services in screening and placement of teachers in districts under their jurisdictions and for their services in the processing of special problems concerning credentials This amount is derived by (1) dividing the "most recently reported annual" ADA in the county by 350 000, (2) multiplying that quotient by two, (3) and then by further multiplying that quotient, or two whichever is the lesser number (to be known as the complete staffing pattern) by the product of salary factors

COUNTY SCHOOL SERVICE FUND—Continued

ADMINISTRATIVE CODE REFERENCE AND CITATION

A-1-b Allowances—Continued

COUNTY SCHOOL SERVICE FUND, "OTHER PURPOSES"—Continued

for the purposes during the preceding year, but not to exceed an amount computed in accordance with the following schedule, which amount so computed shall not be less than $200."

Most recent annual ADA in the county	Maximum amount per ADA
0- 9,999	$ 050
10,000-14,999	045
15,000-24,999	040
25,000-49,999	030
50,000-99,999	025
100,000 and over	

1534 "For the purpose of co-ordination of the education program among the districts in a county as provided in Section 8503 of the Education Code, (he) shall compute an allowance except in a county where the total area under the jurisdiction of the county superintendent is in a single district, in accordance with the following procedure

"(a) He shall determine the (ADA) of elementary pupils in each district, maintaining elementary schools, that is under the jurisdiction of the county superintendent of schools within the area of each high school and unified district in a county. He shall determine the total (ADA) in all districts with less than 901 (ADA) and in all districts with 901 or more (ADA). For the purposes of this subsection, whenever action has been completed by February 1st of any year to include an elementary district, not a part of any high school district in a high school district, or unified district such elementary district shall have been deemed to have been a part of the district in which it was included during the second preceding fiscal year.

"(b) He shall determine the (ADA) in junior high schools and high schools in each district maintaining such schools that are under the jurisdiction of the county superintendent and in junior colleges in districts, under the jurisdiction of the county superintendent that have governing boards and administrative staffs that are separate from and in addition to the governing board and administrative staff of any district for which a computation is being made under subsections (a) and (b) of this section.

"(c) He shall determine the (ADA) in junior colleges in districts, under the jurisdiction of the county superintendent that have governing boards and administrative staffs that are separate from and in addition to the governing board and administrative staff of any district for which a computation is being made under subsections (a) and (b) of this section.

"(d) He shall compute a base staffing pattern for co-ordination of courses of study by assigning equivalent full-time co-ordination positions for each total computed in subsection (a) of this section in accordance with the following schedule

Total elementary (ADA) in all districts under or over 900 ADA in high school or unified district area	Equivalent full-time co-ordinators
0- 900	0 05
901- 3,000	0 40
3,001- 6,000	0 50
6,001-12,000	0 60
12,001-24,000	0 70
24,000 and over	0 75

HOW IT WORKS

reflecting median elementary teacher salaries, a differential between teaching and administrative salaries and an allowance for ancillary expense related to that position.

Institutes, Section 1533. As a contribution towards the expense of teacher and employee institutes sponsored by the county superintendent, Section 1533 establishes a system for computing the degree of state support. The Superintendent of Public Instruction will allow a sum equal to the previous year's actual expenditure for institutes, but not more than an arbitrarily designated amount based upon the total ADA in the county and not less than $200.

Co-ordination, Section 1534. As noted above, co-ordination represents the major single item in the total of state allowances to the individual counties for "other purposes." Counties whose superintendent's total jurisdiction is within one district (for example, San Francisco or Sierra Counties) receive no allowance for co-ordination. The formula requires the establishment of a base staffing pattern based upon district ADA (except elementary ADA not in any high school district) and upon equivalent full-time co-ordinators, and the expansion of this pattern to accomodate sparsity and travel time (by multiplying the one-way distance from the county office to each high school district and unified district times .000833). This figure obtained is to be further converted by multiplying it by 1.90 to provide for co-ordination "other than co-ordination of courses of study," that is for still more co-ordination. The product thus obtained by this procedure is to be called the complete staffing pattern for co-ordination of the education program. In the same way that formulae for allowances for supervision of instruction, for health services or pupil personnel services were further converted by computations involving median salaries and salary differentials, so too is the complete staffing pattern for co-ordination converted to dollar allowances.

"(e) He shall compute a basic staffing pattern for co-ordination of courses of study by assigning equivalent full-time co-ordination positions for each district whose (ADA) was determined in subsection (b) of this section with the following schedule

Total High School ADA in each district in the county	Equivalent full-time co-ordinators
0– 301	0 05
301– 3 000	0 40
3,001– 6,000	0 50
6 001–12 000	0 60
12,001–24 000	0 70
24,000 and over	0 75

"(f) He shall compute a basic staffing pattern for co-ordination of courses of study by assigning full-time equivalent co-ordination positions for each district whose (ADA) was determined in subsection (c) in accordance with the schedule in subsection (e)

"(g) He shall add to the sum of the equivalent full-time co-ordination positions computed in subsections (d), (e), and (f) an additional number, computed to the nearest one-thousandth, to compensate for sparsity and time required to travel, determined by multiplying the sum of the one-way distance from the office of the county superintendent to the office of each high school and unified district in the county by 000333

"(h) He shall multiply the sum obtained in subsection (g) by 1 60 to provide for co-ordination other than co-ordination of courses of study This product, computed to the nearest one-thousandth shall be called the complete staffing pattern for co-ordination of the education program

"(i) He shall multiply the number of the equivalent full-time co-ordination positions in a county by the product of the median elementary teachers' salary in the county, or the median elementary teachers' salary in the State, for the preceding fiscal year, whichever is greater, increased by 7 8 per cent, and 1 40 He shall allow the amount computed for co-ordination of the education program."

1535 "In addition to the amount allowed in subsection (f) of Section 1513, (he) shall compute an allowance for the purpose of providing an administrative staff for directing other county school service fund personnel The amount allowed shall be the difference between the amount computed under subsection (e) of Section 1513 and the amount allowed under subsection (f) of Section 1513 "

1536 "The Superintendent of Public Instruction shall allow to a county for (1) superintendents' travel, (2) printing description of district boundaries, (3) retirement fund contributions, (4) insurance, (5) audit of county school funds, and (6) internal budgeting and accounting, an amount equal to 4 percent of the total allowances made under Articles 7 and 9 (outlining formulae for direct services and 'other purposes') "

1537 "If the total of allowances requested or computed for all counties is greater than the total that may be allowed (under Section 17303 and 17303 5 of the Education Code), the amounts requested or computed for each county shall be reduced proportionately The amount allowed under Section 1631 as the State's contribution toward payment of the annual salary of the county superintendent of schools shall be reduced by the same percentage as the reduction in the amount allowed for the county school service fund

Administration of Other County School Service Fund Personnel, Section 1535 Here the superintendent may be allowed the balance of the money computed under Section 1513, wherein a formula was elaborated to provide allowances for personnel to direct the supervisors and co-ordinators Section 1513, after developing the total amount that could be allowed, prescribed that only a portion attributable to direct services could be thus allowed for direct services, the balance of that amount may be allowed as reimbursement to the county offices for "other purposes "

Other Special Services and Internal Budgeting and Accounting, Section 1536 A county may receive an amount equal to 4 percent of the total allowances developed in the Administrative Code for direct services and "other purposes," for the purpose of paying for (1) superintendents' travel, (2) the printing of descriptions of the district's boundaries, (3) retirement fund contributions, (4) insurance, (5) the audit of county school funds, and (6) internal budgeting and accounting, in short, at least token state support for almost any area of county superintendent activity

Should total computed allowances exceed the total amount available in the State School Fund for "other purposes" a deficit factor must be applied, except that the deficit factor is not applied to the State's part of the payment for county superintendents' salaries (Section 1537)

COUNTY SCHOOL SERVICE FUND—Continued

ADMINISTRATIVE CODE REFERENCE AND CITATION	HOW IT WORKS
A-1-b—Allowances—Continued COUNTY SCHOOL SERVICE FUND, "OTHER PURPOSES"—Continued tendent of schools shall be excluded from the allowances requested or computed and from the total that may be allowed prior to the proration of deficit required under this section " 1538 "If the Superintendent of Public Instruction finds that any data estimated or otherwise used in computing allowances for a *prior* fiscal year (emphasis added) under the several sections of Articles 7 and 9 (outlining formulae for allowances for direct services and 'other purposes') differ from the actual data, he shall recompute such allowances and adjust the apportionment to the county school service fund under the provisions of Section 17414 of the Education Code " 1471 "For the purpose of granting allowances to meet emergency conditions, an emergency is defined as an extraordinary condition not of a continuing or permanent nature that cannot be met with the available funds of a school district, or from funds to be apportioned to the school district from the State School Fund during the then *current* fiscal year, or from other available funds " 1472 "The direct operation of education programs which may be financed in part by allowances from the county school service fund are limited to the following "(a) Emergency elementary schools for normal pupils, as authorized by subdivision (a) of Section 9001 of the Education Code "(b) Emergency elementary schools for physically handicapped minors in regular day classes remedial classes or in special day classes, as authorized by subdivision (a) of Section 8901 of the Education Code "(c) Special classes for the physically handicapped of secondary level as authorized by subdivision (c) of Section 8903 "(d) Individual instruction for the physically handicapped at the elementary or the secondary level, either in the home or in institutions, as authorized by subdivision (d) of Section 8903 1473 "The proposed expenditures by county superintendents for purposes enumerated in Section 1472 shall be submitted on the annual budget forms as prescribed by the Superintendent of Public Instruction Such expenditures as are properly justified will be approved as part of the county school service fund budget Allowances of service funds to the counties when expenditures exceed the regular state allowances and other available funds, will be made only on a reimbursement basis following actual expenditure Claims for reimbursement shall be presented on forms prescribed by the Superintendent of Public Instruction "	Section 1538 states that any recomputation of allowances or adjustment of apportionments to the various county school service funds shall be made under Section 17414 of the Education Code, which authorizes the Superintendent of Public Instruction to add or allow adjustments to any portion of the state school Fund except that part reserved for basic aid The practice of the Department of Education has been to add this to or deduct this from the amounts available for equalization aid rather than from the amounts available to the county school service fund The allowances discussed in Sections 1471 to 1475 (allowances for emergency purposes) refer to expenditure of funds from the state School Fund withheld under Section 14952(a) of the Education Code This section permits the Superintendent of Public Instruction to withhold from the total actual allowances to the various county superintendents up to $200,000 from the total amount available for "other purposes" "for expenses incurred in providing emergency education and making financial grants to school districts " Section 14952.2 of the Education Code permits the Superintendent of Public Instruction to "also withhold such amounts as he determines needed to reimburse county superintendents for expenses incurred in providing emergency education and making emergency financial grants to school districts pursuant to Section 6943.1 " Sections 1471 and 1472 of Title V of the Administrative Code outline the definition of "emergency" employed by the Department of Education and the education programs the direct operation of which may be financed by county school service fund money These education programs include classes for physically handicapped children in regular day classes remedial classes and instruction at home as well as classes for normal children under emergency conditions (as for example for children of migratory workers engaged in seasonal industries)

1474 "Financial aid may be granted to school districts, other than by direct operation of education programs, as follows

"(a) Employment of teachers for assignment to school districts for the instruction of normal pupils, as authorized by subdivision (b) of Section 9001 of the Education Code or for the instruction of physically handicapped minors as authorized by subdivision (b) of Section 8903

"(b) Payment of transportation costs for normal pupils attending elementary schools as authorized by subdivision (c) of Section 9001

"(c) Payment under contract with another county superintendent or with the governing board of any school district for providing education to physically handicapped minors, as authorized by subdivision (f) of Section 8903

"(d) Apportionment to districts for current expense, as authorized by subdivision (a) of Section 20105

"(e) Apportionment to districts for transportation of pupils to and from school to meet temporary emergency conditions, as authorized by subdivision (b) of Section 20105

"(f) Tuition to high school districts for the education of pupils residing on military reservations, as authorized in Sections 5658-5660

"(g) Apportionment to districts with resident cerebral palsied minors who attend special schools or classes in other districts if such districts of residence are financially unable to pay the tuition charges of the districts of attendance as authorized in Section 6515

"(h) Payment for transportation costs for physically handicapped minors attending special day classes, as defined by subdivision (b) of Section 18060 "

1475 "Proposed expenditures and apportionments for the purposes set forth in Section 1474 (above) shall be submitted on the annual budget forms as prescribed by the Superintendent of Public Instruction Prior to an actual expenditure or apportionment a budget revision shall be presented for consideration by the Superintendent of Public Instruction "

Section 1474 outlines emergency financial assistance to school districts for expenses other than the operation of education programs, that is, for the employment of necessary teachers in emergency schools and classes, and the payment of transportation and other ancillary expenses connected with emergency education Section 1475 requires the county offices to submit, prior to an actual expenditure or apportionment for emergency purposes, a budget revision to the Superintendent of Public Instruction, accompanied by a detailed exposition of the need for the proposed expenditure Allowances by the Superintendent of Public Instruction for these emergency purposes are made on the basis of the actual needs, in the event more money has been withheld for emergency purposes from the "other purposes" computation in the State School Fund than actual claims required, the unused money so withheld is to be added to the funds available for redistribution in the final apportionment of the State School Fund

CONCLUSIONS AND RECOMMENDATIONS

1. CONCLUSIONS

The amount of equalization aid is dependent upon the county school service fund amount allowed for direct services under the current school formula

The elements of the formula for support of direct services reappear as part of the total formula for support of equalization aid in Section 17303.5(e) of the Education Code, depending upon the number of small school ADA in any year, the total amount available for equalization aid may actually be reduced or increased because of this formula. Under Section 17303(e) and 17303 5(e) of the Education Code, computations for county school service fund apportionments are made before those for basic and equalization aid That is, before computations are made for basic and equalization aid from the State School Fund, first are computed the amounts available for the county school service fund direct services on the basis of the small school enrollment times $21 50. After these figures are derived, the amount per ADA specified in the apportionment formula for basic and equalization aid (currently $173 78 per ADA) is computed To this is then added the difference between (1) an amount representing total state ADA times the $1.60 and (2) an amount representing the small school enrollment times $21 50. Because of the wording of Section 17303 5(e), the difference between these two ($1 60 and $21 50) will be a minus figure if the amount for direct services is the larger and in the years when this is true, apportionments for direct services are met at the expense of funds which otherwise would be made available for equalization aid The Education Code should be amended in order that computations for direct services cannot be met at the expense of funds which otherwise would have been made available for state equalization aid It is significant that the equalization fund was decreased in 1957-58, 1959-60 and 1960-61; and, that after the year 1958-59 when there was a shift from direct services to equalization aid, that the Department of Education was successful in getting the direct services figure increased by legislation from $17.78 to $21 50 per small school ADA which threw equalization aid back to a minus difference for the following year

The computations for the support of direct services should be made only upon the basis of the small school ADA actually serviced by direct services Formula equations using the figure $1 60 times total state ADA in Section 17303 5(e) do not reflect accurately the need for direct services, the actual support for which is computed on the basis of a unit rate multiplied only by the small school ADA

In order to derive the funds necessary for support of direct services, the computation should be made entirely separately from that for support of equalization aid by multiplying the small school ADA by $21 50 and then dividing that product by the total state ADA For example, the small school ADA estimated to be used in the 1961-62 State School

Fund is 250,000, while the total state ADA figure to be used is estimated at 3,549,300. Support for direct services could be provided on the basis of

$21 50 × 250,000 = $5,375,000 (the amount necessary by formula) divided by 3,549,300 = $1 51 As a result of thus deriving support for direct services of the county school service fund Section 17303 5(e) could then be amended to remove the provision for the addition to the product of total state ADA times $8 78 any reference to the difference between total state ADA times $1 60 and small school ADA times $21 50 In terms of the total of the formula figures contained in Sections 17303 and 17303 5, the present total of $201 36 would be adjusted to $201 27 As small school ADA fluctuates from year to year, the amount to be placed in the State School Fund would automatically be regulated, this would have the effect of separating computations for equalization aid from computations for direct services, and would permit the State School Fund to be established without internal adjustments made at the expense of any one element to meet the allowances for any other element

Recommendation

It is recommended that computations of the elements of distribution of the State School Fund be made independently of each other by reckoning funds for support of equalization aid without reference to the difference between total state ADA times a dollar figure and small school ADA times $21 50

It is also recommended that the computation for direct services should continue to be based upon number served rather than total state ADA.

2. CONCLUSIONS

In the past few years the total small school ADA has been decreasing Since the state contribution to support of direct services is based upon the second preceding year's ADA, actual allowances for direct services reflect a two-year lag rather than the one-year lag which prevails for all other State School Fund computations Therefore, the support of direct services is maintained at an artifically high level, with funds made available in any year on the basis of one ADA total and expended for a different number of ADA

Both the Education Code, Section 17303 5(a), and the Title V Administrative Code, Section 1510, et seq , refer to ADA calculations for direct services purposes for the second preceding fiscal year (or in the language of Section 1510 of the Administrative Code, "the most recently completed fiscal year") We understand that such a delay, different from other computations of State School Fund allowances which are based upon the ADA of the next preceding fiscal year have been explained as necessary because of the time lag occasioned by working the formula allowances contained in the Administrative Code If this is so, it may be said that the regulations of the Department of Education as embodied in the Administrative Code have had the effect of dictating the content of the Education Code enacted by the Legislature If the present formulae are complicated enough that it takes the equivalent of an additional year to apply them to actual small

school ADA for purposes of allowances for direct services, then the formulae should be amended Moreover, the lag accentuates, in a persistent trend of decreasing small school ADA, the distribution of funds in excess of current needs as measured by changes in small school ADA services

Recommendation

It is recommended that the ADA figures used for establishing the sum to be available within the State School Fund for direct services purposes be the ADA of the next preceding year rather than the second preceding year to conform with other apportionment computations

It is also recommended that since the ADA of districts served with direct services is noticeably decreasing each year as a result of district unification and enrollment growth, particular attention be given to this ADA estimate when the apportionment bill is considered before the Legislature

3. CONCLUSIONS

It appears that Title V formulae relating to county school service fund requirements are not based on actual needs for direct services and "other purposes"

In recent years, the Department of Education had not in effect required a comparison between formula totals and the amounts actually needed for performance of direct services and "other purposes"; rather, the comparison has been the between formulae and proposed expenditures There had ceased to be an effective review of a county's actual expenditures for the previous year, and the comparison of a formula total and projected expenditure was meaningless.

In the past an emphasis had been placed on general formulae, i e, Section 18351(1) which states·

> "Establish and prescribe formulae for the sole purpose of guidance in determining the amount that may be allowed each county superintendent of schools"

. . rather than an emphasis being placed, as it should, on 18352(a) which states

> "(a) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for supervision of instruction and health, attendance, and guidance services pursuant to Sections 8601 and 8753, inclusive, for pupils in elementary school districts which during the next preceding fiscal year had less than 901 units of average daily attendance, in high school districts which, during the preceding year had less than 301 units of average daily attendance, and in unified school districts which during the next preceding fiscal year had less than 1,501 units of average daily attendance shall not exceed the sum provided by law for such purpose or the *amounts shown necessary* by such budgets, for such purpose, whichever is the lesser" (Emphasis added)

As a result of S R 152 in the 1961 General Session, the Superintendent of Public Instruction was requested to use every power which he possessed to insure that expenditures from the county school service

fund remain at the level shown on the budgets on April 1, 1961, and to withhold 1961-62 apportionments to recover the surpluses Determination of the amounts to be recovered, subject to adjustment for certain trust funds and dedicated funds, is in process by the Department of Education in co-operation with the Department of Finance. However, it is the fifth part of this resolution regarding "true expenditure requirements" with which this report is directly concerned, viz,

"(5) The Department of Education is instructed to establish rules and regulations which will provide for the making of budgets which accurately represent the true expenditure requirements of each authorized category of expense of the county superintendents, related to actual and estimated expenditures for such categories in the prior and current years Such regulations should bring into full play the determination of necessity for each category of expenditure and be administered so as to reflect the approval of necessary expenditures only"

The language of the resolution which instructs the Department of Education to determine the "true expenditure requirements" of the county superintendents places emphasis on the need for determining actual and specific requirements rather than overall general requirements as are attempted by the formula in Title V. The generalities and assumptions employed in the involved computations of the formulae are evident from the citations and "how it works" sections above and from the following example

This example represents the figures developed by the application of the provisions of Section 1510 of Title V, the formula for supervision of instruction (direct services), to Alameda County in 1960-61:

(1) The ADA of the small elementary districts and of elementary ADA in small unified districts was established into four groups (Section 1510(a)):

Group I	*Group II*	*Group III*	*Group IV*
1-100 ADA	*101-250 ADA*	*251-500 ADA*	*501-900 ADA*
			501-1,500 ADA
266	381	1,041	592

(2) Then the ADA in each group was divided by the assigned divisor (Section 1510(b)):

Group I	*Group II*	*Group III*	*Group IV*
-- 600	*— 1,000*	*— 2,100*	*— 2,640*
.443	381	.496	224

The sum of these quotients, known as the "basic staffing pattern," was 1 544.

(3) The third step, the increasing of the basic staffing pattern to the "complete staffing pattern" by compensating for travel time and sparsity of attendance centers, raised the figure of 1 544 to 1 771 That is, the product of 000833 and the sum of one-way distance from the county office to each of the eligible schools was 227; this sparsity factor, computed for the county by the Department of Education on the basis of the county's reported mileage, is added to the basic staffing pattern figure of 1 544 (Section 1510(a))

(4) In order to convert the complete staffing pattern into a dollar amount for determining the formula allowance, the next step saw the median elementary teacher salary for Alameda County at that time $6,086, multiplied by 1 62 and that product multiplied by 1.43 In the instance of Alameda County, its median elementary teacher salary was higher than the statewide elementary teacher salary; therefore, as the greater figure, it was used The salary figure is multiplied by 1.62 to accommodate the determined differential between a supervisor's median salary and an elementary teacher's, and that product multiplied by 1 43 to accommodate the ancillary expenses assigned by the Department of Education to that function The product of $6,086 × 1 62 × 1 43 was $14,098 The total allowance for supervision of instruction for Alameda County was completed by multiplying the complete staffing pattern (1 771) times $14,098, the product of which was $24,969 This last figure then is intended to represent the formula amount due Alameda County for the supervision of instruction, representing salary plus ancillary expenses for 1,771 person (Section 1510(d)) Inasmuch as the lesser of formula or proposed county expenditures for direct services was, for Alameda County, the formula amount (a total of $57,318) this was the total direct services allowance made, with provision for the application that year of a deficit factor

Recommendation

It is recommended that the formulae in Title V of the Administrative Code be revised to reflect a basis of need

4. CONCLUSIONS

"Co-ordination," for which over 60 percent of the 1960-61 "other purposes" distribution was intended, has never been clearly defined

The formula by which allowances for co-ordination are made, based upon staffing patterns and a sparsity factor, is difficult to justify without a clear understanding of which services really are provided by co-ordination With the trend toward unification and increasingly more consultant services being made available by the state department, the need for the current level of state support to the county offices for consultive services should be re-examined

Recommendation

It is recommended that the Department of Education define the scope of "co-ordination" so that a fiscal evaluation may be derived

5. CONCLUSIONS

Section 1516 of Title V of the Administrative Code outlines a method for computing allowances to county superintendents in the event of the unification of districts including at least one small school district which had been receiving direct services

There appears to be no authorization in the Education Code for such allowances, and therefore the question arises whether the county school service fund is a suitable vehicle Section 1516 would appear to permit, with the approval of the county board of education, that money received by a county superintendent could be allowed to the unified dis-

trict concerned If this were so, then allowances computed under Section 1516 would not even go to a county office at all, but to a school district If the funds allowed under this section did not go to a school district, but did remain with the county superintendent, it would appear that the allowance represents a "consolation" payment for services no longer rendered by that office Either way the appropriateness of an allowance to a county school fund's direct services based upon the removal of a small school district from those served by the county superintendent seems questionable Although this section of the code has not yet been applied, such a method of computing an allowance for services no longer performed might have the effect of freezing segments of small school ADA that appear otherwise to be diminishing and the section should be eliminated

Recommendation

It is recommended that these additional funds resulting from unification not be allowed to accrue to the county superintendents of schools or to the unified districts

6. CONCLUSIONS

The former relationship between the state share and the county share of county superintendents' salaries was changed during the 1961 legislative session so that the State must pay the full amount of the increase from a prescribed base

S B 1095 (Chapter 2191), passed by the 1961 Legislature, provided a pay increase for the county superintendents of schools whose salaries are fixed by the Education Code On the basis of a 12-month year, the salary increase would have been approximately 18 percent; however, the bill did not go into effect until mid-September and, therefore, the 1961-62 salaries will not be raised the full 18 percent

For the purposes of paying the county superintendent's salaries, the State's counties are grouped into eight classes by size, and for each class of county there is an "adjustment factor" based on this size This adjustment factor is to be applied to the statewide average of teachers' salaries, at whatever level it is adjudged to be (currently for purposes of this bill, $6,622) The product of the average salary figure times the adjustment factor will be the county superintendent's salary

Both the State and the individual counties contribute toward the total of the superintendents' salaries, but the largest share falls to the State, ranging from over 60 percent for the wealthier counties to nearly 80 percent for the poorer ones S B 1095 amended the method of joint participation by fixing the county contribution and specifying that "any increase or decrease in a salary shall result in an equal increase or decrease in the amount which the State is required to pay toward the total salary of a county superintendent of schools " Therefore, as the statewide average teacher salary is adjusted upward, the State's share of the county superintendents' salaries will go up without an additional effort by the counties Below is outlined the new salaries by class of county, on the basis of a 12-month application of S B 1095, together with the increases

Class	New salary	State share	County share	Old salary	State share	County share	Increase
1	$23,581	$16,581	$7,000	$19,950	$12,950	$7,000	$3,631
2	20,475	14,475	6,000	17,325	11,325	6,000	3,170
3	17,992	12,992	5,000	15,225	10,225	5,000	2,767
4	14,803	10,803	4,000	12,600	8,600	4,000	2,293
5	11,787	8,787	3,000	9,975	6,975	3,000	1,812
6	9,926	7,926	2,000	8,400	6,400	2,000	1,526
7	7,443	6,443	1,000	6,300	5,300	1,000	1,143
8	4,967	3,967	1,000	4,200	3,200	1,000	767

We understand that for 1961-62 the total expenditure from State *and* county sources for county superintendents' salaries is estimated at over $799,000 On the basis of S B 1095, the state share of this figure in 1961-62 will be $556,909, prorated over the period from mid-September to next June 30 For a 12-month period, the state expenditure would have been approximately $582,000 The increase in cost due to passage of SB 1095, on a 12-month basis, would have been approximately $119,975

Recommendation

It is recommended that the salaries of county superintendents represent a better proportionate relationship between state and county resources, and that increases in salary levels represent increased efforts by both participants, not just by the State.

7. CONCLUSIONS

The county school service fund receives for support of emergency, special training and juvenile hall schools, the full foundation program designated for school districts as their allowance for the ADA in these schools (In the case of the emergency schools, the allowance may not exceed the actual cost of the program)

The full foundation allowance is indirectly classified as basic aid under Education Code Section 8956 for these programs No local tax effort is required to support these schools Thus the State supports the minimum acceptable program at 100 percent

Recommendation

It is recommended that district aid be set at 50 percent of the foundation program for emergency, special training and juvenile hall schools In such calculations the basic aid should be set at $125 per ADA, or the $2,400 minimum whichever applies and any excess should be designated as equalization aid This recommendation would use the same formula for calculating state support as in any school district, except that instead of a computational tax rate and assessed valuation to determine district aid, this district aid be set at 50 percent

8. CONCLUSIONS

It appears that there is a need for direct services of the county superintendents to those very small schools which are unable to support the supervision of instruction, health, and guidance services and for the "other purpose" support for these small schools The demonstrated need for county "other purpose" support of the larger schools has not been made apparent

The purpose of "co-ordination" which is 60 percent of the other purpose expenditures, is defined as applying "among the districts" according to Section 8503 of the Education Code However, it appears that essentially the same work can be, and in some cases is being, performed by the county under the name of "co-ordination" *within* large districts as is also being performed *between* small districts For example, in Sacramento County between 1960-61 and 1961-62 five county office positions were transferred in whole, or in part, from supervision of instruction, health and pupil personnel to "co-ordination" with little or no change in the functions This permitted an additional $37,000 to be budgeted for "co-ordination" in 1961-62 with a corresponding decrease in direct services.

Further, there is evidence that consultants can be supplied in some cases on a time basis to large unified districts and either directly accounted for as a position in the county superintendent's budget, as is the case in Sacramento County, or as a school district employee reimbursed from the county superintendent's budget, as is the case in San Joaquin County.

Recommendation

It is recommended that the Legislature consider the elimination of state support for all county school service fund functions except those for small schools This does not imply that services will not be available to the large districts but does mean that they may be performed only on a fully reimbursable basis if the districts want the service This would prevent the duplication of state support for these services at both the district and the county level Also, this would release considerable additional equalization aid for the districts with low assessed valuation.

APPENDIX I

FACTORS ADOPTED BY THE DEPARTMENT OF EDUCATION IN THE DEVELOPMENT OF THE FORMULAE USED IN TITLE V OF THE CALIFORNIA ADMINISTRATIVE CODE FOR DETERMINING COUNTY SCHOOL SERVICE FUND ALLOWANCES

The explanations of the formulae employed by the Department of Education follow with our analyses inserted after each section and are headed *Analysis.*

I. SALARIES

Studies by the staff of the Department of Education, assisted by the staff of the State Personnel Board, led to the conclusion that for salary-setting purposes the salaries of representatives of the county superintendents of schools could properly be related to salaries paid by school districts to their supervisors, and that such salaries in turn could be related to salaries paid by districts for elementary teachers. These latter are reported annually in a report of the Bureau of Education Research entitled "Salaries of Certificated Employees in California Public Schools."

1. *Supervision of Instruction (Section 1510, Title V)*

"The statewide median salaries paid by certain selected districts to their supervisors in 1954-55 was found by a Personnel Board survey to be $7,252. The state average of the county averages of the district elementary teachers median salaries for 1954-55 was determined to be $4,477 On January 4, 1956, it was concluded that salary allowances for county supervisors of instruction would be the county's median elementary teacher's salary increased by 62 percent, but not less than the statewide average similarly increased. The percentage is that necessary to raise $4,477 to $7,252 "

Analysis:

a. Why were "certain selected districts" reviewed rather than the entire statewide practice? The use of selected figures can have the effect of producing a result either higher or lower than the average statewide performance.

b. Why were the comparisons made between salaries paid to school district supervisors and elementary teachers? The county offices have employed supervisors too, but in the past seven years between 1954-55 and 1960-61 the median salaries of the county-employed and district-employed supervisors have remained well over $1,000 apart (in favor of the district-employed personnel) in all but one year Whereas there was indeed a differential of 62 percent between the median salary of an elementary teacher and a district-employed supervisor, the differential between the elementary teacher and a county-em-

ployed supervisor was 40 3 percent for the same 1954-55 base year If these formulae had been kept up to date, which they have not, the faster rate of salary growth for the higher-paid nonteaching administrators would have seen a 1960-61 differential of 74 5 percent between elementary teachers and district-employed supervisors and a figure of 47 2 percent between the same teachers and county-employed supervisors.

c The device of setting a salary for a supervisor of instruction (or any other supervisor class) on the basis of *average* teacher salaries, which by definition equates differences above and below the average, and then establishing this teaching salary as a *floor* and adding a differential of 62 percent has the effect of magnifying the difference between supervisory salaries and teachers' salaries in many cases In practice, in each county the supervisory salary will be the county's average teacher's salary plus the differential, *but not less than* the statewide average teacher's salary plus the differential Therefore, a county with lower-than-statewide average teacher salaries receives a supervisory salary of more than 62 percent (in the case of supervision of instruction) above that county's average teacher salary. This in turn tends to create pressure to raise the statewide average teacher salary because of pressure in these lower salaried counties to re-establish the prescribed ratio between teachers and supervisors by raising the low teacher salaries Raising the teacher salaries in these counties will increase the statewide average, and the supervisory salary will tend to go up again, resulting in a "bootstrap" effect

d What use actually was made of the survey performed by the State Personnel Board? According to the figures developed in the Personnel Board's salary plan, a 12-month salary for a consultant in instructional services (understood to be identical with a supervisor of instruction, being in fact the same person) was $7,116 per year which apparently was sufficiently close to the $7,252 figure determined by the Department of Education to serve as the median salary for supervisors of instruction. Also, the State Personnel Board study had only minor reference to teachers' salaries That study equated the supervisory salaries with principals' salaries on a districtwide basis All the salaries referred to by the Department of Education were taken from the "Salaries of Certificated Employees" report issued by the Bureau of Educational Research We do not suggest that the relationship between supervisors' salaries and teachers' salaries used in the Personnel Board report should have been used (as they were sketchy in this area since the report was not directed toward that particular comparison), however, had they been used, the factor applied would have been 1 52 rather than 1 62

2. *Health Services (Section 1511, Title V)*

"A study of the county budgets for 1956-57 disclosed that the predominant classification used for personnel was nurse, and that the average full-time salary then proposed to be paid was $5,012 The median salary paid school district nurses in 1955-56 had been $4,951 During June 1956 it was determined that salary allowances for health

services personnel would be the county's median elementary teacher's salary increased by 6 percent, but not less than the statewide median similarly increased Using the statewide median for 1955-56, this meant a minimum salary allowance of $4,913 ''

Analysis:

a Of what relevance is the proposed average full-time salary ($5,012) for nurses in the counties? A more meaningful comparison is made between actual expenditures for selected classifications in any one year

b. Why, again, have the comparisons been made between school district nurses and district elementary teachers? As in the instance of supervisors of instruction, the employees to be affected by these formulae would be county employees Therefore, if salaries are to be compared, they should be between teachers and the appropriate agency's employees, in this case the county-employed nurses Actually in this instance county nurses have been paid slightly higher than district nurses in most years so that the formula does not profit by the statistical method used as in the case of the supervisors in No 1 above

c What is the significance of the shift in language between this paragraph and the preceding one? Under supervision of instruction, the comparison is to be between "the county's median elementary teacher's salary increased by 62 percent, but not less than the statewide *average* (emphasis added) similarly increased '' With regard to health services, there has been a change of wording to "the county's median elementary teacher's salary increased by 6 percent, but not less than the statewide *median* (emphasis added) similarly increased ''

3. *Pupil Personnel Services (Section 1512, Title V)*

"A study of the county budgets for 1956-57 disclosed that the predominant classification used for personnel was psychologist, and that the average full-time salary then proposed to be paid was $6,857 On June 6, 1956, a decision was reached that salary allowances for personnel in this county service would be the county's median elementary teacher's salary increased by 45 percent, but not less than the statewide median similarly increased Using the statewide median for 1955-56, this meant a minimum salary allowance of $6,721.''

Analysis:

a Again, of what relevance is the proposed average full-time salary to be paid to psychologists?

b What is the relation between the proposed salary figure of $6,857 and the allowance figure of $6,721? If the 1955-56 median salary for all elementary teachers is increased by 45 percent, the product is $6,721 The median salary paid by the counties to their psychologists in 1955-56 was $6,367, a difference of $354 less In this instance the median salary paid to district-employed psychologists was less than the county figure, $6,067 or $654 less than the

allowance figure. Had the formulae been established with some consistency (for the moment without regard to whether it is more accurate to compare teachers with district or county employees), the differential on the basis of a comparison of district employees would have been 30 1 percent, for a comparison of teachers and county employees, no more than 37 4 percent In neither instance would a comparison similar to that employed in supervision of instruction have yielded a differential of 45 percent.

4. Co-ordination (Section 1534, Title V)

"On December 19, 1956, it was concluded that salary allowances for personnel in this county service would be 10 percent greater than that for supervisors of instruction Accordingly, the factor of 1 62 plus .16 became 1 78."

Analysis:

a A review of 1955-56 median salaries indicates that county-level co-ordinators received approximately 10 percent higher salaries than county-level supervisors. In the school districts that year and in subsequent years the co-ordinators have received lower median salaries than the supervisors in the districts Therefore it appears odd that the county-level experience was selected as the deciding factor for this formula, rather than the district salary comparisons which were used in the development of other formulae

b. Salaries of supervisors of instruction appear to have been pegged on the basis of reported medians for elementary teachers and district-employed supervisors, whose salaries were higher than county-employed supervisors In this case the focus has been shifted to the difference between county-level employees In other words, the formula for supervision of instruction may be presumed to have pulled the salaries for county-level supervisors up to the level of the districts, and then these salaries would be increased by another 10 percent to equal county co-ordinator levels However, in practice, the differential between elementary teachers and county-level co-ordinators is less than the 78 percent appearing in the formula, because of the lower county supervisor salaries This formula appears to have used the most favorable salary figures in order to arrive at a desired level for the county offices

c What criteria were employed in determining that county co-ordinators should receive 10 percent more than supervisors, or 78 percent more than elementary teachers (for it is here that the formula derives substance)? A review of the differentials between the median elementary teacher salary and the median county-level co-ordinator for the years between 1954-55 and 1960-61 indicates that the differentials have averaged approximately 60 percent rather than the combination of 62 percent and 10 percent.

d Under these circumstances, if the difference between elementary teacher salaries and county-level co-ordinators' salaries has remained consistently less than the differential provided in the formula, what is being done with the funds calculated and allowed for co-ordination?

5. Administration (Section 1513, Title V)

"On the same day, similar action was taken to establish the allowance for personnel in administration at 10 percent greater than that for co-ordination Accordingly, the factor of 1.78 plus 18 became 1 96 "

Analysis:

a What factors can be cited to justify increasing the figure for administration by yet another 10 percent over those for co-ordination, already inflated above the salaries for supervision of instruction? It would appear that salaries for administration are consequently pegged to co-ordination salaries, which were already pegged to supervisor of instruction salaries, which in turn were based upon elementary teacher median salaries

II. OTHER EXPENSES

"For a number of years, detailed budgets had been required to obtain allowances, and these had included itemization for clerical salaries, travel, publications, replacement of equipment, other expenses, equipment, and retirement costs. For the year 1954-55, the total amount budgeted by all counties for supervision of instruction provided 76 percent of the money for professional salaries and 24 percent for all other expenses, excluding retirement. Legislation at that time had just increased retirement costs by 3 percent of professional salaries, which would change the relationship close to 73 percent and 27 percent Furthermore, state allowances in a given year would always be based on the teachers' salaries of a prior year. Accordingly, it was agreed that the relationship of salary to expense should be 70 percent to 30 percent. On February 1, 1956, the conclusion was reached, with the allowance for professional salary determined, that the allowance for all expenditures, including salary, could be computed as 100 to 70 or by applying the factor of 1 43 to the salary " (This factor was used in the formulae in Sections 1510, 1511 and 1512)

Analysis:

a How can the shift in the professional salary-to-other-expense ratio from 73-27 to 70-30 be justified? It is recognized that the addition of the requirement for provision of retirement costs occasioned the charging of these retirement costs to other expenses, thus altering the ratio from its original 76-24 to 73-27

b. If the Department of Education based the increase for the percentage of expense from 27 percent to 30 percent on the fact that teachers' salaries used were for the "prior" year, and therefore probably lower, it is not clear how they could support this contention since a proportionately higher salary expense item against the same amount of other expense would have the reverse effect and would decrease the percentage applicable to expense rather than to increase it

"It was the opinion of our staff, after analyzing expenses for other functions, that the same amount of money allowed a supervisor of instruction was also sufficient for other personnel, including health, pupil personnel, and screening and directing teachers This was accepted, and when higher salary allowances for co-ordinators and for

administrators were adopted, it was necessary to reduce the factor of 1 43 To provide the same fixed sum for expenses for a co-ordinator, whose salary was fixed equal to a supervisor plus 10 percent, a factor of 1 3909 is required This was rounded off upward to 1 40 (. . in Section 1534) Similarly, for administrators, whose salaries were fixed equal to co-ordinators plus 10 percent, a factor of 1 3553 is required This was rounded off to 1 36 (in Section 1513) "

Analysis:

a Even if the 1 43 factor was considered to be a reasonable mathematical relationship for applying all "other expenses" to supervisors' salaries, what reasoning would assume that this relationship would remain constant for other salary bases such as the nurse's salary calculated at 1 06 times elementary teachers' salaries?

III. STAFFING PATTERNS

1. *Supervision of Instruction (Section 1510, Title V)*

"This formula was the first one developed by the grouping of districts by size of average daily attendance, which had been used in the 1955 report to the Legislature From various studies and experience, different combinations of teacher-pupil ratios and supervisor-teacher ratios were considered, and on May 1, 1956, the following factors for determining the county staffing pattern were selected

Type of district	*Group*	*District ADA*	*Pupils per teacher*	*Teachers per supervisor*	*Ratio of service* *District*	*County*	*Divisors (Factors for ADA)*
Elementary	I	1-100	20	30	0	100	600
Elementary	II	101-250	25	40	25	75	1,000
Elementary	III	251-500	30	70	57	43	2,100
Elementary	IV	501-900	33	80	62	38	2,640

Analysis:

a What is the basis for the determination of the ratio of service between the district and the county for the districts over 101 ADA? It would appear likely that the smallest districts would be entirely dependent upon the county offices for the supervision of instruction services As for the other, larger districts, what factors were considered in the evaluation of the respective services?

b Do the pupil-teacher and teacher-supervisor ratios represent the average of statewide practice for each type of district? It is noted that the divisors equal that product of the pupil-teacher and teacher-supervisor ratios What is the relationship between these service ratios and the appropriate divisors?

c. Were statewide figures reviewed before each of these ratios were established, or is this another instance of the review of selected cases?

2. *Health Services (Section 1511, Title V)*

"The same grouping of districts by sizes as was used for supervision was adopted for this function A nurse-pupil ratio was adopted as 1 staff member to 1,875 pupils. Consideration was also given to the amount of service which a district provided or should provide for

itself and the requirement for county assistance for each group Following a review of the various proposals, the following factors for determining the county staffing pattern were selected on November 2, 1956:

Type of district	*Group*	*District ADA*	*Ratio of service* *District*	*County*	*Nurse-pupil ratio*	*Divisor (Factor for ADA)*
Elementary	I	1-100	None	100%	1/1,875	1,875
Elementary	II	101-250	10%	90%	1/1,875	2,083
Elementary	III	251-500	25%	75%	1/1,875	2,500
Elementary	IV	501-900	48%	52%	1/1,875	3,600

Analysis:

a On what basis was the 1 to 1,875 nurse-pupil ratio established? Does this represent statewide practice of the employment of county office nurses or district nurses, or both? It would appear that for the purposes of this formula the ratio was established with regard to the services to be performed by the county nurse, although there is no indication as to whether the figure 1,875 pupils represents the service rendered by a single county nurse

b As in the previous staffing pattern, what factors were considered in the establishment of ratios for service between the district and the county for other than the smallest of districts? The county service ratio appears to be equal to the proportion of the nurse-pupil ratio to the divisor, that is, if each divisor is divided by the appropriate service ratio, the quotient appears each time to equal the nurse-pupil ratio of 1,875 Does this mean that the divisor dictated the establishment of the service ratio?

3. *Pupil Personnel Services (Section 1512, Title V)*

"Using the same grouping of districts as for supervision, a ratio of 1/2,000 for county employees in pupil personnel services was selected. The amount of services which a district provided or should provide for itself and the requirement for county assistance for each group was considered Following the review of various proposals, the following factors for determining the county staffing pattern were selected on October 4, 1956:

Type of district	*Group*	*District ADA*	*Ratio of service* *District*	*County*	*Counselor-pupil ratio*	*Divisor (factor for ADA)*
Elementary	I	1-100	None	100%	1/2,000	2,000
Elementary	II	101-250	10%	90%	1/2,000	2,222
Elementary	III	251-500	25%	75%	1/2,000	2,667
Elementary	IV	501-900	40%	60%	1/2,000	3,333

Analysis:

a What factors dictated the establishment of the psychologist as being the "predominant classification" to be used in determining this factor? Was it because this classification was paid the highest salary?

b As questioned in the other staffing patterns, how were the district-county service ratios established? In the same manner that the health service ratios equaled the proportion of the nurse-pupil ratio to the divisor, so in this instance do the ratios and divisors appear related.

4. Screening and Directing Teachers (Section 1532, Title V)

"The authorization for this service was determined to be something less than the variety of placement services which had been conducted in the past. In July 1956, a ratio of two staff members to each 250,000 in average daily attendance was adopted."

Analysis:

a There is no indication whether two staff members per 250,000 ADA represents a real approximation of the need for this activity. Since Section 1532 of Title V limits the staffing pattern to a maximum of two positions, can it be assumed that this function is no longer performed for school districts with respect to those counties in excess of 250,000 ADA?

5. Co-ordination (Section 1534, Title V)

"The development of the formula for this function was spread over a long period, as definition was the beginning problem. Section 1520 of the regulations resulted from this first stage of the work. For the activity of county staff members in conducting educational co-ordination among districts, ratios were developed based upon total average daily attendance as now found in the regulations. In order to finance additional activities, such as course of study preparation, research, statistical reporting, etc., it was determined that the staffing pattern should be increased by 60 percent"

Analysis:

a There is no indication of why the staffing pattern should be increased by 60 percent except in order to provide more money for an activity that has never been well outlined It seems that this area has been developed in order to provide the amount of money deemed desirable by the county offices

6. Administration (Section 1513, Title V)

"The allowances for this function are based upon the total staffing pattern accumulated by the other formulas. It was determined that the county superintendents in small counties could adequately supervise their consultant staff without assistance until their number reached six The progression shown in the regulations expresses the administrative position required for a larger staff"

Analysis:

a. What was the definition of "small counties" used in this formula?

b Is there any comparison between the effective capacities of these county superintendents and either district administrators, or any other category of supervisory personnel?

c On what premises are the numbers of positions to be calculated based?

IV. OTHER SERVICES

1. Institutes (Section 1533, Title V)

"During 1955-56, there were 23 counties holding institutes The expenses were analyzed and a determination made to base allowances on

expenses incurred limited to the amounts per unit of average daily attendance shown in the formula for the various size counties"

Analysis:

a. Would there still be institutes if there were not provision in the formulae for allowances from the State?

b What percent of the actual expenses incurred in 1959-60 by the 33 counties receiving allowances in 1960-61 were met by the funds provided by the formula? Do the maximum amounts per ADA specified in Title V, Section 1533, reflect a half-and-half splitting of the costs of institutes? If not, what is the relationship between state and county contributions? What advantages accrue to this method of computing allowances for this purpose unless it does represent a flat partnership sharing of the costs?

2. *Audiovisual Services (Section 1528, Title V)*

"In the early consideration of this portion of the formula, considerable attention was devoted to the district support provided A variation in district support in counties existed This led to the adoption of regulations which required contributions as follows leading to the reduced ratio of state support to district support of 50/50 now provided in the regulations and as prescribed in Education Code Section 8851·

Year	*State support*	*District support*
1956-57	75%	25%
1957-58	67%	33%
1958-59 to present	50%	50%

Analysis:

a This seems to be predicated on the basis that the State will match the districts dollar for dollar. There is nothing to regulate increasingly higher expenditures

3. *Library Services (Section 1530, Title V)*

"Based upon a study of the expenditure from state funds for the support of library services, maximum allowances are provided as limited in the regulation based upon expenses of the preceding year."

Analysis:

a. What factors were reviewed in the process of establishing the maximum allowances based upon county ADA What dictated the grouping of county ADA into the classes used in the formula?

b. Do the maximum allowances serve to encourage counties to incur expenditures for the purpose of receiving state allowances that they would not incur if the expenses were solely their own?

4. *Other Special Services and Internal Budgeting and Accounting (Section 1536, Title V)*

"The pattern for several years indicated an expenditure for these services, as outlined in Title 5 of the California Administrative Code, Section 1536, of 4 percent of the expenditure from state funds for all other services An allowance has been made on this basis each fiscal year.

Analysis:

a What is the pattern referred to in the paragraph above? Is this the result of a review of all counties' experience, or of selected examples?

b What state funds are referred to here? What is meant by "all other services"? Do these services extend beyond the services of the county school service fund, or are these services those provided by allowances for "other purposes"?

c To what extent is county-level support engaged to meet the expenses outlined in Section 1536? Does the State, in its 4 percent computation, provide a specific proportion of these costs, or all of these costs?

V. SPARSITY FACTOR

"For a number of years prior to 1958, an amount of $500 000 was distributed as an allowance for sparsity It involved the use of a factor called 'weighted teacher units' and an estimate of the cost of incounty travel expense because of the numbers and sparsity of schools served It is applied in the areas of supervision, health, pupil personnel, and co-ordination

"The factor of 000833 has been used since 1958, having been adopted (in Sections 1510 1511, 1512 and 1534) on May 1, 1956 The factor was derived as follows.

$$\frac{2D \times 20}{30 \times 40 \times 40} = \text{equivalent full-time personnel}$$

D = Sum of actual mileages from county office to each school eligible for service

$2D$ = Number of miles traveled in making one round trip to each school served

20 = Number of trips per school year to render service, being estimated at a frequency of every other week

30 = Average miles per hour usually made good in normal automobile driving

40 = Number of hours in typical work week

40 = Number of weeks in typical school year

$$\frac{2D \times 20}{30 \times 40 \times 40} = \frac{40D}{1200 \times 40} = 000833D$$

Analysis:

a What were the reasons for the change from a system of weighted teacher units to a sparsity factor?

b Do county consultants presently average 20 trips per school year to render service, or has this number been affected by the increased services available from the state department together with improved methods of instruction?

c Why has the speed average not been modified in the past few years In 1959 the state speed limit was set at 65 miles per hour, an increase of approximately 18 percent from the previous figure On the basis of increased freeway mileage and the improvements made

in other state highways and secondary roads, it would seem likely that 30 miles per hour represents an outmoded figure A change of the speed figure from 30 to 35 (approximately 18 percent) would yield a sparsity factor of 000714 instead of the sum presently used

d If "D" is the actual mileage from the county office to each school district and "$2D$" is a round trip, then the formula would appear to assume that each trip originates and terminates at the county office with no provision for consolidating stops

THE FOUNDATION PROGRAM

BASIC AND EQUALIZATION AID

CONCLUSIONS AND SUGGESTED SOLUTIONS TO PROBLEMS

Prepared by the Office of the Legislative Analyst,
State of California, December 13, 1961

INTRODUCTION

Allowances for basic and equalization aid (augmented toward the close of the fiscal year by allowances for ADA growth) represent the State's participation in the foundation program concept of state public school support The other components of the State's School Fund, such as allowances to the county school service fund for direct services and "other purposes" or reimbursements for special education and pupil transportation, are outside the foundation program concept. To relate state participation in the support of the minimum acceptable education intended to be provided each school child, it is necessary to study basic and equalization aid allowances

From the table below it may be seen that basic and equalization aid together account for the largest portion of the State School Fund; in 1959-60 approximately 85 8 percent of the total fund went for basic and equalization aid allowances Of this amount, representing slightly over $583 million, nearly three-fourths ($422,339,780) was spent as basic aid, and the remainder ($161,056,963) for equalization During the past few years the proportions noted above have maintained.

Year	*Basic and equalization aid*	*Per-cent*	*Basic aid*	*Per-cent*	*Equalization aid*	*Per-cent*
1960-61	$583,396,743	100%	$422,339,780	72 4%	$161,056,963	27 6%
1959-60	547,370,301	100	396,883,089	72.4	150,987,212	27 6
1958-59	488,152,469	100	371,547.340	76 1	116,605,129	23 9
1957-58	459,222,438	100	345,391,127	75 2	113,831,311	24 8
1956-57	392,041,415	100	305,858,102	78 0	86,183,313	22 0
1955-56	370,916,811	100	285,453,178	77 0	85,463,633	23 0

Relating basic and equalization aid to the total State School Fund shows the following.

		Percent of State School Fund represented by:		
Year	*Total State School Fund*	*(1) Basic aid*	*(2) Equalization aid*	*(3) Total basic and equalization aid*
1960-61	$680,079,727	62 1%	23 7%	85 8%
1959-60	637,949,938	62 1	23 7	85 8
1958-59	574,946,207	64 6	20 3	84 9
1957-58	534,251,328	64 7	21 3	86 0
1956-57	460,995,369	66 3	18 7	85 0
1955-56	429,727,134	66 4	19 9	86 3

The report which follows contains conclusions and suggested solutions to problems in the areas of the foundation program itself, as well as allowances for basic aid and for equalization aid.

I. THE FOUNDATION PROGRAM

CONCLUSIONS

The Foundation Program—What It Is

The foundation program concept of public school finance in California means a partnership between the State and local school districts The program is usually measured in terms of dollars per ADA (see Appendix I for an enumeration of the different foundation program levels currently in use) When a foundation program figure is cited, as an example $234 per elementary ADA, it refers to the combination of state and locally raised money The computation begins with the state basic aid allowance of $125 per unit of ADA Then the individual district's ability to contribute to the costs of education is calculated by applying a uniform computational tax rate for the type of foundation program to the assessed valuation of the school district; this does not mean that a tax at that rate is actually levied, but rather that the product of the application of that rate is considered as the local ability to pay If the sum of the basic aid and the computed local district aid is less than the appropriate foundation program level, the difference is added by means of state equalization aid allowances In many instances a high local assessed valuation will preclude the necessity for equalization aid allowances to meet the foundation program amount The operation of the foundation program concept does not preclude a local tax effort which would raise substantially more than the foundation program in order to finance the particular educational programs they want

A definition of exactly what the foundation program is expected to produce is far more difficult It has been defined as guaranteeing each pupil in the State a "minimum acceptable level of school support." Beyond this sort of qualitative definition no further specification has been established It is largely due to this lack of a suitable definition that attempts to measure the sufficiency either of the statewide educational product or the State's financial contribution have been consistently frustrated In practice a "minimum acceptable level of school support" has come to mean whatever the party or agency seeking to define it has thought it should be Attempts have been made to define and measure it in terms of the numbers of persons engaged in education, but this has not yielded satisfactory results because of the wide variety among the school districts.

Efforts to Measure the Efficacy

Another method has been to compare the foundation program level with reported school district expenditures This can be dangerous The most commonly used yardstick of school district expenditure is the "total current expense of education," an accounting item composed of the costs of administration, instruction (including certificated and classified salaries as well as instructional materials), plant operation and maintenance, pupil transportation and other auxiliary services,

and fixed charges Placed side by side, the foundation program and the total current expense of education for the comparable grade level can make a faulty comparison

To begin with, it is necessary to deduct certain items from the total current expense of education figure in order to establish a comparability of terms Pupil transportation, for example, is contained among the total current expense of education items; but pupil transportation is reimbursed from the State School Fund from a different element than basic and equalization aid (which together with growth allowances provide the foundation program moneys) Special education costs are usually absorbed into the costs of instruction, and certain special education programs incur substantial expense Unless these special education costs are culled out of the total current expense of education, the foundation program figure is bound again to suffer in the comparison, for special education reimbursements are also made from money contained in another element of the State School Fund For some districts some of the expenses of administration could be subjected to the same sort of review on the basis of services rendered by the county superintendents of schools Therefore, it is necessary to be extremely cautious in comparing the total current expense of education per ADA with the appropriate foundation program level.

Another consideration to be borne in mind in this method of evaluating the foundation program is that the total current expense of education figure is an open-end one It is open end in two ways Firstly, because it permits the inclusion of all the programs presently offered, whether they might exceed a "minimum acceptable level of school support" or not, and secondly, because the figure for the district expense can go as high as the district wishes to exert itself When statewide reported expenditures, presented in terms of dollars per ADA, are compared with the foundation program levels, the statewide reported figures include all the instances wherein local districts have expanded their own tax effort to provide their desired programs. By way of illustration it was reported that in 1959-60 the total current expense of education per elementary ADA was $341 31, based upon the statewide performance of over 1,300 elementary districts Included, therefore, were the expenditures of such districts as Big Creek, in Fresno County, with a figure of $1,164 per ADA. Big Creek is an extremely wealthy district in terms of assessed valuation, with $295,716 per ADA as compared to the statewide average assessed valuation per elementary ADA figure of $11,448 In 1959-60 83 elementary districts reported per ADA expenditures of over $400 as their total current expense of education, and 25 of these reported over $500 Before the foundation program and a total current expense of education figure can be compared, allowance must be made for the extent of local effort In those areas where a local effort is great voluntarily, an invalid contrast exists.

A More Meaningful Comparison

A more meaningful comparison might be made between the amount of state basic and equalization aid in a district and that district's total current expense of education In order to accomplish this, it would be

necessary to compare the total of state support of basic and equalization aid with the net total current expense of education (exclusive of pupil transportation expense) and after all federal support moneys (P L 874 and P L 864, for example) and miscellaneous income had been deducted, leaving only state and local tax effort moneys. In a trial analysis of one county it was found that the percent of state support of basic and equalization aid to the net total current expense of education of the equalization aid districts ran to as much as 87 percent In the case of basic aid districts the percent of state aid to the net figure would be considerably lower However, it is significant to know the relationship between state basic and equalization aid and the net total current expense of education for equalization aid districts, for these are the districts which by definition are the most reliant upon the foundation program apportionment We are not aware of any such statewide analysis having been made by the Department of Education. We believe that they should make such a study

Local Effort

Arguments advanced in support of increased foundation program contributions by the State have not, in our opinion, taken into account the capacity for uniform local effort Taking for the moment another method of raising the amounts required for a foundation program without regard to the present system, we might attempt to compute how much state money would be required after a uniform local effort was required Using figures reported for 1959-60 we may multiply the ADA in separate elementary districts (1,591,254) by the foundation program amount of $234 thus obtaining a product of $372,353,436 If we take the entire assessed valuation of all elementary districts ($18,393,478,905) and multiply it by a uniform computational tax rate of $0 90 (which is equal to the maximum rate at present) it products $165,541,310 If this figure is then subtracted from our $372 million figure, we have $206,812,126 as the amount necessary from state sources to provide a full $234 per elementary ADA assuming a 90-cent uniform local tax effort If this $206,812,126 is divided by the elementary ADA we have a unit rate of $129 97 from state sources.

Had a tax rate of $0 60 been applied in this same manner rather than $0 90, the state unit rate would have been $164 65 Against these figures, we could contrast the per ADA figure developed by taking the total of 1959-60 basic and equalization aid allowances to elementary districts, approximately $288,835,477 for elementary ADA, and dividing it by the same number of ADA as used above; this time the quotient was $181 51, considerably higher From this example, it may be concluded that the State is contributing substantially more per unit of ADA under the present system than it would if a more uniform effort on the part of local districts, at or near the modal tax rate, were made Such fuller use of local assessed valuation would reduce the gap currently filled by state equalization aid.

SUGGESTED SOLUTIONS TO PROBLEMS

Necessity for Definition of Foundation Program

For a more accurate appraisal of the efficacy of state support of education, we believe that the foundation program should be given a concrete definition. That is, the foundation program should be expressed in terms of exactly what the State intends to support through its allowances to local districts With such a declaration the adequacy of the State's program may be more accurately reviewed Towards this end we would suggest that the Legislature consider placing the foundation program support on the basis of participation in areas deemed by the Legislature to be vital to an effective educational program, with those other areas not deemed so vital left entirely to the discretion of the individual districts. As a sample of a vital area, we would propose that first priority be given to the numbers of classroom teachers in relation to numbers of students and the salaries of classroom teachers.

At present there is no direction in the foundation program to the effect that a priority exists for the maintenance of classroom teaching staff numbers or salary standards. In fact, it is presently impossible to obtain an accurate census of the total number of persons actually engaged in teaching.

From material currently available from the Department of Education we can give some indicative figures. In 1959-60 there were 116,394 "full-time" teachers in the State (not including part-time or substitute teachers), their median salary that year was $6,123, a figure understood to be somewhat lower than their salary average. If the number of teachers is multiplied by the median salary, a product of $712,680,462 would be obtained which may be said to represent an approximation of the 1959-60 expenditure for classroom teacher salaries. The total expenditure that year for all certificated salaries (including nonteaching administrators) was over $890 million; classroom teachers may be said to have represented approximately 80 percent of that amount. If we were to apply the 80-percent figure to the reported expenditures noted below, we could arrive at some estimate of how much per ADA may be said to have been spent for classroom teachers.

REPORTED PER ADA EXPENSES, 1959-60

	Foundation program level	*Certificated salaries*	*(Classroom teachers, approximately)*	*Noncertificated salaries*	*Other expenses*	*Auxiliary services*		*Total*
Elementary	$234	$227 46	($187 97)	$9 40	$12 48	$6 76	=	$256 10
High school	324	321 41	(257 13)	19 44	27 13	11 71	=	379 69

Some of our assumptions should be noted. It is recognized that the foundation program levels listed here do not apply for all elementary and high school ADA, but they have been chosen to represent the average instances. The costs of instruction as reported do not make allowance for the expenses of special education; and therefore the reported expenditures would probably be somewhat lower, and the comparability with the foundation program somewhat greater, if the deduction had

been made. Further, in addition to salary costs there are included the costs for "other expenses," which means instructional materials such as books, art materials, etc.

How Such Definition Might Be Applied

We have indicated that the Legislature might wish to revise the present method of foundation program support by outlining in connection with public school support exactly what services and items the state support is actually intended to maintain In the most vital area of classroom instruction, allowances of state aid might be made on the basis of a predetermined statewide pupil-to-teacher ratio and a statewide teacher salary median Thus, each district would receive a certain portion, and a very substantial portion, of the costs necessary to provide a calculable number of teachers at a defined salary for classroom purposes Should a district not wish to meet the required ratio or salary level specified for these state allowances, the allowances could be adjusted downward to meet the district's performance Similarly, a district could exceed the state standard with its own funds.

In addition to allowances for the purpose of assuring adequate classroom teachers, the Legislature might wish to provide allowances intended to meet a proportion of the expenditure likely to be incurred in providing the school administration necessary to implement a sound classroom instruction program This support could be applied in terms of allowances to be applied towards other certificated personnel, possibly at a rate different than that of the State's underwriting of classroom teacher salary costs Those positions not deemed essential and necessary by the Legislature for inclusion into this revised foundation program would be supported by the individual districts to the extent that each district actually wished By substantial state contributions for specified areas, such as classroom teachers and basic administration, some local relief in these areas could be applied to the staffing deemed desirable by the district but excluded from foundation program allowances

In the same way that classroom personnel requirements might be met through a defined foundation program concept, provision could also be made for state contributions toward necessary instructional expenses, at a rate considered adequate to assure the instructional program that it will not be hampered by the lack of necessary teaching materials.

Summary

Through such a method of foundation program support, the Legislature could satisfy itself that the classroom requirements of the State were being met to the extent necessary to offer a reasonably equal educational opportunity to each pupil At the same time, all less essential personnel or activities could be financed locally to the extent that each jurisdiction wished to do so, thus effecting a needed separation between what state public policy defines as most necessary and that which is less necessary in public school support.

II. BASIC AID

CONCLUSION

In 1960-61 the total expenditure from the State School Fund for basic aid support was $422,339,780, or 62 1 percent of the entire fund that year In relation to the total expenditure that year for basic and equalization aid (a combined sum of $583,396,743) basic aid represented 72 4 percent, equalization aid represented slightly over $161 million, or 27 6 percent. In relation to grade levels served, basic aid was allowed as follows:

Grade level	*Basic aid allowances*	*Percent of total basic aid expenditure*
Elementary (K-8)	$301,566,187	71 4
High school (9-12)	99,996,218	23 7
Junior college (13-14)	20,777,375	4 9
Total	$422,339,780	100 0

In 1957 the Legislature increased the amount of basic aid by $5 per ADA, to $125. Article IX, Section 6, of the Constitution, provides that "there shall be apportioned to each school district in each fiscal year not less than . . ($120) per pupil in average daily attendance during the next preceding fiscal year." Basic aid support during the past few years is outlined below:

	Amount per ADA available to State School Fund					*Basic aid per ADA*	
Year	*By the Constitution*	*Added that year by the Legislature*	*Subtotal*	*Plus amount added by the Legislature for driver training*	*Total amount apportioned per unit of ADA*	*Guaranteed by Constitution*	*Provided by Legislature*
1947-48	$120	$1 03	$121 03	–	$121 03	$90	$90
1948-49	120	2 15	122 15	–	122 15	90	90
1949-50	120	3 10	123 10	–	123 10	90	90
1950-51	120	4 92	124 92	–	124 92	90	90
1951-52	120	14 89	134 89	–	134 89	90	90
1952-53	120	27 33	147 33	–	147 33	90	90
1953-54	180	–	–	$0 19 [1]	180 19	120	120
1954-55	180	–	–	32	180 32	120	120
1955-56	180	–	–	47	180.47	120	120
1956-57	180	–	–	63	180 63	120	120
1957-58	180	13 37	193 37	85	194 22	120	125
1958-59	180	13 37	193 37	99	194 36	120	125
1959-60	180	21 10	201 10	1 09	202 19	120	125
1960-61	180	21 10	201 10	1 19	202 29	120	125
1961-62 [2]	180	21 36	201 36	1 38 [3]	202 74 [3]	120	125

[1] This was the first year the State participated in the support of driver training This support is in addition to the minimum amounts guaranteed by either the Constitution or supplemental legislation

[2] Chapter 887, Statutes 1961 revised the transfer of funds from the General Fund to the State School Fund to take place in two steps ($180 per ADA and up to an additional $21 36 per ADA "as necessary")

[3] Estimated for 1961-62 Figure includes estimate of allowances for vehicle and simulator replacement

Placing the basic aid allowance at a level $5 higher than the figure specified by the Constitution has the effect of reducing the State's

potential equalization aid effort Of the $173 78 per ADA reserved in the distribution of the State School Fund for basic and equalization aid purposes, only $48 78 per ADA may presently be identified as intended for equalization aid, or only about 40 percent of the $173 78 per ADA The principle of the foundation program, as a device to assure each student a "minimum acceptable level of school support," emphasizes equalization aid as the means whereby a relatively less wealthy school district is aided to meet that minimum acceptable level Representing as it does the difference between the sum of state basic aid plus locally derived district aid on the one hand and the foundation program on the other, equalization aid is a recognition of some districts' need for financial assistance because of a lesser ability to provide locally derived school support Raising the basic aid allowance by $5 has had the effect of giving many basic aid school districts, no matter how wealthy, an additional amount of state aid The principle of equalization of financial effort would be better served if basic aid allowances were limited to the constitutionally guaranteed figure, and the state aid so affected by such an adjustment used instead for equalization aid.

If basic aid allowances were amended to $120 per ADA, a hypothetical saving of approximately $17 5 million in basic aid in 1961-62 would accrue This saving is hypothetical to the extent that not all of such money would be available for equalization aid purposes, some of it would be required at present foundation program levels for equalization aid to certain districts which are presently receiving only basic aid but which would be eligible for equalization aid if the basic aid figure were shifted to $120 from $125 The Department of Education has indicated that, for 1959-60 when approximately $16 8 million might hypothetically have been saved in basic aid, the sum actually available for increased equalization aid for all equalization districts would have been closer to $7 1 million, without having required an increase in the total State School Fund

A SUGGESTED SOLUTION TO THE PROBLEM

Consideration should be given to identifying and distributing funds for basic aid in accordance with the provisions of the Constitution, that is, returning from the $125 per ADA to the constitutional $120 per ADA Without increasing the total State School Fund, this could be expected to make approximately $7 million more available for equalization aid purposes

III. EQUALIZATION AID

1. CONCLUSION

Reductions in the Amount of Equalization Aid Available

Presently any deficit factor applied to apportionments made for the general purpose of "basic and equalization aid" allowances are applied only to the allowances for equalization aid as per Education Code Section 18455 Allowances for basic aid remain at the present rate of $125 per ADA regardless of any "deficits" between computed allowances and funds available The formula for distribution of the State School Fund specifies that $173 78 per ADA is reserved for basic and equalization aid Of this amount $125 per ADA has been identified as basic aid by Sections 17751 and 17801 of the Education Code, leaving $48 78 for equalization purposes A strict interpretation of the Constitution, Article IX, Section 6, indicates that only $120 per ADA may accurately be identified as basic aid, the additional $5 per ADA currently distributed representing an amount added by the Legislature Applying any deficit factor to allowances for equalization aid only has the effect of reducing the foundation program support of those districts most needing state financial assistance Districts with a relatively high assessed valuation per ADA receive only $125 per ADA and do not share in any deficit factor application Those districts with a low assessed valuation per ADA, and therefore with a lesser capacity for local district aid, receive equalization aid which in "deficit" years may be reduced

In 1959-60 there was a "deficit" of approximately $5 5 million between computed allowances and funds actually available for equalization aid and therefore a deficit factor of 96430993 was applied to each dollar allowed for equalization In 1960-61 the "deficit" was approximately $3 million and a deficit factor of 97962713 was similarly applied to each dollar allowed for equalization

Suggested Solutions to Problems

Should it be necessary to apply a deficit factor to allowances made from funds reserved on the basis of $173 78 per ADA for "basic and equalization aid," the deficit factor should be applied not to the $48 78 identifiable as equalization aid but rather to the $5 per ADA by which basic aid allowances exceed the minimum guaranteed by the Constitution In this manner each district would continue to receive the constitutionally guaranteed minimum basic aid allowance and yet all districts would share in any deficit factor required to be applied, each to a lesser degree than do those presently affected (In the event $53 78 came to be regarded as equalization and only $120 per ADA were considered aid, as suggested in Item II, above, the deficit factor that might arise would have to be applied as at present solely upon the money allowed for equalization purposes, namely the $53 78 per ADA)

2. CONCLUSION

Summer School ADA

In the past six years summer school ADA has increased 238 percent while total ADA has increased only 40 percent This is particularly significant for the elementary schools where summer school ADA has increased 325 percent in the same period For 1961-62 the State General Fund contribution on account of summer school ADA is approximately $13 million. An analysis of summer school ADA and the State's support contributions follows·

SUMMER SCHOOL ADA RELATED TO TOTAL ADA

Year of attendance	*Summer elementary ADA*	*Summer high school ADA*	*Summer junior college ADA*	*Total summer ADA*	*Total state ADA*	*State contribution rate*
1960-61	30,641	26,096	7,715	64,452 *	3,562,681	$201 10
1959-60	23,829	21,816	7,218	52,858	3,361,911	201 10
1958-59	17,249	16,902	6,573	40,724	3,155,263	193 37
1957-58	10,943	11,291	5,315	27,549	2,978,156	193 37
1956-57	8,651	8,448	4,998	22,097	2,750,763	180 00
1955-56	7,213	7,442	4,392	19,047	2,552,178	180 00
Percent increase over 1955-56	325%	251%	76%	238%	40%	

* Subject to final confirmation by the Department of Education

STATE CONTRIBUTION FOR SUMMER SCHOOLS

Apportionment Year	*Elementary*	*High school*	*Junior college*	*Total*
1961-62	$6,169,872	$5,254,691	$1,553,492	$12,978,055
1960-61	4,792,012	4,387,198	1,450,534	10,629,744
1959-60	3,468,774	3,398,902	1,321,830	8,189,596
1958-59	2,116,048	2,183,341	1,027,761	5,327,150
1957-58	1,672,844	1,633,590	966,463	4,272,897
1956-57	1,298,340	1,339,560	790,560	3,428,460

Pupils represented by summer school ADA are, in almost every case, the same pupils who attend during the regular school year. Therefore, these students do not represent an increase in the number of pupils enrolled in the State, but rather an extension of the school year wherein a school district receives more than one ADA per pupil attending full time in the regular term and in summer school For example, a district which maintains a regular school term of 175 days and a summer session of 30 days (six weeks) may receive one ADA per full-time pupil for the regular term plus an additional 17 ADA for the same pupil's attendance in the summer session (See Appendix III for a summary of the provisions of the Education Code regarding the calculation of ADA)

As shown in the table above, the State's General Fund contribution in the 1961-62 year will be approximately $13 million on account of summer school ADA This contribution is made at a rate of $201.36 per ADA An analysis of the distribution purposes set forth in Sections 17303 and 17303 5 of the Education Code, on which this $201 36 is based, discloses the following purposes

County school service funds
Basic and equalization aid
Special education
Pupil transportation
Growth

District summer school costs are for the most part limited to basic and equalization aid, and to some extent to growth Therefore, the State has been supporting summer school at a rate which includes all of the above purposes without the various school districts having the commensurate costs inherent in this full rate of state aid Thus the districts have been receiving in effect a higher level of state support for summer school ADA than for the regular school terms

SUGGESTED SOLUTIONS TO THE PROBLEM

It is suggested that the State's contribution per summer school ADA be limited to $180, a figure guaranteed by the Constitution. If this recommendation had been in effect for the 1961-62 fiscal year, the State General Fund would have saved approximately $1 4 million and still provided the intended support for the summer school purposes authorized.

We further suggest that this $180 be made available on the basis of $173 78 per ADA for basic and equalization aid and $6 22 for growth

3. FURTHER CONCLUSIONS AND SUGGESTIONS

The effect upon equalization aid of raising the minimum allowance for basic aid guaranteed by the Constitution by $5 has already been noted There are other ways in which the support for equalization aid has been subjected to erosion

We have noted in fuller detail on pages 10 and 11 of our report on the county school service fund, dated November 9, 1961, that the amount of money available for allowance as equalization aid is dependent upon the amount allowed that year for direct services in the county school service fund Therefore, we then suggested that the computations of the elements of distribution of the State School Fund be made independently of each other by reckoning funds for the support of equalization aid without recourse to calculations derived from the formula for support of direct services

Our November 9, 1961 report on the county school service fund, page 16, also stated that the county school service fund receives for the support of emergency, special training and juvenile hall schools, as their allowance for the ADA in these schools, the equivalent of the full foundation program designated for regular school districts. Section 8956 of the Education Code indirectly classifies this support as basic aid and no local tax effort is thus required to support these schools The State supports the minimum acceptable program at a full 100 percent.

With regard to this it was suggested that a local aid effort be set at 50 percent of the foundation program for these particular schools. In such instances the $120 basic aid allowance would be the same as for all other ADA, or the $2,400 guaranteed by the Constitution to particularly small schools, whichever applies Any excess support needed to meet half of the total foundation program would be considered as state equalization aid and would be subject to sharing any deficit factor applied to basic and equalization aid apportionments in "deficit" years

APPENDIX I

SUMMARY OF FOUNDATION PROGRAMS

Education Code Reference	*Type of District*	*Foundation Program Figure Authorized*
ELEMENTARY DISTRICTS, Regular Foundation Program		
17655	(Defines the requirements for designation of an elementary school with less than 101 ADA, exclusive of grades 7 and 8, maintained by an elementary school district which maintained two or more small schools, as a "necessary small elementary school")	
17655 5	For each district on account of each necessary small school (giving regard to the number of teachers actually employed or average daily attendance) *whichever provides the lesser amount*	
	Either *Or*	
	1- 25 ADA At least one full-time teacher	$5,600 per school
	26- 50 ADA At least two teachers hired full time for more than half the number of days school was maintained	$11,200 per school
	51- 75 ADA At least three teachers hired full time for more than half the number of days school maintained	$16,800 per school
	76-100 ADA At least four teachers hired full time for more than half the number of days school was maintained	$22,400 per school
	(The determination lies between the ADA and the number of teachers employed, whichever is the lesser)	
	To each elementary district for each nonnecessary small elementary school with	
	less than 901 ADA (exclusive of grades 7 and 8)	$224 per ADA
	901 or more ADA (exclusive of grades 7 and 8)	$234 per ADA
17656	To each elementary district which had an ADA of 101 to 900, exclusive of grades 7 and 8, an amount determined by multiplying total ADA (minus any ADA in grades 7 and 8 and any covered in Section 17655 5) by	$224 per ADA
	To each elementary district which had 901 or more ADA, exclusive of grades 7 and 8, an amount determined by multiplying total ADA (minus any ADA in grades 7 and 8 and any covered in Section 17655 5) by	$234 per ADA
17660	For pupils in the 7th and 8th grades, if the elementary district has less than 901 ADA, exclusive of grades 7 and 8, an amount determined by multiplying the 7th and 8th grade ADA by	$224 per ADA
	for pupils in the 7th and 8th grades, if the elementary district has 901 or more ADA, exclusive of grades 7 and 8, an amount determined by multiplying the 7th and 8th grade ADA by	$234 per ADA

Education Code Reference	*Type of District*	*Foundation Program Figure Authorized*
	ELEMENTARY DISTRICTS, Alternate Foundation Program	
17901	For districts with low assessed valuation per ADA and which use the computational tax rate of $1.35, and which have less than 901 ADA	$299 per ADA
	For districts with low assessed valuation per ADA and which use the computational tax rate of $1.35, and which have 901 or more ADA	$309 per ADA
	HIGH SCHOOL DISTRICTS, Regular Foundation Program	
17663	(Defines the requirements for designation of a high school with less than 301 ADA, or a junior high school with less than 75 ADA in grade 9, as a "necessary small high school")	
17663.5	"If a high school is determined to be a necessary small high school under Section 17663, its status as such shall not be changed except as a review of the determinative factors made every five years following the date of determination, indicates that the determination should be changed"	
17664	To each high school district on account of each necessary small high school, with regard only to the number of certificated employees employed, or average daily attendance, *whichever provides the lesser amount*	
	Either *Or*	
	1- 20 ADA At least 3 full-time certificated employees	$33,000 per school
	21- 40 ADA At least 4 full-time certificated employees	$38,100 per school
	41- 60 ADA At least 5 full-time certificated employees	$43,200 per school
	61- 75 ADA At least 6 full-time certificated employees	$48,300 per school
	76- 90 ADA At least 7 full-time certificated employees	$53,400 per school
	91-105 ADA At least 8 full-time certificated employees	$58,500 per school
	106-120 ADA At least 9 full-time certificated employees	$63,600 per school
	121-135 ADA At least 10 full-time certificated employees	$68,700 per school
	136-150 ADA At least 11 full-time certificated employees	$73,800 per school
	151-180 ADA At least 12 full-time certificated employees	$78,900 per school
	181-220 ADA At least 13 full-time certificated employees	$84,000 per school
	221-260 ADA At least 14 full-time certificated employees	$89,100 per school
	261-300 ADA At least 15 full-time certificated employees	$94,200 per school
	For each school which had an ADA of less than 21 and for which fewer than three certificated employees were employed	$5,100 per certificated employee
	To each district for each high school which is not defined as a necessary small high school with less than 301 ADA	$314 per ADA
	301 or more ADA	$324 per ADA

Education Code Reference	*Type of District*	*Foundation Program Figure Authorized*
17664	(Continued) "The foundation program established by this section for high schools with an . . . (ADA) of less than 301 shall not apply to any high school established after July 1, 1961, unless the establishment of such school has been approved by the Superintendent of Public Instruction"	
	HIGH SCHOOL DISTRICTS, Alternate Foundation Program	
17903	For districts with low assessed valuation per ADA and which use the computational tax rate of $ 85 and which have less than 301 ADA	$394 per ADA
	For districts with low assessed valuation per ADA and which use the computational tax rate of $ 85 and which have 301 or more ADA	$404 per ADA
	JUNIOR COLLEGE DISTRICTS	
17666 2	Commencing in 1961-62 for each junior college district, the product of the units of ADA computed under Sections 11451 and 11501, subject to Section 17611	$543 per ADA
	"For the purposes of this section . . the average daily attendance of a junior college district shall subject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11451 and 11501 except that there shall be *excluded* from the computation the attendance of all students who resided in territory which was not a part of any district maintaining a junior college and the attendance of all students who resided in another district which maintained a junior college who were in attendance under an interdistrict attendance agreement which required the payment of tuition by the district of residence, and there shall be *included* in the computation the attendance of all students residing in the district who were in attendance at a junior college in another district under an interdistrict attendance agreement which required the payment of tuition by the district of residence. "The Superintendent of Public Instruction shall exclude from the computation provided by this section . (ADA) during the preceding fiscal year of adults . and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults," (This last applies to high school as well as junior college districts—Section 17667)	
	UNIFIED DISTRICTS	
17653	For unified districts formed by optional reorganization of school districts by electors, which formation became effective on or after July 1, 1953, and which during the preceding year to the effective date of unification had, in all the districts formed into the new unified district, less than 10,000 ADA, the foundation program computed under the sections outlined above shall be increased by 5 percent the first fiscal year, 4 the second, 3 the third, 2 the fourth and 1 the fifth fiscal year.	

Education Code Reference	*Type of District*	*Foundation Program Figure Authorized*
17654	For unified districts formed by optional reorganization of school districts by electors, which formation became effective on or after July 1, 1963, and which in the year preceding unification had, in all the districts formed into the new unified district, more than 10,000 ADA, and in which there was not on July 1, 1962, or thereafter a single chief administrative officer and staff administering the education program for *all* the *secondary* schools and those *elementary* schools to which were credited *50* percent of the ADA during the year preceding unification, the foundation program shall be increased by 5 percent the first fiscal year, 4 the second, 3 the third, 2 the fourth and 1 the fifth fiscal year	

THE FOUNDATION PROGRAM

BASIC AND EQUALIZATION AID

(PART II)

Prepared by the Office of the Legislative Analyst,
State of California, February 14, 1962

INTRODUCTION

In our report of December 13, 1961, we discussed the foundation program concept of public school support with regard to its definition, efforts that have been made to measure its adequacy, and suggestions as to how more meaningful comparisons can be made than the usual cost of current expense comparison It was determined that the foundation program means a partnership of state and local school district resources intended to guarantee a minimum acceptable level of school support The difficulty in assessing the value of the foundation program lies in the definition of "minimum acceptable level of school support" This has no uniform definition and has come to mean whatever the party defining it would like to have it mean

Basic and equalization aid were also discussed, as the devices by which the State provides its share of support of the foundation program in this partnership with the local districts Basic aid provides for state apportionment to each district of $125 per pupil in average daily attendance (ADA), without respect to the need or wealth of the district Equalization aid is an attempt to take into account need in relation to wealth in assessed valuation, by providing additional allowances, up to the limit of the existing foundation program level, to those districts whose ability to pay is relatively less, measured by assessed valuation per ADA

We indicated that it would be desirable to study further the foundation program and the need to define the minimum acceptable level of school support, and to identify the services and items deemed essential for the educational program When this is completed the relationship of local support to state support can more properly be assessed.

I. THE FOUNDATION PROGRAM

CURRENT EXPENSE OF EDUCATION

In an effort to justify the need for higher levels of foundation program support, the Department of Education has pointed to the increase in the current expense of education figures over the past several years as follows:

GENERAL FUND EXPENDITURES

(Total "Current Expense of Education" [1] per Unit of Average Daily Attendance)

1955-56 through 1959-60

Fiscal year	*Elementary school districts*	*High school districts*	*Junior college districts*	*Unified school districts*
1955-56	$272 13	$417 36	$436 11	$332 34
1956-57	290 42	444 25	474 42	357 29
1957-58	315 61	475 80	495 17	381 07
1958-59	326 28	490 46	520 52	395 61
1959-60	341 31	519 40	575 32	422 82

[1] The term "Current Expense of Education" is employed here to designate expenditures of classes 1 to 7, inclusive, California School Accounting Manual

We submit that this emphasis on expenditure does not indicate need but indicates only that increasing amounts of money are being spent. To permit cost comparisons with the districts' average total current expense of education as a criterion for need for more state support creates an expenditure spiral, in that as districts spend more, so more state aid is requested, so that in turn more is spent by the districts The desires of the local school districts for particular levels of service and their consequent local efforts obviously have a great effect upon the magnitude of the expenditures Following are three frequency tables (for elementary, high school and unified districts) based upon the total current expense of education per ADA reported in 1959-60 These tables reflect the wide ranges of school district expenditures It may be assumed that both district assessed valuation and district tax rates are reflected in these distributions, for some districts are wealthy enough in assessment that a moderate tax rate will provide funds in excess of the foundation program requirement Other districts have to levy high taxes to support particular programs in their schools Although we do not believe that a direct comparison between the foundation program and the total current expense of education of a district is valid, we do believe that these frequency tables serve to illustrate both the wide range of costs in the State's districts and the manner in which a few districts with costly programs per ADA can serve to raise the statewide average, thus, widening a gap between the statewide average and a foundation program figure.

TABLE I

TOTAL CURRENT EXPENSE OF EDUCATION PER ADA, 1959-60, FOR 729 ELEMENTARY DISTRICTS WITH 150 OR MORE ADA

(State total for all elementary districts, $341 per ADA)

Number of districts and ADA span	$0-199	$200-249	$250-299	$300-349	$350-399	$400-499	$500-599	$600-699	$700-799	$800 and up
58 5,000 and up	0	0	8	24	18	3	0	0	0	0
68 3,000-4,000 ADA	0	0	7	44	16	1	0	0	0	0
54 2,000-2,999	0	0	15	26	9	3	1	0	0	0
39 1,500-1,999	0	0	6	15	13	4	0	1	0	0
70 1,000-1,499	0	1	20	36	5	5	2	1	0	0
39 800-999	0	1	20	13	3	2	0	0	0	0
59 600-799	0	2	19	25	9	4	0	0	0	0
46 500-599	0	0	27	5	9	5	0	0	0	0
52 400-499	0	0	21	20	5	5	1	0	0	0
31 350-399	0	2	9	18	2	3	0	1	1	0
42 300-349	0	2	16	13	6	2	1	2	0	0
49 250-299	0	1	10	25	5	4	3	0	0	[1]
63 200-249	0	[2]	19	13	14	10	4	0	1	0
30 175-199	0	[3]	7	10	5	5	1	0	1	0
29 150-174	0	0	11	10	3	2	2	0	0	[4]
729 districts	0	12	215	297	122	58	15	5	3	2

[1] Etna union elementary district, Siskiyou County, $236 per ADA and Eureka union elementary district, Placer County, $248 per ADA
[2] Sheridan elementary district, Placer County, $216 per ADA
[3] Cuyama joint union elementary district, Santa Barbara County, $337 per ADA
[4] Big Creek elementary district, Fresno County, $1,164 per ADA

TABLE II

TOTAL CURRENT EXPENSE OF EDUCATION PER ADA, 1959-60, FOR 225 HIGH SCHOOL DISTRICTS

(State total for all high school districts, $519)

Number of districts and ADA span	$300-399	$400-499	$500-599	$600-699	$700-799	$800-899	$900-999	$1000-1249	$1250-1499	$1500 and up
53 3,000 and up	[1]	23	23	6	0	0	0	0	0	0
61 1,000-2,999	0	26	25	7	1	0	0	2	0	0
25 600-999	0	8	13	2	2	0	0	0	0	0
29 400-599	0	5	9	10	2	2	0	0	1	0
14 300-399	0	3	8	2	0	1	0	0	0	0
13 200-299	0	0	7	3	2	1	0	0	0	0
21 100-199	0	0	3	6	6	4	1	1	0	0
9 1-99	0	0	0	0	0	1	3	2	2	[2]
255 districts	1	65	88	36	13	9	4	5	3	1

[1] Sweetwater Union High School District, San Diego County $384 per ADA
[2] Raymond Granite Union High School District, Madera County, $1,833 per ADA

TABLE III

TOTAL CURRENT EXPENSE OF EDUCATION PER ADA, 1959-60, FOR 107 UNIFIED DISTRICTS

(State total for all unified districts, $423 per ADA)

Number of districts and ADA span	$0-199	$200-299	$300-399	$400-499	$500-599	$600-699	$700-799	$800-899	$900-999	$1000- and up
65 1,500 and up	0	0	24	32	8	1	0	0	0	0
42 1-1499	0	0	11	14	9	5	1	0	[1]1	[2]1
107 districts	0	0	35	46	17	6	1	0	1	1

[1] Mariposa unified district, Kern County, $991 per ADA.
[2] Emery unified district, Alameda County, $1,087 per ADA.

The Department of Education has constructed a hypothetical total current expense figure of $424 86, which it considers necessary to support a recommended staffing pattern for instructional and auxiliary services based on 1959-60 median salaries, as shown in the following table.

TABLE IV

ESTIMATED TOTAL CURRENT EXPENSE OF EDUCATION IN ACCORDANCE WITH STAFFING PATTERN FOR INSTRUCTION AND AUXILIARY SERVICES IN AN ELEMENTARY SCHOOL DISTRICT OF 10,000 PUPILS

(As recommended by the Department of Education)

	Budget class	Cost per pupil
1	Administration	$12 59
2a	Certificated salaries of instruction	297 42
2b	Classified salaries of instruction	20 30
2c	Other expenses of instruction	12 83
3a	Certificated salaries of auxiliary services	17 28
3b	Classified salaries of auxiliary services	2 55
3c	Other expenses of auxiliary services	81
4	Operation	31 74
5	Maintenance	10 80
6	Fixed charges	10 80
7	Pupil transportation	7 74
	Total	$424 86

By projecting this $424 86 figure to 1961-62, assuming 4 percent cost increases per year, and assuming that 93 3 percent of the current expense of education is subject to foundation program support, the department concluded that in order to provide full support for the elementary program it would require $429 per ADA as compared with the elementary regular foundation program of $234 and the alternate elementary foundation program of $309.

HOW ARE THE FUNDS SPENT?

We believe that the best approach to a determination of need is not based on the fact that expenses are rising, but on what those expenditures actually bring and whether or not existing funds are being spent

most effectively Staffing patterns of various comparable districts and schools must be examined to determine where we stand before we attempt to determine if there are functions which are not being adequately financed.

Since a complete full-time equivalent (FTE) personnel count of school district personnel is not currently available, we have issued a questionnaire to each of the 1,684 school districts of the State This questionnaire, attached to this report, will permit analysis of the following:

1. The full-time equivalent positions and the salary dollar expenditures in categories (i e , noninstructional, instructional, classified and contract).

2 The distribution of time spent for various functions by job titles

3 The use made of personnel as a reflection of each individual district's staffing patterns

4 The relationship between teaching positions and all other categories of administrative and other supporting positions

5 The categorizing of district salary expenditures for these various functions by such measurements as assessed valuation, tax rate, ADA, enrollment, area, type of community (urban or rural), etc

6 The sampling of certain areas to determine underlying reasons for differences in staffing patterns

7 The effect of the number and size of individual schools within a given district on the total district pattern

Suggested Solution to the Problem

The facts are not currently available which permit a valid determination of the proper foundation program level It is contemplated that the data furnished by the questionnaire will provide a basis for reviewing how existing funds are being spent and the adequacy or inadequacy of the present program

It is also hoped that this review will be helpful in developing a base for determining which programs and services fall within the definition of a "minimum adequate" program Other programs, if engaged in by certain districts, may be considered as being beyond the scope of "minimum adequate" requirements for purposes of state support

II. EQUALIZATION AID

LOCAL TAX EFFORT

Local effort is an integral part of public school finance It has two aspects. The first of these is the local effort required by law for participation in the foundation program It will be recalled that the foundation program is the partnership of state and local resources The local effort portion of the foundation program is called district aid; it is the product of the district's assessed valuation times the appropriate computational tax rate for the type of district For a district to be eligible to participate in the foundation program, it must, in the previous year, have levied a tax at a rate which was at least equal to the regular foundation program computational tax rate

The other aspect is less easily defined Any district may, and most do, augment its foundation program with additional revenues derived from tax rates that are higher than the computational tax level The additional income derived from this higher tax rate is not taken into consideration in foundation program computations With this income the district may expand or enrich its educational program as it sees fit. For some this additional revenue is the product of a moderate tax rate and high assessed valuation, with an attendant low tax burden For other districts, the additional income represents the levying of a high tax rate on the voters to be applied to a lower assessed valuation

Because of the lack of definition of the foundation program, both as to what is a minimum acceptable level of school support and to what services and items are essential to a basic educational program, the employment of local effort is variously interpreted One district will claim that extensive local effort is required to enable it to meet what it regards as a basic program; another will concede that the local effort is used to expand and enrich its program

In our previous report we attempted to show the effect of the wide variety of tax efforts among districts We pointed out that, whereas state support of basic and equalization aid for elementary students amounted to an average of $181 51 per ADA in 1959-60, it might have been only $164.65 per ADA if every elementary district had been levying a 60-cent tax, or only $129 97 per ADA if every elementary district had been levying a 90-cent maximum tax.

The contention has been made that the percentage of state support to total support has been decreasing, however, as shown in the following table, there actually has been a slight increase in the proportionate amount of state sharing in total revenues applied to school purposes for each of the past two years.

Source	Percent of total revenue			
	1957-58	1959-59	1959-60	1960-61
Local taxes	56 63	56 90	55 91	55 77
State support	40 42	40 19	40 94	41 08
Federal aid	1 87	1 94	2 13	2 13
Miscellaneous	1 08	0 96	1 02	1 02

A direct comparison of the relative increases in total state taxes and total local taxes appears in the following table from the annual report of the California State Board of Equalization:

TABLE V

STATE, AND LOCAL TAX COLLECTIONS, 1950-51 TO 1960-61

(In thousands of dollars)

Fiscal year	State taxes other than disability insurance[1]	Local taxes and ad valorem assessments[2]
1950-51	$1,116,083	$869,460
1951-52	1,214,772	933,783
1952-53	1,263,722	1,030,091
1953-54	1,339,870	1,121,205
1954-55	1,433,546	1,241,175
1955-56	1,654,153	1,400,489
1956-57	1,757,400	1,606,115
1957-58	1,786,026	1,856,780
1958-59	1,947,824	2,073,042
1959-60	2,364,532	2,306,318
1960-61	2,489,916	2,530,000
Percent increase 1950-51 to 1960-61	123%	191%

[1] The state revenue figures used are those compiled by the Controller They include receipts collected in the fiscal year

Unemployment insurance tax collections totaling $295,754,100 are included The State's unemployment compensation disability tax, on the other hand, which yielded $87,797,100 in the 1960-61 Fiscal Year, is excluded from both the figure and the table because it lacks one of the characteristics that most definitions require of a tax, it is not a "compulsory payment" since an approved private plan may be substituted for the state insurance financed by means of this levy

[2] Includes (1) property taxes, (2) state-administered local sales and use taxes, whether distributed, withheld from distribution for lack of information required for identification of jurisdictions entitled thereto, or withheld by the State as a service charge, (3) locally administered sales and use taxes, (4) municipal business license taxes, (5) dog license taxes, (6) ad valorem special assessments collected by county officials—levies which are extended against the assessed values of land and improvements (but not personal property) to finance activities which are supposed to confer benefits on each property owner of a value approximately equal to his share of the levy—and (7) reclamation district special assessments, an undetermined portion of which are not ad valorem There are excluded, however, the ad valorem special assessments of irrigation districts and a few other special-purpose districts that assess and collect their own levies instead of using county tax machinery, which exclusions amounted to about $16,000,000 in the 1960-61 fiscal year

This table shows that, whereas state taxes increased 123 percent for the period from 1950-51 to 1960-61, local taxes increased 191 percent for the same period During this same period personal income rose from approximately $19 6 billion to $45 6 billion or 133 percent

Whether or not these figures are an indication of an overburdening of the property tax is a matter of tax theory which cannot be easily determined without extensive study It is apparent, however, that the two are not readily comparable because of the many various types of services supported in varying degrees by the property tax.

THE PROBLEM OF JUNIOR COLLEGE DISTRICTING

Another area which concerns the adequacy and inadequacy of local effort is the method of districting for junior colleges that the fact that a substantial portion of the State has not been included within the boundaries of districts which maintain junior college facilities As a result, the responsibility for supporting junior college education is unequally shared between the areas which are included in such districts and those which are not The tax base, in terms of assessed valuation, upon which the existing junior college system rests is, therefore, substantially less than it might be, and heavier pressure is placed on both state and local funds to make up the difference Moreover, many communities are denied full educational opportunities necessary to meet the needs of local high school graduates

For 1959-60 computations, approximately 29 percent of the net statewide assessed valuation was not included within districts which maintained junior college facilities As evidence of the fact that little had been accomplished in the way of improving this situation in the previous decade, the figure for 1950-51 was approximately 33 percent It may also be noted in this respect that a tax rate of only 20 cents applied uniformly to the 1959-60 net statewide assessed valuation would have produced the full amount of the local share of the junior college foundation program for other than adult students for 1960-61 This can be compared with the statutory junior college tax rate of 35 cents

Nondistrict territory has, of course, been making a small but increasing contribution to the support of junior college facilities through county tuition fund taxes As may be seen in Table VI, several county tuition tax rates have reached and exceeded the statutory maximum of 35 cents for districts which do provide junior college programs However, it is also evident that many areas with tuition tax rates as low as 5 cents to 10 cents are simply not making a representative tax effort

In part because of the attention which has been drawn to this problem, there has recently been some acceleration in the extension of junior college districts Although the organization of new districts and the enlargement of existing districts has remained a matter of local initiative, the Legislature has acted to stimulate such activity by (1) requiring that the Co-ordinating Council for Higher Education make a recommendation as to the creation of any additional state college or university campuses, taking into consideration the adequacy of junior college facilities in any area under consideration, (2) declaring its intent that all high school and unified districts shall be included in districts maintaining a junior college and requiring county school district organization committees to prepare appropriate plans; and (3) increasing the financial incentives for local action

With respect to the third point, Chapter 879, Statutes of 1961, reduced state support for nondistrict students to basic aid ($125) with the difference between this and the equalization aid formerly allowed to be picked up by county tuition payments It also permitted billing for students in classes for adults as well as in graded classes The obvious intent of this measure is to increase the nondistrict share of support

TABLE VI

JUNIOR COLLEGE TUITION FUND TAX RATES AND PAYMENTS

(From Bureau of School Apportionments and Reports)

County	County tuition tax rates, 1960-61	Tuition fund payments, 1960-61			County tuition tax rates, 1961-62
		To districts within county	To districts in other counties	Total	
Alameda	$ 2996	$1 497,574 33	$893,498 68	$2,391,073 01	$ 3360
Alpine					
Amador	0900		37,283 80	37,283 80	1295
Butte	1330		178,327 94	178,327 94	1360
Calaveras	1400		44,211 58	44,211 58	1700
Colusa	1300		64 999 46	64,999 46	1700
Contra Costa					
Del Norte	0670		18,192 03	18,192 03	0810
El Dorado	1300		100,586 50	100,586 50	1284
Fresno	2200	725,554 67	63,535 95	789 090 62	2400
Glenn	0460		23,955 14	23,955 14	0610
Humboldt	0340		55 286 26	55,286 26	0590
Imperial		126,921 00	26 053 69	152,977 69	
Inyo	0802		35 715 51	35,715 51	0900
Kern	2400	210,662 37	76,021 61	286,683 98	2200
Kings	3050		389,077 02	389,077 02	3500
Lake	1300		45 686 36	45 686 36	1300
Lassen	0400	3,968 87	3,296 04	7,264 91	2800
Los Angeles	3899	6,162 456 61	511,266 00	6,673,722 61	4314
Madera	1910		186,003 68	186,003 68	1910
Marin	2400	50,645 09	18 534 10	69,179 19	3100
Mariposa	1630		19 676 99	19,676 99	1500
Mendocino	1600		140 465 22	140,465 22	1800
Merced	2000		329 891 16	329,891 16	2600
Modoc	0534		17,400 87	17,400 87	0596
Mono	0100		2,181 64	2,181 64	0200
Monterey	5100	349,884 21	10,620 95	360,505 16	3900
Napa	2000	25 986 87	18,657 27	44,644 14	2700
Nevada	4600		141,630 34	141,630 34	5400
Orange	3970	2,107,796 35	314,687 82	2,422,484 17	4471
Placer					3600
Plumas	0521		37 535 63	37,535 63	0560
Riverside	2700	118,968 73	256,444 67	375,413 40	2320
Sacramento	1800	150,641 33	33 821 25	184,462 58	0600
San Benito					
San Bernardino	3230	594 488 65	180 358 43	774,847 08	2530
San Diego	2400	1,048,613 80	63,206 11	1,111,818 91	2730
San Francisco					
San Joaquin	3040	481,054 70	262,726 62	743,781 32	3520
San Luis Obispo	1100		169,284 90	169,284 90	1100
San Mateo	3548	834 905 23	195 305 49	1,030,210 72	1635
Santa Barbara	1500	78,389 73	17,781 54	96,171 27	2500
Santa Clara	2450	1,157,369 03	126,455 17	1,283,824 20	2730
Santa Cruz					0350
Shasta	2200	50,438 25	53,609 03	104,047 28	2300
Sierra	1038		7,114 67	7,114 67	1480
Siskiyou			14,248 37	14,248 37	3200
Solano	1300	98,999 87	93,596 12	192,595 99	1700
Sonoma	3100	515,552 26	31,969 95	547,522 21	3700
Stanislaus	4100	439,590 64	20,582 94	460,173 58	5700
Sutter	3200		280,130 43	280,130 43	3700
Tehama	1600		89,550 49	89,550 49	2000
Trinity	1000		16,316 50	16,316 50	2000
Tulare	3600	105,516 34	145,704 36	251,220 70	4400
Tuolumne	2100		72,561 54	72,561 54	3000
Ventura	3500	No brea	kdown	989,294 41	3500
Yolo	1400		199,681 96	199,681 96	1500
Yuba					
Totals		$10,875,771 93	$6,134,928 78	$23,999,995 12	

Source
Bureau of Junior College Education
State Department of Education
January 23, 1962

costs to the extent that it will be advantageous for such areas to provide facilities of their own, or be annexed to existing districts, rather than pay heavily for the attendance of their students elsewhere None of these measures has been in effect long enough to produce significant results, although there appears to have been some acceleration in district organization activity during the past year

Suggested Solution to the Problem

In terms of the adequacy of local support, the junior college districting problem may be reduced to two principal elements. the exclusion of extensive areas of the State from direct support of junior college facilities and the disparity in wealth among existing junior college districts which, as among elementary and high school districts, precludes maximum local support based on equalized effort. A solution must be found, therefore, which will both broaden the tax base for the entire system to include all areas of the State and also provide a more nearly uniform tax base among the individual districts

The measures enacted by the 1960 and 1961 sessions of the Legislature will surely contribute in some degree toward achievement of the first of these two objectives However, a more effective means of achieving both objectives would be to shift to a countywide base for the junior colleges, consolidating multiple districts within each county and bringing every county, individually or in combination with one or more others, into newly created districts

PUBLIC LAW 874 FUNDS

Equalization aid is an attempt to apportion to each school district in relation to its relative financial ability Among the various formulas designed to accomplish this end, several fall short in the attempt. One such formula is that which determines the amount of federal Public Law 874 funds which shall be used by a district as ability to contribute to their foundation program.

Public Law 874 funds are each year made available by the United States Congress to approximately 500 out of 1,650 school districts in California. These funds are to provide financial assistance to school districts affected by federal activities These federal activities include Army, Navy, and Air Force installations and bases, federal public housing projects, naval ships, lighthouses, customs and courthouses, immigration stations, border patrol, weather bureaus, offices of the Treasury Department, General Services Administration, horticulture field stations, and other federal agencies. The funds are provided at a unit rate per ADA of schoolchildren whose parents reside on federal property and who also work on federal property One-half of this unit rate is paid by the federal government on account of the ADA of schoolchildren whose parents work on federal property but who reside elsewhere in the community

These unit rates vary from year to year, and are based on computations furnished by the State Department of Education and approved by the United States Department of Health, Education, and Welfare The computations are made by determining the percentage of income provided from local sources to the income provided from all sources

This percentage is then applied to the total school districts' current expense of education to derive the amount of school district current expense supplied from local sources Total state school district ADA is then used to determine the ADA rate which will be paid by the federal government to districts who have federally connected pupils.

These unit rates are calculated for each school organization level in the State and for all levels together The financial data and ADA used in the calculation is that of the second preceding fiscal year to the year of federal entitlement. For example, 1960-61 entitlements were based on 1958-59 data Rates calculated by the State and approved by the federal government for the 1960-61 entitlement were as follows:

Elementary school districts	$193 41/ADA
High school districts	370 66/ADA
Junior college districts	388.99/ADA
Unified school districts	227.37/ADA

The elementary rate shown is the result of a federal regulation prohibiting a rate lower than one-half the rate of total expenditures of all districts in the State The actual elementary district rate for current expenses contributed from local sources was $145 88 None of the rates shown are based on district assessed valuation Each district is paid at the same rate.

The amount of Public Law 874 funds currently available to California districts is about $33 million ranging from a high of $3 2 million for San Diego City Unified School District to a few hundred dollars for some districts, and are paid by the federal government directly to the districts On a statewide basis only 25 percent of these funds are utilized as local effort.

At the present time, Education Code 17602 requires these P.L 874 districts to convert to assessed valuation at their individual tax rates, 40 percent of the federal funds which they receive This amount is applied to the computation formula as a measure of additional ability of these districts to contribute to their foundation programs. This method of measuring ability results in marked inequities for three reasons:

1. The fact mentioned above that only 40 percent of P.L 874 funds are used in determining ability.

2 The various individual district tax rates are used to convert these federal funds to assessed valuation

3 The various computational tax rates are used with the different foundation programs, i e , regular and alternate

These inequities arise both between districts receiving federal funds, and also between districts receiving federal funds and those who do not receive them.

We have stated that districts are required to convert to assessed valuation at each of their individual tax rates We have also stated that the federal funds received are not based on assessed valuation Thus, to use assessed valuation in converting federal dollars to local ability results in different percentages of federal money being used as local ability based on the same amount of federal dollars The use of

different computational tax rates based on regular or alternate foundation programs further adds to the variations in percentage of federal funds used to measure local tax effort. The Department of Education in its 1961 report to the Legislature shows that the percentage of federal funds used to measure local ability varies from 5 percent to 74 percent of these funds for an average of 25 percent statewide. This is true even though each district receives P.L. 874 funds at the same amount per A.D.A.

The inequity between districts, one of which receives federal funds and one which does not receive them, also arises from using individual tax rates to convert federal funds to assessed valuation. This is particularly apparent when a federal fund district and a nonfederal fund district raise their local tax rate by the same amount, and other factors remain the same. The district which receives the federal funds not only receives the same increase in tax revenue, due to increasing the tax rate, as the nonfederal funds district, but it also receives a "bonus" of additional equalization aid which the nonfederal funds district does not enjoy. This results from the requirement that, in converting federal funds to local effort, 40 percent of these funds be divided by the local tax rate. This assessed valuation is then converted to district effort (district aid) by applying the proper computational tax rate. The formula used in this calculation is as follows:

$$\text{District aid} = \text{Computation tax} \times \left(\text{Assessed valuation} + \frac{40\%\ \text{P.L. 874 funds}}{\text{Tax rate of district}}\right)$$

The inequity arises in dividing by the local tax rate. If the rate is increased, the divisor is increased thus lowering the amount of required tax effort. This results in an increased amount of equalization aid to the federal fund districts. No such increase is given to the nonfederal fund districts which represent three-fourths of the districts of the State.

Following is an example (supplied by the Department of Education) of what happens when each of two similar districts, one that receives federal funds and one that does not, increases its tax rate by 50 cents, all other factors remaining the same.

Table VII shows that District A, which has federal funds, not only will receive in 1960-61 the $25 per unit of average daily attendance due to the 50-cent increase in district taxes, but also will receive an additional $7.20 (i.e., $102.10-$94.90) per unit of average daily attendance in state equalization aid as a result of the tax increase. District B will have in 1960-61 only the $25 per unit of average daily attendance due to the tax increase.

The present method and resulting inequities appear to violate two related principles of public school support, as set forth by the Legislature in Education Code Section 17300.

1. The system of public school support should provide for an equitable system of state and local sharing in the foundation program.

2. The degree of local sharing should be based as nearly as possible on the true ability of the local district so that each may contribute uniformly to the foundation program.

TABLE VII

THE EFFECT OF A 50-CENT TAX RATE INCREASE IN TWO SIMILAR DISTRICTS, ONE THAT RECEIVES FEDERAL FUNDS AND ONE THAT DOES NOT

Item of comparison	District A—a d a 2,000		District B—a d a 2,000	
	1959-60	1960-61	1959-60	1960-61
Federal funds	$80,000 00	$80,000 00	----	----
Tax rate	1 00	1 50	$1 00	$1 50
Assessed valuation	10,000,000 00	10,000,000 00	10,000,000 00	10,000,000 00
Assessed valuation increment (40 × $80 000 — 0100)	3,200,000 00	----	----	----
Assessed valuation increment (40 × $80,000 — 0150)	----	2,133,333 00	----	----
Computed assessed valuation	13,200,000 00	12,133,333 00	10,000,000 00	10,000,000 00
Foundation program	618,000 00	618,000 00	618,000 00	618 000 00
District aid	178 200 00	163,800 00	135,000 00	135,000 00
State basic aid	250,000 00	250,000 00	250,000 00	250 000 00
State equalization aid	189,600 00	204,200 00	233 000 00	233,000 00
Per a d a	94 90	*102 10	116 50	116 50
Total state aid	439,800 00	454 200 00	183,000 00	483,000 00
Per a d a	219 90	227 10	241 50	241 50
District tax	100,000 00	150 000 00	100 000 00	150,000 00
Per a d a	50 00	*75 00	50 00	*75 00
Federal funds	80,000 00	80,000 00	----	----
Total available	619,800 00	674,200 00	583,000 00	633,000 00
Per a d a	309 90	337 10	291 50	316 50

* Increase in revenue due to tax rate increase
Source Department of Education

The present system has been defended on several bases·

1. The district cost of administering the P L 874 program is a cost which nonfederal fund districts do not have.

While it is true the nonfederal fund districts do not have these costs, we believe that these costs to the federal fund districts are part of their current expense of education and as such are inherent in the reimbursements made to them through the federal grants in the same proportions as any other current expense of education

2 Loss in assessed valuation potential due to exemption of property occupied by federal installations.

This argument loses much of its validity with regard to districts that receive federal funds on account of parents working on federal property which is not located within the district boundaries and, therefore, would not be available to the districts' tax rolls in the first place

3 The impact of additional children in the district gives rise to utilization of land for residential purposes, instead of for commercial purposes, carrying a higher potential assessed valuation per ADA

We do not believe that this is true in many instances The impact of the federal expenditures may actually lead to substantial increases in assessed valuation in the area

Suggested Solution to the Problem

In order to resolve the inequities between federal fund districts and nonfederal fund districts resulting from the existing method of applying federal revenues, we suggest that the assessed valuation increments with regard to P L 874 funds be eliminated in the calculation de-

termining local effort In place of this we suggest that a uniform percentage of each P L. 874 dollar received by a district be applied as local ability which is in addition to the effort from local assessed valuation and other increments

In order to provide for a more equitable system of state and local district sharing in the foundation program, and to insure that all resources available to the districts are considered in the district effort, we suggest that the uniform percentage referred to above be set at 95 percent of the federal P L 874 funds received by a district. This would allow 5 percent for any administrative costs which are not included in the unit rate reimbursed by the federal government.

Under present law, these suggestions would have no effect on basic aid districts now receiving P.L. 874 federal funds However, an analysis of the total distribution of P L. 874 funds revealed that only 9 percent is distributed to basic aid districts, while 91 percent goes to equalization aid districts

Had this suggestion been in effect in the 1960-61 fiscal year, it is estimated that there would have been approximately $20 million more available for equalization aid to all districts.

MISCELLANEOUS FUNDS

Another formula which is not equitable in determining financial ability is the utilization of miscellaneous funds received One of the principles of a satisfactory school finance program is to assure that each local district's contribution to the foundation program will represent approximately equal local effort To obtain this, all resources available to a district should be taken into consideration We find this is not true in two respects with regard to miscellaneous funds received by school districts First, not all miscellaneous funds received are taken into consideration Second, only a portion of those that are considered are used in the determination of a district's local ability to contribute to the foundation program.

Federal forest reserve funds received by a district are specifically excluded by Section 17606 of the Education Code which defines miscellaneous funds for purposes of apportionment calculation.

Funds received which are defined and included as "miscellaneous" are:

1. Royalties and bonuses
2. Rentals.
3. Income from property not subject to tax
4. Payments in lieu of taxes
5 Value of certain services furnished by the federal government.

Once the total miscellaneous funds for a district are determined, 75 percent are required to be converted to an increment of assessed valuation at the district's current tax rate. This increment converted at the appropriate computational tax rate becomes the measure of miscellaneous funds used as local ability to contribute to the foundation program Except for using 75 percent as a conversion factor instead of 40 percent, the calculation is exactly the same as was described under our discussion of P.L. 874 federal funds above.

Such calculation results in the same inequities described for P.L. 874 funds. The only difference is in statewide percentage of funds utilized as total ability

Suggested Solution to the Problem

In order to elimiate inequities now present in the system of determining local ability with regard to miscellaneous funds received by districts, it is suggested that·

1. Federal forest reserve funds be included in the definition of miscellaneous funds in Education Code Section 17606
2. The calculated increment of assessed valuation due to miscellaneous funds be eliminated in determining district equalization aid
3. Total miscellaneous funds received by a district be used as a direct deduction from equalization aid in determining the district's apportionment for basic and equalization aid as these funds are received by the district at no additional administrative cost.

These suggestions would not, under present law, affect those districts that are presently receiving only basic aid.

SPECIAL EDUCATION

CONCLUSIONS AND SUGGESTED SOLUTIONS TO PROBLEMS

Prepared by Office of the Legislative Analyst,
State of California, April 30, 1962

I. Introduction

SPECIAL EDUCATION DEFINED

For the purposes of this report "special education" refers to programs, schools and classes, and financial support, for (1) the education of physically handicapped, mentally retarded and severely mentally retarded minors, and (2) the transportation to and from special classes for certain physically handicapped and severely mentally retarded minors Apportionments from the State School Fund for special education are *not* in the nature of allowances, but are excess cost reimbursements, that is, reimbursements for expenses actually incurred by school districts prior to the year in which state funds are being apportioned These reimbursements represent the State's support of the costs of special education that exceed the expense of education in regular classes of normal children. Such excess expenses might include the costs of special teachers and special equipment and materials

The Education Code contains the Legislature's definition of persons eligible for special education programs Section 6802 defines a physically handicapped minor·

> "Any minor who, by reason of a physical impairment, cannot receive the full benefit of ordinary education facilities, shall be considered a physically handicapped individual . Minors with speech disorders or defects . . (or) with physical illnesses or physical conditions which make school attendance impossible or inadvisable shall be considered as being physically handicapped."

Section 6901 defines mentally retarded minors as "all minors who because of retarded intellectual development are incapable of being educated efficiently and profitably through ordinary classroom instruction" The severely mentally retarded are distinguished by Section 6903 as those who.

> "may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment and economic usefulness in their homes and within a sheltered environment . ."

For the purposes of eligibility for reimbursement for special transportation, Section 18060 indicates that by physically handicapped is meant the blind, deaf, aphasic, cerebral palsied and orthopedically handicapped, as well as the severely mentally retarded.

STATE EXPENDITURES FOR SPECIAL EDUCATION

In 1961-62 the State School Fund was the source of $27,290,136 for excess cost reimbursements for special education, including the special transportation costs Table I shows the total apportionments from the State School Fund for these purposes since 1958-59

TABLE I

APPORTIONMENTS FOR SPECIAL EDUCATION, 1958-59 TO 1961-62

Basis for apportionment	1958-59	1959-60*	1960-61	1961-62
Physically handicapped	$8,300,847	$12 261 851	$13 621,436	$13,031,608
Increase, as percent		+47 7%	+2 9%	+3 2%
Mentally retarded	4,650,287	8,460 060	9 379 077	10,053,118
Increase, as percent		+82 0%	+10 9%	+7 2%
Severely mentally retarded	669,416	1,084,560	1,230 695	1,402,947
Increase, as percent		+62 0%	+1 4%	+13 9%
Transportation for certain physically handicapped and severely mentally retarded minors	1,613,953	2,289 738	2,452,792	2,802 463
Increase, as percent		+42 5%	+0 7%	+14 3%
Totals	$15 234,503	$24,106 209	$25,685 000	$27,290,136
Increase, as percent		+58 2%	+0 5%	+6 2%

* Expenditures in 1959-60 were substantially increased over 1958-59 largely due to action by the 1959 Legislature which increased the appropriation for state support for special education from $5 15 per total ADA in the State to $7 84 At the same time maximum authorizations for special education ADA were raised from $600 to $910 for physically handicapped from $200 to $375 for mentally retarded and from $150 to $670 for the severely mentally retarded

In its relation to the overall State School Fund, the 1961-62 expenditure of $27 3 million represents 3 8 percent of the estimated total expenditure of $721 7 million The proportion expended for special education in recent years appears in Table II below.

TABLE II

Year	Total State School Fund expenditure	Special education expenditure	Percent of special education expenditure to total State School Fund
1961-62	*$721,657,319	$27,290,136	3 78%
Increase	6 1%	6 2%	
1960-61	680,079 727	25,685,000	3 78%
Increase	6 6%	6 5%	
1959-60	637 949 938	24,106,209	3 78%
Increase	11 0%	58 2%	
1958-59	574 946 207	15 234 503	2 65%
Increase	7 6%	7 5%	
1957-58	534 251 328	14 166 429	2 65%
Increase	24 7%	50 8%	
1956-57	460 995,369	9 394 069	2 04%
Increase	7 3%	8 8%	
1955-56	429 737,134	8,631 486	2 01%
Increase	7 9%	9 0%	
1954-55	398,210 949	7,917 371	1 99%
Increase	8 5%	11 5%	
1953-54	367,073,438	7,101,974	1 93%

* Estimated for 1961-62

In 1960-61, the latest year for which complete information is available, apportionments for special education were distributed among the various types of school districts as follows in Table III.

TABLE III

Type of district	Physically handicapped	Mentally retarded	Severely mentally retarded	Special pupil transportation	Total
Elementary	$5,466 105	$4,764,899	$280 650	$1,166,830	$11,678,484
High school	2,386,895	1,192,366	4,636	191,377	3,775,274
Unified	4,347,724	2,766,729	434,754	751,582	8,300,789
Junior college	1,971				1,971
County school service funds	418,741	655,083	511,655	343,003	1,928,482
Total	$12,621,436	$9,379,077	$1,231,695	$2,452,792	$25,685,000

In 1960-61 nearly $24 million went to 814 school districts, the balance of $1 9 million being directed to the county school service funds. The total number of districts thus receiving reimbursements equalled slightly less than half of the total number in the State; these were situated in 52 of the State's counties Of these 814 districts, 160 (or 19 7 percent) were basic aid districts whose reimbursements equalled 24 1 percent of the total 1960-61 expenditure, or $6,201,565. Appendix I lists county-by-county breakdowns for 1960-61 and 1961-62

WHAT HAS THE STATE MANDATED?

There are significant differences in the language of the Education Code with regard to the intent of state law in establishing special education authorizations For special schools and classes for the physically handicapped, Section 6801 states that a school district governing board "may make such special provision as in its judgment may be necessary for the education of physically handicapped minors" Section 6806, however, is more specific in declaring that "any school district which does not maintain facilities for the education of physically handicapped minors shall enter into a contract" with another district in the same county, the county office, or if necessary with another district in another county. Therefore, although the district itself need not provide for the education of the physically handicapped, it must see to it that this education is provided either within the district or elsewhere In the case of the mentally retarded, Sections 6904 and 6905 of the code specify that districts of certain sizes *shall* provide for their education while smaller districts *may* if they wish If these smaller districts do not, the county office is charged with the responsibility. Therefore, the mentally retarded join the physically handicapped as categories for whom special education has been clearly mandated In the case of the severely mentally retarded, the establishment of special classes or programs is permitted but not required

It has been advanced that the Legislature has, in a special manner, mandated education of the physically handicapped and the mentally

retarded We do not feel that a substantial difference exists between the mandating of this education and the mandating of the education of normal pupils In the case of the education of normal pupils, the state law requires that education be provided to such children and both local and state resources are applied by means of the foundation program Special education, on the other hand, does not have any such partnership requirement of funds from local sources in order to qualify for state apportionments In order to help school districts meet the exceptional expenses that are attributable to special education, funds are available from the State School Fund over and above the foundation program allowances Sections 17303(c) and 17303 5(c) of the Education Code reserve within the State School Fund an amount equal to as much as $7.66 per unit of total State ADA for special education support. This meant the reservation in 1961-62 of over $27 million Other sections of the code establish the maximum amounts of reimbursement for excess cost per ADA of special education that can be met from the fund for the different categories of special education For physically handicapped pupils, for example, the maximum figure is $910 per unit of physically handicapped ADA In every instance these authorizations are applied to expenses over and above the costs of normal education supported through the foundation program However, just because the Legislature has approved the apportionment of excess cost reimbursements for special education, it does not follow that a substantially different responsibility exists with the district for special education than for normal education

With reference to increasing the authorizations for reimbursements for special education, the Department of Education has declared that, "(because) the law provides that 100 percent of the excess expense may be allowed, it would seem reasonable, when it is further considered that the programs for the physically handicapped and mentally retarded have been mandated by the Legislature, that the limit on the allowances should be set to meet at least the average excess expense of the program " Because the Education Code permits districts to receive up to 100 percent of their excess expense, the department has construed this to represent an exceptional state responsibility for special education We do not feel that this is the case Districts are eligible to receive up to authorized maximum per ADA amounts as excess cost reimbursements If their excess expenses per ADA are no greater than the maximum figure, then up to 100 percent of their excess expense may, indeed, be met from state funds What this represents is not the recognition by the Legislature of a peculiar responsibility but, rather, an exception in the concept of partnership in the expense of education That the State is more willing to underwrite the expenses of special education, without provisions calling for the utilization of local wealth, does not, in our opinion, represent performance to meet an obligation but rather a willingness to participate at a greater level of effort, to encourage local school districts to establish a program which was neglected for many years, but which represents compliance with the general state requirement that an educational opportunity shall be provided to all children, and that this program was neglected in many districts because of the higher cost factor

Further, with reference to the Department of Education's statement above, we would point out that here again, as in the case of the foundation program itself, the department has employed the comparison between "open-end" district expenditures and "closed-end" state expenditures As we have discussed previously, this can be particularly disadvantageous to the State, particularly when the operations of relatively wealthier districts are included within the average of statewide expenditures as the base for which comparisons are to be made There is no ceiling on what a district may spend for its special education programs except what its governing board and electors wish to permit. The state support, however, is not open ended Therefore, the department's plea to place the support of special education at a level equal to the average excess expense of the program places it in the same perspective as the effort to adjust the foundation program to the average of the district's expenditures

SPECIAL EDUCATION AND ITS RELATION TO THE FOUNDATION PROGRAM

As we have noted earlier, there is a fundamental difference between the reimbursements for expenses incurred in special education and the allowances for current operations made through the foundation program From time to time it has been suggested to put the support of special education into the foundation program, that is, to merge special education support with the regular basic aid and equalization aid allowances. This would result in a loss of identity for the special education expenditures and could also represent a shift of philosophy from reimbursements for expenses incurred to allowances for special education We feel that separate identity is both necessary and desirable in order that effective control and review may be exercised over the costs of special education Under the present method the expenditure of state funds is identifiable, this permits more precise appraisal of the adequacy of special education support than would prevail if this support were merged into the foundation program A change in emphasis from reimbursements to allowances could serve not only to encourage higher expenditures in some districts without commensurate results but could also dissipate the effect of state support for special education through a bewildering variety of approaches and priorities by the various districts to special education problems Further, foundation program costs are inherent in all school districts, special education is not. For example, in 1960-61 we noted that special education apportionments went to only 814 school districts, or approximately one-half of the total number Even assuming that certain districts may not have received state reimbursement apportionments for their special education programs, it seems evident that not every district has incurred special education expenses

Also, it has been suggested that within the total amount reserved in the State School Fund for special education reimbursements certain proportions or amounts should be designated as available for certain categories, such as the blind or deaf This parceling out of the total sum reserved would restrict the present flexibility in meeting needs as

they arise. The proportion of the total expenditure each year for any one category may vary Earmarking the total amount reserved could result in arbitrary shortages in any one area, and could serve to encourage unwarranted expenditures in another where the demand was less than the sum reserved The present method permits ready allocation according to the annual demand.

II. Physically Handicapped

In 1961-62 a total of $13,031,608 was apportioned from the State School Fund as excess cost reimbursement for the special education of the physically handicapped This equalled approximately one-half of the total 1961-62 special education expenditure The categories of instruction of physically handicapped pupils are shown in Appendix II The number of physically handicapped ADA reported for 1960-61, the year for which these reimbursements were directed, was 17,689 These were distributed as follows

1960-61 Physically Handicapped AD A

Elementary Schools, K-8	
Junior high grades 7 and 8	1,860
Other elementary	10,817
County school service funds	646
High Schools, 9-12	
High schools	4,289
County school service funds	42
Junior College	35
Total	17,689

If the total apportionment for the physically handicapped were divided by the actual number of ADA reported above, it would be seen that the 1961-62 expenditure averaged $737 per physically handicapped ADA Below is a comparison between the excess expense reported by the State's districts for the physically handicapped, and the State School Fund apportionments for the following years

Year	(1) Excess expense	(2) Subsequent State School Fund apportionment	(3) Difference, Col (1) less Col (2)	(4) Percent of Col (2) to Col (1)
1960-61	$17,286,037	$13 031,608	$4 254,429	75 4
1959-60	15,334,109	12,621,436	2,712,673	82 3
1958-59	13,494,505	12,261,851	1,232,654	90 9
1957-58	12,171,550	8,300,847	3,871,703	68 2
1956-57	10,479,257	7,957,416	2,721,841	75 9

After the adjustment by the 1959 Legislature of the maximum appropriation, the proportion of the State's total excess expense met by the State School Fund was considerably increased (to 90 9 percent) Since then the total excess expense figure has gained at a greater rate than the special education apportionment This shift in proportion since 1958-59 cannot be considered as simple evidence of inadequate state support, inasmuch as the school districts are not limited in the amount that they may spend for special education, but only in the amounts that they receive as reimbursement from the State However, in terms of dollars per ADA served, in the same period state apportionments

per unit of physically handicapped ADA went from an average of $565 to $737, an increase of 31 percent

Section 18102 of the Education Code states that excess cost reimbursements for physically handicapped pupils shall not exceed $910 per unit of physically handicapped ADA For blind pupils, however, there is provision for an additional amount not to exceed $910 when a reader has been provided or special supplies and equipment have been purchased

With regard to these additional funds available for reader services for the blind, Section 18106 limits the total amount that may be apportioned from the State School Fund for this purpose to $115,000 in any fiscal year. (The Legislature in 1961 amended Section 18106 by raising the limit from $40,000, an increase of $75,000.)

Sections 11201 to 11204 of the Education Code contain the definitions for the computation of units of physically handicapped ADA. There are significant differences in the computation, depending upon the type of instruction being given For physically handicapped pupils in graded special classes, remedial instruction classes and regular day classes, attendance for the same number of minutes as constitutes a day of attendance in the same grade of regular classes shall constitute a day of attendance; i e, kindergarten—180 minutes; grades 1 through 3—200 minutes; and grades 4 through 12—240 minutes However, Section 11201 goes on to specify that *each clock hour* of teaching time devoted to individual instruction of physically handicapped pupils shall count as *one day* of attendance The ADA of all physically handicapped pupils in a district shall be computed by dividing the total number of days taught in the district's regular schools into the total number of days of attendance of physically handicapped pupils

As in the manner of individual instruction referred to above, physically handicapped pupils given instruction at home or in a hospital (or in the case of certain preschool minors with speech defects admitted for special instruction at the school), each clock hour of teaching devoted to individual instruction shall also be counted as a day of attendance. None of these pupils shall be given instruction for more than three hours in any one day or credited with more days of attendance during any fiscal year than the number of days regular schools were maintained that year in the district In addition, instruction may be counted for only one pupil, even though other pupils may be present in the class at the time.

1. CONCLUSION

Local wealth is not a factor in the determination of excess cost reimbursements for any of the categories of special education The high-assessed-valuation district is not obliged to participate in any matching of funds to be eligible for special education apportionments The manner of determining these reimbursements is such that a district may qualify for apportionments equal to the total of its excess current expense. Therefore, a district with a moderately sized special education program may require very little, if any, locally raised funds for its support. In 1960-61 there were 160 of 814 districts receiving special education apportionments that were basic aid districts, approximately one out of every five The total apportionment to these basic aid dis-

tricts equalled $6.2 million, or 24 1 percent of the total state support for all special education that year.

For the high-assessed-valuation or basic aid district, there usually exists some unused district aid capacity It will be recalled that in the computation of foundation program allowances three factors are considered in the following order. state basic aid, district aid capacity, and equalization aid. By definition, the basic aid district is one with sufficiently high assessed valuation that no equalization aid is necessary to assure the foundation program. In fact, in most instances these districts' assessed valuations are high enough that the district aid computation, when added to the state basic aid allowance, equals and usually exceeds the total foundation program. The amount of district aid that, when added to basic aid, is in excess of the foundation program is unused. It is because of the floor created by basic aid allowances that all of the district aid capacity may not be utilized to meet the foundation program in a wealthy district For the wealthy district, then, less local effort is required to meet the foundation program than is required of the poorer district

We believe that these wealthier, basic aid districts should be called upon to apply some of their unused district aid capacity to the support of their special education programs before state funds are apportioned. The proposal below could accomplish this.

Suggested Solution to the Problem

Unused district aid capacity should be applied to 50 percent of the total excess expense reimbursement computation for all special education programs to be met from state apportionments. The determination of the unused district aid capacity is to be based on the principal apportionment of the same year as that in which the excess current expense was actually incurred. That is, after the total amount of excess cost reimbursement for all special education categories (including physically handicapped, mentally retarded, severely mentally retarded, and special transportation) has been computed for any district that was a basic aid district in the year the excess expense was incurred, its unused district aid capacity should be applied to 50 percent of the amount computed for excess cost reimbursement

The consequent reduction in state apportionments to these basic aid districts would permit a better application of State School Fund moneys for the less wealthy districts In 1960-61 basic aid districts received from the State School Fund over $6 2 million as reimbursements for expenses incurred in 1959-60, the year in which their unused district aid was calculated Under our proposal, this state apportionment to basic aid districts would have been reduced to $3,601,273 in 1960-61, by utilizing all or a portion of the unused district aid capacity as we have outlined This would have made approximately $2 6 million available for special education reimbursements to equalization aid districts whose financial needs were greater. This could also mean in the event there was not a sizable deficit factor to be applied to special education reimbursement that some additional equalization aid money might be available in the State School Fund for foundation program purposes, all without increasing the total amount appropriated to the State School Fund.

Our proposal would work as follows

1 If a district has $60,000 in unused district aid and the total of its excess expense reimbursement computation for special education for all categories is $120,000, the district would receive $60,000 from the State School Fund, inasmuch as its unused district aid equalled half of the total computed figure

2 If the same district has a total excess expense reimbursement computation of $100,000, it would receive $50,000 from the State and would apply $50,000 of its unused district aid capacity to the balance

3 If the same district has a total excess expense reimbursement computation of $240,000, the district would receive $180,000, inasmuch as the unused district aid was less than half of the total amount

In any case, a basic aid school district will receive half of its total special education excess expense reimbursement computation However, it must apply as much of its unused district aid capacity as is necessary either to (1) employ it totally, or (2) meet half of the total computation

2. CONCLUSION

Section 6913 1 of the Education Code permits school districts maintaining programs for the education of the mentally retarded to levy a tax for this purpose There is no limit set by the code to the tax that may be levied It is also specified that funds raised by this tax shall be spent solely for educational services or facilities None shall be used for the purchase or improvement of school sites or for the construction of buildings This permissive tax applies to the mentally retarded only, it is not paralleled in the authorizations for the other categories of special education In the light of the interpretation that the education of both the physically handicapped and the mentally retarded is required to be provided, it appears particularly inconsistent that school districts are permitted to levy a tax only for the latter category

Two courses of action present themselves The Legislature may either permit school districts to levy a parallel tax for the other categories of special education (physically handicapped, severely mentally retarded, plus special pupil transportation) for the purposes of local program support, or the authorization of a permissive tax for the mentally retarded should be withdrawn

If the latter course were taken by the Legislature, namely removing the authorization for a permissive tax for the mentally retarded, it could result in increased demands upon the State School Fund for additional support for mentally retarded programs Any increase in the call upon state support would, in our opinion, further widen the disparity that exists in the partnership concept of school support

We would consider that the extension of a permissive tax authorization to include the other categories of special education would not only promote equity in the field of special education but would also contribute towards a better partnership between local school districts and the State in the support of these programs We note in this context that the tax is permissive, meaning that districts are not compelled to levy such a tax; however, should they wish to do so, at present only one category may be served. It would appear equally justified for dis-

tricts to be free to levy taxes for each special education category that they wished, if they did not choose to levy such a tax, their position would remain unchanged

Suggested Solution to the Problem

We suggest, therefore, that the Education Code be amended to provide that school district governing boards be permitted to levy a tax similar to that provided by Section 6913 1 for the education of the mentally retarded for any of the areas of special education This tax should remain permissive

It remains the responsibility of the administration of the school district to the taxpayers as to whether or not this additional tax is to be levied for the purposes of special education

3. CONCLUSION

Included among the pupils eligible for special education as physically handicapped are those with speech defects and speech problems, including certain preschool minors No criteria exist in the Education Code or Title V of the Administrative Code to indicate exactly what a speech defective is, the decision as to whether a pupil is speech defective is made individually and independently in the school districts As a result of this, it would appear that there is little uniformity in the interpretation of speech defectives, if the figures reported to the Department of Education for special education for speech defectives are reviewed

In elementary school districts, the following frequency was noted In this context we have observed that in the elementary grades one pupil is generally equivalent to one unit of ADA, therefore, the chart below measures the percent of *pupils* enrolled in remedial speech classes to total district or elementary-level *ADA* Of 358 elementary districts which had pupils enrolled with speech defects, 130 (or approximately one-third) reported above 10 percent of the districts' ADA as being in remedial speech classes The composition of the 130 districts is as follows:

Percent of pupils enrolled in remedial speech defect classes to total elementary district ADA	*Number of elementary districts*
10-14	58
15-19	33
20-24	17
25-29	11
30-34	7
35-39	3
40-44	0
45-50	1
	130

No elementary districts with less than 100 ADA were considered Districts with fewer than 1-10 percent are also not included above In addition to the above, 10 unified districts were identified having 10-30 percent of their elementary enrollment reported in classes for speech defectives Many school districts and some counties report no speech defectives at all, even though they are classified as physically handicapped, and the education of the physically handicapped is required

by the State We feel that the performance of the school districts reflects the lack of uniformity in defining what constitutes a speech defect for inclusion into special education.

Further, although we are not attempting to diagnose speech defects, we are concerned that the wide variations among district reports indicate the possibility of abuses in certain districts by the inclusion into remedial classes for speech defectives of an unreasonable proportion of pupils.

Suggested Solution to the Problem

In order to insure the most efficient use of state funds available for the excess expense reimbursement of special education for the physically handicapped, it is suggested that the Department of Education be directed to determine a reasonable proportion of students likely to require speech training in remedial classes to the total number of pupils The department might then establish a maximum or limit upon the number of pupils to be enrolled as speech defectives, much as in the manner in which they place a maximum upon special physical education classes for physically handicapped pupils, as reflected by Section 194 5 of Title V of the California Administrative Code Or the department might require special steps for approval of numbers which exceed the limit

Recently the Department of Education noted that some school districts were admitting what appeared to be an unreasonable number of pupils to special physical education classes for the physically handicapped Therefore, in 1959, Section 194 5 was added to Title V limiting the *ADA* of pupils in special physical education classes to 3 percent of the total ADA (The effect of limiting the ADA in special physical education classes to 3 percent of the total ADA means, in effect, more than 3 percent of the total pupil enrollment, inasmuch as each unit of ADA in these classes represents more than one pupil)

Acting under the authorization of Section 6804 of the Education Code, which declares that the Department of Education may prescribe minimum standards for the special education of physically handicapped minors, and denying state apportionments to districts not observing these standards, we feel the department should develop criteria for speech defects that would discourage the enrollment of unreasonably high numbers of pupils in these special education classes

We would also suggest that the Department of Education be directed to revise Section 194 5 of Title V, dealing with limitations upon the enrollment of pupils in special physical education classes for the physically handicapped, to specify a maximum percentage of the number of pupils, not ADA, that may be enrolled.

4. CONCLUSION

We have noted, above, that the computation of units of physically handicapped ADA differs according to the type of instruction being given For physically handicapped pupils attending regular classes, special day classes, or in remedial classes, ADA is computed on the same basis as for normal pupils But, for pupils receiving individual instruction or instruction at home or in a hospital (and for certain

preschool pupils with speech defects being instructed in the school), one *clock-hour* of instruction equals *one day* of attendance for ADA purposes

These provisions differ from those applicable to normal, mentally retarded or severely mentally retarded pupils who are enrolled for less than a minimum school day. For these pupils ADA is computed by first adding the total number of hours of instruction and then dividing by the number of hours required for a minimum school day for that grade These provisions were adopted by the Stae Board of Education and are embodied in Section 9(i) of Title V of the California Administrative Code This adoption by the board was authorized by Section 10951 of the Education Code

We do not feel that an adequate justification exists for the difference in the ADA computation of the physically handicapped receiving individual instruction Inasmuch as the unit of ADA becomes the measure of state financial support, it is in the State's interest to note how this ADA is calculated Excess cost reimbursements are intended to reflect the support of a district's efforts In the consideration of school district efforts, measured in terms of teaching time, we do not see that a special case exists for the present method of ADA computation for this individual instruction.

Suggested Solution to the Problem

It is suggested, therefore, that the provisions of Section 11201 and 11202 of the Education Code be amended to be parallel to those of Section 9(i) of Title V with regard to individual instruction and ADA computations on the basis of the total number of hours of instruction This would promote consistency in the measurement of school district effort in the field of individual or exceptional instruction

III. Mentally Retarded

In 1961-62, $10,053,118 was apportioned as excess cost reimbursements for programs for the mentally retarded, approximately 37 percent of the total special education apportionment that year Together with the education of the physically handicapped, the education of the mentally retarded is required. The total ADA of mentally retarded pupils reported for 1960-61, the year on which the 1961-62 apportionment was based, was 36,898 This number is over twice the number of physically handicapped ADA and almost twice the total of the physically handicapped and severely mentally retarded combined

1960-61 MENTALLY RETARDED ADA

Elementary Schools, K-8	
Junior high grades 7 and 8	4,585
Other elementary	22,744
County school service funds	2,420
High schools, 9-12	7,149
Total	36,898

Dividing the total 1961-62 expenditure by the 1960-61 mentally retarded ADA yields an average of approximately $272 per unit of such ADA.

There appears below a comparison between the reported excess expenses for the education of the mentally retarded in California and the State School Fund apportionments for the mentally retarded

Year	(1) Excess expense	(2) Subsequent State School Fund apportionment	(3) Difference column (1) less column (2)	(4) Percent of column (2) to column (1)
1960-61	$13,432,350	$10,053,118	$3,379,232	74 8
1959-60	11,452,051	9,379,077	2,072,974	82 0
1958-59	9,484,632	8,460,060	1,024,572	89 2
1957-58	8,126 126	4,650,287	3,475,839	57 2
1956-57	6,863,644	4,182,138	2,681,506	60 9

From this it may be seen that the proportion of the total excess expense met from the State School Fund has been decreasing in the years since 1959 (in that year the maximum appropriation for excess cost reimbursements were substantially raised). That in the past three years the proportion of state support to total excess expense has dropped is, in our opinion, indicative only of the greater local expenditures for special education It does not serve to support a claim that state financial assistance is inadequate to meet the needs of special education In terms of dollars per unit of mentally retarded ADA served, state apportionments in this period went from an average of $173 to $272, an increase of 57 6 percent.

Section 18152 of the Education Code authorizes excess cost reimbursements for the education and pupil transportation of mentally retarded minors not to exceed $375 per unit of ADA of such pupils This maximum figure of $375 compares with $910 for the physically handicapped and $670 for the severely mentally retarded; and, it will be noted, the maximum authorization includes the expenses of transportation For the other two categories of handicapped and retarded pupils, an additional authorization for special transportation is provided (see Section V, below).

Whereas the Education Code contains specific directions for the computation of physically handicapped ADA, there is no special provision for the mentally retarded The terms of Division 9, Chapter 3, of the code which contain the regulations for the computation of ADA in regular classes for normal children apply equally to the mentally retarded and severely mentally retarded There is no computation for days of attendance for individual or home instruction

With regard to state support for the education of the mentally retarded, we see no reason why it should not be included within our recommendation in the previous section concerning the unused district aid capacity of basic aid school districts.

IV. Severely Mentally Retarded

The 1961-62 State School Fund provided $1,402,947 in apportionments for excess cost reimbursements for programs in the education of the severely mentally retarded Although this is not a mandatory activity, we understand that each year more of the State's severely mentally retarded minors are being brought into school district programs In 1960-61 there were reported 2,644 ADA that were severely mentally

retarded, an increase of 15 3 percent over the 1959-60 figure. This represents a faster rate of growth in enrollment than the physically handicapped (7 7 percent in the same period) or the mentally retarded (10 2 percent) Nearly half of the 1960-61 total severely mentally retarded ADA were in classes maintained by the county superintendents, an increase of nearly 33 percent over 1959-60

There is below a comparison between the reported excess expense of the State's school districts for the severely mentally retarded and the State School Fund expenditures

Year	(1) Excess expense	(2) Subsequent State School Fund apportionment	(3) Difference column (1) less column (2)	(4) Percent of column (2) to column (1)
1960-61	$1,897,678	$1,402,947	$494,731	64 7
1959-60	1,467,407	1 231,695	235,712	83 9
1958-59	1,205,492	1,084,560	120 932	90 0
1957-58	838,630	669,416	169,214	79 8
1956-57	714,812	553,695	161,117	77 5

Here, again, it may be seen that the revision of the maximum authorization by 1959 legislation effected an adjustment of the proportion of state financial support to total excess expense It may also be seen, however, that the total excess expense increased quite substantially in 1958-59, reflecting the increase in 1957 of the maximum authorization figure In the period since the last adjustment of this figure the proportion of the total excess expense met by the State School Fund has diminished Again we would point out that this is not sufficient indication to conclude that the level of state support of this special education is inadequate It does indicate however, that school districts' expenditures for the severely mentally retarded have been going up (an increase of 29 3 percent between 1959-60 and 1960-61) In terms of dollars per unit of ADA served, state apportionments rose between 1957-58 and 1960-61 from $400 as an average to $531, an increase of 32 6 percent To assess adequacy on the comparison of state and total expenditures is to use the closed-end and open-end approach we have discussed previously

Section 18202 of the Education Code now provides that up to $670 per unit of severely mentally retarded ADA may be apportioned for excess cost reimbursement, exclusive of transportation For the severely mentally retarded, as for the mentally retarded, ADA is computed on the same basis as for normal ADA in the same school grade level, as specified in Division 9, Chapter 3, of the code

Particularly with regard to programs for the severely mentally retarded, we consider that they should be included within our recommendation to apply the unused district aid of basic aid school districts, inasmuch as the education of the severely mentally retarded has not been directly mandated by the State The proposal of a permissive tax outlined above in Section II would apply to this special education as well as to the education of the physically handicapped and mentally retarded

V. Transportation of Special Students

In 1961-62 a total of $2,802,463 was apportioned from the State School Fund as excess cost reimbursement for transportation to special day classes for certain physically handicapped and severely mentally retarded minors. This expenditure equalled slightly over 10 percent of the total special education apportionment for that year of $27,290,136. The total number of ADA represented in this expenditure, reported from the 1960-61 year, was 8,891. These were distributed as follows:

1960-61 ADA REPRESENTED IN 1961-62 APPORTIONMENTS FOR TRANSPORTATION

Type of district	*Physically handicapped*	*Severely mentally retarded*	*Total*
Elementary districts	3,265	595	3,860
High school districts	635	14	649
Unified districts	1,931	730	2,661
County school service funds	506	1,215	1,721
Totals	6,337	2,554	8,891

A comparison of the total current expense and the support from the State School Fund is below. The comparison is closely parallel to those for the various categories of special programs.

Year	*Total current expense*	*Subsequent State School Fund apportionment*	*Difference*	*Percent of State School Fund support to total current expense*
1960-61	$3,347,428	$2,802,463	$544,965	83.7%
1959-60	2,789,790	2,452,792	336,998	87.9
1958-59	2,445,938	2,299,738	146,200	94.0
1957-58	1,917,703	1,613,953	303,750	84.2
1956-57	1,637,623	1,473,180	164,443	90.0

Section 18060 authorizes up to $475 per unit of ADA for transportation to and from special day classes for certain physically handicapped and severely mentally retarded minors. The physically handicapped pupils eligible for this transportation are the blind, deaf, aphasic, cerebral palsied and orthopedically handicapped.

Section 18062 states that, in addition to all other amounts apportioned to a school district, that district is eligible to receive up to $475 per ADA for the excess cost of transporting "minor pupils whose vision or hearing is impaired to a degree making it practical to transport them to some location *in another district* (emphasis added) where specialized instruction may be afforded." Thus not only is transportation within the district authorized, but specific provision also exists for allowances for special transportation between one district and another subject to the approval of the Superintendent of Public Instruction.

Our recommendation with regard to the utilization of unused district aid capacity in basic aid districts applies to the apportionments for this special transportation as well as for the physically handicapped, mentally retarded and severely mentally retarded.

The permissive tax proposal contained in Section II would also apply to the support of special pupil transportation as well as to the education of exceptional pupils.

APPENDIX 1-(A)

COUNTY-BY-COUNTY BREAKDOWN OF 1960-61 APPORTIONMENTS

County	(and number of districts)	Physically handicapped	Mentally retarded	Severely mentally retarded	Transportation for physically handicapped and severely mentally retarded	Total
Alameda	34	$737,606	$497,037	$54,178	$96,221	$1,385,042
Amador	2	244	8,941		436	9,621
Butte	13	31,871	27,328	11,100	11,973	82,172
Calaveras	1		3,689		225	3,914
Colusa	1	921	7,137			8,058
Contra Costa	22	369,328	138,602	44,948	81,426	634,304
Del Norte	5	5 263			337	5,600
El Dorado	3	6,596	13,382			19,978
Fresno	41	301 417	107,592	1,574	44,084	454,667
Glenn	13	7,801		3,186	3,406	14,393
Humboldt	28	74,160	49,728		4,683	128,571
Imperial	11	27,049	10,278		2,774	40,101
Kern	28	219,782	165,663	46 944	30 692	463,081
Kings	16	36,179	37,646	9,905	7,654	91,384
Lake	3	1,744	3,589			5,333
Lassen	5	1,725				1,725
Los Angeles	94	5,959,115	4,380 571	358,000	1,225,334	11,923,020
Madera	9	33,223	22,083		2,746	58,052
Marin	15	82,440	37,428	7,499	18,185	145,552
Mendocino	6	7,072	4,826			11,898
Merced	13	28,291	36,091	3,600	10,221	78,203
Modoc	1	206	2,606			2,812
Monterey	22	96,761	70,063	13,921	17,800	198,545
Napa	8	24,123	23,669		3,171	50,963
Nevada	3	1,616	9,309			10,925
Orange	35	484,697	323,006	86,240	98,129	992,072
Placer	7	2,342	15,075	2,487		19,904
Plumas	1	3,346	3,103			6,449
Riverside	18	130,378	199,948		7,610	337,936
Sacramento	11	316,019	260,441	105,759	120,893	809,712
San Benito	2	1,018	18,722		1,103	20,843
San Bernardino	35	307,601	395,502	30,197	42,330	775,630
San Diego	30	713,616	833,112	64,353	126,533	1,737,614
San Francisco	1	715,946	413,352	76,021	134,210	1,339,429
San Joaquin	32	155,435	169,734	48,003	33,259	406,431
San Luis Obispo	16	42,317	35,892	16,891	11,983	107,083
San Mateo	20	308,782	118,406	44,969	74,853	547,010
Santa Barbara	11	93 818	54.964	18,006	27,927	194,745
Santa Clara	34	602,304	249,092	67,761	86,479	1,005,636
Santa Cruz	12	89,234	47,238	12,911	6,884	156,267
Shasta	4	25,357	17,707		804	43,868
Siskiyou	6	4,604	4,137			8,741
Solano	10	57,670	32,368	11,296	7,866	109,200
Sonoma	11	71,400	70,089	10,896	17,874	170,259
Stanislaus	30	112,044	104,699	27,929	37,836	282,508
Sutter	11	3,548	5,628		1,228	10,404
Tehama	4	2,966	8,584			11,550
Trinity	0	676				676
Tulare	35	160,013	138,334	35,920	24,249	358,516
Tuolumne	4	953	3,103			4,056
Ventura	26	133,179	146,133	8,590	25 653	313,555
Yolo	5	23,687	33,001	4,044	1,906	63,538
Yuba	4	8,323	14,569	3,667	1,815	28,364
Totals	814	$12,621,436	$9,379,077	$1,231,695	$2,452,792	$25,685,000

APPENDIX 1-(B)

COUNTY-BY-COUNTY BREAKDOWN OF 1961-62 APPORTIONMENTS

County	(and number of districts)	Physically handicapped	Mentally retarded	Severely mentally retarded	Special transportation for physically handicapped and severely mentally retarded	Total
Alameda	34	$727,945	$512,120	$64,032	$118,781	$1,422,878
Alpine	0					
Amador	2	262	9,841		408	10,511
Butte	17	33,031	24 183	10,563	16,138	83,915
Calaveras	1	782	3,542			4,324
Colusa	1	1,563	6,099			7,662
Contra Costa	22	357,649	163,624	43,847	95,422	662,542
Del Norte	5	4,408			178	4,586
El Dorado	6	11,863	16 892			28,755
Fresno	48	330,017	154,021	2,606	48,635	534,279
Glenn	15	10,207		3,847	3 345	17,399
Humboldt	28	63,924	56,330		6,870	127,024
Imperial	9	39,787	29,494		4,453	73,734
Inyo	1	936	2,274			3,210
Kern	29	222,360	186 317	47,527	44,339	500,543
Kings	16	37,282	57 379	16,934	8,620	120,215
Lake	1	244	3,068			3,112
Lassen	0	102				102
Los Angeles	87	6,048 042	4,113,249	380,248	1,300,316	12,141,855
Madera	16	30 529	25 437		3 099	59,365
Marin	16	102,590	39,821	8,631	71,866	222,908
Mariposa	0					
Mendocino	8	10,187	6 219	5,754	1,690	23,756
Merced	13	27,840	70,225	10,287	9,068	117,420
Modoc	0		3,542			3,542
Mono	0					
Monterey	22	100,359	83 978	4,948	22,300	211 575
Napa	10	29,873	30,698	7 271	3,510	71 152
Nevada	4	3,478	6 715	2,403	1,983	14 579
Orange	35	522,754	393,101	92,639	100,769	1,109,273
Placer	8	13,501	24,826	5,237		43,564
Plumas	1	4 689	1 934			6,623
Riverside	19	149 355	221,185		9,584	380,124
Sacramento	10	393,199	335,717	125,056	142,870	996 842
San Benito	2	1,123	20 194		1,369	22 686
San Bernardino	33	318 532	442,204	37 068	54,620	852,424
San Diego	33	748,021	947 930	68,004	132 627	1,896,672
San Francisco	1	691,393	435 088	81,131	148,713	1,356,325
San Joaquin	21	159,943	157,125	52 096	42 635	411,759
San Luis Obispo	16	43,096	38,183	16,111	11,666	107,056
San Mateo	20	393,936	116,573	60,634	85,041	656 006
Santa Barbara	11	128 037	81 186	19,625	35,357	264,105
Santa Clara	35	632,048	261,362	100,119	113,110	1,106,639
Santa Cruz	10	96 295	54,996	18 837		170,128
Shasta	5	31,428	17,044	3,452	3,966	55,890
Sierra	0					
Siskiyou	10	5 095	2 898			7,993
Solano	7	52 646	42 833	16,661	10 709	122 849
Sonoma	15	65,339	72,850	10,846	17,878	167 113
Stanislaus	26	125 016	98,860	29,816	43,010	296 702
Sutter	11	7 563	10 983	4 884	6,817	30,247
Tehama	4	2,902	9 017			11,919
Trinity	0	713				713
Tulare	34	157 995	144 770	37,925	35,593	375,353
Tuolumne	4	1,034	4,187			5,221
Ventura	25	130 756	167 189	13 035	31,488	342,468
Yolo	5	32 248	33,389	5,739	9,304	80,680
Yuba	6	9,389	14,476	3,184	4,620	31,669
Totals	820	$13,031,608	$10,053,118	$1,402,947	$2,802,463	$27,290,136

APPENDIX H

DEFINITIONS OF CATEGORIES OF INSTRUCTION OF PHYSICALLY HANDICAPPED PUPILS AS STATED IN DEPARTMENT OF EDUCATION FORM J-22

a Regular Day Classes This category shall include the attendance of physically handicapped minors enrolled in classes established for normal (nonhandicapped) pupils The excess expense for physically handicapped pupils in regular day classes may include only identifiable special expenses, such as special supplies, special teaching aids, supplemental teaching (the supplemental teacher must be available for a minimum school day in the program and must possess a valid credential for teaching the type of exceptional children enrolled in such classes), and special transportation No part of the regular teacher's salary can be included as excess expense in such programs

This category shall also include the attendance of pupils who are partially seeing, blind, hard of hearing, or deaf enrolled in "integrated classes" (Education Code Section 18060 2). "Current expenses" may include the salary of the properly credentialed "special" teacher that provided supplementary instruction and certain other expenses pertaining to the integrated class

b Remedial Classes "Remedial classes as herein employed include special classes providing remedial instruction for physically handicapped pupils who are excused in small numbers for a portion of a class period from regular classes, special day classes and special training schools and classes for mentally retarded and severely mentally retarded, without appreciable reduction in the costs of such classes" (Education Code Section 6816) The total current expenses incurred for remedial classes are defined as "excess expense"

c Individual Instruction Individual instruction of physically handicapped minors is furnished at the home, in an institution It may also be furnished at school for preschool children with speech disorders or defects (Education Code Section 6816) One hour of teaching time counts as one day of attendance for this category only Any period of teaching time shall be counted for only one pupil regardless of the presence of any other pupil during any or all of that period The total current expenses of individual instruction are defined as "excess expense"

d Other Special Day Classes This category shall include all other schools and classes for physically handicapped minors Special day classes are organized for small groups of physically handicapped employing an additional special teacher and usually held for a minimum school day

The excess expenses of educating physically handicapped minors in this category shall be determined by comparison of the current expense per unit of average daily attendance of pupils in this category with the current expense per unit of average daily attendance of "normal" pupils.

PUPIL TRANSPORTATION AND DRIVER TRAINING

CONCLUSIONS AND SUGGESTED SOLUTIONS

Prepared by Office of Legislative Analyst,
State of California, May 17, 1962

I. Pupil Transportation

INTRODUCTION

The term pupil transportation as used in this report refers primarily to the transportation of normal pupils This is in distinction to the special transportation of certain physically handicapped and severely mentally retarded minors discussed in our report on special education. Section 18053 of the Education Code, in defining terms used in specifying the computation of apportionments for pupil transportation, applies this definition to transportation "the transportation of pupils *between their homes and the regular full-time day schools* attended by them as provided by a school district." This definition excludes for purposes of reimbursement from the State School Fund the transportation of pupils on special trips or excursions Section 18053 also includes within the definition of transportation the payment of moneys by school districts to parents in lieu of providing transportation from home to school, and the providing of board and lodging to pupils in lieu of transportation from home to school.

Funds are reserved each year in the State School Fund for the support of transportation on the basis of $4 per total state ADA In 1961-62 over $14 2 million was thus reserved This state support is in the form of partial reimbursements, rather than in the nature of allowances The reimbursements are based upon current expenses incurred in the year prior to that in which the funds are to be apportioned.

Each year the State's school districts report, through the county superintendents of schools, their current expenses for transportation. Section 1285 of Title V of the California Administrative Code defines current expense as follows Current expenses for pupil transportation include all expenditures, except for capital outlay, made by a school district . . . in providing authorized pupil transportation These current expenses include driver salaries, gas, oil, tires and other supplies, repairs, insurance, payments to parents or other carriers for services, payments to parents in lieu of transportation, and the costs of bus replacements. Not all of this total current expense is eligible for state reimbursement; state support is limited to home-to-school costs plus, for certain newly organized unified districts, bus purchase costs.

During 1960-61 the gross total current expense for the State's districts for transportation was $36,124.706. This figure includes all the transportation expenses of all the districts, including their expenses for special transportation of handicapped pupils which are reimbursed from funds within the State School Fund reserved for special educa-

tion The total current expenses of those districts that submitted reports to the Department of Education for purposes of reimbursement equalled $35,890,140 Some districts do not file these reports inasmuch as under the provisions of the Education Code formulae they do not qualify to receive these apportionments Of this $35 9 million reported for reimbursement, the department has identified $28,105,700 as allowable, that is, this amount represents the home-to-school costs upon which state apportionments will be based It is this $28 million figure against which state reimbursements must be compared in discussions of the adequacy of the relative efforts exerted

Table I is a comparison between the gross total current expenses of all districts for transportation (column 1); the gross total current expenses of those districts reporting for reimbursement (column 2); the total allowable expenses (column 3), and the reimbursements subsequently made from the State School Fund (column 5) The difference between columns 1 and 2 is that the latter represents fewer than the total number of the State's districts

Table I shows that in the period under review the State School Fund support for transportation has increased by a greater percentage than the gross total expenditure of the State's districts. However, the total allowable (the home-to-school expense) has in turn increased at a greater rate than the State School Fund expenditure for this purpose, a comparison between 126 7 and 120 3 percent In terms of the proportion of state reimbursement to the total allowable, there has been a decline in recent years from a high of 56 4 percent to nearly 50-50 The 1957 legislation increasing the amount per total state ADA reserved in the fund for transportation is responsible for the increase to 56 4 percent In assessing the adequacy of state support for transportation, the factors behind the figures reported for the total allowable and the amounts reimbursed should be borne in mind Although Section 1295 of Title V of the Administrative Code outlines for the districts what constitutes excessive transportation expense, there is no real limit on how much the districts may spend on home-to-school transportation so long as their practices are within the general guidelines established in Sections 1295, 1280 and 1296 (outlining minimum distance requirements) of Title V State reimbursements, however, are more rigidly circumscribed, representing as they do limits imposed by the total state ADA and the amount per total state ADA authorized for reservation.

Table II is included to reflect the comparison between the gross total current expense of transportation for 1960-61 classified by type of district and the 1961-62 reimbursements from the State School Fund This indicates that in 1960-61 the total of state reimbursements from the State School Fund met 47 2 percent of the gross total expenditure for transportation

The Education Code, commencing at Section 18051, contains the provisions for computing transportation reimbursements. The principle of the formulae appearing in Section 18055 is quite simple, representing a method whereby local districts must first contribute in relation to their assessed valuation before qualifying for state financial assistance. If they do qualify, the state support is graduated, being partial support for allowable expenses below certain limits and becoming total

TABLE I

TRANSPORTATION—A COMPARISON BETWEEN EXPENDITURES AND REIMBURSEMENTS

Year	(1) Gross total, current expense for transportation	(2) Gross total reported for reimbursement, current expense of transportation	(3) Total allowable (home-to-school), gross total for reimbursement	(4) Percent of total allowable to total reported for reimbursement	(5) Subsequent amount of reimbursement allowed	(6) Percent of reimbursement to total allowable
1960-61	$36,124,706	$35,890,140	$28,105,700	78 31%	$14,235,937	50 7%
Increase	6 5%	17 7%	7 7%		6 8%	
1959-60	33,909,311	30,494,816	26,085,168	85 54	13,333,667	51 1
Increase	9 0%	9 8%	10 4%		5 9%	
1958-59	31,121,612	27,766,068	23,634,079	85 12	12,586,092	53 3
Increase	8 3%	2 8%	10 4%		6 4%	
1957-58	28,726,503	27,005,729	21,411,608	79 29	11,832,405	55 3
Increase	11 4%	13 4%	12 4%		10 1%	
1956-57	25,791,496	23,821,127	19,051,418	79 98	[2]10,745 754	56 4
Increase	10 2%		6 2%		32 4%	
1955-56	23,407,654	[1]	17,942,421	14 7%	8,119,034	45 3
Increase	11 7%		14 7%		6 8%	
1954-55	20,953,455		15,647,891	10 2%	7,601,076	48 6
Increase	8 3%		10 2%		8 0%	
1953-54	19,344,599		14,202,595	14 6%	7,035,919	49 5
Increase	14 5%		14 6%		8 7%	
1952-53	16,887,585		12,396,818		6,469,889	52 2
Total increase, as percent	113 9%		126 7%		120 3%	

[1] These figures are no longer available from the Department of Education
[2] 1957 legislation increased the amount per total state ADA reserved in the State School Fund for transportation from $8 20 to $4 00. This increase is reflected in the 1956-57 entry, the year to which the 1957-58 apportionment was directed

TABLE II

Grade level	(1) Gross current expense, total	(2) Apportionment for transportation	(3) Apportionment[1] for special transportation	(4) Total state expenditure	(5) Percent of state expenditure to gross total
Elementary	$17,199,667	$8,419 726	$647,604	$9,067,330	52 7%
High school	10,484,065	2,558,388	223,633	2,782,021	26 5
Junior college	484 143				0
Unified	7,956,811	3,257,823	1,504,778	4,762,601	59 9
Totals	$36,124,706	$14,235,937	[2]$2,802,463	$17,038,400	47 2%

[1] State reimbursements for special transportation are made from funds reserved in a separate segment of the State School Fund for special education
[2] Includes $426,448 apportioned to county school service funds for special pupil transportation

support for expenses above those limits For all school districts a computational tax is applied to 90 percent of their assessed valuation The computational tax rate varies according to the type of district and the number of grade levels (elementary, high school or junior college) for which transportation services are provided

In brief, for a district maintaining transportation services for one grade level, local resources must meet all the costs up to an amount equal to what a 2-cent tax applied to 90 percent of the assessed valuation would provide For costs greater than this amount but less than the product of an 8-cent computational tax applied to 90 percent of the assessed valuation, the State pays half of the expense and the district pays the other half For those costs which are greater than the product of an 8-cent tax the State pays the full amount

For a unified district maintaining services to two grade levels, or for two districts having identical governing boards, the district meets expenses equivalent to the first 3 cents applied to 90 percent of its assessed valuation, the State, half between 3 and 12 cents and all above 12 cents

For districts operating transportation services at three grade levels, the districts meet the expenses equivalent to a tax rate of 4 cents applied to 90 percent of the assessed valuation, the State, half between 4 and 16 cents and all above 16 cents

Section 18056 establishes a method for computing apportionments for unified districts formed as the result of optional reorganization Using the same format as Section 18055, this section provides that, in addition to regular pupil transportation expense reimbursement, *full* current expense reimbursement shall be paid for expenses attributable to relocation or reorganization of attendance centers within the district for the district's *first five years* After that period, apportionments are based upon the number of grade levels for which transportation is maintained, as in the manner provided in Section 18055 It is also provided, by Section 18058, that for these new unified districts the expenses of bus purchases will be added to the apportionment if the purchases were determined to have been occasioned because of relocation or reorganization In 1961-62 $12,504 was thus apportioned for two new unified districts, Calaveras Unified and Elk Grove Unified

The Department of Education, in Title V of the Administrative Code, has acted to define what constitutes excessive expense for transportation This is necessary and desirable inasmuch as the State is committed to full support for expenses that are greater than defined computational tax limits If a district's transportation expense exceeds what the department has determined to be a median cost per bus per day plus 25 percent of that median cost, the expense is excessive School districts are classified into 16 groups based upon the average size of the school buses as classified by rows of seats in the buses and the average daily hours of operation Table III lists these 16 groups, the median cost per bus per day determined by the department for 1961-62 apportionments, and the median plus 25 percent

Exceptions are permitted by Section 1295 only in those instances in which the Superintendent of Public Instruction determines that expenditures exceeding these specifications were caused by necessary replacement of an engine or a necessary major overhaul of one or more buses.

It must be noted that the device of using a median cost per bus per day is influenced by the more costly experience of some districts From whatever cause they are incurred, the highest costs are bound to keep

TABLE III

COST PER BUS PER DAY

Classification	Median	Maximum allowable (median plus 25 percent)
A Less than 4 hours operation		
I Less than 7 rows	$14 94	$18 68
II From 7 to less than 9 rows	16 31	20 39
III From 9 to less than 11 rows	18 88	23 60
IV 11 or more rows	21 20	26 50
B From 4 to less than 6 hours of operation		
I Less than 7 rows	$17 51	$21 89
II From 7 to less than 9 rows	24 06	30 08
III From 9 to less than 11 rows	26 81	33 51
IV 11 or more rows	31 39	39 24
C From 6 to less than 8 hours of operation		
I Less than 7 rows	$31 32	$39 15
II From 7 to less than 9 rows	30 36	37 95
III From 9 to less than 11 rows	34 90	43 63
IV 11 or more rows	61 43	76 79
D 8 or more hours operation		
I Less than 7 rows	None	None
II From 7 to less than 9 rows	$29 33	$36 66
III From 9 to less than 11 rows	35 86	44 83
IV 11 or more rows	46 34	57 93

Source Apportionment of the State School Fund, Part II, February 1962, p viii, California State Department of Education

increasing the median As this median goes up, so too is the demand upon the funds available in the State School Fund increased to meet the expenses incurred that are greater than the upper computational tax rates set in Section 18055

Title V, Section 1280, specifies the minimum transportation distances for the purpose of determining current expense for a district for reimbursement purposes These distances are measured from the point a pupil boards a bus at a regularly established stop to the school of attendance by the shortest traveled road

For pupils attending kindergarten or grades 1, 2, or 3—three-fourths mile

For all other pupils attending an elementary school—one mile

For all pupils in grades 7, 8 or 9 attending a separately maintained three-year junior high school—one mile

For all pupils in grades 9, 10, 11 or 12 attending a four-year high school, a high school, or junior college—two miles

For all pupils in grades 13 or 14 attending a junior college—three miles

This has been an attempt on the part of the Department of Education to prevent abuses in transportation reimbursements by defining how far a pupil must be transported before such transportation may be included for reimbursement purposes. Section 1296 or Title V, however, permits some broadening of these provisions Section 1296 states:

"No allowance shall be computed on expenses for providing transportation to pupils who board a bus within the minimum distance as prescribed by . (Section 1280) except for those pupils equaling in number 10 percent of the number transported who board a bus beyond the minimum distance . . Exclusion of such expenses shall be determined by subtracting from the total expenses of the district for transporting normal children the product of the number of children transported from within the minimum distance that exceeds 10 percent of the number transported from beyond the minimum distance and the cost per pupil per year for transporting all normal children"

What this means is that a district may include within its allowable expense (for purposes of reimbursement) pupils picked up within the distance limits set by Section 1280 so long as sufficient numbers of children are also picked up who reside outside these distance limits Thus, if a school district transports 50 pupils from points outside the appropriate distance requirements (for example, one mile from an elementary school), it may include in its reported current expense for reimbursement the costs of transporting five pupils who reside within the minimum distance Such provisions for exception tend to increase the total state transportation expenditure; this increase is reflected in pressure upon the State School Fund

Other sections of Title V, from Section 1260 to Section 1321, contain the regulations of the Department of Education for "allowances for pupil transportation" These include the specification of records and reports to be made, the replacement of school buses; provisions for allowances to newly formed unified school districts (as authorized by Section 18058 of the Education Code), and definitions of deaf, blind, cerebral palsied and orthopedically handicapped pupils, as used in connection with reimbursements for special transportation (discussed in our April 30, 1962, report on special education)

Section 18061 of the Education Code provides an exception in the case of pupil transportation to the administration of deficits between the amounts available for reimbursement and the computed reimbursements (the same device is applied in the area of growth apportionments) In other areas of the State School Fund such as basic and equalization aid, or special education, a deficit factor is applied to apportionments on a pro rata basis rather than on an equalization basis This will in effect reduce each dollar apportioned until the total apportionment equals exactly the total sum available In the area of transportation, a different device is employed. Here the lower computational tax rate (2, 3 or 4 cents) is raised in stages of one mill until the total amount to be reimbursed is equal to or less than the amount available Thus, in 1961-62, it was necessary to add eight mills to the lower tax rate to reduce the total computed reimbursement from the State School Fund to the amount available. This machinery means that usually there is some amount thus left over, in 1961-62 the sum was $14,787 This money is then available for the final apportionment of the fund, to be applied toward making up any other "deficits" there may have been in other areas In 1961-62 it will be completely absorbed into the equalization aid deficit. Neither the expenditures for bus pur-

chase for certain unified districts nor the full current expense reimbursement for expenses attributable to relocation for these districts is subject to the application of this deficit factor recomputation

1. CONCLUSION

It has been seen that present provisions of the Education Code require that the State reimburse fully all expenses for transportation that are greater than the product of a computational tax rate of either 8, 12 or 16 cents, depending upon the district, applied to 90 percent of the district assessed valuation The state and local districts share equally those costs that fall between these upper computational tax rates and the lower rates of 2, 3 or 4 cents, respectively We have discussed the fact that the regulations of the Department of Education in Title V of the Administrative Code are intended to protect the state's interest by placing some determination upon what constitutes excessive transportation expense for purposes of reimbursement Section 1295 provides for the computation of a median cost per bus per day taking into account hours of operation and bus size However, it is obvious that the higher the expenditures reported, the greater the median will inevitably become Therefore this is not an absolute ceiling but rather a ceiling for any one year. As districts spend more for bus operation, the median will be established at successively higher levels The definition of minimum distances for pupil transportation in Section 1280 is rendered less effective by the presence of Section 1296

We believe that the feature of 100-percent state support for certain transportation expenses should be abolished, and that the partnership concept presently applied to reimbursements for expenses falling between the upper and lower computational tax rates should be extended

Suggested Solution to the Problem

All state financial support for pupil transportation should be on the basis of a 50-50 sharing of all expenses that are greater than the product of the lower computational tax rate applied to the district assessed valuation This would eliminate the feature of an upper computational tax rate, and would better serve the concept of a partnership between the State and local school districts

We recognize, however, that this proposal does not entirely eliminate certain inequities that exist and would continue to exist under our suggested solution, namely, the problem of improved equalization for the less wealthy districts Therefore, we suggest that the Department of Education be directed to study how these formulae may be further amended to provide for equalization features for the poorer districts. One such method by which this improved equalization may be accomplished is by the establishment of a graduated computational tax rate that was reduced for districts of less wealth, thereby lowering the threshold beyond which State and local support are shared

2. CONCLUSION

In the course of our review of the transportation reimbursement formulae and regulations we noted that it is possible for a district to increase its total transportation program expense with no increased cost to the district. One method is through the contracting for services from

private companies which can be accomplished in two ways: (1) by contracting for services to be performed in addition to the district's own program, or (2) by contracting for the entire program and discontinuing the use of district personnel and equipment.

This additional cost may fall 100 percent upon the State because the formulae currently in effect provide for 100 percent reimbursement for those expenses that exceed the product of the appropriate computation tax rate of 8, 12 or 16 cents applied to 90 percent of the district assessed valuation The only control, or cap, which the formulae provide is that a district's cost per bus per day may not exceed the median cost per bus per day plus 25 percent for all districts reporting transportation (Section 1295, Title V).

We believe that the present regulations can permit abuses with regard to the reasonableness of contracts made between school districts and private contractors for transportation services This is possible because in the absence of additional local contribution there is a tendency for the private contractors to provide excessive or unnecessary transportation services which would not be provided if the district were required to make a contribution from its district funds for the additional services We have reviewed records in the Department of Education and discussed our opinion with their personnel The department is aware of this problem and that the proposed contracts are within the scope of existing statutes and regulations, and they are working on corrective actions

Our review and discussions indicate not only that the possibility of abuse exists under the present law, but that there are actual cases wherein contract proposals have been made to school districts by contractors, the costs of which were unreasonable in the relation to the cost of services which had been performed by the districts with their own equipment and personnel We are not currently aware of the extent to which the various school districts may have accepted these contract proposals However, to illustrate the potential increase in transportation reimbursement cost to the State due to these proposals, an actual proposal made by a private contractor to a school district is summarized below Appendix I shows the transportation reimbursement report actually filed with the State by the district referred to as the result of operating its own buses; Appendix II shows the report which would have been submitted had the proposed contract been in effect It should be noted that the only discernible increase in service indicated in the contract proposal was an increase of 20 pupils transported.

SUMMARY OF CONTRACT PROPOSAL, SHOWING COMPARISON OF DISTRICT COST AND STATE COSTS UNDER THE DISTRICT-OPERATED AND CONTRACTED SYSTEMS [1]

	Under district operation	*Proposed contract operated*
Approved transportation expense	$9,431 71	$20,856 00
District assessed valuation	3,195,280 00	3,195 280 00
First tax equivalent	2,300 60	2,300 60
Second tax equivalent	805 21	805 21
First computation of reimbursement	7,131 11	18,455 40
Second computation of reimbursement	1,495 39	1,495 39
Third computation of reimbursement	747 69	747 69
State reimbursement to district	$7,579 00	$19,303 00
Net cost to district	$1,553 00	$1,553 00

[1] See Appendix III for detailed instructions of these calculations

It is significant that the above comparison shows that the proposal would result in no increased cost to the district Thus the entire increase of $11,424, or 145 percent, would be borne by the State

Further, a few unit comparisons should be made

	District operated	*Contract operated*	*Increased cost*
Cost per pupil	$63 35	$122 68	$59 33
Cost per bus per day	27 00	39 50 [2]	12 50
Cost per bus per mile	0 314	0 572	0 258

[2] This amount could presumably be adjusted to the maximum of $39 24 per bus per day

As noted above, the only discernible increase in the number served under the proposed contract was an additional 20 pupils anticipated to be added to the number to be transported The unreasonableness of the increased cost under the proposed contract becomes apparent when the increased cost to the State ($11,424) is divided by the increased number of pupils (20) with the result that each additional pupil would cost in effect $571.

Such proposals, if consummated, contribute to increased pressure upon the State School Fund and increased deficit factors which in turn act to the detriment of the transportation programs of all the other school districts.

Suggested Solution to the Problem

Abuses through the use of contracts should be prohibited by legislation Further, in order to assure the reasonableness of contract-operated transportation services, and to protect the State's interest in the consequent reimbursements, it is suggested that the Department of Education be directed by the Education Code to review and approve or disapprove all proposed, new or renewal contracts for transportation services between school districts and private companies The department's review should include, but not be limited to, consideration of:

(1) The reasonableness of the costs of any increased services proposed.
(2) The effect of the proposal with regard to increased costs to the State.
(3) A study of the adequacy of the transportation system before and after the proposal.

3. CONCLUSION

It has been noted above that the formulae of the Education Code used in the computation of state reimbursements for transportation apply a computational tax rate of 90 percent of the district assessed valuation. The product of the appropriate computational tax rate to 90 percent of the assessed valuation is a figure equal to that amount which a district must spend from its own resources before qualifying for partial state financial assistance.

In the computation of foundation program allowances, 100 percent of the district assessed valuation is applied to the appropriate computational tax rate in order to determine local capacity. As in the case of pupil transportation, state financial support is built around this local capacity.

We believe the pupil transportation reimbursement computations should be made, taking into account the full amount of the district assessed valuation. The determination to employ only 90 percent was made at a time when county assessment rolls had a higher proportion of delinquent taxes than is currently the case Therefore, we see no valid reason to apply only 90 percent of the district assessed valuation to one element of an educational program and apply the full 100 percent to another.

Suggested Solution to the Problem

The formulae for the computation of transportation reimbursements should be amended to provide that the computational tax rates be applied to 100 percent of the district assessed valuation. This will have the effect of requiring somewhat more local effort before qualifying for state reimbursements. However, rather than this revised local effort reducing the state support expenditure, it would mean an increase in the amount available to meet the deficits that have been occurring in recent years In 1961-62 it was necessary to raise the lower tax rates by eight mills in order to align the total computed reimbursement with the total funds available. The same deficit factor was required in 1960-61 In 1959-60 four mills were required, and in 1956-57, five mills Had our proposal been in effect in those years there would most likely have been no reduction in the total state expenditures; but a lesser deficit factor, or possibly no deficit factor, would have been required That is, the total of computed reimbursements would in all probability have been better met by the state funds available without such substantial raising of the lower computational tax rates.

4. CONCLUSION

Included within the total amount allowable for transportation reimbursements are the expenses of transportation for outdoor science and conservation classes, and classes in forestry Section 7951(d) of the Education Code states that a governing district may

> "Transport or arrange transportation of pupils, instructors, supervisors or other personnel to or from places where such programs and classes are being conducted, whether within or without the district, provided, such transportation is within the State and not in excess of a radius of 180 miles from the school or schools of the district"

Section 7952(d) specifies the same with regard to classes in forestry. These classes are quite different from the regular day classes usually held in school districts Transportation expenses are bound to be considerably greater for these classes However, school districts are not required to furnish the Department of Education with any breakdown of their home-to-school transportation expense (including this transportation to these special classes) Therefore, it is presently impossible to know at the state level how much of the districts' claim for reimbursement is represented by the expense of transporting pupils to outdoor science classes, conservation or forestry classes

Suggested Solution to the Problem

School districts should be required to report to the Department of Education their expenditures for transportation for outdoor science and conservation classes, and classes in forestry The regular submission of this information to the department will permit analysis of the extent to which districts are spending money for this transportation, the proportion of this expenditure to their total programs, and the additional pressure this transportation may be exerting upon the funds available for state reimbursements Inasmuch as these types of classes may be expected to be held at some distance from the schools of the district, it may be surmised that the cost to the district is considerably greater than the usual home-to-school service

We believe the Department of Education should also be directed to develop criteria for what constitutes an outdoor science or conservation class for the purpose of transportation payments, outlining the factors that would distinguish such classes from excursions We are not aware of any provisions in either the Education Code or Title V of the Administrative Code that define what shall constitute an outdoor science, conservation or forestry class for purposes of the distinction between this form of education and an excursion Under the provisions of Section 7951 *all* such determinations have been left to the district governing boards

II. Driver Training

INTRODUCTION

The Education Code provides for state reimbursements to school districts for the excess expense of instructing pupils in the operation of motor vehicles Section 8111 of the code defines "excess cost" to mean the total current expenditures incurred in instructing pupils in driver training in special classes, including but not limited to automobile replacement, insurance, and upkeep and maintenance Special classes includes classes for pupils who may be excused either in small numbers from regular classes, including academic and physical education classes, or at such time as may be determined by the district governing board Driver training is distinct from driver education instruction The differences are that (1) driver education is compulsory (Section 8105) while driver training is not (Section 8103); and (2) driver training is accomplished with behind-the-wheel instruction and observation in dual control cars while driver education is concerned with classroom instruction in the provisions of the Vehicle Code and the responsibilities of motor vehicle operation The district governing board, in electing to establish driver training classes, may determine eligibility on the basis of who can be expected to profit from the instruction A prerequisite for enrollment is concurrent or prior instruction in driver education No pupil under the age of 15½ years, or who is not enrolled in grades 10, 11 or 12 is eligible Not more than the maximum enrollment of the 10th, 11th or 12th grade classes of the district shall be counted as eligible for driver training instruction each year (Section 8109)

Section 174 of Title V of the California Administrative Code reflects the policy of the State Board of Education that driver training shall include instruction under one of the following plans

Plan One—Class hours allocated as follows

(1) A minimum of six class hours of behind-the-wheel instruction in a dual control automobile with a qualified instructor

(2) An additional 6 to 18 hours in a dual control automobile with a qualified driver for observation

Plan Two—A minimum of 24 class hours allocated as follows

(1) Three class hours of behind-the-wheel practice in a dual control automobile

(2) Six class hours in a dual control automobile for observation

(3) Twelve class hours of instruction in the Aetna Drivotrainer or a similar device approved by the Department of Education

(4) At least three additional hours of instruction specified in one or more of items (1) through (3)

As in the case of special education and pupil transportation, state support is in the form of reimbursement rather than in the nature of allowances Support is measured in terms of dollars per pupil instructed, not in terms of units of ADA Presently the per-pupil reimbursement maximum is $42, this was raised by Chapter 887, Statutes of 1961, from $35 Funds are apportioned to eligible districts through the State School Fund, but come originally from the Driver Training Penalty Assessment Fund rather than originally from the General Fund This fund, created in 1961 is based upon revenue from fees paid on moving traffic violations The fees are assessed on the basis of $2 for each $20 fine, or fraction thereof (Section 42050) Expenditures through the State School Fund for driver training "for any fiscal year shall not exceed the total of the moneys in the Driver Training Penalty Assessment Fund in the State Treasury" (Section 17305 5)

In Table 1 we have compared the number of pupils receiving behind-the-wheel training; the total excess current expense for driver training, and the subsequent reimbursements paid through the State School Fund

From the table it may be seen that reimbursements from state sources have increased in proportion to the total excess current expenses With the increased authorizations approved in 1961, the proportion is the highest it has been since the inception of state support in 1953-54

Recent legislation (Chapter 887, Statutes of 1961) has made two significant changes in the support of driver training The first raised the amount per pupil maximum from $35 to $42 This is the first increase in this figure since state support was undertaken The second change was the addition of an authorization for reimbursement in the area of vehicle and simulator replacement

For purposes of comparison we have talked with three local private driver training schools We discussed their experiences in the training of teenage drivers in the operation of motor vehicles (their pupils must

TABLE I

Year	Number of pupils	Total excess current expense	Subsequent reimbursement	Percent of reimbursement to total excess current expense
1960-61	122,327	$6,032,806	[1]$4,800,000	79 6%
Increase	6 6%	10 7%	420 3%	
1959-60	114 719	5,448 776	3,988,458	73 2
Increase	16 1%	15 8%	16 5%	
1958-59	98,832	4,706 461	3,424 621	72 8
Increase	16 9%	17 1%	17 4%	
1957-58	84 559	4,020 460	2,916,000	72 5
Increase	24 4%	29 2%	24 8%	
1956-57	67 967	3,112 136	2,336 287	75 1
Increase	25 5%	32 4%	51 5%	
1955-56	54,180	2 350 992	1 542,187	65 5
Increase	105 3%	115 4%	120 5%	
1954-55	26,521	1,092 556	699 609	64 0
Increase	16 4%	95 1%	82 7%	
1953-54	22 554	559,903	383,018	68 4

[1] Estimated to be spent in 1961-62 fiscal year
[2] 1961 legislation raised the amount per pupil instructed from $35 to $42 and provided for reimbursements to districts for vehicle and simulator replacements

have obtained learners' permits before they could be served by the private schools) It was the observation of the private schools that the average teenaged pupil who had had no previous driving experience required five to six hours of instruction The rate charged was uniform at $8 per hour Thus, in the experience of the private schools, the average teenage pupil spent approximately $40 to $48 in driver training lessons

The Department of Education, in its publication of Part II of the Apportionment of the State School Fund, February 1962, noted that "122,327 pupils received 'behind-the-wheel' training at a total excess current expense of $6,032,806 This excess expense amounted to an average of $49 32 per pupil trained "

For purposes of greater comparability, it should be borne in mind that the experience of the private driver training schools reflects (1) that their operations in the area of teaching teenage pupils may not be fully self-sustaining, inasmuch as these younger pupils usually require less instruction than do older pupils; and (2) there is the necessary consideration of returns from the private school's investment We would consider that these two factors may in all probability cancel each other This would mean that on the basis of the 1960-61 experience of the school districts there is a degree of close comparability between the expenses incurred in private schools and in the school districts for driver training

With the recent increased authorization for state reimbursement support, it will remain for subsequent years to see whether this close comparability is maintained It is noted that the 1961-62 apportionment included $22,824 for replacements; since this is the first year for reimbursements for this purpose, it is expected that subsequent years will see larger expenditures for replacements

1. CONCLUSION

Section 18251 of the Education Code states:

> The Superintendent of Public Instruction shall allow to each school district an amount equal to the actual cost, but not in excess of . ($42) per pupil instructed in automobile driver training, during the preceding fiscal year in accordance with regulations set forth by the State Board of Education to districts for instructing pupils in automobile driver training.

Section 18253, added to the code by Chapter 887, Statutes of 1961, specifies:

> The Superintendent of Public Instruction shall allow to each school district an amount equal to the actual expense of replacing vehicles used exclusively in automobile driver training programs and of replacing simulators used in such programs, but the amount shall not exceed three-fourths of the actual amount in excess of . . ($42) per pupil instructed in automobile driver training during the preceding fiscal year which was expended by the district in replacing such vehicles and simulators

Inasmuch as there is no cross reference between Sections 18251 and 18253, it must be questioned whether the apportionments under the provisions of Section 18251 are based only on instruction costs exclusive of vehicle and simulator replacement costs, and those under the provisions of Section 18253 based only on vehicle and simulator replacement costs For example, if a district spent a total of $90 per pupil instructed, of which $30 was identified as instruction cost and $60 for replacement purposes, would the district's apportionment under Section 18251 be only $30, or may the district also include an additional $12 of the replacement cost to bring the total to $42, the maximum specified by Section 18251? (See alternative computed apportionments A and B, below.)

It must also be asked whether a district must have already spent $42 per pupil of its own money for vehicle and simulator replacement *before* being eligible to receive apportionments under Section 18253. It would appear that this is the case, that districts may receive only as much as three-fourths of that expense which is in excess of $42 (See alternative computed apportionments C and D, below)

These two questions raise four possible alternatives, listed below, based on a total expenditure which assumes $30 for instruction and $60 for replacements With reference solely to our first question·

A—Permitting no transfer and requiring no prior local expenditure for replacements·

Total spent	*Instruction*	*Replacements*	*Total apportionments*
$90	$30	$60	$30 (Sec 18251)
		× 75	42 (Sec 18253)
		$45	$72
		— 3 in excess of amount authorized	
		$42	

B—Permitting a transfer but requiring no prior local expenditure for replacement.

Total spent	*Instruction*	*Replacements*	*Total apportionments*
$90	$30	$60	$42 (Sec 18251)
	+ 12 shift from replacements	—12 to instruction	36 (Sec 18253)
	$42	$48	$78
		× 75	
		$36	

When the second question is taken into consideration, these two added possibilities must be considered

C—Permitting no transfer but requiring a prior local expenditure for replacement

Total spent	*Instruction*	*Replacements*	*Total apportionment*
$90	$30	$60	$30 00 (Sec 18251)
		—42 prior district expenditure	13 50 (Sec 18253)
		$18	$43 50
		× 75	
		$13 50	

D—Permitting a transfer but requiring a prior local expenditure for replacements

Total spent	*Instruction*	*Replacements*	*Total apportionment*
$90	$30	$60	$42 00 (Sec 18251)
	+ 12 shift from replacements	—12 to instruction	4 50 (Sec 18253)
	$42	$48	$46 50
		—42 prior district expenditure	
		$6	
		× .75	
		$4 50	

Depending upon the answers to these two questions, four different figures could be developed to represent apportionments to the district. We have requested the Office of Legislative Counsel to review the problem outlined above, but time has precluded the receipt of its reply for inclusion into this report We understand that the Department of Education, in computing apportionments for the 1961-62 fiscal year, has interpreted the effect of Sections 18251 and 18253 to permit districts to shift part of their replacement cost to instruction and to require no prior expenditure of $42 per pupil of locally raised money before computing replacement reimbursements (see example B, above)

Suggested Solution to the Problem

In the event the Legislative Counsel places a different interpretation upon the language or intent of Sections 18251 and 18253 than has the Department of Education, the department's practices should be revised so that they are consistent with these interpretations

We believe that a distinction should be made between reimbursements for instructions and for replacements, with no possibility of transferring expenses from one category to the other for purposes of reimbursement Therefore, if a district spent less than $42 per pupil on instruction, it would receive only as much in reimbursement under Section 18251 as it actually spent *for instruction.*

In the area of reimbursements for replacements, state reimbursements should be limited only to three-fourths of that amount that is in excess of the district's expenditures *for replacements* It should be clear that a district cannot qualify for state support in this area until it has spent $42 per pupil of its locally derived funds for replacements, state support would remain limited to no more than three-fourths of this replacement expenditure that exceeds $42

In order to affect these suggestions, it would be necessary to add clarifying language to Sections 18251 and 18253 of the Education Code

2. CONCLUSION

The Driver Training Penalty Assessment Fund came into being on September 15, 1961 At that time it had a balance of zero Prior to that time support for driver training came from funds collected in the various counties and deposited in the General Fund, these funds were then transferred to the State School Fund for apportionment to the eligible school districts

On or before December 10 of each year the Superintendent of Public Instruction must apportion to eligible school districts the total of the amounts calculated as allowable to them for driver training reimbursements (Education Code Section 17406) He must at the same time certify these apportionments to the State Controller Section 17305 5 of the Education Code states

> The amounts provided in Section 17305 for any fiscal year shall not exceed the total of the moneys in the Driver Training Penalty Assessment Fund in the State Treasury

Therefore, it had to be determined in the autumn of 1961 at what time the amount in the Driver Training Penalty Assessment Fund must be computed for the purpose of setting a ceiling on the total driver training apportionment which could be paid in 1961-62 and in subsequent years from the State School Fund None of the provisions relating to the new fund or to driver training apportionments specify an exact date by month and day

State warrants for the apportionments to school districts for the special purpose apportionment (which includes driver training) must upon certification by the State Controller be drawn monthly from December through June of each year (Education Code Section 17352).

Section 18254 of the Education Code, relating to driver training apportionments provides

> The allowances made to the several school districts under Sections 18251 and 18253 shall, when the Superintendent of Public Instruction determines that the funds available in the Driver Training Penalty Assessment Fund during the fiscal year will be insufficient to provide the full amounts otherwise allowable, be proportionately reduced.

The problem then in 1961 was whether the Department of Education could *estimate* the amount of money likely to be in the Driver Training Penalty Assessment Fund in the 1961-62 fiscal year, or must his certification be based solely on the amount of money *actually in the fund* at the time the certification was made If it were to be the latter, the fund would be so small that school districts would have received very little in the way of reimbursements in 1961-62 for their actual driver training expenses in 1960-61, that is, a very heavy deficit factor would have been required

The Legislative Counsel, on November 28, 1961, stated

> In our opinion, the Superintendent of Public Instruction may, in December when he makes apportionments for driver training allowances and certifies the amount of the apportionments to the State Controller, estimate the revenues which will accrue during the 1961-62 fiscal year to the Driver Training Penalty Assessment Fund The amounts certified may be based on the estimated revenues rather than the actual balance in the new fund at the time of apportionment and certification in December The amounts certified would be subject to further adjustment during the remainder of the fiscal year if the actual revenues accruing to the fund justifies such adjustments.

The Department of Education has computed the total apportionment for 1961-62 on the basis of an estimate that $4,800,000 would be available in the new fund for this fiscal year (representing the period from September 15, 1961, to June 30, 1962) It will remain for the end of the year to see whether additional recomputations may be necessary Because of the sequence of events following the creation of the Driver Training Penalty Assessment Fund and the conclusion that it was possible to estmate the fund's receipts for the purposes of determining allowances, a large degree of uncertainty exists and will continue to exist from year to year with regard to the total amount that will actually be available for driver training reimbursement, and the deficit factor that may be necessary to apply

Suggested Solution to the Problem

The uncertainty as to the amount available in the new fund could be resolved in two steps The first of these would be to place the determination of the total amount available for apportionments on the basis of receipts for the fiscal year prior to that in which the apportionments are made. That is, 1964-65 apportionments for driver training reimbursements could be made on the basis of 1963-64 fiscal year receipts in the Driver Training Penalty Assessment Fund This would eliminate the process of estimating receipts and adjusting apportionment warrants The second step, necessary to meet the demands that would arise if this proposal were to be effected, would be to secure an advance for the necessary financial adjustments from the General Fund It will be noted that, at the creation of the Driver Training Penalty Assessment Fund in 1961, there was a balance of zero To effect this transition, we propose that the amount available for 1963-64 apportionments from the State School Fund for driver training be based upon the total

amount of collections that was received in the Driver Training Penalty Assessment Fund in the 1962-63 fiscal year These funds would come as a permanent advance from the General Fund in the same amount Unspent balances in subsequent years' collections in the Driver Training Penalty Assessment Fund would revert to the General Fund as partial repayment of the permanent advance

3. OBSERVATION

Senate Concurrent Resolution 27 (1962 Regular Session), authored by Senators Farr and Grunsky, stated:

> WHEREAS, Driver education, although it is a worthy program contributing to the reduction of the accident rate on our highways, consumes precious time of students in the California school system, which could otherwise be more profitably spent in classroom academic instruction, and
>
> WHEREAS, It may be more feasible to transfer this program to the Department of Motor Vehicles which could utilize the present driving instructors for instruction in driver education and training during other than regular school hours; now, therefore, be it
>
> *Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Department of Motor Vehicles and the Department of Education are hereby requested to co-operate in conducting a study, and jointly to make their report and recommendations to the Legislature by the fifth calendar day of the 1963 Regular Session, on the feasibility of transferring the driver education and training program from the California school system to the Department of Motor Vehicles, and be it further
>
> *Resolved*, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Director of Motor Vehicles and to the Superintendent of Public Instruction

The Citizens Advisory Commission, in its final report of November 1, 1960, to the Joint Interim Committee on Education, recommended "that the Legislature repeal Article 6, (sic) Chapter 3, Division 6 (Sections 8101-8112) of the Education Code, so the code then makes no reference to driver education and driver training"

The Assembly Interim Committee on Transportation and Commerce, on the other hand, indicated in its report of January 2, 1961, that "there was overwhelming rejection by witnesses of the idea of transferring driver education and driver training This interim committee feels that there is conclusive evidence that driver education . is a good thing and should be continued under an agency of state government" The committee's report noted that the Department of Motor Vehicles at no time had asked for the transfer, and that the department "probably did not have the facilities, personnel or budget to undertake the job"

A renewed study of the feasibility of transferring this function from the Department of Education will doubtless unleash another full rehearsal of the pros and cons

Suggestion for Consideration

We believe that any discussion of a transfer of the driver training and driver education function to the auspices of another department should take into account the manner in which state financial support would then be distributed and managed Under the present method the funds from the Driver Training Penalty Assessment Fund, once transferred into the State School Fund, are apportioned by the machinery already established in the Department of Education's Bureau of Apportionments and Reports A removal of the responsibility for driver training and education activities will require the development of another system for administering the apportionment of state reimbursements Any study of the subject should keep in mind the cost to any agency of the state government of managing and administering statewide apportionments of funds

SPECIAL ALLOWANCES FOR PROJECT-CONNECTED PUPILS AND APPORTIONMENTS FOR GROWTH

CONCLUSIONS AND SUGGESTED SOLUTIONS TO PROBLEMS

Prepared by Office of Legislative Analyst,
State of California, June 14, 1962

I. Special Allowances for Project-connected Pupils

INTRODUCTION

Legislation was enacted in 1957 which authorized special allowances to school districts from the State School Fund to provide for financing the education costs of certain project-connected pupils As defined by Section 18301 of the Education Code, "project" means any major localized undertaking "by or under the jurisdiction of the State Department of Water Resources which has a duration, estimated by the Director of the Department of Water Resources, of more than three years" Thus it is the province of the Director to declare a project eligible under these terms for a special allowance To date only one such project has been declared eligible, at the site of the Oroville Dam project A project-connected pupil, as defined by Section 18302, is the child of a parent or guardian who has enrolled in the regular full-time day schools of the district subsequent to the commencement of a project and (1) whose parent or guardian is employed by a contractor or subcontractor in connection with the project, or by the State of California, whose work is with the project (such pupils are known as Group I pupils), or (2) whose parent or guardian is employed in the school district or in a contiguous district and such child is in addition to the number of children who would otherwise normally be expected in the district (these pupils are known as Group II pupils) Under the terms of Section 18305, a district shall be eligible for an allowance if the project-connected ADA is at least 10 and comprises at least 3 percent of the total district ADA during the preceding fiscal year

Allowances from the State School Fund on behalf of project-connected pupils, as in the case of those for the reimbursement of driver training expenses, are not met from within the sum reserved in the fund by multiplying the total state ADA by $201 36 Rather, funds are transferred in this case from the Water Fund into the State School Fund upon certification by the Superintendent of Public Instruction of the amount required to meet the computed apportionments The apportionments are distributed in February of each year as part of the special purpose apportionment, together with the funds for special education, pupil transportation and driver training (discussed separately in previous reports) Table I, below, shows the total allowances

for project-connected pupils that have been made since the legislation went into effect in 1957 No districts qualified in the 1957-58 fiscal year

TABLE I

ALLOWANCES FOR PROJECT-CONNECTED PUPILS, 1958-59 TO 1961-62

District receiving allowance	County	1958-59	1959-60	1960-61	1961-62	Total allowed to the district
Oroville unified high school	Butte	$11,492			$25,639	$37,131
Thermalito elementary	Butte		$1,928	$1,599	5,164	8 991
Oroville city elementary	Butte			9,368	16,755	26,123
Palermo elementary	Butte				3 174	3,174
Paradise unified	Butte				16,033	16,033
Totals		$11,492	$1 928	$10 967	$67,065	$91,452
Increase in percent			—83 2%	+468 8%	+511 5%	

In the case of the Oroville Union High School District the fact that there were no allowances made between 1958-59 and 1961-62 does not indicate that there were no project-connected pupils in attendance, but rather that there were not sufficient units of project-connected ADA to qualify the district for allowances in those years As may be seen from the table, the allowances to date have been limited to districts in Butte County, as the result of the declaration of the Director of the Department of Water Resources who has designated this project as the "Oroville Features of the Feather River Project " As future elements of the Feather River Project are undertaken, it is to be expected that a considerably larger number of districts stretched along the length of the State may be represented in these allowances; and this forecast is without reference to any other state water projects

In order for a district to be eligible to receive project-connected pupil allowances, the ADA of these pupils must be identified Under the provisions of Section 18304, project-connected ADA are identified in the following manner

For pupils whose parents or guardians are employed by a contractor or subcontractor in connection with the project, or by the State whose work is in connection with the project (the Group I pupils), ADA shall be computed in the same manner as for regular ADA

For pupils whose parents or guardians are employed in the school district or in a contiguous district and such children are in addition to the number who would otherwise normally be expected in the district (the Group II pupils), each unit of ADA computed is reduced to 55 percent of a unit of ADA

It should be noted that 100-percent credit is allowed for Group I pupils, whereas only 55-percent is allowed for Group II pupils We have been unable to get an explanation of the rationale behind this differentiation

We have selected the 1961-62 computations made for the Thermalito School District to illustrate how the formula contained in Section 18303 is applied for the determination of these allowances Details of the determination of project-connected pupil ADA and allowances are shown in Appendix IA and IB on forms used by the Department of Education The allowance calculation is summarized as follows

1 The project-connected pupil ADA was determined to equal 76
2 The district-assessed valuation was multiplied by the general fund tax rate of the preceding year (1960-61), exclusive of taxes levied for
   a Payments to original district for acquisition of property
   b Annual repayment of public school building apportionment
   c Annual repayment of state school building apportionment
   A V $3,421,860 times tax rate $1 80 = $61,593 48
3 This product was then divided by the ADA of the district excluding project-connected pupils ADA 872 — 76 = 796
   $61,953 48 — 796 ADA = $77 38 (i e , unit district support from taxes for district ADA exclusive of project-connected ADA)
4 This unit rate is then reduced by the difference between (1) the amount of state basic and equalization aid per unit of ADA actually received during the current year (1961-62) for all pupils, and (2) the amount per ADA that would have been apportioned had the computation been made after the exclusion of project-connected ADA from the district

	Current apportionment	*Excluding project-connected pupils*	*Difference*
ADA	872	796	76
Foundation program/ADA	$299	$299	–
Basic aid	$109,000	$99,500	$9,500
District aid	50,136	50,136	–
Equalization aid	101,592	88,368	$13,224
Unit rate of state allowances	$241 50	$236 02	$5 48

   This difference of $5 48 is the increased equalization aid per ADA given to the district on account of these project-connected ADA $77 38 (item 3) less difference of $5 48 equals $71 90
5 Unit rate times ADA of project-connected pupils equals the allowance
   $71 90 × 76 ADA = $5,464

From the illustration it may also be seen that the higher the district assessed valuation and/or the higher the local tax rate, the greater the resultant cost to the State through these allowances That is, the State has no control over its expenditure because of these two factors

This allowance is patterned somewhat after the so-called federal "impact aid" allowance authorized by Public Law 874 The primary difference between these allowances is that the federal expenditure is based upon average local district costs whereas the state formula is based on *potential* local district tax revenue It has been contended the state allowance is designed to pay the district, per project-connected pupil, the same rate per ADA as the local district taxpayers are assessed for all other pupils in the district with the State only taking

credit in these allowances for the increased equalization aid per ADA allowed the district because of the inclusion of these project-connected ADA into the foundation program allowance computations

We are not satisfied that the attempt to develop a unit rate of local tax revenue per regular ADA (exclusive of the 76 project-connected ADA in the illustration above), as defined in Step No 3, is accurate The tax rate used in Step No 2 reflects considerations based on the support of a school district offering education to its entire enrollment (in the example above, 872 ADA), that is, the tax rate applied is the result of consideration of the needs of the entire district Therefore, the attempt to define a unit rate of local tax revenue for each of the district's regular ADA results in an artificially high figure The application of our suggested solution, below, would correct this

CONCLUSION

It has been contended that the State should assume the full expense of educating the project-connected pupil, such full expense being not only the total of normal state financial support for such pupil but also an amount equal to what would have been forthcoming in local tax revenue if such pupil's parents had been property-owning residents of the district Those making this contention claim that it is justified because the attendance of such a pupil in the district creates an "impact" on the district directly attributable to a state government project and because the parents of such pupils pay no taxes in support of the school district where the children attend Further, it has been contended that no increase in the assessed valuation per ADA can be attributed to the presence of the state project and to the increase in the number of families whose children attend the district schools

Although there is some validity to these contentions, we cannot accept the weight given them for two reasons First, even if the parents of the project-connected pupils do not own real estate in the district (which has not been shown), they do own personal property and to this extent indirectly pay some district personal property taxes Further, in some cases they must provide housing for their families through rentals, thus indirectly paying real estate taxes This is particularly applicable in the case of parents employed in the school districts for whom no facilities are prepared by their employers (parents of Group II pupils) Second, it has not been determined that the increase in population of families with school-age children does not (to some extent) serve to raise local assessed valuation through increased industry in support of these families; that is, the value of other local properties is enhanced through the services provided for additional residents The offset afforded by these factors is difficult to measure but they should not be ignored

Although we recognize that the State properly has undertaken a higher level of responsibility for the education of project-connected children, we do not believe that the present method of computing allowances is equitable The allowances are intended to compensate school districts that have experienced an enrollment increase of pupils not expected to remain in attendance as permanent residents That is, the

districts have experienced a temporary increase in their size, such increase nevertheless requiring expanded facilities We believe that the State's responsibility toward these project-connected pupils should remain inherently the same as the responsibility for all other school pupils, namely, tied to the foundation program concept The foundation program, described as the minimum acceptable level of school support, applies to all of the State's pupils and to each of the local school districts equally

In reviewing the present formula, we have made the following observations

(a) The wealthier the school district in terms of dollars per ADA, and or the higher the local tax rate, the greater the state allowance per project-connected pupil This is because the formula pays the district on the basis of what the district raises in local tax revenue per regular ADA If it is assumed that the district's costs coincide with the taxes raised (this is true if the budgeted expenditures equal approximately the actual expenditures), then the State is paying the district cost for these pupils no matter what that cost may be

(b) Section 3030 of Title V of the California Administrative Code has distinguished between the two types of project-connected pupils, as required by Section 18302 of the Education Code. Group I includes those pupils whose parents or guardians are employed by contractors, subcontractors on the State and whose work is in connection with the project Group II includes those pupils whose parents or guardians are employed in the local school district or in a contiguous district and who are in excess of expected enrollment Our analysis shows that the number of Group II pupils which is being used to determine project-connected pupil allowances equals between 2 and 3 times the number of Group I pupils in many districts For example, the Thermalito district in 1960-61 reported 32 Group I pupils and 89 Group II pupils As another example, the Oroville Union High School District in 1957-58 reported 28 Group I pupils and 77 Group II, in 1960-61 this same district reported 31 Group I and 72 Group II (of which only 55 were actually allowed for computation purposes because of the limit upon eligibility imposed by Section 3033 of Title V)

We can see no reasonable explanation of this phenomenon that school district employees' families are so much larger than the families of state or contractor employees. It also appears unreasonable that for every pupil added to the district attendance whose parents are employed in the project, the district would have added so many more employees (assuming these employees average as many children per family as the state and contractor employees) to provide the needed educational services The only conclusion that we can make is that the method of identifying Group II pupils is unrealistic.

Suggested Solution to the Problem

We have stated that we are not satisfied that the present method of computing project-connected pupil allowances is the most equitable means of meeting the special obligation inherent in this program We suggest that the present formula be revised to place a cap upon the state expenditures from the Water Fund This cap should be the as-

sumption by the State of the full foundation program for these pupils and no more

For example, the Thermalito district in 1961-62 received the following amount for each project-connected ADA

Basic and equalization aid per total ADA	$241 50*
Project-connected pupil allowance, per project-connected ADA	71 90
Total allowed per project-connected ADA	$313 40
Foundation program per ADA in Thermalito district	299 00
Amount by which allowance exceeded full foundation program per project-connected ADA	14 40
For the Oroville Union High School District in 1961-62	
Basic and equalization aid per total ADA	$151 52*
Project-connected pupil allowance, per project-connected ADA	442 06
Total allowed per project-connected ADA	$593 58
Foundation program per ADA at Oroville Union High School District	324 00
Amount by which allowance exceeded full foundation program per project-connected ADA	$269 58

* These figures do not include any allowances apportioned for ADA growth in 1961-62

Under our proposed solution, once the allowance had been computed, the sum actually paid would be limited to the amount necessary to raise the basic and equalization aid unit rate up to the applicable foundation program For the Thermalito district, had this proposal been in effect in 1961-62, the allowance per project-connected ADA would have been $57 50 instead of $71 90; the difference, $14 40, was in excess of the amount needed to assure the full foundation program in state funds per unit of project-connected ADA This would have reduced the 1961-62 expenditure to Thermalito of $5,464 by $1,094 or a reduction of 20 percent in the cost to the Water Fund while at the same time providing the district with the full foundation program amount

In the case of the Oroville Union High School District the State would have paid out $172 48 per project-connected ADA instead of $442 06, a saving to the Water Fund of $15,636 or 61 percent of its 1961-62 expenditure of $25,639

II. Apportionments for Growth

INTRODUCTION

Allowances are apportioned to school districts for growth based on increases in their average daily attendance (ADA) These apportionments, in effect, bring up to date the foundation program support allowed to school districts in the principal apportionment The foundation program allowances from the State School Fund are based upon the ADA of school districts in the next preceding fiscal year Therefore, for school districts experiencing enrollment growth in the course of any year, the allowances of the foundation program (based on a specified sum per unit of ADA) will not prove adequate to permit an expenditure per ADA of the full foundation program in the current year The apportionment for growth is intended to supplement the total foundation program allowance for a school district to bring it up to a current ADA basis.

Funds for apportionments for growth are reserved in the State School Fund. Currently the provisions of Section 17303(d) and 17303 5 (d) make available within the fund for growth apportionments a sum equal to the product of $11 26 per unit of total State ADA This meant that in 1961-62 the amount of $40,115,789 was reserved

From the total amount reserved for this purpose, the funds are actually allowed for growth in each of two periods In February, the first period apportionment for growth is made This apportionment is based upon increases in school district ADA that have occurred in the period from July through December of the current fiscal year. In June the second period apportionment for growth is made, this apportionment is intended to be applied to the increase ADA recorded in the period from January through April 15 At the time this allowance has been made it is intended that the district be fully compensated for its current ADA

After reserving the total amount to be available for growth apportionments the total amount is distributed as follows 40 percent of the total amount is designated for distribution to the first period apportionment for growth and 60 percent of the second period However, if the total of the computed allowances for the first period is less than the sum reserve, the excess remaining may be added to the amount available for the second period In the event, however, that there are not sufficient funds available in the first period to meet the total amount computed for that allowance, a deficit factor must be applied This has the effect of precluding the apportionment for the first period reaching into the sum reserved for the second period Table II, below, reflects the total amounts that have been reserved within the State School Fund during the past few years

TABLE II

TOTAL AMOUNTS RESERVED IN THE STATE SCHOOL FUND FOR GROWTH APPORTIONMENTS

Apportionment year	Amount per total state ADA	Total state ADA of previous year	Total amount reserved
1961-62	$11 20	3,502,681	$40,115,789
1960-61	11 02	3,361,911	37,048,259
1959-60	*11 02	3,155,263	34,770,998
1958-59	12 52	2,958,156	37,036,113
1957-58	12 52	2,750,762	34,439,553
1956-57	12 00	2,552,178	30,626,136
1955-56	12 00	2,381,194	28,573,248

* In 1959 the Education Code was amended to reduce the amount per total state ADA by which funds for growth were to be reserved from $12 52 to $11 02

There follows in Table III a comparison between the amounts reserved for growth apportionment in both periods and the amounts computed for allowances in those periods, together with the total apportionments made for growth in those years In 1958-59 and in 1960-61 the total amounts available in the State School Fund for growth apportionments were sufficient to meet fully the total of computed allowances. In the other years, 1959-60, 1957-58, 1956-57 and 1955-56, the total of

computed allowances exceeded the amount reserved for growth apportionments and deficit factors had to be applied.

It will be noted that at the time of writing the 1961-62 calculations for second period growth apportionments have not been completed; therefore, it will remain to be seen the extent to which the total of funds reserved meets the computed allowances We understand that the Department of Education expects that there will be a surplus of funds available from the amount reserved after all 1961-62 growth allowances have been met Such a surplus could be attributed to one of the changes made in the formulae used for computing growth allowances by the 1961 Legislature This change removed a floor of $125 per ADA which had previously existed on the amount per growth unit of ADA that

TABLE III

AMOUNTS RESERVED AND COMPUTED ALLOWANCES FOR GROWTH APPORTIONMENTS, 1955-56 TO 1961-62

	First period			Second period			
Year	Amount available[1]	Amount computed	Difference	Amount available[2]	Amount computed	Difference	Total amount apportioned
1961-62	$16,046,316	$13,943,946	+$2,424,919	$26,494,392	Not available	Not available	Not available
1960-61	14,819,304	14,989,369	—170,065	22,228,955	$22,136,311	+$92,644	$37,124,471[3]
1959-60	13,908,399	13,980,495	—72,096	20,862,599	25,897,130	—5,034,531	34,770,998
1958-59	14,814,445	12,013,552	+2,800,893	23,022 561	20,226,651	+4,795,910	32,240,203
1957-58	13,775,821	13,356,400	+419,421	20,663,732	21,280,444	—616,712	34,439,553
1956-57	12,250,454	11 966,633	+283,821	18,659,503	19,859,098	—1,209,595	30,626,136
1955-56	11,429,299	11,532,826	—103,527	17,143,949	18,445,649	—1,301,700	28,573,248

[1] 40 percent of the total amount reserved for growth apportionments
[2] 60 percent of the total reserved plus any surplus that may occur in the first period
[3] Adjusted since this amount exceeds the amount reserved

could be apportioned Between 1959-60 and 1961-62 there was a minimum of $125 per unit of growth ADA assured to each district experiencing ADA growth, regardless of the assessed valuation. This has meant that districts with a high wealth in terms of dollars per ADA were not effectively required to apply it to their growth ADA Now, however, there is no floor and districts will receive in growth apportionments per unit of growth ADA whatever the formula determines, even if that amount is lower than $125 This has had the effect of reducing the growth apportionment expenditure from the State School Fund for many school districts and making it available to apply to other districts.

Growth apportionments have two aspects (1) the determination of the number of ADA attributable to growth in a school district; and (2) once it is determined that there is growth, the calculation of the dollar amount to be apportioned

Determination of the numer of ADA attributable to growth is made by comparing the total ADA in the preceding fiscal year to the number of ADA recorded during each of the two growth periods in the current

fiscal year. As the result of another change made by the 1961 Legislature, all adults are now to be excluded in the computation of growth ADA, while all minors are included regardless of what class they are attending (even summer school) Formerly only the ADA of regular day classes, both adult and minor, was counted for purposes of growth ADA calculation. Calculation of the dollar amount to be allowed is made by comparing (1) the amount received in the principal apportionment as basic and equalization aid with (2) the amount that would have been received if the ADA and the assessed valuation of the district in the preceding fiscal year had been the same as for the growth period under consideration It was noted in connection with Table II that 1959 legislation amended the formulae for computing growth apportionments This amendment, in effect, required that any change in the district assessed valuation between the preceding fiscal year and the growth period under consideration would be taken into account. Previously there was no account taken of such a change nor was there a minimum with the result that subject to the minimum, districts experiencing an increase in assessed valuation could receive a greater degree of state and per unit of growth ADA than was warranted when the local capacity to support that unit of growth ADA was taken into account. The amendment was desirable for the reason that it brought changes in assessed valuation into consideration and, even though subject to the $125 minimum, it promoted better equalization of state support. As we have stated, the 1961 Legislature removed the $125 per ADA minimum which provided even more of an equalization basis in the distribution.

For the year 1960-61 the Department of Education in its publication of "Apportionment of the State School Fund," Part III, September 1961, noted the following information·

	First period apportionment for growth			*Second period apportionment for growth*			*Restored deficit of first period apportionment for growth*
Level	*Number of districts*	*ADA attributable to growth*	*Amount allowed*	*Number of districts*	*ADA attributable to growth*	*Amount allowed*	
Elementary	954	108,458	$7,519,831	957	130,472	$14,843,614	$84,988
High school	303	70,726	5,041,856	274	55,746	6,108,875	57,560
Junior college	55	30,182	2,257,617	47	11,233	1,183,822	25,908
TOTAL	1,312	209,366	$14,819.304	1,278	197,451	$22,136,311	$168,756

While it is valid to add together the total amounts allowed in the first and second periods, it is not valid to add together the figures given for the ADA attributable to growth. In order to obtain an indication of the ADA that is attributable to growth for any year as a whole, it is necessary to calculate the total figure as an average. Otherwise, the sum will not give an indication of the actual increase in ADA. In the case of the 1960-61 year, it is more accurate to state that the growth ADA was 203,409 (the average of 209,366 and 197,451 shown above), than to conclude that the total of the figures listed above (406,817) represented the total increase of ADA in the period 1959-60 to 1960-61.

1. CONCLUSION

Under current law a school district is paid in any year for its current ADA growth through (1) the principal apportionment of basic and equalization aid, and (2) the growth apportionment. The operation of these two separate apportionments permits a district to gain from apportionments in any year in which it actually experienced a decline in ADA.

For example, assume that a hypothetical district is organized on July 1, 1957, and for purposes of illustration ignore any variation in assessed valuation (in order to give a constant rate of apportionment for basic and equalization aid and growth allowances of $125 per ADA). The following six-year analysis shows the results of the present growth formulae under these circumstances:

1957-58 Fiscal Year

District organized July 1, 1957.
Has 200 ADA in both first and second period
Receives in 1957-58 as a growth apportionment under Education Code Section 18004 (200 ADA × $125 per ADA) $25,000

Total received in 1957-58, based on 200 ADA that year $25,000

1958-59 Fiscal Year

District has 250 ADA in both first and second period
Receives principal apportionment (based on 1957-58 ADA of 200) .. $25,000
Receives growth apportionments (based on 50 additional ADA at $125 per ADA) 6,250

Total received in 1958-59, based on 250 ADA that year $31,250

1959-60 Fiscal Year

District has 300 ADA in both first and second period
Receives principal apportionment (based on 1958-59 ADA of 250) .. $31,250
Receives growth apportionments (based on 50 additional ADA at $125 per ADA) 6,250

Total received in 1959-60, based on 300 ADA that year $37,500

1960-61 Fiscal Year

District has 275 ADA in both first and second period
Receives principal apportionment (based on 1959-60 ADA of 300) .. $37,500

Total received in 1960-61, based on 300 ADA $37,500

This is the year the district has a decline in ADA. The principal apportionment, intended to serve 275, was paid on the basis of 300 ADA.

1961-62 Fiscal Year

District has 125 ADA in both first and second period
Receives principal apportionment (based on 1960-61 ADA of 275) .. $34,375

Total received in 1961-62, based on 275 ADA $34,375

Here, again, the principal apportionment, intended to serve 125 ADA, was paid on the basis of 275 ADA.

1962-63 Fiscal Year

District has 150 ADA in both first and second periods
Receives principal apportionment (based on 1961-62 ADA of 125) $15,625
Receives growth apportionments (based on 25 additional ADA at $125 per ADA) 3,125

Total received in 1962-63, based on 150 ADA that year $18,750

A recapitulation for this six-year period reveals that this hypothetical district would have received apportionments for 175 ADA that actually never existed

TABLE IV

Fiscal year	Actual ADA recorded	ADA for which allowances paid	Rate per ADA	Amount received
1957-58	200	200	$125	$25,000
1958-59	250	250	125	31,250
1959-60	300	300	125	37,500
1960-61	275	300	125	37,500
1961-62	125	275	125	34,375
1962-63	150	150	125	18,750
Totals	1,300	1,475	----	$184,375

Allowances were made to the district on the basis of 1,475 while it actually experienced growth of 1 300 ADA. This is the result of taking into account only ADA increases between fiscal years, and the ignoring of declines in ADA between fiscal years Observe the decline of 25 ADA between 1959-60 and 1960-61 in the example above, where there was no reduction in the amount apportioned Observe also the decline of 150 ADA between 1960-61 and 1961-62 with a reduction based only on a decline of 25 ADA. This accounts for the 175 nonexistent ADA

In any year that a district experiences a decline in ADA, all other factors remaining the same, that district is paid for more ADA than it actually experienced, while in any year in which there is an increase they are paid to the full amount of that increase

Suggested Solution to the Problem

It is suggested that the growth apportionment be eliminated and that the principal apportionment of basic and equalization aid be made in the form of advances on current ADA, subject to correction when the final current ADA is determined This final correction would not be made later than August 25 after the close of the current fiscal year. Appendix II proposes a schedule of advances and apportionments, incorporating a schedule for making the transition between the present and the suggested practice

This recommendation would provide an automatic control on the present situation whereby districts experiencing an ADA decline may actually realize a gain in its apportionments over its need This proposal is intended to promote better equity in the apportionment of state financial support by providing a method for keeping apportionments and the ADA for which they are intended both current It is not intended as a device to reduce the state expenditure, except to the extent that eliminating the "profit" factor discussed above serves to do so Any reduction that may result from this elimination will permit an improved application of the same funds as are currently apportioned for the same purposes as they are presently intended

2. CONCLUSION

In calculating the number of units of ADA allowable for growth in a unified school district, the elementary ADA is considered separately from the high school ADA and any junior college ADA, even though the total of all three levels constitutes the total ADA of the district. Thus, if there is a decline in the ADA of one level (elementary, high school or junior college) of a unified district and in the same period there is growth in the ADA of another level of the same district, only the increase in the ADA is considered.

For example, the high school in a unified district might experience an increase of 900 ADA in a given period At the same time the elementary schools of the district might experience a decline of 600 ADA Under the present method of administering growth apportionments the unified district would receive an apportionment based on 900 increased ADA when in fact the net ADA growth of the district was only 300 ADA (900 increased high school ADA less 600 elementary ADA).

The office of the Auditor General has made analyses of all the unified districts which in the first period of 1960-61 had a growth at one level and a decline at another level. By applying the decreases in ADA against the increases it was seen that there was a net increase (growth) in ADA for each district A comparison of these net ADA increases with the actual number of ADA allowed in the 1960-61 first period apportionment disclosed that growth was paid on the basis of 2,195 ADA in these unified districts whereas the actual net growth was 1,227 ADA Thus, allowances were paid on 968 nonexistent ADA. Assuming that the same difference was in effect in the second period of 1960-61, it was then estimated that these excess 1960-61 allowances amounted to approximately $225,000.

While it is recognized that increased costs will usually accompany an increase in ADA, it should also be recognized that decreases in ADA should result in decreased costs. Growth apportionments are allowed to the full extent of the increases at one level of a unified district with no consideration of decreases at another level in that same district. This appears to violate the basic objective of the growth apportionment.

The Auditor General obtained the opinion of the Legislative Counsel concerning this matter (the opinion is attached as Appendix III). This opinion indicates that, under present law, legislation would be necessary to eliminate the practice of considering only the ADA increases of a unified district without at the same time considering any ADA decreases

Suggested Solution to the Problem

It is suggested that the Education Code be amended to provide that, in the determination of the number of ADA attributable to growth in a unified district, increases in ADA at one level in the district be offset by any decrease in ADA at the other level(s). If the result of this is a zero or minus ADA, the district would not then be eligible for a growth apportionment If the result indicates a net growth in ADA, the allowance calculated should be a reflection of the decreased basic

and equalization aid at one level netted against increases at other levels. Calculations which result in a minus allowance would then be considered zero

The principle of this recommendation is capable of accomodation to the suggested revision discussed above; namely, the elimination of the growth apportionment and its substitution by a two-part principal apportionment.

3. CONCLUSION

The State apportions funds for ADA growth in all classes in the district to compensate them for receiving basic and equalization aid allowances which are based on the ADA of the next preceding fiscal year. Growth apportionments are an attempt to bring school support up to date on a current ADA basis It would appear only reasonable that such growth apportionments be paid on the *difference* between the total ADA of any current year and the total of the next preceding year. An analysis of the difference between total ADA in regular classes (only) in the years 1958-59 and 1959-60, and the average ADA on which growth was actually paid, reveals that in practice this has not been the case.

The analysis below indicates that growth apportionments of approximately $2 3 million were paid in 1959-60 on 17,465 ADA which were apparently nonexistent.

TABLE V

Regular classes	Elementary	High school	Junior college	Total
1959-60 actual ADA	2,371,930	712,146	148,825	3,232,910
1958-59 actual ADA	2,220,643	671,314	145,769	3,037,926
The growth ADA for 1959-1960 should have been	+151,096	+40,832	+3,056	+194,984
Average growth ADA actually paid for	+152,575	+48,162	+11,712	+212,449
Apparently nonexistent growth ADA	1,479	7,330	8,656	17,465
Average rate paid	$173 95	$143 20	$113 85	
Excess amount paid	$257,272	$1,049,656	$985,486	$2,292,414

We are unable at this time to determine all the underlying factors contributing to this apparent inconsistency However, we believe that the following factors are responsible to a great extent:

1. Decreases in ADA between the different levels in unified school districts We have discussed this situation above, and our suggested solution would eliminate the influence of this factor.

2 Decreases between the first and second periods in all districts. To illustrate, we might take the hypothetical case of a district which reflects an increase of 8 ADA in the first period and a decrease of 12 ADA in the second period The average of these would be a minus 2 ADA for the year and would be reflected as such in the total ADA for the year. However, under the present growth formula the district would have received credit and been paid on the basis of a *plus 4* ADA This is because the 8 ADA in the first period is actually paid on ap-

proximately a half-year basis, thus it would be paid on the approximate equivalent of 4 ADA for the entire year The decline of 12 ADA in the second period, an annual equivalent of minus 6 ADA, is not even considered

Suggested Solution to the Problem

1 For growth in unified districts we would refer to the solution offered in our discussion of Conclusion No 2 of this report.

2 For net growth, we suggest that legislation be enacted which would insure that each district is credited with its net growth for the year, not its total ADA growth, as discussed in connection with Conclusion No 1 Here, again, our proposed method for eliminating the growth apportionment entirely and making the principal apportionment in two parts is applicable This would require extending the three months period of advance apportionments now in effect These advances are intended to provide funds for districts to operate, based on the estimated district ADA, until the Principal Apportionment is made in late September By adjusting these estimates, apportionments would be made on a current basis which would reflect declines as well as increases

APPENDIX I-(A)
(1961-62 Apportionment)

PART I

GROUP I PUPILS — PROJECT-CONNECTED PUPILS WHOSE PARENT OR GUARDIAN IS EMPLOYED BY A CONTRACTOR OR SUBCONTRACTOR IN CONNECTION WITH A PROJECT OR BY THE STATE OF CALIFORNIA WHOSE WORK IS IN CONNECTION WITH THE PROJECT

Grade Level	Number of Pupils	Days of Attendance	A.D.A. (See Instruction 3e)
(1)	(2)	(3)	(4)
A. K - 6, inclusive	32	4801	27.27
B. 9 - 12, inclusive			
C. 13 and 14.			
(NO. OF TEACHING DAYS - 176) Total	32	4801	27.27

PART II

GROUP II PUPILS — PROJECT-CONNECTED PUPILS WHOSE PARENT OR GUARDIAN IS EMPLOYED IN A SCHOOL DISTRICT OR IN A COMPOSITE SCHOOL DISTRICT AND EACH CHILD IS IN ADDITION TO THE NUMBER OF CHILDREN WHO WOULD OTHERWISE NORMALLY BE ENROLLED TO BE IN THE DISTRICT

SECTION I: COMPUTATION OF THE NORMAL ENROLLMENT ON THE FIRST PREceding FISCAL YEAR

Grade Level	PRECEDING FISCAL YEARS						Total
	Second 1957 - 1958	Third 1956 - 1957	Fourth 1955 - 1956	Fifth 1954 - 1955	Sixth 1953 - 1954	Seventh 1952 - 1953	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
A. Grades K - 8, inclusive							
1. Total Enrollment, Oct. 31	769	756	785	745	687	617	XXXX
2. Number of Eligible Pupils Group I and II	50	55	49	11			XXXX
3. Enrollment, Oct. 31, Excluding Group 1 and 2 Pupils . . . . . (1 minus 2)	719	701	736	734	687	617	XXX
4. Increase or Decrease Over Previous Fiscal Year . . (See Instruction 3f)	18	-35	2	47	70	XXXXX	102
B. Grades 9 - 12, inclusive							
1. Total Enrollment, Oct. 31							XXXXX
2. Number of Eligible Pupils Group I and II							XXX
3. Enrollment, Oct. 31, Excluding Group 1 and 2 Pupils . . . . . (1 minus 2)							XXXX
4. Increase or Decrease Over Previous Fiscal Year . . (See Instruction 3f)						XXXXX	
C. Grades 13 and 14							
1. Total Enrollment, Oct. 31							XXXX
2. Number of Eligible Pupils Group I and II							XXXX
3. Enrollment, Oct. 31, Excluding Group 1 and 2 Pupils . . . . . (1 minus 2)							XXX
4. Increase or Decrease Over Previous Fiscal Year . . (See Instruction 3f)						XXXX	

	K - 8	9 - 12	13 - 14
D. Total Enrollment of First Preceding Year, Oct. 31, 19__	861		
E. Enrollment, Oct. 31, Excluding Eligible Group I and II Pupils, of Second Preceding Fiscal Year	719		
F. Average Increase or Decrease (See Instruction 3g)	20		
G. Normal Expected Enrollment of First Preceding Fiscal Year (Item E plus Item F, if increase; Item E minus Item F, if decrease	739		
H. Maximum Number of Pupils in Group II Which May Be Counted (Item D minus Item G)	122		
I. Number of Eligible Pupils in Group I (Same as reported in Part I)	32		
J. Number of Pupils Identified in Group II	89		
K. Number of Eligible Pupils in Group II (Lesser of (a) Item H minus I, or (b) the number entered in Item J)	89		

SECTION 2: AVERAGE DAILY ATTENDANCE OF ELIGIBLE PUPILS

Grade Level	Number of Pupils (Same as Item K)	Days of Attendance	A.D.A. (See instruction 3c)
(1)	(2)	(3)	(4)
A. K - 8, inclusive	89	15664	8900
B. 9 - 12, inclusive			X55%
C. 13 and 14			4895
Total	89	15664	4895

INSTRUCTIONS

1. Filing Date. An application for allowances for project-connected pupils shall be filed with the Bureau of School Apportionments and Reports, State Department of Education, Sacramento 14, California, not later than September 1, so that allowances may be made at the time of the Special Purpose Apportionment on or before December 10.

2. Number of Copies Required and Distribution of Copies. The application shall be prepared in an original and 3 copies by the school district. The original and 2 copies shall be sent to the county superintendent of schools, and the third copy shall be retained in the district files. The county superintendent shall examine the report prepared by the school district; and if he approves the report, complete the certification required and send the original and one copy to the Bureau of School Apportionments and Reports, retaining the other copy for his files.

3. Definitions of Certain Terms Used in This Application. (a) Preceding Fiscal Years. As a guide in determining the first, second, third, fourth, fifth, sixth and seventh fiscal years the district shall interpret the first preceding fiscal year to be the year immediately preceding the year in which the application is required to be filed.

(b) Enrollment, October 31. The enrollment as of October 31 shall be that active enrollment in the regular full-time day schools.

INSTRUCTIONS (Continued) Page 4

(c) Regular Full-Time Day Schools. For the purposes of this application, regular full-time day schools include regular day classes (grades K through 14), special day schools and classes for physically handicapped minors, individual instruction of physically handicapped minors in a home or institution, and special training schools and classes for mentally retarded minors. Pupil data for special day and evening classes, summer schools, classes for adults, and compulsory continuation schools and classes shall be excluded from this report.

(d) Grade Level. School districts shall report pupil data by levels provided in this application. Pupils in grades 7 and 8 attending a junior high school maintained by a high school district shall be deemed to be in attendance in the schools of the elementary district of residence.

(e) Average Daily Attendance. For Part I, a.d.a. entered in Column 4 shall be the days of attendance divided by the number of days taught in the regular day schools. For Part II, a.d.a. entered in Column 4 of Section 2 shall be obtained by dividing the days of attendance by the number of days taught and multiplying the quotient by 55 per cent.

(f) Increase or Decrease Over Previous Fiscal Year. This wording appears on Lines A1, B1, and C1 in Section 1 of Part II. The following statement may be used to illustrate how the amount to be entered as an increase or a decrease shall be determined. If an amount of 1000 was entered in Column 2, Line A3, and an amount of 900 was entered in Column 3, Line A3, the amount to enter in Column 2, Line A4, would be 100.

(g) Average Increase or Decrease. The average increase or decrease shall be determined by dividing the sum of the increases and decreases shown as "Total" in Column 8, Section 1 of Part II for the appropriate level by 5.

CALIFORNIA STATE
DEPARTMENT OF EDUCATION
Form No. J-PCF

APPLICATION FOR SPECIAL ALLOWANCE
FOR PROJECT-CONNECTED PUPILS

For the Fiscal Year 1960-61

Education Code Sections 17307, 18303-18307 and
Title 5 of the California Administrative Code 3030-3033

The Thermalito Union School District of Butte County, hereby applies to the Superintendent of Public Instruction for an allowance for the average daily attendance of the pupils, as defined in E.C. Section 18302, who have enrolled in the regular full-time day schools of the district subsequent to the commencement of a "project," as identified in E.C. Section 18301 under the jurisdiction of the State Department of Water Resources.

I, the undersigned, hereby certify that the name of the projects and the total average daily attendance of eligible pupils as shown in Parts I and II of this application are as follows:

Name of Project	Number of Eligible Pupils	Average Daily Attendance (whole no. only)
1. Oroville Features of the Feather (Group I)	32	27.27
2. River Project (Group II)	89	48.95
3. (Total 1960-61 ADA 872 X 3% = 26.16	121	76.22 = 76

I further certify that, to the best of my knowledge and belief:

1. This report is true and correct,
2. All data of Project-Connected Pupils has been compiled in accordance with the provisions of the Education Code, and the Rules and Regulations contained in the California Administrative Code, Title 5, Education, and the Instructions on this form, and
3. The enrollment and attendance data reported herein are derived from individual pupil records on file in this school district.

_____ School District

(Signed) _____

Date _____ Title _____

CERTIFICATION OF COUNTY SUPERINTENDENT OF SCHOOLS

I have examined this application and find that

1. All information submitted herein which is verifiable from records on file in this office is consistent with such records,
2. All information submitted herein which is not so verifiable is, to the best of my knowledge, correct and complete.

(Signed) _____
County Superintendent of Schools

_____ County

By _____

Date _____ Title _____

FOR STATE USE ONLY
ACTION OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

I have examined the foregoing application and hereby find the applicant district to be:

_____ a. Eligible for an allowance of $ 5464 00

_____ b. Ineligible for an allowance

MAX RAFFERTY
Superintendent of Public Instruction

By _____

Title _____

Date _____

Code _____

By _____ Date _____

APPENDIX I-(B)

SPECIAL ALLOWANCE FOR PROJECT-CONNECTED PUPILS
(Education Code Sections 17307, 18301-18307 and
Title 5 of the California Administrative Code 3030-3033)

Application of Thermalito School District
of Butte County for the fiscal year 1961-62.

1. A.D.A. in the regular full-time day schools of the district during the preceding fiscal year (1960-61) of project-connected pupils. 76

2. Assessed valuation multiplied by the general fund tax rate of the preceding fiscal year (1960-61) exclusive of taxes levied pursuant to Sections—

   1615 Payments to original district for acquisition of property.

   19443 Annual repayment Public School Building Fund Apportionment.

   19619 Annual repayment of State School Building Fund Apportionment.

   A.V. $ 34,186,0 x tax rate $ 1.80 equals $ 61,593.48

3. Divided by the A.D.A. of the district excluding A.D.A. of the project-connected pupils. (877 a.d.a. minus 76 p.c.p.) equals 796.

   D.A. $ 61,593.48 ÷ 796 a.d.a. equals $ 77.38.

4. Reduced by the difference between the amount of basic State aid and equalization aid per unit of A.D.A. apportioned to the district during the current fiscal year (1960-61):

	Current Apport.	Excl. P.C.P.	P.C.P. A.D.A. Difference
A.D.A. #299	877	796	76
Found. (Alt.) 000	260,748	238,602	
Basic Aid	109,000	99,500	
District Aid	-50,136	-50,136	
Equalization (with cor. fac. applied)	101,597	88,368	#
Unit rate	# 241.60	# 236.02	5.58

and the amount per unit of average daily attendance that would have been apportioned had the computations been made after the exclusion of A.D.A. of project-connected pupils from the district.

Item 3 unit rate $ 77.38 minus Item 4 a.d.a. of p.c.p. equals $ 71.90.

5. Unit rate times A.D.A. of project-connected pupils.

   $ 71.90 times a.d.a. of p.c.p. equals $ 5464.

APPENDIX II

A PROPOSED TIMETABLE BY WHICH THE PRESENT METHOD OF APPORTIONMENTS FOR GROWTH COULD BE ELIMINATED BY COMBINING GROWTH AND THE PRINCIPAL APPORTIONMENT OF STATE FINANCIAL SUPPORT TO SCHOOLS

Final Distribution of 1961-62 Apportionment

In June 1962 school districts will receive a final apportionment based on 1960-61 reported ADA

Suggested Changeover Apportionment Cycle

On July 10, 1962 an advance apportionment would be made based on the 1961-62 principal apportionment and the second period 1961-62 growth apportionment Eight percent of this advance apportionment would be paid in July, 1962, 15 percent in August; 12 percent in September; 10 percent in October; 20 percent in November; and 10 percent each in December and January (for a total of 85 percent of the advance).

On February 23, 1963 a principal apportionment would be made based on the ADA in the period from July through December 1962. The advances paid would be deducted, and 10 percent of the remainder would then be paid in February, March, April, May and June of 1963 Nineteen sixty-two-sixty-three assessed valuation would be used.

On August 25, 1963, a principal apportionment would be made based on the total 1962-63 ADA Here the 1962-63 assessed valuation would be used together with prior year increments Amounts paid in the period July 1962 through June 1963 would be deducted and the remainder paid in full ADA reports would be required to be submitted to the Bureau of School Apportionments and Reports by July 15, 1963.

Suggested Permanent Apportionment Cycle

On September 1, 1963 an advance apportionment would be made based on 1962-63 total ADA Twelve percent of this would be paid in September; 13 percent in October; 20 percent in November; and 10 percent in each of December and January (for a total of 65 percent)

On February 23, 1964 a principal apportionment would be made based on the ADA of the period July through December 1963. Advances already made would be deducted and 10 percent of the remainder paid in February, March, April, May and June 1964 Nineteen sixty-three-sixty-four assessed valuation would be used ADA reports would be due for submission to the Bureau of School Apportionments and Reports on January 15, 1964.

On August 25, 1964 a principal apportionment would be made based on total 1963-64 ADA. The 1963-64 assessed valuation would be used together with the estimated entitlement Amounts paid for the period July 1963 through June 1964 would be deducted and the remainder would be paid in full ADA reports would be due July 15, 1964.

On September 1, 1964 an advance apportionment based on the 1963-64 total ADA would be made and a cycle would be repeated.

APPENDIX III

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, February 20, 1962

HON. WILLIAM H MERRIFIELD
Auditor General
Room 130, State Capitol
Sacramento, California

STATE SCHOOL FUND GROWTH ALLOWANCES—No. 1937

DEAR MR. MERRIFIELD:

QUESTION

You ask whether, in the computation of the State School Fund allowances for growth for a unified school district, it would be permissible to offset and reduce the allowances computed for a grade level (i e, elementary, high school, or junior college) which had growth in attendance, on the basis of a decline in attendance in another grade level?

OPINION

In our opinion the answer is "no."

ANALYSIS

Section 17601* of the Education Code specifies that for purposes of computation of allowances from the State School Fund, a unified school district shall be deemed to constitute an elementary school district in respect to its grades kindergarten through 8, a high school district in respect to its grades 9 through 12, and a junior college district in respect to its grades 13 and 14

While the formulas for computing the allowances for growth in public school current attendance require that the computation be made for "each district" (Sections 18003, 18004), and the actual apportionment of the allowances is also to be made to "each district" (Section 17407), we can find nothing in the law which would authorize the reduction of allowances for growth for one grade level of a unified school district on the basis of declines in attendance in another. Although a unified school district is allowed, by Section 17609, to pool the State School Fund moneys apportioned to it for its different grade levels and to expend them indiscriminately as between those levels, we can perceive of no basis for presuming that this section has any such force and effect Such an interpretation of Section 17609 would, of necessity, require the establishment, by implication, of procedures for actually effecting the offset and reduction The comprehensive character and specificity of the formula provisions, in our opinion, negates any such implied operation and effect of Section 17609.

Very truly yours,

A. C. MORRISON
Legislative Counsel
By ERNEST H KUNZI
Deputy Legislative Counsel

* All section references are to the Education Code

THE FINAL APPORTIONMENT

Prepared by Office of Legislative Analyst,
State of California, July 12, 1962

Article IX, Section 6 of the California Constitution, states: "The entire State School Fund shall be apportioned in each fiscal year . . ." Therefore, once funds are actually transferred into the State School Fund they must be apportioned that year, they cannot revert to the General Fund nor can they be applied to the support of other than the public schools.

When funds were transferred from the State General Fund to the State School Fund in the years before 1961-62, it was possible that more could be transferred in any year than was actually required that year to meet the total computed apportionments for each of the elements of the State School Fund (basic and equalization aid, special education and transportation reimbursements, and growth allowances) This was possible because the derivation formula (currently $201 36 per total state ADA) could exceed the total of the distribution formulae computed for apportionment for the several purposes contained in the statutes Because of the requirement of the Constitution, it was necessary that any money which was surplus be apportioned that year to the State's school districts over and above the apportionments already made

In 1961 the Education Code was amended by Chapter 887, Statutes of 1961, to provide a different method for accomplishing this transfer from the General Fund The total statutory allowance per ADA (currently $201 36) was broken into two components: $180 per ADA as guaranteed by the Constitution, and $21 36 per ADA, the amount added by statute Now, in making transfers into the State School Fund, only as much of the statutory $21 36 is added to the $180 per ADA transferred as is necessary to meet actual computed apportionments. Thus, if the total of all computed apportionments from the State School Fund in any year is less than $201 36 per ADA, only as much as would be required to meet the total computed apportionments would be transferred from the General Fund for apportionment. Any surplus, which previously would have been transferred into the State School Fund and would have had to be apportioned that year, now remains in the General Fund. This surplus is now considered as a "credit" against subsequent years when there may not be enough in the State School Fund to meet all computed apportionments (Education Code 18460 (b)) Thus, the management of surpluses has in effect been transferred from the districts to the State

Present statutes provide a device known as the final apportionment which permits application of surpluses occurring in any element of the State School Fund to be applied against deficits occurring in any of the other elements For example, the amount reserved by statute for growth in any year may exceed the amount computed for allowances for that purpose, while the reverse may be true in that year for

special education or transportation. The "surplus" in growth may be applied to the "deficits" in special education or transportation by use of the final apportionment The Education Code has established a system of priorities for the application of these surpluses against any deficits, first, to the elimination or reduction of deficits in equalization aid allowances, then to growth, special education, and transportation, in that order Any undistributed amounts remaining in the State School Fund which were transferred under subdivision (a) of Section 17301 (the constitutionally guaranteed $180 per ADA) after these applications are to be distributed as additional aid to all districts

We have stated that prior to 1961-62 all funds appropriated to the State School Fund were transferred thereto without regard to the computed allowance requirements Once transferred they were apportioned in their entirety by constitutional mandate Table I shows the effects of these total distributions through the fiscal year 1960-61

The 1961 legislation under A B 1888 (Chapter 809, Statutes 1961) and A B 1000 (Chapter 887, Statutes 1961) preserved the provision that surpluses remaining in the State School Fund after the application to deficits shall be distributed as additional state aid. However, because this legislation also provided that only those funds in excess of

TABLE I

FINAL APPORTIONMENTS OF THE STATE SCHOOL FUND

Year	Amount available for final apportionment	Distribution of final apportionment		Surplus (+) or deficit (—) in State School Fund
1960-61	$292,375	To make up a portion of the deficit applied to equalization aid allowances	$292,375	*—$3,053,088
		Total final apportionment	$292,375	
1959-60	446,142	To make up a portion of the deficit applied to equalization aid allowances	446,142	—$11,414,924
		Total final apportionment	$446,142	
1958-59	11,221,243	To eliminate deficit in Special Education	798,655	
		Allowed as additional equalization aid to those districts receiving equalization aid in the Principal Apportionment	10,422,578	+$10,422,578
		Total final apportionment	$11,221,243	
1957-58	586,671	To make up a portion of the deficit applied to equalization aid allowances	586,671	—$2,230,144
		Total final apportionment	$586,671	
1956-57	6,476,452	To eliminate deficit in Second Period Growth	1,209,595	
		To eliminate deficit in Pupil Transportation	1,753,428	
		Allowed as additional equalization aid to those districts receiving equalization aid in the Principal Apportionment	3,513,429	+$3,513,429
		Total final apportionment	$6,476,452	

* *Estimated*

$180 per ADA shall be transferred as are necessary to meet computed allowances, there can no longer be any funds to be distributed as additional state aid over and above all computed apportionments. This is due to the present requirement that funds in excess of computed apportionments shall remain in the General Fund; thus, they do not become a part of the State School Fund to be distributed The application of present legislation in effect confines the final apportionment to a device in which surpluses are applied against deficits.

The final apportionment for the fiscal year 1961-62 was certified by the Superintendent of Public Instruction on June 25, 1962 in the amount of $5,943,151 This was the amount necessary to eliminate the deficits in special education and transportation and to adjust a previous reduction in driver training allowances. This was derived from the excess of amounts reserved for basic and equalization aid, growth, and reimbursements for school district emergencies.

The deficits which were eliminated are itemized below:

Education of:	
Physically handicapped	$2,142,659
Mentally retarded	1,652,935
Severely mentally retarded	230,673
Transportation for certain handicapped and severely mentally retarded pupils	460,781
Transportation of regular pupils	1,126,103
Total restoration of deficits	$5,613,151
Adjustment of a previous reduction in driver training allowances	330,000
Total final apportionment	$5,943,151

The funds available with which to eliminate these deficits were derived as follows:

Surplus from:	
Equalization aid	$799,800
Growth apportionments	8,043,348
Emergency funds	34,676
Application of transportation deficit formula	14,787
Total available	$8,892,611

It should be noted that the funds available with which to eliminate the deficits exceeded the deficits, as follows:

Surplus funds available	$8,892,611
Deficits restored	5,613,151
Excess funds available	$3,279,460

This difference of $3 2 million remained in the General Fund in accordance with Education Code 18460 (b) and will be available to meet deficits in computed apportionments that may occur in subsequent fiscal years.

A summary of the 1961-62 fiscal year apportionment is presented in Table II It shows the various apportionments, dates apportioned, amounts reserved, amounts apportioned, and the surpluses or deficits arising in each case.

1. CONCLUSION

Table I in this report shows the effects of distributing the entire State School Fund in the years prior to 1961-62. Note that in the 1958-59 apportionment year there was a surplus of $10 million after meeting all computed allowances; this was distributed to the districts as additional state aid in June of that year. Due to the enactment of present legislation the $3 2 million surplus in the 1961-62 apportionment year

TABLE II

STATE SCHOOL FUND SUMMARY OF AMOUNTS APPORTIONED FISCAL YEAR 1961-62

	Amount available by statute	Computed allowances	Actually apportioned		(Deficit)	Surplus
			Date	Amount		
Principal apportionment (Basic and equalization aid and county school service fund allowances)	$635,531,670					
Transferred to Junior College Tax Relief Fund	(5,000,000)					
Transferred to Service Fund Surplus Account	(2,059,890)					
Net principal	$628,471,780	$627,671,980	6/26/61	$627,671,980		$799,800
Special education and transportation	41,540,860	47,139,224	12/11/61	41,526,073	($5,613,151)	14,787
Growth	40,115,789	32,072,441	3/12/62 6/25/62	32,072,441		[1]8,043,348
Service Fund emergencies and corrections	205,000	170,324	5/ 2/62 6/25/62	170,324		34,676
Driver training	4,578,000	4,578,000	12/11/61 5/17/62 6/25/62	4,578,000		
Project-connected pupils	67,065	67,065	12/11/62	67,065		
Final apportionment—to restore deficits in special education and transportation				5,613,151	5,613,151	(5,613,151)
Totals	$714,978,494	$711,699,034		$711,699,034	None	[2]3,279,460

[1] The surplus in growth of $8 0 million was primarily the result of two factors
1 Removal of the $125 minimum per growth ADA
2 Elimination of defined adult ADA in regular classes and the inclusion of ADA of minors in classes for adults

[2] Surplus credit in General Fund to be applied against any deficits in subsequent fiscal years

has been retained in the General Fund to be used to eliminate deficits in subsequent years Had the 1961 Legislature not taken this action, the $3.2 million surplus would have been distributed in 1961-62 to the districts as additional state aid in excess of the full apportionments already received.

We believe this concept of shifting the management of surpluses from the districts to the State to be a proper one.

2. CONCLUSION

In our report concerning driver training, dated May 17, 1962, we discussed the creation of the Driver Training Penalty Assessment Fund by statutes enacted by the 1961 Legislature This fund was started with a zero balance on September 15, 1961 It receives its revenue from fees paid on moving traffic violations, and is used as a basis for reimbursements to school districts for their excess current expense of driver training The statutes provide that expenditures through the State School Fund for driver training "for any fiscal year shall not exceed the total of moneys in the Driver Training Penalty Assessment Fund in the State Treasury" (Education Code Section 17305 5)

We observed that, because the apportionment for driver training is by law a part of the special purpose apportionment which must be made in December each year, the difficult problem is created of estimating the total amount which will be received in the Driver Training Penalty Assessment Fund through June of each year We anticipated that adjustments to the estimate made in December 1961 would have to be made Subsequent events have shown this to be true, as follows·

December 11, 1961—First estimate for driver training in special purpose apportionment	$4,800,000
May 17, 1962—Second estimate which reduced the apportionment	(552,000)
June 25, 1962—Third estimate which partially restored the reduction of May 17, 1962 (This was included as part of final apportionment)	+330,000
Actual driver training allowances for 1961-62	$4,578,000

The suggested solution to this problem of uncertainty as to the amount available in the fund, contained in our previous report, was to place the determination of the amount available for apportionment in any year on the basis of the receipts for the fiscal year prior to that for which the apportionment is to be made To effect this transition, it was proposed that a permanent advance from the General Fund be made for the year in which the transition took place An alternate solution is now presented for consideration

Suggested Alternate Solution to the Problem

We have stated that the problem of estimating the total receipts in the fund each year is created by the statute which requires that the driver training allowances shall be part of the special purpose apportionment, December 10 of each year (Education Code 17406). As an alternate solution to this problem, we suggest that the Education Code be revised to make the driver training apportionment a part of the final apportionment on June 25 of each year and be distributed in its entirety at that time.

This would eliminate the present necessity for estimates, as the receipts for the current year would be known at the time of the final apportionment It would, however, defer the receipt of a portion of the funds due the districts for driver training from December to June of any fiscal year.

ADDITIONAL INFORMATION ON TRANSPORTATION CONTRACTS

Prepared by the Office of Legislative Analyst, State of California, July 12, 1962

Comments on the review made May 23, 1962 by Patchett's Bus and Transportation Company, Inc pertaining to the pupil transportation and driver training report submitted by the Legislative Analyst May 17, 1962

In our report on pupil transportation, we included a discussion of some of the problems which had resulted from contracting for transportation services from private companies We made it clear at the hearing that our report was not intended as a condemnation *per se* of private contracts for transportation; it was reasonable to assume that some of the advantages which could accrue to private contractors in the form of specialization in transportation requirements, flexibility in use of equipment, consolidation of maintenance of equipment, etc, could be passed on in the form of savings to the State and to the districts However, it was emphasized that present regulations and the operation of the transportation reimbursement formula could permit some abuses because excessive or unnecessary transportation services could be included at no extra cost to the district while the entire additional cost could be charged to the State It was noted that this situation also could occur under similar reimbursement conditions in the case of a district-operated transportation system where excessive services were permitted We reported on actual contract proposals which, in our opinion, shifted additional costs to the State with little or no evidence of additional need or expansion of service

The Patchett's Bus and Transportation Company of Newman, California, reviewed our report and requested that its observations be placed before the committee. The following comments pertain to that review

We agree with the company that not only has it been possible for a district to increase its total transportation program expense with no increased cost to the district, but that it is also possible for a district to decrease its total program expense with the benefits accruing only to the State However, we still believe that our statement is valid that under present formula and regulations there could be a tendency for private contractors to provide excessive or unnecessary transportation services which would not be provided if the district were required to make a contribution from the district's funds for the additional services If it is immaterial, insofar as cost to the district is concerned, whether their total transportation costs increase or decrease, we believe the tendency would be for them to increase

We agree that, with regard to the company's example of the Pinole-Hercules district, in this case there was a reduction in reimbursements furnished by the State in the first year that the district contracted, the benefits of which accrued to the State However, we disagree with the claim that the amount of saving to the State because of contracting

was $7,615 The company's example did not take into account the deficit in state reimbursements which occurred in 1958-59 In 1957-58 there was no deficit Had there been no deficit in 1958-59 the total reimbursement that year would have been greater and the difference between the two years (1958-59 and 1957-58) lessened The example also ignored any increase in assessed valuation between the two years Had there been no increase in the assessed valuation, the state reimbursements would also have been greater in 1958-59 and the difference between the two years lessened In our opinion the difference between the two years after accounting for these factors would be about $6,900. However, neither of the above two factors had a direct bearing on whether the district contracted or not

We understand that the reason for the decision to contract was as follows The Pinole-Hercules district, prior to contracting with the Patchett's Bus and Transportation Company, had used the services of the Richmond Union High School District for its pupil transportation, when the Richmond district discontinued providing any transportation services, it was necessary for the Pinole-Hercules district to make other arrangements Therefore, the district-operated figures presented in the company's review were those of one of the highest cost district-operated systems in that county, the Richmond Union High School District A comparison between other elementary districts in the same county which operated their own transportation systems and the company's contract system indicated that in these cases there would have been no savings to the State, but rather that the districts were operating at a lower cost than the company. It is plain that examples of both higher and lower cost can be found

The Patchett's Bus and Transportation Company's review claimed that not all true district costs had been included in our report, when making a projected cost comparison between a district-operated and a contract-operated system These excluded costs were enumerated as

1. Cost of equipment replacement and interest thereon
2. Increase in cost of operating additional equipment
3. Increase in annual operating cost
4. Costs which transportation companies bear, but which the districts do not bear, e g , transportation tax and license fees

We agree that for purposes of projected cost comparisons these items should be included However, we do not agree with the amount of $4,715 shown for the increase in cost of operating additional equipment, nor with the increase of $1,273 in annual operating costs.

The example given presumed the increase in cost of operating an additional bus would be one-half the cost of operating the present fleet of two buses, even though the proposal indicated that the total hours of operation would be approximately the same, and the mileage total would increase only 40 miles per day We believe their estimate of the increase in operating cost to be excessive in that wage costs would more nearly relate to hours of operation, the cost of 40 additional miles would be small in relation to the total miles traveled

The estimated increase in annual operating costs was shown as 9 percent, and was derived from Table I of our previous report. This table was intended to show total amounts expended by all districts

in the State for all transportation This would include elements of population increase, expanded programs and new programs which were initiated as well as new districts which were added We do not feel that this is a proper basis for calculating the cost index for application to any one district.

CONCLUSION

We conclude from our analysis of the company's review that in some cases a contract-operated system may well operate to the benefit of the district and the State However, we believe that conditions still exist through present regulations which would permit unreasonable contracts for transportation services. Further, we restate that our observations and conclusions were not intended to be a criticism of all contracting We believe that necessary transportation services can economically be performed for some school districts under the method of contracting for a transportation system

Our suggested solution to this problem remains the same. namely, to insure the reasonableness of contract operated transportation services and to protect the State's interest in the consequent rembursements, it is suggested that the Department of Education be directed by the Education Code to review and approve or disapprove all proposed, new or renewal contracts for transportation services between school districts and private companies The department's review should include, but not be limited to, consideration of

1 The reasonableness of the costs of any increased services proposed.
2 The effect of the proposal with regard to increased costs to the State
3. A study of the adequacy of the transportation system before and after the proposal.

This suggestion would permit the State to gain the advantages possible in this districts where contract services may be more economically provided than under a district-operated system At the same time it would eliminate the existing possibility of unreasonable contracts in relation to the services performed We believe that if contracting transportation companies can demonstrate to the Department of Education that they are able to perform a better job more economically, they should certainly be permitted to do so

We also suggest the 100 percent state portion of the formula be revised to require district participation and responsibility in the support of pupil transportation at all levels of expenditure

THE COUNTYWIDE TAX CONCEPT

Prepared by the Office of Legislative Analyst, State of California, July 12, 1962

The artificial boundaries resulting from the 1,650 separate school districts in California have created islands of relative wealth and poverty in practically all areas of the State Past attempts to correct this have been opposed because the plans advanced have upset the long-established and reaffirmed principle of local control of the California public school system

The countywide tax concept is one which attempts to accomplish intracounty equalization of school tax resources, and at the same time, it accomplishes intercounty equalization of such resources without taking state funds from any district Further, it does not affect local control, but separates the fiscal aspects from those of an organizational nature without altering the local prerogatives

These disparities in the wealth of the various districts are most evident when, for example, it is considered that an elementary student in Del Paso Heights (Sacramento County) has $2.142 assessed valuation behind him, while an elementary student in Indian Springs (Shasta County) has $803,840 assessed valuation for support. The ratio of low wealth to the high wealth would be 1 375. If the wealth within each county were equalized, but still retained within that particular county, the assessed valuation behind the Del Paso Heights student would be increased to $5,566 and the wealth for the Indian Springs elementary student would be spread among other Shasta County elementary students so that each one in the county would represent an assessed valuation of $10,360 The above low-to-high wealth ratio of 1:375 therefore would be reduced to 1.2.

Following is an example of how such a plan might work

1. School taxes currently are levied on a school district basis, and the qualifying tax rate used in computation of equalization aid is 60 cents on each $100 of assessed valuation at the elementary level and 50 cents on each $100 of assessed valuation at the high school level.

2 The tax that would be levied under the countywide tax base plan would be a mandatory tax rate of 60 cents on each $100 of assessed valuation for elementary school districts and a rate of 50 cents on each $100 of assessed valuation for high school districts

3 The maximum statutory or voted tax rates would be reduced by the rate of the countywide tax levied However, when the amount of county tax allocated to a district is less than the amount that the applicable rate (the 60-cent tax and 50-cent tax) would raise in the district, the maximum statutory or voted tax rate limit could be reduced by the tax rate that would raise the amount of the allocation The purpose of this provision is to permit the districts with higher assessed valuation to operate at the same expenditure level as they had originally if they so desire.

4. The county funds would be allocated in equal amounts for each weighted [1] unit of ADA to the school districts of the county

5 There would be a countywide foundation program which would consist of the sum of the regular foundation programs of all the districts of the county.

6. Countywide aid to support the countywide foundation program would be an amount equal to that which could be raised by levying a tax on 100 percent of the assessed valuation of the county during the preceding year, if the tax levied were 60 cents for elementary purposes and 50 cents for high school purposes

7. The difference between the countywide foundation program and the sum of basic aid ($125 per ADA) plus countywide aid would be known as "state equalization aid"

8 "Additional equalization aid" would be allocated to each district eligible therefor so that the total of equalization aid allocated would not be less than would have been allocated on the basis of the alternate foundation program and computational tax rates applied to the assessed valuation of the district

The following chart gives an example of the difference between the operation of the existing school apportionment foundation programs under. (A) the current program and (B) a countywide tax base plan using three levels of wealth of elementary school districts with 901 ADA and over. (1) a low-wealth district on the alternate program, (2) a middle-wealth district on the regular program, and (3) a high-wealth district which would receive only basic aid

The heart of the difference between the current program in No. A1 and the countywide tax base plan is shown in the example of No. B1 (a low-wealth district of $4,000 AV/ADA on the alternate program which is located in an equalization county of $14,000 AV/ADA). In No B1 the district receives $125 in state basic aid; $84 in county aid ($14,000 × 0060); $25 in state equalization aid for the county [$234 — ($125 + $84)]; $45 in additional state equalization aid to bring the district up to the district's alternate foundation program level of $309, if $30 in district aid which may be raised by the level of 75 cents above the 60-cent countywide tax is levied

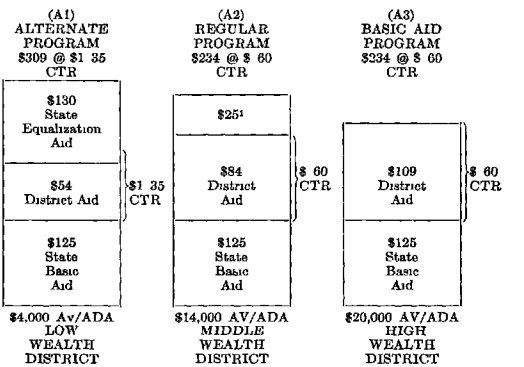
It is significant to note that although the $20,000 high-wealth district (No. B3) would receive equalization under the proposed plan because it is in an equalization county, it is one of the districts which, because of its high wealth, is actually contributing proportionately more to the poor districts within the county, such as district No B1 which has the low wealth of $4,000 assessed valuation per average daily attendance In this example, a $20,000 AV/ADA high-wealth district under No. B3 would raise $120 with the 60-cent countywide tax but would receive only $84 back in county aid which is a loss of $36 Since it would receive $25 in state equalization aid, the net loss to the district would be $11 It is this $11 which would be used for county aid in the poor districts within the county such as B1

[1] "Weighted average daily attendance" means weighting the average daily attendance for necessary small schools, elementary schools with an average daily attendance of less than 901 ADA, and high schools with less than 301 ADA, so that the weighted average daily attendance multiplied by the regular foundation program for larger districts is equal to the foundation program specified for the small district. This procedure is the same as is currently followed

COMPOSITION OF THE FOUNDATION PROGRAMS AND EFFECT OF COUNTYWIDE TAX BASE PLAN

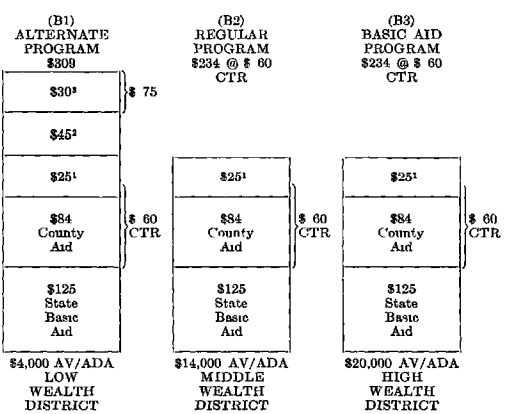
(Elementary Schools of 901 and Over ADA)

A. CURRENT PROGRAM



B. PROGRAM USING THE COUNTYWIDE TAX BASE

(EXAMPLE OF AN EQUALIZATION COUNTY WITH $14,000 AV/ADA)



AV = Assessed valuation
ADA = Average daily attendance
CTR = Computational tax rate

[1] State equalization aid
[2] Additional state equalization aid
[3] District aid

The plan for California school finance using a countywide tax base does not affect the existing organizational structure of California schools nor the local control exercised at the district level Instead, the plan deals only with the financial aspects of securing better equalization, first, within counties, and second, within the entire state structure. In this respect it reduces the importance of financial considerations as one of the elements of district reorganization so that those decisions can be made largely on the basis of curricula, geography and local desires.

The funds secured by a more uniform use of tax resources within a county would not leave that county but would be distributed within the county. This in turn would release state equalization money in nearly all counties to be redistributed in each county according to need

We recommend that the Legislature carefully examine the plan which will be submitted by the Department of Education to the 1963 session and consider it on the merits of both an improved educational program and a more equitable employment of existing unused taxable wealth. It is our understanding that the department's new proposal will include a variable foundation program based on actual district tax rates.

MEMORANDUM ON THE IMPACT OF THE OROVILLE DAM PROJECT ON THE CAPACITY OF OROVILLE TO SUPPORT ITS SCHOOLS

Prepared by the Office of the Legislative Analyst, State of California, December 1, 1962

The enclosed tables were prepared in response to an inquiry concerning what has happened in recent years to assessed valuation, ADA and assessed valuation per ADA in the Oroville elementary and high school districts as a result of the Oroville Dam undertaking. In each of the columns headed "AV/ADA" in Tables II, III and IV, the figures represent the quotient of the total assessed valuation divided by the appropriate total ADA. The Department of Education, for purposes of public school finance reporting, employs a more detailed method for determining the assessed valuation behind each unit of ADA, the effect of which is that their AV/ADA figures often appear somewhat higher because of the use of a lower ADA total (excluding adult ADA and, in certain cases, grade 13 and 14 ADA). The present unavailability to us of the necessary detailed ADA figures have obliged us to use the simpler mathematical process; the results, however, are roughly comparable for purposes of trend analysis.

We have selected the 1957-58 fiscal year as the first year in which the Oroville Dam project may be expected to have made itself felt in the community. As may be seen in the detail in Table I, the growth rates for assessed valuation, ADA and most significantly AV/ADA in the Oroville elementary and high school districts in the period 1957-58 through 1960-61 have been greater than for the total of the State's elementary and high school districts in the same period. In fact, at the high school level there has been an increase in Oroville but something of a decrease throughout high school districts in general. For purposes of public school finance, an increase in AV/ADA reflects an increase in the local capacity to support schools.

A detailed review of Tables II and III will indicate that the AV/ADA in the two Oroville districts has declined slightly in the recent past from high points which were recorded during the early years of the dam project. It remains to be seen whether this downward trend will be maintained. We consider it likely that the trend may be reversed when the construction of the dam, itself, is actually undertaken. This is based on the assumption that the assessed valuation of the Oroville area may be expected to rise as construction of the dam progresses. It will remain to be seen whether the increase in project-connected ADA will be such that, when added to the normal local ADA increase, the AV/ADA will continue to fall or begin to rise. A 1956 study prepared for the Department of Water Resources * indicated that in the experience of

* "Economic Impact of the Construction of Oroville Dam and Power Plant upon the Oroville Area," State of California, Department of Water Resources, October 1956.

the construction of The Dalles Dam in Oregon, the number of children per direct employees on that dam project declined after the first few years, if this trend is followed there may be a decline in the group I project-connected ADA Under the present definition of group II ADA, however, enough children may qualify as project-connected to offset any drop off in group I

TABLE I

A. COMPARISON BETWEEN OROVILLE CITY ELEMENTARY DISTRICT AND TOTAL OF ALL OTHER ELEMENTARY DISTRICTS, 1957-58 TO 1960-61

	Oroville	Total of State
Assessed valuation	+21 0%	+19 1%
ADA	+15 3%	+13 7%
AV/ADA	+14 9%	+4 8%

B. COMPARISON BETWEEN OROVILLE UNION HIGH SCHOOL DISTRICT AND TOTAL OF ALL OTHER HIGH SCHOOL DISTRICTS, 1957-58 TO 1960-61

	Oroville	Total of State
Assessed valuation	+28 3%	+19 5%
ADA	+13 3%	+23 3%
AV/ADA	+13 2%	−3 1%

TABLE II

OROVILLE CITY ELEMENTARY

Year	Total (unadjusted) assessed valuation without increments	ADA	AV/ADA
1949-50	$7,008,840	1,645	$4,261
1950-51	7,247,950 +3 4%	1,757 +6 8%	4,125 —3 2%
1951-52	8,562,575 +19 5%	1,851 +5 4%	4,680 +13 5%
1952-53	9,604,070 +10 9%	1,834 —0 9%	5,237 +11 9%
1953-54	10,110,560 +5 3%	1,826 —0 4%	5,537 +5 7%
1954-55	10,651,145 +5 3%	1,938 +6 1%	5,496 —0 7%
1955-56	13,098,965 +23 0%	2,003 +3 4%	6,540 +19 0%
1956-57	14,000,205 +6 8%	2,152 +7 4%	6,506 —0 5%
1957-58	14,795,670 +5 7%	2,145 —0 3%	6,898 +6 0%
1958-59	16,889,780 +14 0%	2,210 +3 0%	7,633 +10 7%
1959-60	17,140,970 +1 6%	2,312 +4 6%	7,414 —2 9%
1960-61 (First year PCP allowance)	17,896,660 +4 4%	2,474 +7 0%	7,234 —2 4%
Average	+9 0%	+3 8%	+5 2%
Total increase	$10,887,820	829	$2,973
Increase as percent	+155 3%	+50 4%	+69 8%

TABLE III

OROVILLE UNION HIGH

Year	Total (unadjusted) assessed valuation, w/out increments	ADA	AV/ADA including any adult ADA
1949-50	$21,554,135	820	$26,286
1950-51	25,722,240 +19 3%	861 +5 0%	29,875 +13 7%
1951-52	29,146,595 +13 3%	879 +2 1%	33,159 +11 0%
1952-53	31,900,820 +9 4%	989 +12 5%	32,256 −2 7%
1953-54	32,754,800 +2 7%	1,067 +7 9%	30,698 −4 8%
1954-55	33,320,650 +1 7%	1,197 +12 2%	27,837 −9 3%
1955-56	37,559,265 +12 7%	1,286 +7 4%	29,206 +4 9%
1956-57	40,076,900 +6 7%	1,410 +9 6%	28,423 −2 7%
1957-58	44,892 215 +12 0%	1,553 +10 1%	28,907 +1 7%
1958-59 First year PCP allowance made	52,128,255 +16 1%	1 567 +0 9%	33,286 +15 1%
1959-60 No allowance*	56,988,660 +9 3%	1,632 +4 1%	34,920 +5 0%
1960-61 No allowance*	57,613,190 +1 1%	1,760 +7 8%	32,735 −6 3%
Average	+9 5%	7 2%	2 3%
Total increase	$36,059,055	940	$6,449
Increase as percent	+167 3%	+114 6%	+24 5%

* An insufficient impact to qualify for allowance.

TABLE IV

A. ALL ELEMENTARY DISTRICTS

Year	Assessed valuation	ADA	AV/ADA
1957-58	$16,387,953,242	1,408,509	$11,635
1958-59	17,445,337,568 +6 5%	1,486,278 +5 5%	11,738 +0 9%
1959-60	18,393,478,905 +5 4%	1,591,254 +7 1%	11,559 —1 5%
1960-61	19,519,927,245 +6 1%	1,601,298 +0 3%	12,190 +5 5%
Total increase	$3,131,974,003	192,789	$555
Increase as percent	+19 1%	+13 7%	+4 8%

B. ALL HIGH SCHOOL DISTRICTS

Year	Assessed valuation	ADA	AV/ADA
1957-58	$16,302,548,725	613,582	$26,569
1958-59	17,410,896,207 +7 0%	668,361 +8 9%	26,050 —2 0%
1959-60	18,357,033,381 +5 4%	719,877 +7 7%	25,500 —2 1%
1960-61	19,479,609,125 +6 1%	756,635 +5 1%	25,745 +0 9%
Total increase	$3,177,060,400	143,053	—$824
Increase as percent	+19 5%	+23 3%	—3 1%

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1961-1963

VOLUME 11 NUMBER 3

FINAL REPORT

of the

ASSEMBLY INTERIM COMMITTEE ON LEGISLATIVE REPRESENTATION

(House Resolution 361, 1961)

MEMBERS OF THE COMMITTEE

CARL A BRITSCHGI, *Chairman*
TOM CARRELL, *Vice Chairman*

CARLOS BEE
CHARLES EDWARD CHAPEL
ALAN G PATTEE
CHARLES H WILSON
EDWIN L Z'BERG

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of the State of California

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Speaker pro Tempore
HON JEROME R WALDIE
Majority Floor Leader
HON JOSEPH C SHELL
Minority Floor Leader

ARTHUR A. OHNIMUS
Chief Clerk

January 2, 1963

November 8, 1962

HON JESSE M UNRUH
Speaker of the Assembly; and

HON MEMBERS OF ASSEMBLY
State Capitol Building, Sacramento

GENTLEMEN

In accordance with the provisions of Section 9909 of the Government Code, Assembly Rule 22, and House Resolution 361 (1961), the Special Assembly Committee on Legislative Representation hereby submits a report of its activities during the 1961-1963 biennium, including its recommendations to the 1963 General Session of the Legislature

Respectfully submitted,

CARL A BRITSCHGI, *Chairman*
TOM CARRELL, *Vice Chairman*

CARLOS BEE
CHARLES EDWARD CHAPEL
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COMMITTEE RECOMMENDATIONS

1 *The committee recommends that all committee chairmen require all persons appearing before committees of the Assembly, both during and between sessions, to register, at each appearance, with the committee before which they appear, giving their name, their address, their affiliation, if any, and whether or not they are authorized to represent the legislative policy of such affiliation Each committee would have the responsibility of collecting such registrations, and transmitting them, once a month, to the Assembly Committee on Legislative Representation or its successor*

2 *The committee recommends that registered legislative advocates no longer be required to report personal expenses Personal expenses, in this instance, should be defined as only personal room, board, and traveling expenses, and should in no case include office, business, and entertainment expenses*

3. *The committee recommends the establishment of a Joint Legislative Committee on Legislative Representation This committee would be granted direct supervisory authority over the administration of the Erwin Act, and would have the power to issue rules and regulations pursuant to the administration of the act. The committee would also possess the powers and duties conferred on the Legislature by Sections 9909 and 9910 of the Government Code, and upon the Special Assembly and Senate Committees on Legislative Representation by Assembly Rule 22 and Senate Rule 57 Such a committee would be composed of an equal number of Assemblymen and Senators The chairman would be chosen by the Speaker of the Assembly and the President pro Tempore of the Senate in alternate bienniums*

PREFACE

Section 9909 of the Government Code declares it to be both the duty and the responsibility of the respective houses of the California Legislature to

> recommend from time to time such amendments to [the Chapter on Legislative Representation], or such other proposals as in their opinion would be conducive to the proper conduct of legislative business without infringing upon the right of all persons to present to the Legislature their views through agents or agencies of their own choosing

The Assembly, under Rule 22 of the Permanent Standing Rules adopted at the 1961 session, specifically delegated this statutory authority to the Special Assembly Committee on Legislative Representation

> . there shall be a committee to be known as and called the Special Committee on Legislative Representation, which is hereby declared to be a continuing body authorized to act both during and between sessions of the Legislature
>
> The committee shall study and analyze all facts relating to legislative representation and the regulation thereof, and shall report thereon to the legislature at each general session and from time to time as the committee deems necessary, including in the reports its recommendations for appropriate legislation

In order to discharge this responsibility, the committee once more took under advisement the research and recommendations made in its report to the 1961 session of the Legislature This report, termed by the Council of State Governments as the best existing report by a state legislature on lobbying, provided the committee with a valuable legal and scholarly analysis of the Erwin Act (the present California law on legislative representation), and an equally valuable statistical résumé of lobbying legislation in other states With this information already in hand, the committee concluded that its most pressing need was for an analysis of the present operation of the Erwin Act To this end, a letter was sent to each registered legislative advocate asking whether he had any suggestions for improving the act or its administration As a result of the gratifying response to this inquiry the committee scheduled a hearing in Riverside on September 19 and 20, at which the general public, as well as those who had made suggestions, were invited to present oral or written testimony The report of the committee therefore consists of a discussion of the suggestions submitted to it both before and at the hearing, and recommendations derived by the committee from this and previously developed information

INTRODUCTION

Because of the nature of the inquiry undertaken, the committee's attention has been focused upon certain aspects of the Erwin Act to the exclusion of others Thus the present study does not constitute a complete review of the act, but rather an attempt to find solutions for some of the practical problems which the act and its administration have created Some sections, such as the one outlawing contingency agreements (Section 9966 5) are precise, well-understood, and clearly necessary, and as such have never been the subjects of controversy Others, such as those pertinent to the solicitation of funds for the purposes of "influencing legislation" (Sections 9901-9905), while clearly in need of amendment (as demonstrated by the report of this committee to the 1961 General Session), concern only a relatively small number of legislative advocates, and thus have not constituted a problem of major proportions Still others, such as Section 9906, concern all registered advocates and have been a constant source of trouble and confusion It is particularly with this section and its implications that the committee's study was concerned

I. REGISTRATION

At the present, any person who engages himself "for pay or for any consideration" for the purpose of influencing legislation, who actually engages in an attempt to influence legislation and who is not

(a) Merely appearing before a committee of the Legislature in support or opposition to legislation; or

(b) A state official or an elective public official acting in his public capacity; or

(c) The proprietor or employee of any regular mass communication medium, who, outside his normal course of business, does nothing to influence legislation other than appear before committees of the Legislature in support or opposition to legislation; or

(d) A person representing a *bona fide* church solely for the purpose of protecting the public right to practice the doctrines of that church

must register with the Legislature as a legislative advocate (Section 9906)

Registration of legislative advocates is the basic step in providing both the Legislature and the public with information pertinent to the influence exerted upon legislation by interested groups The Erwin Act is predicated upon the assumption that such influence is not in itself malevolent or corrupt, but to the contrary, of great public value in assisting the Legislature to understand the needs and desires of our complex society It recognizes, however, the possibility that influence can be exerted in an improper manner, and in such a way as to negate the public interest in its use It further assumes that the most practical way of preventing such abuses is to provide for public disclosure of the relevant facts surrounding specific organized attempts to influence legislation In this way, legislators and the public are afforded facilities for the evaluation of the influences favoring a certain course of action, without in any way infringing upon the constitutional rights of the advocates of that course to address and petition their elected representatives

The committee's study produced no evidence of any demand for the elimination of advocate registration. Instead, the committee discovered a considerable body of sentiment favorable to the extension of registration to cover individuals not now required to register Indeed, several advocates felt that any person who comes to either house of the legislature to discuss or influence legislation should be required to register. In general, however, sentiment favorable to extending registration was

aimed at three currently exempt categories, those who actively influence legislation but who are not paid to do so, those who are employed by the State and who act as representatives of their departments, and those who appear only before committees

1. *Unpaid Legislative Advocates*

Strictly speaking, according to the Erwin Act, a person who engages without compensation to influence legislation is not a legislative advocate at all The committee's attention has nevertheless been called, from time to time, to instances in which persons claiming to have received no compensation for their activities have been in attendance during legislative sessions for prolonged periods of time and have vigorously attempted to influence legislation. Upon investigation, the committee has discovered that several such persons have been acting irresponsibly, and have in fact violated some of the principles of proper behavior set forth in Section 9910 of the Erwin Act, particularly item 3, which charges legislative advocates to refrain from making false or deceptive statements regarding legislation, and item 6, which directs them not to create a fictitious appearance of public favor or disfavor regarding legislation In the absence of proof that such persons were actually receiving compensation, the committee found itself powerless to act to correct these situations. The committee is of the belief that fair lobbying standards should apply to everyone attempting to influence legislation whether or not he receives compensation It is therefore interested in developing a system by which some notice can be taken both of persons who appear before the legislature for extended periods of time and of those who flagrantly violate fair lobbying standards, without at the same time requiring the registration of everyone who appears in Sacramento to influence legislation

2. *Public Employees*

Prior to 1961, the Erwin Act did not apply to "any public official acting in his official capacity." Taking cognizance of the fact that many local governments were in the habit of engaging the services of professional lobbyists, the committee initiated and passed, at the 1961 session, a bill which restricted this exemption to state officials and elected public officials acting in their official capacities Responding to a question concerning the extent of this exemption, a representative of the Legislative Counsel's office held

> Our interpretation of the phrase has been that by state official was meant a person who acts in what is commonly known as state government and who is employed by the state government . , a person who acts for an agency which has statewide jurisdiction Therefore, the term "elected public official" covers a residue which

are all local officials Our conclusion is that the result of this amendment has been that on the local level only elected public officials are exempted; all others appointed must register (Owen K Kuns, Riverside, October 20, 1962)[1]

Despite this restriction, many persons are apparently still convinced that the public interest requires further restriction and regulation of the legislative influence of public, and particularly state, officials Some of this criticism is based upon the assumption that executive departments and agencies currently play too great a role in initiating and securing the passage of legislation in California, and have in effect been allowed to usurp the basic prerogatives of the Legislature It was argued that both state and federal legislatures have gradually undermined their positions by transferring, to administrative bodies, functions that are purely legislative Once these functions have been given to such bodies, it was said, it is difficult for legislatures to prevent the latter from returning to them in quest of more authority and power It was further contended that there is a high degree of self-interest involved in the initiation of legislation by administrative agencies, and that this practice, although widely prevalent, is contrary both to the principle of the separation of powers in government, and to the public interest in general It was suggested by proponents of these views that all public employees, with a few specific exceptions, be prohibited from initiating and supporting legislation, both privately and before committees of the Legislature, unless subpoenaed for that purpose by a committee

Other critics do not believe that the uninvited presence of government employees in the legislative halls is in itself a source of danger to the Legislature, but rather that their exemption from the Erwin Act has the effect of giving them an unwarranted privileged status among legislative representatives, and encourages irresponsible declarations of their authorization to speak in behalf of their governmental employer These critics believe all public employees who are used by departments or political subdivisions for lobbying activities should be required to register under the Erwin Act, and that such persons should in all ways be treated the same as any other legislative advocate

While the committee is of the opinion that the California Legislature should be somewhat more zealous in the protection of its prerogatives from executive incursions than it has been in times past, it also believes that this problem is properly the concern of the Legislature as a whole, rather than of this committee The committee further doubts that the extension of the registration provisions of the Erwin Act to all state employees would materially improve the situation in the absence of any firm resolution by each Member of the Legislature to resist administrative development of legislation The committee would like to suggest, however, that legislators and legislative bodies take the utmost care not to grant a privileged status to public officials or

[1] This statement was occasioned by the contention of a witness at the hearing that because counties are political subdivisions of the State, county officials are in effect state officials, and that they, at least, are still exempt from registration

employees as a class, or to extend courtesies to public officials desiring to influence legislation that are as a matter of course denied to registered legislative advocates Having said this much, the committee further states its belief that to go beyond the requirements of fair play for all and restrict the access of government officials and employees to the Legislature would be extremely unwise It has always been a fundamental American assumption that wisdom is a byproduct of free competition in the marketplace of ideas It would be a poor Legislature that could only protect itself from executive encroachment by pursuing a policy of isolation

3. *Representation at Committee Hearings*

It would appear that persons who "merely" appear before legislative committees to influence legislation have been exempted from registering under the Erwin Act for two reasons, one philosophical, and the other, practical In the first place, the policy of the Erwin Act is to meet the problem of improper influence upon legislation by subjecting legislative influence to publicity Upon this assumption, it might well be argued that the actions of persons whose only attempts to influence legislation consist of appearances at public hearings are already by that reason the subjects of public scrutiny, and that their inclusion within terms of the act would therefore have no purpose Secondly, the exclusion of these persons has the practical effect of removing a large number of casual and "one-shot" advocates from the committee's jurisdiction, thus reducing the committee's workload to manageable proportions, and focusing its attention upon the "big fish" rather than the "small fry"

In general, this exemption is salutary in nature However, its disadvantage is that it, like the two exemptions previously discussed, is subject to abuse by irresponsible persons Individuals who appear with some regularity before committees, and who make, or claim to make no other attempts to influence legislation, cannot be required to register, even if they openly receive compensation for their services It is the committee's opinion that the letter of the act is opposed, in this instance, to its spirit Thus it has been the committee's concern to find a way of reconciling the spirit and the letter, without eliminating the practical and theoretical benefits which the exemption was intended to provide It is probable that further study of this problem will be necessary to prepare a legislative solution for it

RECOMMENDATION

The committee recommends that all committee chairmen require all persons appearing before committees of the Assembly, both during and between sessions, to register, at each appearance, with the committee before which they appear, giving their name, their address, their affiliation, if any, and whether or not they are authorized to represent the legislative policy of such affiliation Each committee would have the responsibility of collecting such registrations, and transmitting them, once a month, to the Assembly Committee on Legislative Representation or its successor.

The first purpose of this recommendation is to provide the Assembly, and particularly this committee, with concrete information about the appearance of legislative representatives, both registered and unregistered, before committees Such a purpose is entirely in harmony with the guiding premise of the Erwin Act that dissemination of factual information about legislative representation is the best possible deterrent to improper representation By providing for the submission of such information the Assembly will have established a moderate degree of supervision over the activities of unregistered legislative representatives without burdening either itself or the representatives with the cumbersome requirements of registration and reporting under the Erwin Act

Specific examples of the value of such information would be·

1. The creation of a public record of the appearance of legislative representatives before committees during session Since it has not been customary to make transcripts of such hearings, this information has not previously been available on any systematic basis
2. A precise determination of whether or not a witness is representing any organization, and whether he has the authority to speak for that organization While it is properly the duty of each committee to settle this question to its own satisfaction at the time of the hearing, the compilation of such information will give committees dual assistance in the observation of this duty Individuals will be less likely to misrepresent their affiliations and authority if they are made a matter of permanent record, and conversely, the committee, through the preservation of such information, will have an opportunity to take effective action against such an individual if it should subsequently discover information contradictory to his claims
3. The creation of a check upon the occasional practice of registered advocates in representing clients other than those for which they are registered

The second, and perhaps equally important, purpose of this recommendation is to provide the Committee on Legislative Representation with a concrete body of information from which it may assess existing legislation and develop further legislative proposals In the past, the absence of detailed data about the practices of legislative representation has inhibited the evolution and adoption of sound and practical legislation In effect, the committee has been forced to rely upon the random observations of its own members and other interested parties While such observations have often been acute and useful, there has been no statistical information which would enable the committee to place them in proper perspective Testimony before the committee has made it apparent that certain problems exist in connection with unregistered legislative representatives The committee therefore hopes that its recommendation, in addition to having an immediate and salutary effect upon those problems, will produce the kind of information which would indicate whether any further measures were advisable, or indeed, whether the recommendation itself is necessary

It is because of the tentative nature of this proposal, as well as its status as a research project, that the committee is submitting it to the Assembly as a committee recommendation, rather than in the form of a statute or house rule. It is the belief of the committee that one of the defects of the Erwin Act is that its statutory provisions are too detailed and inflexible. By following this recommendation the Assembly will be able to experiment with the identification of unregistered legislative representatives, and the Committee on Legislative Representation will be left some latitude in its direction. If it operates successfully, then perhaps there will be justification for recommending its statutory application to both houses at the 1965 General Session. If it proves unworkable, it can either be improved by modification or entirely abandoned. It is, of course, the committee's belief that for the reasons enumerated above, the recommendation will be of genuine benefit to the Assembly, but at the same time the committee has no wish to take any risk of hanging a statutory albatross around the neck of the Legislature should its judgment prove to be wrong.

II. FINANCIAL REPORTS

One of the criteria for establishing registration under Section 9906 of the Erwin Act is the acceptance of compensation by a legislative representative In the belief the legislative and public welfare is promoted by a disclosure of the details of such compensation, that section also requires a registered legislative advocate to disclose (among other things)

1 His salary (on the registration form);
2 On a monthly basis, so long as his activity continues,[1]
   (a) Total money received,
   (b) Total money expended,
   (c) The amount, the purpose, and the recipient of each expenditure of $25 or more

These provisions, in whole and in part, have been subjected to criticism on several grounds Perhaps the most fundamental objection to expense reporting, as presently required, is that it presents a false public image of the legislative process and by doing so subverts the public interest that it was intended to protect A warning to this effect was delivered in the California Law Review shortly after the law was enacted

> Proper reporting under the chapter seems not only to impose an excessive burden, but also to create a danger of concealment by overexposure The lobby can file so many reports that no one could possibly examine the conglomeration, much less ascertain violations.[2]

At the committee's hearing in Riverside, this argument was developed in considerable detail It was argued that the fundamental purpose of the Erwin Act was to protect the legislative process from being influenced by improper or unethical lobbying practices It is therefore logical to assume, as the public apparently has, that the purpose of the advocate reporting provisions of the law is that of exposing to scrutiny all expenditures that might be either actually or potentially abusive to the legislative process In point of fact, however, these provisions have been interpreted to require the declarations of all advocate expenditures, including certain types which could not conceivably be abused or held improper While the wording of the law in this instance is vague, the stringent penalties provided for noncompliance have operated to broaden the scope of advocate reporting, since few advocates are willing to gamble their interpretation of the law against a five-thousand-dollar fine and a year in jail Thus the act, in its present state, exaggerates the potential danger of improper influence upon legislation

[1] *Vide* Legislative Counsel's Opinion No 1009 in Appendix II
[2] "California's New Lobby Control Act" *California Law Review*, Vol 38 (1950), p 491

This exaggeration, it was held, lends credence to further distortions of the legislative image in the minds of those who have had little experience with the operation of the legislative process. Because the passage of the act was the result of the widespread publicity given to the improper activities and expenditures of a select body of lobbyists, some people assume that the financial reports which it requires consist exclusively of money expended in the same way and for the same purposes. Thus, when the total expenses of the various advocates are reported in the newspapers, along with figures to show that during a general session, $25,000 is spent for each legislator in Sacramento, the public jumps to the conclusion that life in Sacramento is a sustained orgy. Ridiculous as they may appear to those who understand their derivation, such ideas nevertheless appear to be widely held, and cast discredit not only upon legislative advocates, but also upon legislators themselves, and upon the entire legislative process. Legislative advocates feel it is rather ironic that the Erwin Act, which was intended to restore public confidence in the California Legislature, has actually had the effect of further undermining its prestige.

The committee believes the point to be well taken. It seems indisputable that, in the past, the reporting and revelation of the expenses of legislative advocates has created a distorted image of the legislative process. All legislators are familiar with popular misconceptions concerning the lobbyist and his activities. The committee agrees that, in requiring the reporting of all expenses even remotely related to the influencing of legislation, the Legislature has unwittingly encouraged these misconceptions. Even when the newspapers, in covering these reports, are careful to point out the extensive nature of reporting, the public seems to readily assume that all reported expenses are connected with legislative entertainment, or worse, still, outright corruption.

Because of this unfortunate tendency to equate reported expenses with corruption, legislative advocates are properly concerned with certain inequities in reporting procedure which have the effect of requiring some advocates to report expenses that other advocates are not required to report.

1. *Sacramento residence*

The fact that advocates whose permanent residence is away from Sacramento have to report their travel expenses to Sacramento, and their living expenses while in Sacramento, is a grievance of long duration. These advocates believe that they are, in effect, being discriminated against solely by reason of their residence. Because they live in parts distant from Sacramento, their employer must bear the cost of transporting them to Sacramento and maintaining them there as long as their presence is required. However, this additional expense has no other purpose than to make them the equals of those advocates who are normally resident in Sacramento. These nonresident advocates feel that the reporting of such expenses unfairly swells their reported total, and makes them and their employer the target of public criticism, despite the fact that their direct expenses on entertainment and publicity may be far less than those of some resident advocates, whose reports

include only these expenses It was further alleged that this inequity had led some advocates to set up dummy Sacramento offices and residences in order to avoid reporting their personal expenses Nonresident advocates feel that as long as the reporting of personal expenses is required under the Erwin Act, the public will receive a false and distorted picture of their legislative activities

2. *Incidental and Volunteer Advocates*

Two other groups of advocates who feel that the present system of reporting creates an inaccurate image of their work are those whose efforts to influence legislation are only a part of their regular employment, and those who volunteer their services but receive compensation for their expenses The former group, composed mainly of association executives, believe that at best, the law requires them to perform a tiresome, artificial, and arbitrary division of their expenses and salaries into parts related and unrelated to influencing legislation, and at worst, to report a wide variety of expenses that are only indirectly related to legislation, and which might have had other purposes besides exerting influence upon it

These advocates point out that the line between legislative and nonlegislative work is difficult to draw, both in theory and in practice Much of an association executive's work has nothing to do with legislation, and all of his work in connection with legislation may not be for the purpose of influencing it However, many such persons are hesitant to make a determination of what expenses in this "grey area" are reportable, and to be on the safe side, report their entire salary and expense account, even though only a small portion of it may be actually devoted to legislative work of any kind

Volunteer advocates who receive no salary in turn feel that to be required to report expenses, when such expenses are only personal in nature, unfairly creates doubt in the public mind about their "amateur" status

RECOMMENDATION

The committee recommends that registered legislative advocates no longer be required to report personal expenses Personal expenses, in this instance, should be defined as only personal room, board, and traveling expenses, and should in no case include office, business, and entertainment expenses

Two general methods of solution to the problem of financial reports were presented before the committee The first of these was to divide registered legislative advocates into several different categories—for example, "professional," "incidental," and "volunteer,"—and treat each category according to its particular needs Although this type of proposal has had a considerable amount of support among legislative advocates of the association executive type, it was strongly opposed by other advocates of all types The general ground for opposition was that since all legislative advocates are attempting to perform the same task, they should all be treated alike Several association executives agreed with this reasoning, although they presumably would stand to benefit from any classification scheme

The committee concurs with the argument against a classification system on the basis of principle, in that it might tend to imply that some types of lobbyists are "better" than others However, it has an even greater objection to the plan on practical grounds It would appear that the creation of several categories where one now exists would only serve to make the Erwin Act more complicated, and would probably create more problems than it would solve Since such a result would be exactly contrary to the purpose of the committee in attempting to overhaul Section 9906—that is, to simplify it—the committee has no hesitation in rejecting such an approach

The second solution that has been suggested for the financial report problem is that of eliminating certain types of expenses from the reports A number of advocates argued that there is no true public interest in revealing how an advocate satisfies his own personal needs for food, lodging, and transportation, and therefore urged that the reporting of these personal expenses be no longer required The committee is favorably inclined to this proposal It can imagine no public or legislative benefit to be derived from the reporting and publication of the personal expenses of legislative advocates Except for permitting the physical presence of the advocate in the place where he must carry on his activities, personal expenditures have no relation to the influencing of legislation Thus, if the purpose of the Erwin Act is, as we have assumed, to give the public and the legislature an accurate picture of the costs of influencing legislation, the reporting of personal expenses under its provisions actually is contrary to that purpose, since it provides a distorted view of the practices of legislative representation The Legislature cannot expect to completely eliminate public misconceptions about the legislative process, but it can at least avoid providing the basis for such misconceptions by curtailing misleading elements in the Erwin Act financial reports

In addition to being sound in principle, this recommendation will have the effect of either completely solving or alleviating most of the problems brought to light in connection with financial reports With one stroke, the proposal would eliminate the long standing problem of Sacramento residence If personal expenses are not reportable, advocates who reside in Sacramento and advocates who reside elsewhere will once more be equal in the public eye Also eliminated would be the problem of the volunteer advocate who receives only his personal expenses With the adoption of the committee's recommendation, these advocates would presumably no longer have to report any expenses at all Finally, the recommendation would go a long way towards eliminating some of the worst problems in the allocating of expenses While advocates who have other duties would still have to find a way to apportion their salary and business expenses correctly, they would no longer be faced with the problem of having to divide their personal expenses in the same manner

It is the opinion of the committee that the Erwin Act was not intended to require the reporting and publication of the personal expenses of legislative advocates, since, as has been shown, the consequences of

such reporting have been contrary to the general purpose of the act Because the act has in the past been interpreted to require such reporting, however, the committee suggests that

1 Legislation be introduced clearly stating that personal expenses need not be reported, and meanwhile, that

2 It specifically recommend to the Legislative Budget Committee under the authority of subsection 6 of Section 9909, that the committee direct the Legislative Analyst to administer the Erwin Act so as to exclude personal expenses of legislative advocates from the monthly reports filed by such advocates

III. ADMINISTRATION

It may be stated without fear of argument that the Erwin Act is a technically imperfect piece of legislation On some matters it is so specific that legislative action has been required to accomplish minor procedural amendments [1] On others, of much greater importance, it is so vague as to require substantial administrative interpretation [2] Because of this second defect, the committee believes it to be peculiarly unfortunate that the administrative authority over the Erwin Act has been since its inception, in a state of atomization The absence of a single administrative authority has been a constant deterrent to the streamlining of the Erwin Act Conversely, the act itself has been a barrier to centralization of the authority to administer it The result has been that important policy decisions regarding the administration of the act have generally been made informally, and at times, even casually or subconsciously

This committee, as a body vested with limited powers in the administration of the Erwin Act, is of the opinion that the act is too important to be administered in a haphazard and discontinuous manner The anatomy of this fragmented administration should be briefly outlined Originally, the Erwin Act provided that all legislative advocates should register with the Clerk of the Assembly and the Secretary of the Senate The act was amended the following year to define "clerk" and "secretary" as either that person himself, or such other person as the most recent rules of each house might designate This permitted each house to delegate the major portion of the administration of the act to the Legislative Analyst (see Assembly Rule 30) and prevented the development of separate administration of Sections 9903 9904 and 9906 of the act by each house of the legislature However, in addition to its registration and reporting sections, the Erwin Act includes a further section, 9909, which provides for the creation of legislative committees for the purpose of the certification of registered legislative advocates according a set of ethical standards set forth in that section and in Section 9910; the investigation and detection of any violations of the act, and the recommendation of legislative amendments to the act, or of "other such proposals as would be conducive to the proper conduct of legislative business" These functions have been delegated to the Special Assembly Committee on Legislative Representation by the Assembly (Assembly Rule 22) and to a similar committee by the Senate (Senate Rule 57)

The powers conferred upon the Special Assembly Committee on Legislative Representation, under Sections 9909 and 9910 however, are limited in nature In the first place, certification as a procedure is

[1] *E g*, the provision that monthly reports must be filed between the 1st and 15th of each month This originally read "between the first and the tenth day" of each month, but was amended in 1957 as being too short With the rapid advance of credit card budgeting, it now appears that even this time requirement is unrealistic In the future it will either have to be amended again or ignored

[2] *Vide* the provisions of Section 9906 discussed in Chapter II of this report

apparently backed by nothing more than moral force As the committee understands it, any advocate can, so long as he is registered under Section 9906, continue to influence legislation for pay, whether or not he has received a certificate from either committee on legislative representation. Furthermore, violation of the ethical standards set forth in Section 9910 is not a criminal offense Thus the committee is, in effect, the guardian of the morality of the legislative advocates, but has no weapons except those of public censure with which to enforce its findings [3]

Furthermore, although the Legislative Analyst has, in the past, solicited and relied upon the advice of the committees in each house in carrying out its duties (which it believes to be only "clerical") pursuant to Sections 9903, 9904, and 9906, it is not at all clear that these committees have the right to exercise supervision over the Legislative Analyst for the purposes of those sections Assembly Rule 22 specifically authorizes the committee to appoint the Legislative Analyst as its Executive Secretary, but this appears to be only for the purposes of Sections 9909 and 9910. Whatever the duties of the Legislative Analyst under Sections 9903, 9904 and 9906, it would seem that the supervision of them would be lodged in the Legislative Budget Committee, rather than with the house committees on Legislative Representation, and that the only proper way for these committees to influence the Legislative Analyst would be to make recommendations to the Legislative Budget Committee, which it might either accept or reject If, as the Legislative Analyst contends, its function is purely clerical, and nothing in the duties delegated to it gives it the right to interpret the Erwin Act, or to state of what compliance with it consists, even under the supervision of the Legislative Budget Committee, then it would seem that these powers exist nowhere short of the courts

In sum, whatever administrative authority resides in the Legislature under the act is divided between·

1 The Legislative Analyst, who is responsible only to the Legislative Budget Committee, but who has been subject to the informal influence of the house committees on Legislative Representation,
2 The Legislative Budget Committee, which is nominally responsible for whatever duties have been delegated to the Legislative Analyst by the Legislature under the Erwin Act (see Joint Rule 37 5), except for Sections 9909 and 9910, but which has apparently never taken an active part in the direction of these duties; and
3 The two house committees, presumably active students of these problems and repositories of expertise, which have been given the moral authority of certification, and the power to make proposals, both administrative and legislative, that are binding on no one

RECOMMENDATION

The committee recommends the establishment of a Joint Legislative Committee on Legislative Representation. This committee would be granted direct supervisory authority over the administration of the

[3] If it discovers criminal violations of the Erwin Act during its investigations, it is directed to report them to the appropriate law enforcement officers

Erwin Act, and would have the power to issue rules and regulations pursuant to the administration of the act. The committee would also possess the powers and duties conferred on the Legislature by Sections 9909 and 9910 of the Government Code, and upon the Special Assembly and Senate Committees on Legislative Representation by Assembly Rule 22 and Senate Rule 57 Such a committee would be composed of an equal number of Assemblymen and Senators The chairman would be chosen by the Speaker of the Assembly and the President pro Tempore of the Senate in alternate bienniums

The committee is of the opinion that the creation of a Joint Committee on Legislative Representation is a long-overdue step.[4] In the first place, it is apparent that the "administration" of the registration and reporting provisions by the Legislative Analyst has not been a satisfactory way of handling the Erwin Act This statement is in no way meant to reflect upon the competence or integrity of the Legislative Analyst's office, nor that of the supervision exercised by the Legislative Budget Committee It is rather the result of the Legislature having presented the Legislative Analyst with a difficult job, while at the same time refusing to state clearly where the authority for directing the job lay. It was only natural, under these circumstances, that the Legislative Analyst should have defined the job as a clerical one, and taken instruction from anyone who could be prevailed upon to give it Because the Legislative Budget Committee did not actually exercise direction over the analyst in this matter, in the belief that the analyst's role was indeed clerical, the theoretical benefits of centralized administration were lost. While duplication in paper work was avoided, policy decisions, to the extent that they were made consciously, came informally from several directions, rather than from a single responsible source

If it seems obvious that the separate administration of the registration and reporting provisions of the Erwin Act by each house of the Legislature would have been intolerable, it would then seem to make little greater sense to have the certification and investigative provisions of the act administered separately by each house. While these are more flexible procedures than those included in Sections 9903, 9904 and 9906, they are still ones in which unanimity between the two houses is desirable. In point of fact, these duties, such as they are, are not now being administered separately, having instead fallen by default to the Assembly committee In the committee's judgment the continuation of separate administration of these provisions of the act can be countenanced only on the assumption that they are of minor importance and should not be taken seriously; an assumption which the committee refuses to accept.

[4] This recommendation has been made from time to time ever since the Erwin Act was passed, and was incorporated in this committee's report to the 1961 General Session *Vide* "California's New Lobby Control Act" *California Law Review*, Vol 38 (1950), p 494, and State of California, Assembly Interim Committee on Legislative Representation, *Report*, Vol 11, No 2 (1961), pp 20-29

It is, however, precisely because the present committee has taken the Erwin Act seriously that it has been so disturbed by its shortcomings The committee has already noted a number of substantive defects in the law, but it feels that the most serious one is that which permitted its administration to become fragmented In a situation where no one has felt certain of his responsibility, the end product has been an administration of chance and circumstance, instead of consistency and purpose This in turn has brought confusion and frustration to the ranks of those legislative advocates who are honestly attempting to comply with the law The result of this chain of circumstances is that the Erwin Act has become highly revered in principle but disregarded and disrespected in practice

It seems to the committee that the establishment of a Joint Committee on Legislative Representation would eliminate almost all of the difficulties alluded to above A joint committee would not only provide central responsibility for both the registration and reporting sections and the certification and investigation sections, but would also co-ordinate these two types of activities by putting them under the direction of a single body This body, in turn, would be the obvious repository of any administrative authority vested in the Legislature by the Erwin Act The Legislative Analyst might still be requested by the joint committee to continue the clerical functions he now fulfills However, the responsibility for all policy decisions regarding this function should be clearly vested within the committee, so that there can be no confusion in anyone's mind as to who is in charge In this committee's opinion, a joint committee would probably have vested in it sufficient inherent power to promulgate its own interpretation of the Erwin Act but in order to avoid any misunderstanding, this power should be made specific, either by statutory amendment or by joint rule

The suggestion for alternate choice of chairmanship is designed to alleviate any fears concerning the domination of the committee by one house or the other. The joint committee's form is, however, of relatively minor importance to the present committee, compared with the substantive proposal for the creation of a joint committee If the principle of a joint committee can be agreed upon, it would appear to be a relatively simple matter to work out the details in a manner acceptable to both houses The present committee feels it can hardly overemphasize the importance of the creation of a joint committee, and believes that this step may well determine for the future whether the Erwin Act is to be a vital factor in the legislative process, or a dead letter in the statute books

APPENDIX I

LEGISLATIVE COUNSEL OPINIONS RECEIVED

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, July 10, 1961

HON CARL A BRITSCHGI
2715 Delaware Avenue
Redwood City, California

LEGISLATIVE ADVOCATES—No 117

DEAR MR BRITSCHGI:

You have presented to us the following situation and question A person is employed by a corporation for pay to influence legislation Pursuant to Section 9906 of the Government Code, such person files a written authorization from the corporation The letter of authorization is signed by such person himself as vice president of the corporation

Does such a letter meet the requirements of Section 9906?

In our opinion it does

Section 9906 of the Government Code provides that, at the time he registers, a legislative advocate shall submit a written authorization from each person by whom he is employed to act in furtherance of the object of influencing legislation A corporation is a person within the meaning of this provision (Sec 9900, subd (e), Gov C) A corporation can, of course, act only through natural persons, and a vice president can be empowered to authorize employment of a legislative advocate In such a case we see nothing in the law to prohibit the vice president from writing the letter of authorization on behalf of the corporation even though the individual employed is the same individual who is the vice president

Very truly yours,

RALPH N KLEPS
Legislative Counsel

By TERRY L BAUM
Deputy Legislative Counsel

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, September 27, 1961

HON CARL A BRITSCHGI
2715 Delaware Avenue
Redwood City, California

REPORTING BY LEGISLATIVE ADVOCATES—No. 687

DEAR MR BRITSCHGI: You point out that subdivision (b) of Section 9906 of the Government Code requires a legislative advocate to file, between the 1st and 15th day of each calendar month, "so long as his activity continues," a report of money received and expenditures You ask whether this requirement applies only during legislative sessions or is year round

In our opinion the requirement applies year round so long as the advocate's activity continues.

Section 9906 of the Government Code provides, in part:

> "(a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register . . ."
>
> "(b) Each such person so registering shall, between the 1st and 15th day of each calendar month, so long as his activity continues, file with the clerk and secretary a detailed report under oath of all money received and each expenditure of twenty-five dollars ($25) or more during the preceding calendar month in carrying on his work . . ."

The activity referred to—that of influencing passage or defeat of legislation or approval or veto by the Governor—can be carried on between sessions as well as during sessions Subdivision (b) requires that so long as his activity continues, the advocate shall file the prescribed report "each calendar month," and there is no language which qualifies this to mean "each calendar month during the session" We therefore conclude that the reporting requirement applies year round

Very truly yours,

RALPH N KLEPS
Legislative Counsel

By TERRY L BAUM
Deputy Legislative Counsel

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, November 2, 1961

HON CARL A. BRITSCHGI
2715 Delaware Avenue
Redwood City, California

TESTIMONIAL DINNER REPORTING BY LEGISLATIVE ADVOCATES—No. 900

DEAR MR. BRITSCHGI:

QUESTION

You have asked whether a registered legislative advocate, under the provisions of the statute regulating legislative representation, must report the purchase of tickets to a testimonial dinner for a legislator The receipts from the sale of such tickets will be used to finance the election campaign of the legislator

OPINION

In our opinion such expenditures are not required to be reported

ANALYSIS

The provisions of the statute regulating legislative representation which are applicable to your question are Sections 9901 to 9903, inclusive, and Sections 9905 and 9906 of the Government Code These are the provisions which require any person (including a corporation), except a political committee, who solicits, collects or receives money or any other thing of value to be used principally to aid, or the principal purpose of which is to aid, in influencing the passage or defeat of legislation, to report expenditures to the Legislative Analyst, and which also require any person (or corporation) who engages himself for pay for the purpose of influencing legislation to register and report expenses

This office has consistently expressed the view that the purpose of these provisions is to require the reporting of only those expenditures which are made by persons who have solicited or received money for the purpose of influencing legislation, or who have engaged themselves for pay to influence legislation, and which *are expended for that purpose or in the course of such activities* That is, it would appear that there must be specific intent to effect such purposes in order for the statute to be applicable to any given transaction

With respect to this particular expenditure, there is apparent no intent except to honor a legislator for his past public services or at most to influence his re-election as a legislator If it could be shown that the expenditure was made with the specific intent that certain prospective legislation might thereby be influenced, this could perhaps cause the statute to become applicable However, the provisions regulating legislative representation are penal statutes and we do not believe that a court would give them such extensive application as to say that an

intent to honor a legislator or to influence the election of a candidate for the Legislature is per se equivalent to an intent to influence legislation To give such extensive application to these provisions would appear to be contrary to the accepted rules of the construction of criminal statutes It is well established that a penal statute should be construed to reach no further than its words and that no person should be made subject to its terms by implication *(In re Twing,* 188 Cal. 261, 265; *People* v *Tisdale,* 57 Cal 104, 107)

Very truly yours,

ANGUS C. MORRISON
Legislative Counsel

By OWEN K. KUNS
Deputy Legislative Counsel

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, November 20, 1961

MR A. ALAN POST
Legislative Analyst
Room 306, State Capitol
Sacramento, California

LEGISLATIVE ADVOCATES—No. 1009

DEAR MR. POST:

A person is registered as a legislative advocate pursuant to subdivision (a) of Section 9906 of the Government Code * He is either (a) paid on an annual basis to engage in attempting to influence legislation, or (b) he is only paid during periods in which he carries on activities for attempting to influence legislation

QUESTION

1 Is it necessary for such a person to file reports under subdivision (b) of Section 9906 for a period in which the person is not engaged in any attempts to influence legislation?

2. If a report under subdivision (b) of Section 9906 is not required because the individual has not for such period engaged in attempts to influence legislation, may the Assembly Committee on Legislative Representation automatically terminate the individual's registration?

OPINION

1 If a legislative advocate registered pursuant to subdivision (a) of Section 9906 does not engage in any attempts to influence legislation during any month or months he is not required to submit a report for such period under subdivision (b) of Section 9906.

* All section citations are to the Government Code unless otherwise specified

2 In our opinion the committee may not terminate for this reason either the individual's registration under Section 9906 or his certificate of registration under Section 9909

ANALYSIS

1. Subdivision (a) of Section 9906 requires any person who engages himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of legislation, before doing anything in furtherance of such object, to register The registration is with the Legislative Analyst (Sec 9900, subd (d), Gov.C , Senate Standing Rule No. 9 7 and Assembly Standing Rule No 30) Registration involves giving under oath the individual's name and address, name and address of his employer, the duration of his employment, how much he is to be paid for expenses, and what expenses are to be paid He must also at this time submit a written authorization from each person by whom he is employed to attempt to influence legislation He must again register at each general session of the Legislature

Subdivision (b) of Section 9906 reads, in part, as follows

> "(b) Each such person so registering shall, between the 1st and 15th day of each calendar month, *so long as his activity continues,* file with the clerk and secretary a detailed report under oath of all money received and each expenditure of twenty-five dollars ($25) or more during the preceding calendar month in carrying on his work, to whom paid, for what purposes, the total of all expenditures during the preceding calendar month; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials, and the proposed legislation he is employed to support or oppose " (Emphasis added)

Thus, the section requires the person registered as a legislative advocate to file the required report "so long as his activity continues." It seems clear that the "activity" referred to is the activity described in subdivision (a) of Section 9906, namely, attempting to influence the passage or defeat of legislation as a paid legislative advocate. This activity involves two factors (1) attempting to influence legislation, and (2) as a paid legislative advocate Therefore, if either of these two factors is absent for a particular month the person is not subject to the reporting requirement of subdivision (b) of Section 9906 for the month In both factual situations you have posed at least one of these factors is missing, namely, carrying on activities in attempting to influence legislation.

Therefore, it is our opinion that an individual who is registered under subdivision (a) of Section 9906 is not required to submit a report under subdivision (b) of Section 9906 for any month in which he does not carry on activities in attempting to influence legislation The same conclusion would apply even if the individual's registration under subdivision (a) of Section 9906 shows that he is paid on an annual basis to engage in such activities

2. Under Section 9909 it is the function of each house of the Legislature, through appropriately established committees, to carry out the following functions:

(1) Grant certificates of registration as legislative advocates to the persons who register as such with the Legislative Analyst, and who supply the information required by Section 9906, if the committee finds such persons to be of good moral character

(2) Revoke or suspend the certificate of registration of a legislative advocate who is convicted of violating a provision of the chapter regulating legislative advocates or who, after a hearing by the committee is found to have violated any of such provisions or to have willfully failed to perform the obligations of a legislative advocate as set forth in Section 9910.

(3) Investigate the activities of any legislative advocate or of any person alleged to have been acting as a legislative advocate

(4) Report to the appropriate law enforcement officers any violation of the chapter

The Assembly has designated the Special Assembly Committee on Legislative Representation to carry out the Assembly's powers and responsibilities under Section 9909 (Assembly Standing Rule No. 20).

The certificate of registration issued by the committee pursuant to Section 9909 is separate and distinct from the registration with the Legislative Analyst under Section 9906.

If any person engages in activities as a paid legislative advocate for the purpose of attempting to influence legislation without registering with the Legislative Analyst pursuant to Section 9906, he is guilty of a misdemeanor and is also prohibited from engaging in attempts to influence legislation for a period of three years (Sec 9908) The same penalty would be applicable if the advocate does not file the required reports with the Legislative Analyst pursuant to subdivision (b) of Section 9906.

However, no penalty is provided for engaging in activities as a paid legislative advocate without obtaining a certificate of registration pursuant to Section 9909. The penalty provided in Section 9908 is applicable to a failure to comply with Section 9906

The grounds for which the committee may revoke or suspend the certificate of registration issues to a legislative advocate by the committee under Section 9909 are described in subdivision (2) of Section 9909 as: (a) conviction of a violation of any of the provisions of the chapter regulating legislative advocates, or (b) a finding by the committee of a violation of any of the provisions of the chapter or a willful failure to perform the obligations of a legislative advocate The obligations of a legislative advocate are described in Section 9910.

The Assembly Committee on Legislative Representation has not been given any power to terminate a registration with the Legislative Analyst under Section 9906. The committee's power to revoke or suspend a certificate of registration issued by the committee under Section 9909 is limited to the grounds set forth in Section 9909

In the factual situations you have related to us the individual in both cases is not required to file a report under Section 9906 for the period in which he did not carry on activities as a paid legislative advocate Therefore, there has been no violation of the chapter and no grounds for a revocation or suspension of the individual's certificate of registration by the committee

However, in our opinion, the committee may inquire as to the reason why a registered legislative advocate has not filed a report or reports under subdivision (b) of Section 9906 If a paid legislative advocate engaged in activities to influence legislation, without filing the monthly reports with the Legislative Analyst for the period of such activities, he would be in violation of the law The committee is authorized to revoke or suspend the certificates of registration of a legislative advocate for violation of the law regulating legislative advocates and, clearly, for this purpose may investigate their activities (Sec 9909, subds 2 and 3)

Very truly yours,

A. C MORRISON
Legislative Counsel

/s/ OWEN K KUNS
Deputy Legislative Counsel

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 30, 1962

HONORABLE CARL A BRITSCHGI
2715 Delaware Avenue
Redwood City, California

LOBBYING—No. 1297

DEAR MR. BRITSCHGI

You have furnished us with a copy of a letter received from a registered legislative advocate and have asked for our opinion on the questions raised by him The pertinent portion of the letter reads as follows.

> "During the interim I attend interim committees to listen to the debate and to report to my principals the trends in legislative matters True, while before or after the meeting I might meet with legislators to pass the time of day Now then, if I were to go to San Francisco to attend a Public Health Committee meeting and make no presentation and have no witnesses, are these expenses to influence the passage of legislation? Prior to now we have always been of the opinion that these were reporting ventures and no legislation was either passed or defeated at interim committees, and have not kept track of those expenses except for our principals to reimburse us Is it your opinion or the opinion of the committee that we should file these expenses?"

In our opinion the legislative advocate should report these expenses if he attends such meetings pursuant to his engagement for the purpose of influencing legislation

Section 9906 of the Government Code requires "Any person who shall *engage himself for pay or for any consideration* for the purpose of attempting to influence the passage or defeat of any legislation" to register "before doing anything in furtherance of such object" After registration such person must "*so long as his activity continues,* file a detailed report under oath of all money received and each expenditure of twenty-five dollars ($25) or more during the preceding calendar month *in carrying on his work*" The report must also contain other specified information.

The "activity" referred to in Section 9906 is obviously activity involving (1) attempts to influence legislation (2) as a paid legislative advocate, or stating it in another way, activity undertaken pursuant to a contract to attempt to influence legislation and recognized by the parties to the contract as assisting in achieving the objectives of that contract. This construction of "activity" is supported by the requirement that a report be made of expenditures incurred "in carrying on his work"—a phrase which obviously covers expenditures for activities required by the contract

Under the particular facts related to us the individual apparently is registered under subdivision (a) of Section 9906 Therefore, we assume that he has contracted for a consideration to attempt to influence legislation

He must render monthly reports for periods in which his activity has continued He must include in such report expenditures made in carrying on his work Under the facts stated the individual's only "activity" is to attend interim committees, listen to the proceedings, and report to his principals the trends in legislative matters If this is done pursuant to the contract whereby he engaged himself for pay or any consideration for the purpose of influencing legislation then his "activity" has continued and he would be required to render a report under subdivision (b) of Section 9906 Any expenditures made in connection with such activity would constitute expenditures made "in carrying on his work" and would have to be included in the report We note that under the facts stated it appears that the individual is reimbursed by his principal for expenses incurred in connection with attendance at the interim committee meetings This indicates that both parties to the contract recognize that the individual's activities in connection with the interim committee meetings are undertaken pursuant to his contract to attempt to influence legislation and that they will further the objectives of that contract The acts of the parties under a contract afford one of the most reliable means of arriving at their intention (*Commercial Discount Co* v *Cowen* (1941), 18 Cal 2d 610, 615)

Very truly yours,

A. C. MORRISON
Legislative Counsel

By OWEN K KUNS
Deputy Legislative Counsel

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, September 12, 1962

HONORABLE CARL A. BRITSCHGI
2025 Broadway
Redwood City, California

LEGISLATIVE ADVOCATES—No. 4951

DEAR MR. BRITSCHGI:

You have referred us to the provision of subdivision (b) of Section 9906 of the Government Code which requires a person registered as legislative advocate under subdivision (a) of Section 9906 to file monthly reports so long as his activity continues, which reports must include, among other things, "the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials." You asked us to discuss the scope and meaning of this requirement.

The requirement raises two questions which necessitate construction of the words of the statute:

(1) What types of articles or editorials are covered?

(2) What is meant by "caused to be published?"

Beginning with the first question, it seems clear that the provision should not be read literally as applying to all articles or editorials which the registered advocate causes to be published. In our opinion the articles and editorials referred to in the section are those which the legislative advocate causes to be published pursuant to his contract to attempt to influence legislation.

Section 9906 requires the registration of a person who engages himself for consideration for the purpose of attempting to influence the passage or defeat of any legislation. He then must render monthly reports so long as his activity continues. The report must include expenditures made in carrying on his work and a description of the proposed legislation he is employed to support or oppose. Thus, it is clear that Section 9906 covers only those activities which are undertaken pursuant to the advocate's contract to attempt to influence legislation. As applied to the requirement under consideration, the legislative advocate is required to include in his monthly report the names of any publications in which he has caused to be published articles or editorials pursuant to his contract of employment to attempt to influence legislation.

We turn now to the meaning of the phrase "cause to be published." We have found no case construing this phrase in the sense that it is used in this statute. In *People* v. *Gilbert* (1938), 26 Cal. App. 2d 1, 7, the court construed "caused" as meaning as "to be the cause, or occasion of, to effect as an agent, to bring about . . . ."

In construing the Federal Regulation of Lobbying Act which is substantially the same as the state statute, the Supreme Court of the United States pointed out that since the act is a criminal statute it should be construed narrowly in its application so as to avoid rendering

the statute unconstitutional as too vague and indefinite to meet the requirements of due process (*United States* v. *Harris* (1953), 347 U S 612, 98 L. Ed. 989).

With this consideration in mind we believe that the courts would construe this requirement as applying where the advocate has engaged in activities with the intention that such activities will result in the publication of an article or editorial and where such publication can reasonably be foreseen to follow from such activities.

Thus, whether or not an advocate can be said to have caused the publication of a particular article or editorial requires a consideration of all of the facts surrounding such publication.

Very truly yours,

A C MORRISON
Legislative Counsel

By OWEN K KUNS
Deputy Legislative Counsel

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, September 18, 1962

HONORABLE CARL A BRITSCHGI
2025 Broadway
Redwood City, California

REGULATION OF LEGISLATIVE ADVOCATE—No. 4950

DEAR MR BRITSCHGI.

QUESTIONS

1 A person is paid to further legislation dealing with a particular subject At present his only activity involves contacting the Governor and the Legislature for the purpose of obtaining a special call of the Legislature relative to a particular legislative proposal Under such circumstances is the person required to register under Section 9906, subdivision (a), of the Government Code?

2 If a person is otherwise required to register under Section 9906, subdivision (a), must he, as the result of the activities described in Question No 1, make reports of expenditures?

OPINION

1 The person is required to register before engaging in such activity.

2 He would be required to render a report due to such activities and to include therein a report of expenditures incurred in connection with such activities

ANALYSIS

1. Subdivision (a) of Section 9906 requires "Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California" to register "before doing anything in furtherance of such object"

Under the facts stated it is clear that the person has been engaged for a consideration for the purpose of attempting to influence legislation. The question that is presented is whether he has done anything in furtherance of the object of his contract, which is to attempt to influence legislation

In our opinion it is clear that contacting the Governor and the Legislature for the purpose of including in the Governor's proclamation convening a special legislative session a particular subject of legislation would constitute doing something to further the object of an agreement to promote legislation pertaining to that subject

Legislation can be introduced at a special session of the Legislature only if the Governor has specified the subject of such legislation in his proclamation or call convening a special session of the Legislature (Cal. Const, Art V, Sec 9) Clearly, contacting the Governor and the Legislature for the purpose furthers the object of the agreement to influence the passage of legislation favorable to the person's client since the legislation could not even be introduced if the Governor does not include the subject in his call

Therefore, it is our opinion that a person engaged as described would be required to register under Section 9906, subdivision (a), before contacting the Governor and Members of the Legislature to include a particular subject of legislation in the Governor's call for a special session.

2 Section 9906, subdivision (b) provides that a person who has registered under subdivision (a), "so long as his *activity* continues," is required to file monthly reports of "all money received and each expenditure of twenty-five dollars ($25) or more during the preceding calendar month *in carrying on his work.*" The report must also contain other specified information

In our opinion, the "activity" referred to in Section 9906 is activity undertaken pursuant to the advocate's contract to attempt to influence legislation and recognized by the parties to the contract as assisting in achieving the objectives of that contract. This construction of "activity" is supported by the requirement that a report be made of expenditures incurred "in carrying on his work"—a phrase which obviously covers expenditures for activities required by the contract

Since the question asked states that the person is required to register under subdivision (a), he must have been engaged for a consideration to attempt to influence legislation

As previously discussed in our analysis of the first question, the activities in question would further the object of an agreement to attempt to influence legislation. It seems apparent, therefore, that such activities would constitute an "activity" within the scope of Section 9906, subdivision (b), which requires the advocate to render a report under subdivision (b), and that expenditures in connection with such activities would have to be reported as expenditures incurred "in carrying on his work"

Very truly yours,

A C MORRISON
Legislative Counsel

By OWEN K KUNS
Deputy Legislative Counsel

APPENDIX II

REGISTERED LEGISLATIVE ADVOCATES, 1961-1963

LEGISLATIVE ADVOCATES 1961-1962 REGISTRATIONS

ADCOCK, EVERALL L 12-12-60
California Federated Institute, Inc
(Statewide Tavern Association)
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AGRILLO, ANTHONY 1-9-61
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Redevelopment Agency of the City of Sacramento
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ALVIN, CASS D 1-11-61
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United Steelworkers of America
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California Teamsters Legislative Council

ANDERSON, ALAN G 1-31-61
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Municipal License Tax Association
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Service Station Industry Council
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ANDERSON, VIRGIL P 12-14-61
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California State Automobile Association
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ANDREWS, STUART T 2-13-61
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Western Girl, Inc
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ANDREWS, WILLIAM S 1-17-61
El Matador, Sacramento
California Electric Power Company
Pacific Gas & Electric Company
San Diego Gas & Electric Company
2850 Telegraph Ave, Berkeley 5

ARNOLD, LEWIS E 1-9-61
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City of Los Angeles, Bureau of Engineering
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AYERS, COY A 8-15-62
California Federation of Service Stations
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AYERS, PETER L 1-27-61
California Society of Professional Designers
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Presbytery of San Francisco
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Pacific Indemnity Company (Terminated 9-21-61)
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Marshals Association of California
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Calaveras Conservation Club, San Andreas
Dunsmuir Rod and Gun Club
P O Box 403, Mount Shasta
Konocti Rod & Gun Club of Lake County, Lakeport
Northern Counties Wildlife Conservation Association
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BRANCO, JOE 1-10-61
Western Dairymen's Association
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BRANSTETTER, WANDA G 1-23-61
Agricultural Aircraft Association, Inc
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California Electric Power Company
California Oregon Power Company
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San Diego Gas & Electric Company
Southern California Edison Company
Southern California Gas Company
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California Taxpayers Association

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Artists Managers Guild
Superior Oil Co , The
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West Coast Shows, Inc
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Tobacco Tax Council
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American Institute of Building Design
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Southern California Gas Company 3-6-62
810 South Flower St, Los Angeles 17
Southern Counties Gas Company 3-6-62
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CREAGH, MERRICK W 12-17-60
c/o Senator Walter W Stiern, 34th District
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County of Kern, Kern County Civic Center, Bakersfield

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El Mirador, Sacramento
California Association of Highway Patrolmen
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Malt Beverage Industry
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Marinello School of Beauty Culture
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CRENSHAW, GLENIVAN J. 5-16-61
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CUTTS, ROBERT D.
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Peace Officers Research Association of California 5-29-61
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California Manufacturers Association
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Sacramento Municipal Utility District

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DINKELSPIEL, MARTIN J. 12-15-60
California State Sheriff's Association
Hall of Justice, Rm 224, Los Angeles

DINKELSPIEL, RICHARD C 12-5-60
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California Association of Insurance Agents
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Henry J Kaiser Co, and Subsidiaries
Foothill Electric Corporation
Henry J Kaiser Construction Company
Kaiser Aluminum & Chemical Corporation
Kaiser Aluminum & Chemical Sales, Inc
Kaiser Center, Inc
Kaiser Foundation Health Plan, Inc
Kaiser Industries Corporation
Kaiser Steel Corp and Subsidiary
Iron Queen Mining Company
National Steel and Shipbuilding Co
Permanente Cement Co and Subsidiaries
Permanente Steamship Corporation
Permanente Trucking Company
Kaiser Gypsum Company
Willys Motors, Inc, and Subsidiary
Willys Sales Corporation
Kaiser Building, 1924 Broadway, Oakland

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Brotherhood of Locomotive Firemen and Enginemen Railroad Brotherhoods, California Legislative Board
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El Mirador Hotel, Sacramento
State Bar of California, The
2100 Central Tower, 703 Market St, San Francisco 3

FASSETT, WESTON W 1-6-61
Retired State Government Employees' Assn of California
3949 E Pacific Ave, Sacramento 21

FEE, RUFUS S 1-6-61
Senator Hotel, Sacramento
Metropolitan Water District of Southern California, The
306 W. 3d St, Los Angeles 13

FEIL, TERRY G 3-29-62
Suite 234, 11th and L Bldg, Sacramento
California Citizens' Freeway Association
531 Hartnell St, Monterey

FEINBERG, GEORGE 1-23-61
California State Employees' Association
1108 O St, Sacramento

FEITEN, FRED C 1-6-61
Sacramento Inn, Sacramento
California Motel Association
4645 Van Nuys Blvd, Sherman Oaks

FINELL, MARVIN 2-6-61 (Terminated 12-31-61)
California Podiatry Association, Inc
c/o Office of Secretary-Treasurer, 209 Post St, San Francisco

FINKS, HARRY 1-23-61
1210 H St., Sacramento
American Federation of State, County and Municipal Employees
Home Office Federation Bldg 815 Mt Vernon Pl N W., Washington 1, D C
California Labor Federation, AFL-CIO
995 Market St., San Francisco

FISHER, C A 1-5-61
Safe Water Committee of Sacramento
592 37th St., Sacramento

FLEISHELL, J EDWARD 2-21-61
El Mirador Sacramento
California Association of Cosmetological Schools
Suite 843, Flood Bldg., San Francisco

FLETCHER, JOHN R 1-5-61
1326 N St., Sacramento 14
California Council of the Blind
2341 Cortez Lane, Sacramento 25

FLEURY, GORDON A 1-4-61
926 J Bldg., Sacramento 14
Association of California State College Professors
California Council The American Institute of Architects
Conference of Referees, Industrial Accident Commission
c/o Sherman Grancell, Chairman
501 State Bldg., Los Angeles 12

FORAN, JOHN FRANCIS 12-16-60
Hotel Senator, Sacramento
Farmers Underwriters Association
4680 Wilshire Blvd., Los Angeles 5

FORBES, CHARLES F 3-16-61
Senator Hotel, Sacramento
California Hospital Association
517 Phelan Bldg., 760 Market St., San Francisco 2

FORMHALS, ROBERT W 12-23-60
Eleventh and L Bldg., Room 810, Sacramento
California School Boards Association
P O Box 891, Long Beach 1
William L Aldrich Company, The (Terminated 6-1961)
4107 Las Cruses Way, Sacramento

FORT, ROBERT O 1-10-61
California State Sheriffs Association
Peace Officers Association of California
708 Forum Bldg., Sacramento

FOSSETTE, CARL 1-11-61
Senator Hotel, Sacramento
Central Basin Water Association
7439 E Florence Ave., Downey
Upper San Gabriel Valley Water Association
417 E Valley Blvd, El Monte
West Basin Water Association
1233 Hermosa Ave., Hermosa Beach

FRAME, WALTER 2-27-61
409 Forum Bldg., Sacramento
Conference of California Historical Societies
University of the Pacific, Stockton

FRANTZ, BENJAMIN D 5-3-61
Medical Laboratories Inc
920 Forum Bldg., Sacramento

FRASER, JOHN H, JR 1-6-61
Hotel Senator, Sacramento
Public Health League of California (Terminated 2-27-62)
693 Sutter St, San Francisco
Pacific Gas and Electric Company 2-27-62
245 Market St, San Francisco 6

GARDNER, HOWARD 1-4-61
Hotel Senator, Sacramento
League of California Cities
Hotel Claremont, Berkeley 5

GARIBALDI, JAMES D 1-27-61
Senator Hotel Sacramento
510 W 6th St, Los Angeles 14
California Association of Highway Patrolmen
California Beverage Distributors Association
75 New Montgomery St, Sharon Bldg, San Francisco 5
Del Mar Turf Club
Hollywood Turf Club
Pacific Outdoor Advertising Co
Wayne Pump Co
1213 H St, Sacramento

GARLAND, GORDON H
California Music Merchants Assn, Inc 2-9-61
Hotel Senator, Sacramento
California Water Association 2-9-61
11142 Garvey Ave, El Monte
Central Basin Water Association 4-19-61
7439 E Florence Ave Downey
Golden Gate Bridge and Highway District 2-13-61
Box 9000, Presidio Station, San Francisco
Southern California Gas Company 4-27-61
810 S Flower St, Los Angeles
Southern Counties Gas Company of California 4-27-61
720 W 8th St, Los Angeles
Stone Corral Irrigation District 2-9-61
127 N Church St, Visalia
Water Exclusion Agency of Northern Kern County 5-1-61
P O Box 817, Delano
West Basin Water Association 4-19-61
1213 Hermosa Ave, Hermosa Beach

GARROD, MRS EDNA MAY 1-30-61
El Mirador, Sacramento
California Association of Recreation and Park Districts
383 Dartmouth, Livermore
Cupertino Sanitary District (Terminated 6-30-61)
22651 Mt Eden Rd, Saratoga

GARROD, RALPH VINCE 2-21-61
El Mirador Hotel, Sacramento
California Farmers, Inc, Saratoga
Farmers Insurance Group
4680 Wilshire Blvd, Los Angeles

GARROD, RICHARD R 12-13-60
El Mirador Hotel, Sacramento
22651 Mt Eden Rd, Saratoga
Farmers Underwriters Association
4680 Wilshire Blvd, Los Angeles

GELINAS, FRANK J 4-28-61
c/o Senator Murdy, Rm 3090, State Capitol, Sacramento 14
Santa Ana Chamber of Commerce
802 W 8th St, Santa Ana

GENSER, JOSEPH 2-10-61
California State Federation of Teachers
340 11th St, Richmond

GERBER, EDWARD R. 2-14-61
Elks Bldg, Sacramento
County of San Diego
Rm 214, Civic Center, San Diego 1

GETZ, CLYDE 4-10-61
1217 26th St, Sacramento
Children's Home Society of California
3100 West Adams Blvd, Los Angeles 18

GIAMMUGNANI, TES L 12-23-60
4601 H St, Sacramento
California Apartment Owners Association

GIBBS, CHAS E 1-3-61
1100 39th St, Sacramento
Associated Farmers of California, Inc
26 California St, Rm 246, San Francisco

GILCHRIST, JOHN PARKER 1-5-61
15th and N Sts, Sacramento
California Edible Oils Committee
Collateral Loan Association
Northern California Seafood Institute
2677 Larkin St, San Francisco

GILL, JOSEPH C 2-9-61
County Sanitation Districts of Los Angeles County
727 W 7th St, Los Angeles
Southeast Recreation & Park District
P O Box 338, Norwalk

GILLISS, WILLIAM E 2-20-61 (Terminated 6-61)
2633 Riverside Blvd, Sacramento
California Chiropractic Association
2624 W 6th St, Los Angeles 57

GILMORE, JOHN F 1-10-61
Rm 1016, 11th and L Bldg, Sacramento
Dairy Institute of California

GILMORE, MISS MILDRED 3-13-61
California Association of Private Investigators, Inc
110 W 7th St, San Pedro

GLADE, J RICHARD 3-28-61
803 Eleventh and L Bldg, 1127 11th St, Sacramento
Inter-Association Unemployment Insurance Company

GODDARD, MERLE J 12-13-60
Senator Hotel, Sacramento
California Grocers Association
870 Market St, San Francisco 2

GOFOURTH, JAMES D 12-20-60
Senator Hotel, Sacramento
California State Chamber of Commerce
350 Bush St, San Francisco 4

GORMAN, JOHN F 4-24-61
Vitaminerals Inc
815 Flower St, Glendale

GOSS, WILLIAM R 4-11-61
California Fire Chiefs Association
217 S. Hill St, Los Angeles 12

GRABOW, HERMAN 1-9-61
2101 Stockton Blvd, Sacramento
California State Grange

GRAVES, DOROTHY A 5-15-61
Hotel Senator, Sacramento
American Physical Therapy Association
977 Montecito Dr, Los Angeles 31

GRAY, WILLIAM P. 5-10-61
El Mirador, Sacramento
Southern Counties Gas Company
458 S Spring St, Los Angeles 13

GREEN, RICHARD L 2-14-61
Manpower, Inc.
821 Market St, Suite 437, San Francisco 3

GREENE, LEROY F 1-19-61
1521 I St, Sacramento
California Legislative Council of Professional Engineers
1521 I St, Sacramento

GREGORY, PHILIP 1-25-61
El Mirador, Sacramento
California Bankers Association
California Mortgage Bankers Association
Investment Bankers Association of America
275 Bush St., San Francisco 4

GRIMM, WILLIAM 1-23-61
1108 O St, Sacramento
California State Employees' Association

GROEZINGER, LELAND B 1-26-61
400 Montgomery St, San Francisco
Keep California Competitive Committee (Terminated 7-61)
P O Box 3149, Rincon Annex, San Francisco
Home Office 20 N Wacker Dr, Chicago, Ill
Life Insurance Association of America
Home Office 488 Madison Ave, New York 22
Sperry & Hutchinson Co., The
Home Office 114 5th Ave, New York

GROUT, RUSSELL T 11-7-60
General Telephone Co of California
2020 Santa Monica Blvd, Santa Monica

GRUHN, ALBIN J 1-30-61
California Labor Federation, AFL-CIO
995 Market St, San Francisco 3

GUNTERMAN, JOSEPH 1-3-61 (Terminated 11-6-61)
Forum Bldg, Rm 627, Sacramento
Friends Committee on Legislation—Northern California Office
2160 Lake St, San Francisco

GUPTA, RUTH CHURCH 1-17-61
California Federation of Business and Professional Women's Clubs (Terminated 8-13-62)
2237 Chestnut St, San Francisco
California Society of X-Ray Technicians, The (Terminated 3-14-62)
(Affiliated with the American Society of X-Ray Technicians)
c/o Jack LaChapelle, Cowell Hospital
University of California, Berkeley

HADELER, WILLIAM D 12-7-60
Senator Hotel, Sacramento
California Grocers' Association
870 Market St, San Francisco 2

HAHN, MRS. TRUDY 3-8-61
California Cosmetologists' Association
15210 Skyview Dr, San Jose 99

HAMMELL, IRVING E 1-9-61
2811 Capitol Ave, Sacramento
Allied Printing Trades Legislative Committee
c/o SecretaryTreasurer, 2315 Valdez St, Oakland

HANLEY, ROBERT E 1-26-61
1400 10th St, Sacramento
California Farm Bureau Federation
2855 Telegraph Ave, Berkeley

HANSON, S G 1-24-61
1108 O St, Sacramento
California State Employees' Association

HARDINGE, FRANKLIN, JR 1-16-61
El Mirador Hotel, Sacramento
California Savings & Loan League
1444 Wentworth (P O Box R), Pasadena

HARRIS, HOMER A 12-23-60
Associated Produce Dealers & Brokers of Los Angeles
704 Market Ct, Los Angeles

HARRIS, JOHN W
California Council of Landscape Architects 5-22-61
5417 Ogilby Way, Carmichael
Independent Garage Owners of California 1-30-61
5417 Ogilby Way, Carmichael

HARTSOUGH, R HAROLD, JR 12-6-60
1414 K St Sacramento
Pacific Telephone and Telegraph Co, The
140 New Montgomery St, San Francisco 5

HASBROOK, NEAL C 12-6-60
California Independent Telephone Association
760 Market St, Rm 1025, San Francisco 5

HEALEY, LESTER 2-1-61
El Mirador Sacramento
California Electric Power Company
Box 1029, San Bernardino

HEEKIN, WILLIAM D 2-1-61
Citizens Committee for Improved Treatment in Our State Hospitals
P O Box 2001, Sacramento

HELD OWEN H 12-28-60
El Mirador, Sacramento
California State Firemen's Association
Los Angeles Fire & Police Protective League
206 S Spring St, Rm 304, Los Angeles 12

HENDERSON, WALLACE D 3-29-62
1108 O St, Sacramento
California State Employees' Association

HESLEP, EDWARD ALAN 2-14-61 (Terminated 6-13-61)
California State Conference of Operating Engineers
25 Taylor St, San Francisco

HIBBERT, MAURICE E 12-21-60
Challenge Cream & Butter Association
920 E 2nd St, Los Angeles 12

HICKS, JAMES R 5-22-61
Fresno Builders' Exchange
1244 N Mariposa St, Fresno

HILLINGS, PATRICK J 4-7-61
Ford Motor Company
3921 Wilshire Blvd, Los Angeles 5
Home Office Dearborn, Mich

HISLOP, JOHN K 12-23-60
Senator Hotel, Sacramento
California State Chamber of Commerce
350 Bush St, San Francisco

HOFFMAN, MRS DOYLE 12-21-60
Senator Hotel, Sacramento
California Congress of Parents and Teachers
Suite 300-322 W 21st St, Los Angeles 7

HOFFMAN, VERNE W 1-26-61
California Correctional Officers Association
Rt 1, Box 200, Acampo

HOLMES, CARL M 12-6-60
Pacific Telephone & Telegraph Co, The
1414 K St, Sacramento

HOLT, ALVIN L 1-5-61
Senator Hotel, Sacramento
California State Association of Journeymen Barbers, Hairdressers, Cosmetologists, Masseurs and Proprietors
P O Box 494, San Jose

HOUGHTON, WILLIAM L 1-10-61
Western Dairymen's Association
Rm 25, Thorington Bldg, Merced

HOUSEBERG, E JAMES 12-22-60
Senator Hotel, Sacramento
California State Chamber of Commerce
350 Bush St, San Francisco

HOWE, LESLIE D 2-15-61
California State Chamber of Commerce
Rm 230, Senator Hotel, Sacramento

HUERTA, DOLORES C 2-2-61
320 S Sutter St, Stockton
Community Service Organization, Inc
2701½ E 4th St, Los Angeles 33

HUNT, CHARLES JOSEPH, JR 4-26-61
El Mirador, Sacramento
Automobile Club of Southern California
Interinsurance Exchange of the Automobile Club of Southern California
2601 S Figueroa St, Los Angeles

HUNT, WILLIAM J, JR 12-16-60
California Milk Producers' Federation
925 Forum Bldg, 1107 9th St, Sacramento

HUNTER, RAY 2-6-61
California Farm Bureau Federation
2223 Fulton St, Berkeley 4

HUTCHINS, J BARTON 5-4-61
Senator Hotel, Sacramento
Edwin W Pauley & Associates
10000 Santa Monica Blvd, Los Angeles 25

INNIS, R D 12-16-60
Senator Hotel, Sacramento
Pacific Finance Corp and Subsidiaries
621 S Hope St, Los Angeles 17

ISAKSEN, MARVY 1-6-61
Senator Hotel, Sacramento
California State Association of Journeymen Barbers, Hairdressers, Cosmetologists, Masseurs and Proprietors
855 Valencia St, San Francisco 10

JACKSON, FINNIE J, JR 2-21-61
El Mirador, Sacramento
Committee for Representative Government
1112 E 43d St, Los Angeles 11

JAROSKE, H P 12-27-60
Sacramento Inn, Sacramento
Liquor Stores & Taverns Association
830 Market St, Suite 502-3, San Francisco 2

JENKINS, THOMAS M 5-29-61
Senator Hotel, Sacramento
North Coast County Water District
593 Market St, San Francisco

JESKE, HOWARD L 12-29-60
California Western States Life Insurance Co
2020 L St, Sacramento

JESSUP, JOHN R 1-24-61
5617 Harold Way, Sacramento
Western Union Telegraph Co, The
1109 9th St, Sacramento

JOHNS, ALGER H 1-3-61
Pacific Union Conference of Seventh-day Adventists, Religious Liberty Department
1545 N Verdugo Rd, P O Box 146, Glendale

JOHNS, WARREN L 1-3-61
Southern California Conference of Seventh-day Adventists
1535 E Chevy Chase, Glendale

JOHNSEN, RICHARD, JR 12-27-61
Agricultural Council of California
1400 10th St, Sacramento 14

JOHNSON, LEO L 12-29-60
California Hay, Grain & Feed Dealers Association (Terminated 6-30-62)
Blue Anchor Bldg, 1400 10th St, Sacramento

JOHNSON, MICHAEL P
501 Michigan Blvd, West Sacramento
International Union of Mine, Mill and Smelter Workers, Carquinez Local No 51 3-13-61
Northern California District Council ILWU 1-27-61
150 Golden Gate Ave, San Francisco
United Eelectrical Radio & Machine Workers of America 3-13-61
P O Box 271, 122 E California St, Ontario

JOHNSTON, J RICHARD 3-9-61
Associated Cooperatives, Inc
822 Anthony St, Berkeley 10

JOHNSTON, THOMAS 5-12-61
Senator Hotel, Sacramento
San Francisco Builders' Exchange
850 S Van Ness Ave, San Francisco

JONES, PAUL J 3-23-61
Kern County Fire Fighters Association
P O Box 908, Bakersfield

KANELOS, MRS RENA M (PAT) (All terminated 9-27-61)
4826 J Pkwy, Sacramento
California Association of Industrial Loan Companies 3-7-61
c/o Atlas Thrift Company, 1310 K St, Sacramento
California Federation of Service Stations 2-27-61
Hotel Senator, Sacramento
Driving School Association of California 3-15-61
1717 N Highland Ave, Los Angeles 28
Independent Automobile Dealers Council of California 1-16-61
4826 J Pkwy, Sacramento
Independent Garage Owners of California, Incorporated 1-16-61
2725 Randolph St, Huntington Park

KEESLING, FRANCIS F, JR 12-23-60
West Coast Life Insurance Co
605 Market St, San Francisco 5

KEIRN, G DALE 1-20-61
California School Employees Association
Rt 4, Box 2534, Modesto

KELLER, LEWIS 1-4-61 (Terminated 9-30-62)
Hotel Senator, Sacramento
League of California Cities
Hotel Claremont, Berkeley 5

KELLY, JOHN F. 2-10-61
International Printing Pressmen & Assistants' Union of North America
1246 39th Ave, San Francisco 22
Home Office Pressman's Home, Tennessee

KENNEDY, ANTHONY J 2-24-61
635 Forum Bldg, Sacramento
California Association of Tobacco Distributors, Inc
Rm 817, 68 Post St, San Francisco
California Council of Civil Engineers and Land Surveyors
1107 9th St, Sacramento
California Dental Association
518 Sutter St, San Francisco
Southern California State Dental Association
903 Crenshaw Blvd, Los Angeles

KENNEDY, HAROLD W 1-24-61
Elks Bldg, Sacramento
Board of Supervisors of Los Angeles County
648 Hall of Administration, Los Angeles 12

KENNEDY, JOHN R 1-3-61
Elks Bldg, Sacramento
Board of Supervisors, Santa Clara County
Rm 330, Courthouse, San Jose

KENNEDY, V DENNIS 2-20-62
Senator Hotel, Sacramento
Northern California Theatre Association
988 Market St, San Francisco 2

KENNEDY, VINCENT D 2-2-61
11th and L Bldg, Sacramento
California Retailers Association
703 Market St, San Francisco

KILROY, DAN O, M D 2-2-61
330 3d Ave, Sacramento
California Medical Association
450 Sutter St, San Francisco 8

KINGREN, GIBSON 1-3-61
Kaiser Foundation Health Plan, Inc
1924 Broadway, Oakland

KIRKLAND, DALE L 2-27-61
Hotel Senator, Sacramento
National Sporting Goods Association
1415 Begier Ave, San Leandro
Home Office. 716 Ruch St, Chicago 11, Ill

KLAUS, ARNOLD 2-6-61
San Diego Chamber of Commerce
499 W Broadway, San Diego

KLINT, CHARLES 1-18-61
Pure Water League of Fresno City and County
949-53 Santa Fe Ave, Fresno

KNIGHT, T F, JR 12-15-60
Forum Bldg, Sacramento
California Manufacturers Association
403 W 8th St, Los Angeles 14

KORFHAGE, WILBUR A. 1-23-61
Senator Hotel, Sacramento
California Council on Alcohol Problems
354 21st St, Oakland

KOSTYSHAK, TED 12-11-61
11th and L Bldg, Rm 610, Sacramento
California Teachers Association
1705 Murchison Dr, Burlingame

KRAMER, CALVIN W 1-25-61
Brotherhood of Maintenance of Way Employees
2301 E St, Sacramento 16
Home Office 12050 Woodward Ave, Detroit 3, Mich

KRAMM, ERNEST G 1-6-61
El Mirador, Sacramento
National Electrical Contractors Association, Inc., Ninth District Council
1122 B St, Hayward

KRONICK, STANLEY W
926 J St, Rm 1014, Sacramento
County of Kern 2-8-61
Placer County Water Agency 2-8-61
926 J St, Rm 1014, Sacramento
Tavares Development Company 2-17-61
1150 Silverado, La Jolla

LA CHAPELLE, VICTOR J 2-6-61
5639 59th St, Sacramento
California State Council of Carpenters
1095 Market St, San Francisco

LAMBERSON, RICHARD Z 4-24-61 (Terminated 11-3-61)
California Table Grape Committee
P O Box 31, Reedley

LANDELS, EDWARD D 1-20-61
El Mirador, Sacramento
California Bankers Association
Mills Tower, San Francisco
California Mortgage Bankers Association
900 Wilshire Blvd, Los Angeles
Investment Bankers of America, California Group
c/o Mrs Helen Miner, Assistant Secretary
464 California St, San Francisco

LANGSTAFF, CLARENCE H 1-12-61
El Mirador Hotel, Sacramento
Board of Supervisors of Los Angeles County
648 Hall of Administration, Los Angeles

LANNING, MRS JESSIE I 1-6-61
Kern County Property Owners Association
10 Nile St, Bakersfield

LARSON, KENNETH DONALD 1-9-61
1320 N St, Sacramento 14
Federated Fire Fighters of California AFL-CIO
2000 W Victory Blvd, Burbank

LEAVEY, H HAROLD 12-28-60
California Western States Life Insurance Co
2020 L St, Sacramento

LEE, JAMES S 12-27-60
Mansion Inn, Sacramento
State Building and Construction Trades Council of California
2323 W 8th St, Los Angeles

LE FEVRE, ALLAN 1-19-61
El Mirador, Sacramento
Foster and Kleiser
1675 Eddy St, San Francisco

LEIPER, JAMES (BURT) 2-2-61 (Terminated 12-5-61)
926 J St, Rm 1306, Sacramento
California Taxpayers' Association

LEONARD, EDMUND D 12-14-60
Hotel Senator, Sacramento
California Self-Insurers Association
114 Sansome St, San Francisco 4

LEPORINI, DOROTHY 2-8-61
California Association of Schools of Cosmetology
1630 O St, Sacramento

LEPP, HENRY 2-24-61
Manufacturing Milk Producers
Rt 1, Box 304, Orland

LEWIS, REV FORD 1-16-62
2648 LaVia Way, Sacramento
Pacific Coast Unitarian Universalist Council
2441 LaConte Ave, Berkeley 9

LINCOLN, CHESTER C 1-9-61
11th and L Bldg, Sacramento
Merchants & Manufacturers Association
725 S Spring St, Los Angeles

LOHEIT, ROBERT 2-2-61
3716 J St, Sacramento
Associated Master Barbers of California
9428 Santa Monica Blvd, Beverly Hills

LOHEIT, ROBERT E 4-18-61 (Terminated 1-11-62)
1310 K St, Sacramento
California Association of Industrial Loan Companies
c/o Mr John T Boyd, Jr (Secretary)
170 E 17th St, Costa Mesa

LOHMANN, HENRY GEORGE, JR 1-3-61
Rm 627, Forum Bldg, Sacramento
Friends Committee on Legislation—Northern California Office
2160 Lake St, San Francisco 21

LONG, E A. 2-14-61
California Cattlemen's Association
679 Monadnock Bldg 681 Market St, San Francisco 5
Western Harness Racing Association
Penelscot Ranch, Cool

LONG, JOHN B 12-5-60 (Terminated 3-9-62)
11th and L Bldg, Sacramento
California Newspaper Publishers' Association, Inc
610 Main St, Rm 809, Los Angeles 14

LOUGHRAN, FRANK 1-20-61
California Moving & Storage Association
1620 Russ Bldg, San Francisco

LOVE, DAN R, JR 1-5-61
1228 O St, Sacramento
Southern Pacific Company
65 Market St, San Francisco

LOW, DR GORDON M 3-17-61 (Terminated 6-1-61)
California Council for Exceptional Children
California Speech and Hearing Association
San Francisco State College
1600 Holloway Ave, San Francisco

LOWREY, WALTER 1-25-61
California State Employees' Association
1108 O St, Sacramento

LUDLAM, JAMES E 3-16-61
Senator Hotel, Sacramento
California Hospital Association
517 Phelan Bldg, 760 Market St, San Francisco 2

LUTHER, JOHN M 1-10-61
California Central Valleys Flood Control Association
Rm. 335, Forum Bldg, Sacramento

LYNCH, JOHN K 1-9-61
LaSalle Extension University
821 Market St, Rm 275, San Francisco

LYON, LE ROY E, JR 1-12-61
11th and L Bldg, Sacramento
California Railroad Association
530 W 6th St, Los Angeles 14

LYONS, WILLIAM 1-3-61
Senator Hotel, Sacramento
Department of Water & Power, Los Angeles
P O Box 3669, Terminal Annex, 207 S Broadway, Los Angeles

MacCOLL, HUGH 1-3-61 (Terminated 12-8-61)
California State Federation of Teachers
3031 Northgate Blvd, North Sacramento

MacDOUGALL, WM. R 1-10-61
County Supervisors Association of California
1100 Elks Bldg, Sacramento

MacKAY, W D 3-7-61
Commercial Utility Service
642 Eddy St, San Francisco 9

McADAMS, CHARLES L 1-3-61
Hotel Senator, Sacramento
California State Hotel Association
2975 Wilshire Blvd, Los Angeles 5

McCABE, THEODORE A, JR 5-29-61
Senator Hotel, Sacramento
Arlo Citrus, Inc
Glenco Products, Inc
Polar Chill Products, Inc
Sunnyland Juice Corporation
120 El Camino, Beverly Hills

McCANLIES, FRED A
Hotel Senator, Sacramento
Pacific Lighting Gas Supply Co 2-6-62
720 W 8th St, Los Angeles 17
Southern California Gas Co 3-6-62
810 S Flower St, Los Angeles 17
Southern Counties Gas Co 3-6-62
720 W 8th St, Los Angeles 17

McCARRON, PAUL N.
1443 5th St, Sacramento
California Real Estate Association 2-5-62
117 W 9th St, Los Angeles
Northern and Central Chapter Associated General Contractors of America, Inc 2-15-61 (Terminated 1-29-62)
850 Battery St, San Francisco

McCLANAHAN, ELLIS J. 5-18-61
Hotel Senator, Sacramento
Sound-Scriber Corp, The
1485 Bayshore Blvd, San Francisco 24
Home Office North Haven, Conn

McCLUNG, EMMONS 2-2-61 (Terminated 2-5-62)
11th and L Bldg, Sacramento
California Retailers Association
703 Market St, San Francisco

McCLURE, WARREN A 5-26-61
Hotel Senator, Sacramento
North Coast County Water District
200 Francisco Way, P O Box 35, Pacifica

McCOLLISTER, RICHARD H 1-12-61
4019 S Land Park Dr, Sacramento
Escrow Institute of California
P O Box 308, Montrose

McCORMACK, JAMES L 3-9-61
1119 Santa Barbara Ct, Sacramento
American Federation of State, County and Municipal Employees AFL-CIO
285 17th St, Oakland

McDONALD, MRS CLARA 3-10-61
Alexander Hotel, 1121 5th St, Sacramento
Citizens Anti-Smog Action Committee, Inc
P O Box 212 M, Pasadena
United Patriotic People of U S A
520 Allen Ave, Glendale 1

McDONOUGH, MARTIN 2-14-61
926 J St, Sacramento 14
Redevelopment Agency of the City of Sacramento
600 California Fruit Bldg, Sacramento 14

McELLIGOTT, PEGGY L 2-9-61
Kirkbride, Wilson, Harzfeld & Wallace
307 B St, San Mateo

McELHENEY, JOHN W 1-23-61 (Terminated 4-5-62)
California State Employees' Association
1108 O St, Sacramento

McFARLAND, JOHN P 1-13-61
Senator Hotel, Sacramento
155 Montgomery St, San Francisco 4
Firemen's Fund Insurance Co
Health Insurance Association of America
Home Office 168 N Michigan Ave, Chicago 1, Ill
Industrial Indemnity Co
Pacific Mutual Life Insurance Company
523 W 6th St, Los Angeles 14
State Farm Insurance Co

McGILVRAY, KENNETH G
714 Forum Bldg, Sacramento
Associated Credit Bureaus of California 12-30-60
Building Material Dealers' Credit Association 1-13-61
California Employment Agencies Association 11-21-60
California Legislative Council of American Camping Association 5-10-61
Box 55, Soquel
Credit Managers Association of Northern and Central California 1-13-61
Credit Managers Association of Southern California 1-13-61
Osteopathic Physicians & Surgeons of California 12-12-61
2999 West Sixth St, Los Angeles 5

McGINN, HULDA 2-4-61 (Terminated 1961)
El Mirador Hotel, Sacramento
Northern California Theaters Association
988 Market St, San Francisco

McGOWAN, WILLIAM N 12-12-60
California Association of Secondary School Administrators
1705 Murchison Dr, Burlingame

McKAY, ROBERT E 1-19-61
610 11th and L Bldg, Sacramento
California Teachers Association
693 Sutter St, San Francisco

McLAIN, GEORGE 1-5-61
Park Mansions Hotel, Sacramento
California Institute of Social Welfare
1031 South Grand Ave, Los Angeles

McLANE, ROBERT WILSON 1-3-61
Forum Bldg., Sacramento
Friends Committee on Legislation—Northern California Office
2160 Lake St., San Francisco

McLAUGHLIN, FRANCIS M 1-10-61
Elks Bldg., Sacramento
Board of Supervisors, County of Los Angeles
383 Hall of Administration
500 West Temple St., Los Angeles 12

McLEAN, MRS. MARGUERITE E 6-5-61
P.O. Box 2546 Sacramento 12
California Small School Districts Association
P.O. Box 341, Angwin

McLEAN, WILLIAM J 12-8-60
1414 K St., Sacramento
Pacific Telephone & Telegraph Co., The
649 South Olive St., Los Angeles 14

McLELLAN, RICHARD U 12-28-60
El Minador, Sacramento
Los Angeles Fire & Police Protective League
277 S. Spring St., Rm. 514, Los Anegels 12

McMANNIS, ROBERT L 3-15-61
Hotel Senator, Sacramento
Speedo Tach Service, Inc
1926 East 7th St., Los Angeles 21

McMILLAN, E. A 3-12-62
Regis Hotel, Sacramento
Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees
914 Oregon St., Bakersfield

McNEIL, DUNCAN J 1-9-61
Senator Hotel, Sacramento
City of Los Angeles
Rm. 600 City Hall, Los Angeles 12

McWHINNEY, W. C 1-4-61
Senator Hotel, Sacramento
City of Long Beach
9945 Wheatland Ave. Sunland

MACK, J. D 12-21-60
1331 T St., c/o California Builders Exchange, Sacramento
Associated Plumbing Contractors of California
Construction Industry Legislative Council
785 Market St., Suite 1404, San Francisco

MAFFIT, NORMAN H 3-14-61
Western States Meat Packers Association
604 Mission St., San Francisco 5

MAHLER, THERESA S 3-21-61
National Association for Nursery Education
c/o Dr. Edith Dowles, 425 Lemon Ave., Menlo Park
San Francisco Association for Nursery Education
Hotel Maurice, 761 Post St., San Francisco 2

MAHONEY, MICHAEL EMMITT 6-26-62
Senator Hotel Sacramento
Irrigation Districts Association of California
821 Market St., Rm. 945, San Francisco 3

MARCUS PAUL M 12-27-60
California League of City Employees
Box 631, Burbank
Long Beach City Employees' Association, Inc.
2465 Pacific Ave., Long Beach

MARKEY, JAMES S 2-23-61
Senator Hotel, Sacramento
California Association of Collectors Incorporated
6047 Hollywood Blvd., Los Angeles 28
Collectors Advisory Council
1633 Beverly Blvd., Los Angeles 26

MARSH, WILLIAM F 1-30-61
El Mirador, Sacramento
Eastshore Lines Charter Service Bus Lines
1210 Seventh St., Berkeley 10
Tanner Gray line Motor Tours
Rm 704, 617 South Olive St., Los Angeles 14

MARTIN, ARTHUR L 5-17-61 (Terminated 12-12-61)
El Mirador, Sacramento
California Thoroughbred Breeders Association
201 Colorado Pl., P O Box 477 Arcadia
Horsemen's Benevolent and Protective Association
9622½ E Lemon Ave., Arcadia

MARTIN, BEN D 12-7-60
California Newspaper Publishers Association
1127 11th St., Rm 336, Sacramento

MARTIN, JOHN M 8-28-61
Trailer Coach Association
607 South Hobart Los Angeles 5

MARTIN, JOHN M 12-19-60
3456 South Pont Dr., Sacramento
Los Angeles Chamber of Commerce
404 South Bixel St., Los Angeles 54

MARTIN, THOMAS W
Parke, Davis & Company 3-7-61
Pharmaceutical Manufacturers Association 7-30-61
926 J Bldg., Suite 1116, Sacramento

MATTHEWS, HAZEN L
El Mirador, Sacramento
California Land Title Association 1-23-61 (Terminated 2-15-62)
433 S Spring St., Suite 712, Los Angeles 13
State Bar of California, The 2-15-62
601 McAllister St., San Francisco 2

MAU, CARL F 12-8-60 (Terminated 9-7-61)
California Water Service Co
374 West Santa Clara St., San Jose

MEAD, WILLIAM J 4-6-61 (Terminated 10-24-61)
Semitropic Water Storage District
Wheeler Ridge-Maricopa Water Storage District
2714 L St., Bakersfield

MEREDITH, GEORGE F
11th and L Bldg., Sacramento
California Bus Association 1-3-61
California Grocers Association 1-3-61
2130 Adeline St Oakland 23
California Municipal Utilities Association 3-21-61
P O Box 2301, Sacramento
Committee to Oppose SB 1010 5-16-61
11th and L Bldg., Sacramento
Continental Trailways Bus System 2-28-61
1701 S Central Ave., Los Angeles 21
East Bay Municipal Utility District 1-3-61
Southern San Joaquin Municipal Utility District 4-24-61
P O Box 337, Delano

MERELMAN, JACK M 12-23-60
County Supervisors Association of California
1100 Elks Bldg., Sacramento

MERRILL, LOUIS S 12-21-60
Western Fairs Association, Inc
2500 Stockton Blvd, Sacramento 17

MERZ, ELMER J 1-3-61
California Association of Nurserymen
304 Mitau Bldg, 8th and J Sts, Sacramento

MICHAEL, JAY 1-4-61
Hotel Senator, Sacramento
League of California Cities
Hotel Claremont, Berkeley

MIDDLETON, WILLIAM T 12-8-60
Trans World Airlines, Inc
620 W 6th St, Los Angeles 17

MILLER, HOWARD E 2-7-61
Senator Hotel, Sacramento
San Pedro Fisheries Institute
Berth 72, Fishermen's Wharf, San Pedro

MILLER LESLIE W 12-20-60
California State Builders Exchange
Construction Industry Legislative Council
1331 T St, Sacramento

MINARD, CLAUDE 1-12-61
11th and L Bldg, Sacramento
California Railroad Association
215 Market St, San Francisco 5

MITCHELL, GRAHAM R 1-12-61
Regis Hotel, Sacramento
California State Legislative Board, Brotherhood of Locomotive Engineers
816 San Fernando Bldg, Los Angeles

MOELLER, KENNETH G 12-8-60
Oakland Chamber of Commerce
1320 Webster St, Oakland 12

MOLNER, DUKE 1-31-61
Senator Hotel, Sacramento
United Wholesale Liquor Dealers Association of California
1025 N Highland Ave, Los Angeles

MOORE, NORMAN H
El Mirador Hotel, Sacramento
Los Angeles Fire & Police Protective League 12-28-60
257 S Spring St, Los Angeles 12
Peace Officers Research Association of California 5-29-61
206 S Spring St, Los Angeles

MORLEY CHARLES D 1-31-61
El Rancho, Sacramento
California Petroleum Marketers Council
2015 Center St, Berkeley

MOSKOVITZ, ADOLPH
926 J St, Rm 1014 Sacramento
Amador County Water Agency 4-3-61
P O Box 53, Jackson
Antelope Valley Mutual Water Company 2-27-61
Topaz
County of Nevada 2-8-61
County of Mono 2-27-61
Bridgeport
Placer County Water Agency 2-8-61
County of Plumas 4-7-61
Court House, Quincy
Tavares Development Company 2-17-61
1150 Silverado, La Jolla
Yolo County Flood Control and Water Conservation District 2-8-61

MOWER, MRS JAN 1-24-61
California Boating Council, Inc
215 4th St, Rodeo

MOYSER, RALPH E 1-17-61
Wholesale Fruit & Produce Dealers of San Francisco
414 Front St, San Francisco

MUELLER, MRS. VIRGINIA S 3-8-61
American Association of University Women
(California State Division)
1801 11th Ave, Sacramento 18

MULKEY, GEORGE A 1-17-61 (Terminated 9-11-61)
Senator Hotel, Sacramento
International Brotherhood of Electrical Workers
910 Central Tower, 703 Market St, San Francisco

MULLIN, JACK W 1-3-61
1431 5th St, Sacramento
Henry J Kaiser Co, and Subsidiaries
Foothill Electric Corporation
Henry J Kaiser Construction Company
Kaiser Aluminum & Chemical Corporation
Kaiser Aluminum & Chemical Sales, Inc
Kaiser Center, Inc
Kaiser Foundation Health Plan, Inc
Kaiser Industries Corporation
Kaiser Steel Corp and Subsidiary
Iron Queen Mining Company
National Steel and Shipbuilding Co
Permanente Cement Co and Subsidiaries
Permanente Steamship Corporation
Permanente Trucking Company
Kaiser Gypsum Company
Willys Motors, Inc and Subsidiary
Willys Sales Corporation
Kaiser Building, 1924 Broadway, Oakland

MUNRO, RUSSELL S 1-3-61
11th and L Bldg, Rm 626, Sacramento
California State Hotel Association, Ltd
448 S Hill St, Los Angeles 13
California State Restaurant Association

MURRAY, JAMES JR 1-25-61
727 J St, Sacramento
California Barber College Association
124 E Main St, Stockton

NAGY, JOHN JR 4-11-61
Hotel Senator, Sacramento
Incentive Taxation Committee of California
1106 First National Bank Bldg, San Diego

NALL, CARL E 12-14-60
Pacific Dairy & Poultry Association
2639 S La Cienega Blvd, Los Angeles 34

NENZEL, PETER A 12-12-60
California Independent Telephone Association
760 Market St, Rm 1025, San Francisco 2

NEVILLE, JOHN T 1-6-61
Hotel Senator, Sacramento
City of Los Angeles
400 City Hall, Los Angeles 12

NIELSEN, ROY J 12-27-60
1555 13th Ave, Sacramento
California Association of Collectors, Inc
6047 Hollywood Blvd, Los Angeles

NIZETICH, ANTHONY VINCENT 2-20-61
Senator Hotel, Sacramento
Fishermen's Cooperative Association
Berth 73, San Pedro

NOLDER, THOMAS A 12-23-60
County Supervisors Association of California
1100 Elks Bldg., Sacramento

NORCROSS, LEE H D C
Senator Hotel, Sacramento
Chiropractic Institute of California 8-13-62
P O Box 96 Reseda
Chiropractic Research Education Ethics Society, Inc 1-3-61 (Terminated 12-18-61)
1283 Cochran Ave., Los Angeles

NOWELL, LOUIS R 12-2-60
El Mirador Hotel, Sacramento
Los Angeles Fire & Police Protective League
257 S Spring St., Rm 714, Los Angeles

O'CONOR, JOHN 3-30-61
Trailer Coach Association
607 South Hobart Blvd., Los Angeles 5

OLIVER, DAVID V 1-18-61
Senator Hotel Sacramento
Association of California Insurance Companies
28 Geary St., San Francisco
Canners League of California
215 Market St., San Francisco

OSTROW, MARTIN M 4-27-61
Dr. Milton B Rich (Optometrist)
960 Market St San Francisco 2

OTTOSON, PAUL 1-31-61
Signal Oil and Gas Co
1010 Wilshire Blvd Los Angeles

PARKER, CLAYTON H 3-30-61
Senator Hotel Sacramento
Orange County Board of Supervisors
308 Hall of Records, Santa Ana

PARKER, L A 3-2-61
Mansion Inn Motel, Sacramento
Los Angeles Building and Construction Trades Council
1626 Beverly Blvd., Los Angeles 26

PARKS, DON W 3-24-61
2711 64th St., Sacramento
Western Federation of Butchers of California AFL-CIO
870 Market St., Rm 508, San Francisco

PARKS, VIVIAN 5-10-61
Rm 627, Forum Bldg., Sacramento
Friends Committee on Legislation
2160 Lake St., San Francisco

PATTEE, W BURLEIGH 12-8-60
Sperry and Hutchinson Company, The
c/o Chickering & Gregory
111 Sutter St San Francisco 4
Home Office 114 Fifth Ave., New York, N Y

PETERSON, LYNN G
Senator Hotel Sacramento
Los Angeles Athletic Club 4-11-61 (Terminated)
431 West Seventh St., Los Angeles 14
Pabst Brewing Company 12-27-60
1910 North Main St., Los Angeles

PEXNER, JEFFERSON E 12-9-60
Senator Hotel, Sacramento
California Housing Council
Wine Institute
Suite 1616, Mills Tower, San Francisco

PHILBROOK, MRS LOUISE M 12-13-60
Hearthstone Manor, Inc
Greenback Lane, Folsom

PHILLIPS, JONATHAN E 1-9-61 (Terminated 6-30-61)
Ginn & Company
2550 Hanover, Palo Alto

PHILLIPS, LLOYD A 1-12-61
11th and L Bldg, Rm 250, Sacramento
California Railroad Association

PITTS, THOMAS L 12-22-60
Senator Hotel, Sacramento
California Labor Federation AFL-CIO
995 Market St, San Francisco 3

PLUMB, JOHN H 1-24-62
Senator Hotel, Sacramento
East Bay Municipal Utility District
2130 Adeline St, Oakland

POLLACK, SHELDON 4-19-61
Americans for Democratic Action
Rm 320, 41 Sutter St, San Francisco 4

POLLARD, ALBERT C 5-15-61
Associated Dairymen
610 16th St, Oakland

PONTIUS, H JACKSON 1-23-61
Senator Hotel, Sacramento
California Real Estate Association
117 West 9th St, Los Angeles 15

POTTORFF, GEORGE B 12-6-60
11th and L Bldg, Sacramento
Pan American World Airways
1127 Russ Bldg, San Francisco 4

PUTNAM, PAUL 5-11-62
Senator Hotel, Sacramento
Public Health League of California
693 Sutter St, Suite 200, San Francisco 2

QUINN, JAMES H 12-2-60
Capitol Inn, Sacramento
City of Oakland
City Hall, Oakland

RATCLIFF, RICHARD E
Hotel Senator, Sacramento
Irrigation Districts Association of California 1-19-61 (Terminated 7-31-61)
831 Market St, Rm 945, San Francisco 3
Southern California Edison Company 9-7-61
1032 Edison Bldg, 601 W 5th St, Los Angeles 53

READ, BEN H 12-8-60
Hotel Senator, Sacramento
Public Health League of California
210 S Spring St, Los Angeles 13

READ, EUGENE A 3-17-61
Rm 519, Forum Bldg, Sacramento
California Manufacturers Association
403 W 8th St, Los Angeles 14

REDWINE, KENT H 1-16-61
El Mirador, Sacramento
Association of Motion Picture Producers
Los Angeles Motor Car Dealers Association
Motion Picture Association of America, Inc
Northern California Motor Car Dealers Association, Inc
Trailer Coach Association
1618 N Las Palmas Ave, Hollywood

REEDER, MR FAY S 3-30-61
Crest Theatre, Sacramento
Fox West Coast Theatres
N T & T Amusement Corporation
National Theatres & Television
9570 Wilshire Blvd, Beverly Hills

REID, MONTE 3-9-61
California Association of Independent Insurance Adjusters
Rm 727, 58 Sutter St, San Francisco 4
California Association of Private Investigators, Inc
520 W 7th St, Los Angeles 14

REYNOLDS, HAROLD G JR 1-16-61
California State Nurses' Association
2521 E St, Sacramento

REYNOLDS, RALPH E 3-6-61
California Roadside Council
12 Garces Dr, San Francisco 27

RIBNICK, GERSON D 12-19-60
Appliance Profession Association
Institute of Heating & Air Conditioning Industries
5107 W 1st St, Los Angeles 4

RICHARDS, RUSSELL D 1-26-61
1400 10th St, Sacramento
California Farm Bureau Federation
2223 Fulton St, Berkeley 4

RIDDLE, VINCENT M 4-13-61
International Association of Firefighters Local 55
296 St Andrews St, Hayward

RILEY, ROBERT M 12-13-60
California State Restaurant Association
448 S Hill St, Los Angeles 13

RODGERS, DAVID J 1-13-61
5305 Diablo Dr, North Highlands
Osteopathic Physicians and Surgeons of California
2999 W 6th St, Los Angeles

ROSS, KENNETH A, JR 2-1-61
El Mirador, Sacramento
Associated General Contractors (Southern Chapter)
California Portland Cement Co
Los Angeles Turf Club, Inc
Monolith Portland Cement Co
Riverside Cement Co
Southwestern Portland Cement Co
3963 Wilshire Blvd, Los Angeles 5

ROSSI, JACK G 1-3-61
4320 Valmonte Dr, Sacramento 25
Associated Farmers of California, Inc
25 California St, Rm 246, San Francisco 11

ROWLAND, GILFORD G
707 Forum Bldg, Sacramento
California Conference of Employer Association 1-23-61
Federated Employers of San Francisco 1-23-61
Pacific American Steamship Association 1-23-61
Roadside Business Association 2-27-61
Home Office c/o Cronin, Mitchell & Spooner, 1133 Soo Line Bldg, Minneapolis 2, Minn

RUBENSTEIN, DAVID 3-2-61
California State Restaurant Association
448 S Hill St, Los Angeles 13

RUEGG, DAVID C 2-9-61
Corporation Unemployment Tax Service
2132 University Ave, Berkeley 4

RUIZ, ANTHONY A
El Mirador Hotel, Sacramento
Los Angeles Fire & Police Protective League 12-28-60
257 S Spring St, Los Angeles 12
Peace Officers Research Association of California 7-20-61
200 S Spring, Los Angeles 12

RUSSELL, FREDERICK WILLIAM (BILL) 11-6-61
Calaveras County Chamber of Commerce
Mountain Counties Water Resources Association
Chamber of Commerce Office, San Andreas

SAJOR, EDMUND C 12-2-60
Oakland Chamber of Commerce
1320 Webster St, Oakland 12

SALISBURY, E E 1-9-61
Hotel Senator, Sacramento
Public Health League of California, The
693 Sutter St, Suite 22, San Francisco

SAMUELS, TOM 3-14-61
Building Material Dealers Association
222 S 2d St, San Jose

SANTOCONO, GALE 1-27-61
California Society of Professional Designers
352 Golden Gate Ave, San Francisco

SARGENT, ARTHUR M 1-26-61
Sutter Club, Sacramento
California Society of Certified Public Accountants
681 Market St, San Francisco

SCARAMELLA, E L 12-29-60
Challenge Cream & Butter Association
Danish Creamery Association
P O Box 3167, Fresno 66

SCHLEH, ROBERT C 1-12-61
707 Forum Bldg, Sacramento
California Conference of Employer Associations
817 Forum Bldg, Sacramento

SCHLOTTER, WILLIAM O 2-9-61
Corporation Unemployment Tax Service
2131 University Ave, Berkeley 4

SCHNACKE, MRS JUNE D 3-8-61
American Association of University Women
(California State Division)
45 Geneva Rd, Hillsborough

SCHOFIELD, W R 1-10-61 (Terminated 2-9-62)
Senator Hotel, Sacramento
California Forest Protective Association
681 Market St, San Francisco

SCHOFIELD, WILLIAM R 1-29-62
Senator Hotel, Sacramento
East Bay Municipal Utility District
681 Market St, San Francisco 7

SCHUMACHER, THOMAS C JR 2-23-61
Senator Hotel, Sacramento
California Trucking Associations, Inc
3301 South Grand Ave, Los Angeles 7

SCHUMACHER, THOMAS C SR
1022 N St, Sacramento
California Osteopathic Association 1-3-61
4775 Santa Monica Blvd, Los Angeles 29

SCONBERG, EDWARD F 3-21-61
2921 Lacy Lane, Sacramento
Trailer Clubs of America, Inc
7501 Lasame Ave, Van Nuys

SCOTT, HARVEY 1-31-61
California Bus Association
1322 Webster St, Oakland 12

SCULLY, CHARLES P 12-22-60
California Labor Federation AFL-CIO
995 Market St, San Francisco

SEFTON, SEIBERT L 4-5-61
California Association of Nursing Homes, Sanitariums, Rest Homes and Homes for the Aged Inc
375 World Trade Center, Ferry Bldg, San Francisco

SEVERIT, KENNETH 1-3-61
6812 Bender Ct, Sacramento
Federated Fire Fighters of California
2660 W Victory Blvd, Burbank

SHARPE, ROBERT H 1-23-61
California State Employees' Association
1108 O St, Sacramento

SHEPHERD GEORGE M 2-16-61
1419 16th St, Sacramento
California Dryeleaners Association
28 N 1st St, San Jose

SHERMAN, ROBERT M 1-27-61
California Society of Professional Designers
352 Golden Gate Ave, San Francisco

SHERRARD, TOM 1-20-61
Incentive Taxation Committee of California
1106 First National Bank Bldg, San Diego

SHIELDS, RANDLE P 12-29-60
Senator Hotel, Sacramento
San Francisco Chamber of Commerce
333 Pine St, San Francisco

SHULTS, ALBERT J
El Mirador, Sacramento
1008 Balfour Bldg, 351 California St, San Francisco 4
E I duPont de Nemours & Company 12-18-61
Home Office Wilmington 98, Delaware
Ethyl Corporation 12-18-61
Home Office 100 Park Ave Bldg at 41st St, New York 17, N Y
Humble Oil & Refining Company 4-3-61
Law Department, 612 S Flower St, Los Angeles 17
Mobile Oil Co 1-10-61
Pillsbury, Madison & Sutro 1-10-61
Richfield Oil Co 1-10-61
Shell Oil 1-10-61
Standard Oil Co 1-10-61
Tidewater Oil Co 1-10-61

SIEGEL, WILLIAM M 1-3-61
El Mirador, Sacramento
Board of Supervisors, Santa Clara County
Rm 330, Court House, San Jose

SIMMONS, ALTHEA T L 3-13-61
2404 21st St, Sacramento
National Association for the Advancement of Colored People
690 Market St, San Francisco

SLAFTER, HERBERT A 12-28-60
El Mirador, Sacramento
Los Angeles Fire & Police Protective League
257 South Spring St, Rm 514, Los Angeles

SMALL, ROBERT L 12-22-60
6118 Palm Dr, Sacramento
Board of Supervisors, County of San Diego
214 Civic Center, San Diego

SMITH, BURCK 5-30-61
Senator Hotel, Sacramento
American Airlines, Inc
Los Angeles International Airport, Los Angeles 45

SMITH, FRED C 1-3-61 (Terminated 9-20-61)
1320 N St, Sacramento
Federated Fire Fighters of California
Los Angeles County Fire Fighters Assn No 1014
6016 E Olympic Blvd, Los Angeles 22

SMITH, H A 12-21-60
Senator Hotel, Sacramento
Standard Oil Co of California
225 Bush St, San Francisco 20

SNODGRASS, M M 1-23-61
1463 Fifth St, Sacramento
California Federation of Glass Dealers
445 Tenth St, Richmond

SORELL, LEON H 2-8-61
Liquor Retailers Association
411 Flood Bldg, San Francisco 2

SOTH, L R 3-9-61
Senator Hotel, Sacramento
Travelers Express Co, Inc
7216 So Eastern, Los Angeles

SPOOR, E H. 12-16-60 (Terminated 1961)
11th and L Bldg, Sacramento
Mountain Counties Water Resources Association
Suite 922, 11th and L Bldg, Sacramento

STAIGER, WILLIAM B 12-23-60
Agricultural Council of California
1400 10th St, Sacramento

STANTON, FRANCIS E 4-11-61
1108 O St, Sacramento
California State Employees' Association
132 W 1st St, Rm 234, Los Angeles

STEFAN, VICTOR F 1-3-61 (Terminated 8-1-62)
California Association of Insurance Agents
Office Suite A, Hotel Claremont, Berkeley

STETSON, EARL T 12-22-60
Furst McNess Co
2423 Magnolia St, Oakland 23
Home Office Freeport, Ill

STEVENS, MRS BERENICE 12-8-60
California Association of Medical Laboratory Technologists
3640 Grand Ave, Rm 207, Oakland 10

STEVENS, LAWRENCE C 2-1-61
Senator Hotel, Sacramento
Pacific Finance (Terminated 9-6-61)
621 South Hope St, Los Angeles 17
Richfield Oil Corporation
555 So Flower, Los Angeles

STEVENS, WALTER 2-6-61
2791 Clay St, North Sacramento
Western Sunbathing Association
P O Box 2224, Sacramento

STEWART, HARRY W 12-6-60
Sutter Club, Sacramento
Allstate Insurance Company
321 Middlefield Rd, Menlo Park
Home Office 7447 Skokie Blvd, Skokie, Ill

STRICKLER, MRS MARIE 2-10-61
2412 H St, Sacramento
Women's Christian Temperance Union of California
1815 Telegraph Ave, Oakland 12

STUART, C A 3-22-61
San Joaquin County Board of Supervisors
711 East Market St, Stockton

STUCKER, DALE E 2-7-61
7th and L St, Sacramento
Western Greyhound Lines
371 Market St, San Francisco

STURMAN, J HOWARD 5-10-61
El Mirador Hotel, Sacramento
Kanter, Dr Martin (O D)
3661 Coolidge Ave, Los Angeles

SULLIVAN, EUGENE J 3-7-61
Senator Hotel, Sacramento
Insurance Brokers Association of California
68 Post St, San Francisco

SWEENEY, WILLIAM R 2-27-61
Forum Bldg, Sacramento
Industrial Catering Mobile Lunch Service Association
711 S Vermont Ave, Los Angeles

SWEIGERT, WILLIAM THOMAS, JR 1-30-61 (Terminated 10-23-61)
616 I St, Sacramento
Association of California Insurance Companies
Canners League of California
National Association of Optometrists and Opticians, Inc

TAFT PERRY H 1-11-61
Senator Hotel, Sacramento
Association of Casualty and Surety Companies
315 Montgomery St, San Francisco 4
Home Office 60 John St, New York 38, N Y

TAMURA, STEPHEN K 3-30-61
Senator Hotel, Sacramento
Orange County, Board of Supervisors
308 Hall of Records, Santa Ana

TARNOFF, H L
Senator Hotel, Sacramento
7456 Beverly Blvd, Los Angeles
Appliance Profession Association, Inc 1-26-61
California Association of Land Developers 5-4-61
111 W Foothill Blvd, Azusa
California Retail Liquor Dealers Institute 1-26-61
California State Electronic Association 1-26-61
Pest Control Operators of California, Inc 4-10-61
942 S LaBrea, Los Angeles 36

TAYLOR, MRS MAXIME 1-10-61
El Mirador Hotel, Sacramento
A-1 Nurses Registry
693 Sutter St, San Francisco 2

TAYLOR, WALLER, II
Senator Hotel, Sacramento
Adams, Duque & Hazeltine *for* American Express Company 12-12-60
623 W 6th St, Los Angeles 14
Adams, Duque & Hazeltine *for* Sperry & Hutchinson Company The 3-28-61

TEDDER, JOEL H 2-26-61
Western Council of Trailer Clubs
112 W Bennett Ave, Suite 1 and 2, Glendora

TEMPLE, WILLIAM L
El Mirador, Sacramento
Malt Beverage Industry 1-24-61
151 Second Ave, San Mateo
Marinello School of Beauty Culture
Dolores Premier—Don Lux Academy 2-28-61
133 Powell St, San Francisco

THIGPEN, W R 2-28-61
P O Box 1974, Sacramento
400 Post St, San Francisco 2
Air Transport Association of America
Home Office 1000 Connecticut Ave N W, Washington 6, D C
United Air Lines
Home Office: 5959 S Cicero Ave, Chicago 38, Ill

THOMPSON, JOHN A 12-28-60
El Mirador Hotel, Sacramento
Los Angeles Fire & Police Protective League
257 S Spring St, Rm 514, Los Angeles 12

TILEM, JOSEPH N 3-13-61
Hilton Credit Corporation
8544 Sunset Blvd, Los Angeles 48

TODD, A RURIC 1-9-61
El Mirador, Sacramento
Pacific Gas and Electric Co
245 Market St, San Francisco 6

TOMPKINS, DOROTHY E 2-29-61
2102 21st St, Sacramento
Private Nursery School Association of California

TRASK, BERT 2-6-61
Senator Hotel, Rm 217, Sacramento
California Trucking Association
3301 S Grand Ave, Los Angeles

TREHARNE, GORDON W 2-5-62
El Mirador Hotel, Sacramento
Los Angeles County Board of Supervisors
Hall of Administration, 500 W Temple St, Los Angeles 12

TROOST, FRANK W 1-3-61
California Monument Association, Inc
3411½ W 43rd Pl, Los Angeles

TRUSTY, L SHERMAN 12-30-60
El Mirador Hotel, Sacramento
California Barber College Association
117 Colorado Blvd, Suite 618-622, Pasadena

TUNSTEAD, R 12-27-60
W. T Rawleigh Company, The
306 Adeline St, Oakland
Home Office · Freeport, Ill

TURNER, GOURNEY H
El Mirador, Sacramento
Los Angeles Fire and Police Protective League 12-28-60
257 S Spring St, Los Angeles
Peace Officers Research Association of California 5-20-61
206 S Spring St, Los Angeles 12

TWISSELMAN, CARL 12-28-60
California Cattlemen's Association
659 Monadnock Bldg, San Francisco 5

TYLER, DR HENRY T 1-4-61
California Junior College Association
1329 Fordham Ave, Modesto

USHKOW, MEYER 5-3-61
Senator Hotel, Sacramento
Endo Laboratories, Inc
Home Office 84-40 101st St, Richmond Hill 18, N Y

VANDERLAAN, MARCUS 2-17-61
926 J Bldg, Rm 1216, Sacramento
Tavares Development Company
1150 Silverado, La Jolla

VAN MAREN, JAMES G 12-16-60
California Milk Producers' Federation
925 Forum Bldg, 1107 9th St, Sacramento

VAN VLECK, GORDON 12-21-60
1400 10th St, Sacramento
California Cattlemen's Association
659 Monadnock Bldg, San Francisco 5

VOLK, ROBERT H
Senator Hotel, Sacramento
Adams, Duque & Hazeltine *for* American Express Company 12-12-60
523 W 6th St, Los Angeles 14
Adams, Duque & Hazeltine *for* Sperry & Hutchinson Company, The 3-28-61

WAKEFIELD, GEORGE W 1-9-61
Elks Bldg, Sacramento
Los Angeles County Board of Supervisors
648 Hall of Administration, Los Angeles 12

WAKEFIELD, JAMES F 1-19-61
California State Electronics Association, Inc
1029 Belmont Ave, Fresno

WALTERS, MERTON A 1-19-61
Senator Hotel, Sacramento
International Brotherhood of Electrical Workers
1918 Grove St, Oakland 12

WARD, BERNARD J 2-10-61
Senator Hotel, Sacramento
San Francisco, City and County of
206 City Hall, San Francisco

WARD, FREDERICK H 2-27-61
Los Angeles County Employees Association
139 N Broadway, Los Angeles 12

WEBER, ALBERT E 4-20-61
Protected Milk Producers Association
P O Box 607, 7831 E Jackson St, Paramount

WEIDMAN, CARL E 7-20-62
California Land Title Association
433 S Spring St
712 Title Insurance Bldg, Los Angeles

WEISSMAN, JOSEPH J 2-28-61
El Mirador, Sacramento
California Association of Collectors Incorporated
6049 Hollywood Blvd, Los Angeles 28

WELK, ROBERT E 3-5-62
El Mirador Hotel, Sacramento
Atchison, Topeka and Santa Fe Railway Company, The
121 East Sixth St, Los Angeles 14

WELTY, EARL M 1-12-61
El Mirador, Sacramento
Union Oil Company of California
Box 7600 Union Oil Center, Los Angeles 17

WENDT, JOHN R 1-13-61
11th and L Bldg, Rm 250, Sacramento
California Railroad Association
215 Market St, San Francisco 5

WHEATLEY, WILLIAM V 2-14-61
Professional Fire Fighters, Inc
(Local No 748 I A F F AFL-CIO)
760 S Parkview St, Suite 102, Los Angeles 57

WHITAKER, ALFRED A 12-29-60
3985 McKinley Blvd, Sacramento
California Beverage Retailers Association
5880 Hollywood Blvd, Los Angeles 28

WHITE, MRS PETER 7-31-61
League of Women Voters of California
355 Grand Ave, Oakland 10

WHITE, POLLY 12-16-61
California School Employees' Association
1705 Murchison Dr, Burlingame

WICK, JACK A 1-3-61
California Association of Nurserymen
1005 8th St, 304 Mitau Bldg, Sacramento

WICKLIFFE, LEONARD M 1-17-61
Regis Hotel, Sacramento
California State Legislative Committee
Order of Railway Conductors and Brakemen
Rm 1118, Hobart Bldg, San Francisco 4

WILBUR, HARRY 2-15-61
Inland Harbor & Resort Owners Association
1515 El Monte Ave, North Sacramento

WILHELM, R KEN 5-9-61
El Mirador or Capitol Inn, Sacramento
Santa Clara County Farm Bureau
1092 N 1st St, San Jose

WILKINS, PHILIP C 4-2-62
717 20th St, Sacramento
Feather River Railway Company
Home Office Georgia-Pacific Corporation
Equitable Bldg, Portland 4, Oregon

WILLIAMS, SPENCER M 1-3-61
Elks Bldg, Sacramento
Santa Clara County Board of Supervisors
Rm 330 Courthouse, San Jose

WILLIAMS, W F 12-15-60
Hotel Senator, Sacramento
National Board of Fire Underwriters, The
465 California St, San Francisco
Home Office 85 John St, New York 38, N Y

WILSON, LUCILE (MRS W R) 2-2-61
Presbytery of San Francisco
228 McAllister St, San Francisco

WIRSING, J ROBERT 3-20-61 (Terminated 1961)
3001 Barberry Lane, Sacramento
El Dorado Mutual Water Co
P O Box 557, Palmdale
West Side Park Mutual Water Company
P O Box 65, Palmdale

WOOD, MRS ELSEY H 4-5-61
6232 Kenneth Ave, Carmichael
California Library Association
829 Coventry Rd, Berkeley 7

WOOD, LYDIA A 3-21-61
Park Hotel, Sacramento
Women's Christian Temperance Union of Southern California, The
Temperance Bldg 551 S Kingsley Dr, Los Angeles 5

WOOD, DR R COKE 3-17-61
Conference of California Historical Societies
University of the Pacific, Stockton 4

WOODBURY, NORMAN E 5-3-61
Rm 550, 11th and L Bldg, Sacramento
California Municipal Utilities Association

WOOLEY, MAGNUS R 12-19-60
Senator Hotel, Sacramento
Pacific Finance Corporation
621 S Hope St, Los Angeles 17

WORTHY, ELMER T 12-30-60
Travel Trailer Clubs of America, Inc
7501 Lasaine Ave, Van Nuys

WRIGHT, DONALD R 1-10-61
3713 Brusell St, Sacramento 21
California Legislative Council of Professional Engineers
c/o Jack Y Long, 132 9th St, Oakland 7

WRIGHT, KENNETH E 12-29-60
Pacific Public Relations, Inc
Sacramento City Employees Association
1014 9th St, Sacramento

WRIGHT, RICHARD 1-23-61
Senator Hotel, Sacramento
California Real Estate Association
117 West 9th St, Los Angeles 15

YARWOOD, PAUL 12-21-60
Suite 810, 926 J Bldg, Sacramento
California Optometric Association

YATES, CLAUDE E
California Association for Private Education 11-8-61
1215 Van Ness Ave, San Francisco 9
California Council of Business Schools
1441 Van Ness Ave, San Francisco

YOUNG, MARY E 1-11-61
California Parents Association for Child Care Centers
904 9th Ave, San Francisco 9

ZAMLOCH, CARL E 2-14-61
Hotel Senator, Sacramento
Signal Oil and Gas Company
1010 Wilshire Blvd, Los Angeles

ZELLER, RICHARD H. 5-22-61
Senator Hotel, Sacramento
California Trucking Association, Inc
3301 S Grand Ave, Los Angeles

ZWEIBACK, FRED 1-6-61
El Mirador Hotel, Sacramento
California Court Reporters Association
426 S Spring St, Suite 418, Los Angeles
City of Vernon
4305 Santa Fe Ave, Vernon 58

NEW REGISTRATIONS RECEIVED AFTER SEPTEMBER MEETING

BENNINGHOVEN, DONALD C 9-26-62
Hotel Senator, Sacramento
League of California Cities
Hotel Claremont, Berkeley

KELLER, LEWIS 9-27-62
No Sacramento address
Association of California Life Insurance Companies
1964 Mountain Blvd, Oakland 11
League of California Cities (Terminated 9-30-62)

STEFAN, VICTOR F
No Sacramento address
Los Alamitos Race Course, Inc
4961 E Ketella, Los Alamitos

WICKWARE, JACK D 9-12-62
Hotel Senator, Sacramento
League of California Cities
Hotel Claremont, Berkeley

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ASSEMBLY INTERIM COMMITTEE REPORTS
1961-1963

VOLUME 12 NUMBER 6

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENT ORGANIZATION

CONFLICT OF INTEREST

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NICHOLAS C PETRIS, *Vice Chairman*

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January 1963

Published by the
ASSEMBLY
OF THE STATE OF CALIFORNIA

JESSE M UNRUH
Speaker

CARLOS BEE
Speaker pro Tempore

JEROME R WALDIE
Majority Floor Leader

JOSEPH C SHELL
Minority Floor Leader

LETTER OF TRANSMITTAL

January 11, 1963

HON JESSE M UNRUH,
Speaker of the Assembly,
State Capitol, Sacramento, California

DEAR SPEAKER UNRUH:

Pursuant to House Resolution 361 of the 1961 Legislature, transmitted herewith is a report by the Assembly Interim Committee on Government Organization dealing with the subject of *conflict of interest*

Many hours have been spent in the preparation of this report, and the material has been obtained through public hearings and the examination of other documents.

Assemblyman Glenn E Coolidge was a conscientious and hard-working member of the committee until his death September 12, 1962. He will be missed by all who had the opportunity to work with him.

Respectfully submitted,

GORDON H WINTON, JR, *Chairman*
NICHOLAS C PETRIS, *Vice Chairman*

WILLIAM T BAGLEY
TOM CARRELL
MILTON MARKS
LESTER A MCMILLAN
DON MULFORD
THOMAS M REES
W BYRON RUMFORD
JACK SCHRADE
JOSEPH C SHELL
GEORGE A WILLSON
EDWIN L. Z'BERG

3—L-870

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I. INTRODUCTION

Those who conduct the public business must be guided by the highest of standards of ethical behavior The responsibility of the Legislature in this regard is twofold Legislation must be enacted and reviewed to set clear guidelines of policy and punish venality when and where it exists Probably more important, it is necessary to attract into public service honest, conscientious, competent, and imaginative individuals dedicated to the public interest No law or series of laws, however framed, can possibly cover all the myriad of possible situations where conflict of interest could occur.

President John F Kennedy, in his conflict of interest message presented to Congress on April 27, 1961, said

> "No responsibility of government is more fundamental than the responsibility of maintaining the highest standards of ethical behavior by those who conduct the public business There can be no dissent from the principle that all officials must act with unwavering integrity, absolute impartiality, and complete devotion to the public interest "

If there is any suspicion as to personal gain through conflicts of interest by any public official at any level of government, it is detrimental to the whole fabric of government It endangers the public confidence in government, and the basis for effective government is confidence

Incidents which have occurred in the last few years illustrate the great public interest in problems relating to conflicts of interest and the political nature of the subject From the deep freeze and five percenters to Dixon-Yates, Adams and Goldfine, George Humphrey and stockpiling, this problem has been a continuous one

Recent studies on conflict of interest—by congressional committees, by the Association of the Bar of the City of New York, by a special study group appointed by President Kennedy, by several state commissions and groups—also illustrate the interest of many in improving and refining the statutes in this vital area

At the 1961 session of the California Legislature, Assemblyman Frank Lanterman introduced a series of bills relating to conflict of interest at the state level While some of these passed the Assembly, not one was enacted into law On June 21 and 22, 1962, in Garden Grove, California, the Assembly Interim Committee on Government Organization took testimony at public meetings on the problems of conflict of interest at the state and local level in general and the Lanterman bills in particular.

II. EXISTING CONFLICT OF INTEREST LAWS IN CALIFORNIA

There are four general areas of conflict of interest prohibited by the laws of this State Each of these will be discussed briefly below, and a more complete analysis can be found in the appendix.

A. DUAL OFFICE HOLDING

Section 19 of Article IV of the State Constitution prohibits Members of the Legislature, while in office, from holding any other appointive office under the State or from accepting any state employment

B. INELIGIBILITY OF U.S. OFFICERS FOR STATE OFFICE

Section 20 of Article IV of the State Constitution prohibits any person holding a compensated office under the United States from holding any civil office of profit in California Exempted are postmasters making under $500 a month, officers in the militia, and members of the armed forces reserves when not on active duty more than 30 days a year

C. INTERESTS IN CONTRACTS

A series of sections in the Government Code (1090, 1091, 1091 1, 1091.5, and 36525-36527), Education Code (907-913) and Penal Code (182) prohibit at both the state and local level interests in contracts on the part of officers with contract-making power in respect to contracts entered into by them There are certain exceptions provided if the law would work a hardship

D. INCOMPATIBLE ACTIVITIES

Under Government Code Sections 19250 and 19251, state employees are prohibited from engaging in activities determined to be incompatible with their duties as state employees The various appointing powers, with the approval of the State Personnel Board, are responsible for determining which activities are incompatible

In addition, several specific statutes have been enacted for individual positions at the state and local level The Commissioner of Insurance, employees of the State Banking Department, Corporations Commissioner and his staff, county sheriffs, county clerks, county district attorneys, and public defenders all are limited in some of their activities which might involve conflict of interest

III. DEFINITION

Semantic problems creep into any discussion of public issues and are particularly acute in the area of conflict of interest Language is not a precise tool of communication.

The term "conflict of interest" is used to cover a variety of situations. What would be considered a conflict of interest by one man would not necessarily be considered the same by another. As Assistant Attorney General Charles E Corker told the committee, "This is a most difficult problem in definition."

The following definition of conflict of interest by the Association of the Bar of the City of New York is as useful as any in this field:

> "The term 'conflict of interest' with related terms has a limited meaning, and any interest of an individual may conflict at times with any other of his interests . A conflict of interest exists whenever these two interests clash or appear to clash. A conflict of interest does not necessarily presuppose that action by the official favoring one of these interests will be prejudicial to the others nor that the official will, in fact, resolve the conflict to his own personal advantage rather than the government's If a man is in a position of conflicting interests, he is subject to temptation however he resolves the issue Regulation of conflicts of interest seek to prevent situations of temptation from arising An internal revenue agent auditing his own tax return would offer a simple illustration of such a conflict Perhaps the agent's personal interest in the matter would not affect his discharge of his official duties, but the experience of centuries indicates that the contrary is more likely and that the affair should be so arranged so as to prevent a man from being put in such an equivocal position The danger of such conflict of interest was noted long ago even before the Sermon on the Mount and before Plato had forbidden his philosopher kings to hold any personal economic interest whatever."

IV. SECTION 1090

Section 1090 of the Government Code, relating to interest in contracts, sales and purchases, is considered to be the cornerstone of California's series of conflict of interest statutes. In effect, it prohibits a public official from buying from himself or selling to himself.

This section reads

> "Members of the Legislature, state, county, special district, judicial district, and city officers shall not be interested in any contract made by them in their official capacity, or by any body or board of which they are members Nor shall state, county special district, judicial district, and city officers be purchasers at any sale or vendors at any purchase made by them in their official capacity "

Key words in the interpretation of this section are "officers," "interested," and "in any contract" Consider the word "officer". Only officers are forbidden to have interests in contracts—not employees. To whom the term "officer" would apply is very ambiguous. Why are employees not covered?

How is the word "interested" to be interpreted? Presumably this means "financial interest," but the language is not explicit Only contracts and sales are covered by Section 1090, although many other possibilities for conflicts of interest exist.

It should also be noted that the second sentence of Section 1090 omits the reference to legislators—the reference contained in the first sentence.

V. INTEREST IN CONTRACTS

Sections 1090 and 1091 of the Government Code broadly cover the question of conflict of interest in contracts by public officials However, a number of supplementary laws on this same subject have been enacted and are scattered throughout the various codes This situation not only increases the ambiguity of the statutes, but increases the danger of outright conflicts among the code provisions

In discussing this problem, Richard Carpenter, Executive Director of the League of California Cities, said.

> "We had one case recently where it was disclosed that a city attorney had a share of stock in the local newspaper Well, under this circumstance, you have another provision of the general law which clearly states that the city must put all of its legal advertising in this local newspaper It's the only newspaper of general circulation distributed and published within the city, so they have no choice but to use that newspaper. Under these circumstances, do you have a rule of necessity? The courts have tended to indicate that there is such a thing as a rule of necessity, but whether the Legislature would consider this or not, I don't know
>
> "Another example I can give you is a local community, isolated, where there is only one road contractor in the county, and that man became a member of the city council Now, if he entered into the contract for the road building prior to the time he became a member of the city council, there's no problem; but he couldn't enter into another contract The city advertises for the lowest responsible bidder in connection with the road job, and there is no other bid They are precluded, under these circumstances, if they can't get the state or the county to do the job, from getting anyone else to come in What do they do under those circumstances where they have an emergency situation with a bridge washed out or something like that, and they have no personnel of their own to do the job? These are some of the problems that do come up
>
> "Section 1091 5 relates to all public officers and employees without exception as far as the Government Code is concerned, but under the law relating to general law cities, also in the Government Code, you have these same statutes duplicated substantially, so that if you have an officer in a general law city and you have this kind of a situation come up, there is some doubt as to whether or not this is a conflict of interest, because the language under the Government Code applicable to the general law city doesn't contain this express exception It would seem to me here that what the committee might very well do is to recommend that the sections of the Government Code relating to general law cities (36525 and following) be repealed or that a cross reference be made in that law (36525) to this law (1090 et seq) so that whenever it's changed, it's applicable to all alike."

VI. BIDDING AND DISQUALIFICATION

Where pure competitive bidding requirements for material and supplies exist, the danger of a conflict of interest in a contract is almost nonexistent. The sole criterion involved is cost, and the lowest bidder is awarded the contract Under these conditions, conflict of interest laws can actually work against the public interest If the lowest bids are thrown out because members of the bidding firms are on a council or other governmental body, the cost of the particular product being sought will, of course, be more

Richard Carpenter of the League of California Cities spoke of relaxing the conflict of interest laws under such conditions.

"The bidding question is another one that the committee might consider. The Legislature about 10 or 12 years ago did enact a statute which attempted to reach a problem which we felt was one that was acute It came up in a number of cities, but I'll give you the specific example of the City of Richmond The City of Richmond has, as you know, a large oil refinery—Standard Oil Company The city calls for bids for gasoline to be used by all of the fleet equipment in the city for the whole year In a city where Standard Oil has such a large plant, I think it's only natural that one or more of their employees might be on the council Actually, two out of the seven were Standard employees and members of the city council in the City of Richmond A subsidiary of Standard Oil, I believe Signal Oil Company, was the lowest bidder on the gasoline to be used by the city for the year That bid had to be thrown out because of the disqualification statute even though they called for bids. Now, under these circumstances, it was a little ironical, really, because Standard Oil paid about 46 percent of the total property taxes within the City of Richmond, and they were required by the law to have their bids rejected and then to pay a higher property tax because that gasoline cost one cent a gallon more for the year

"We had thought with respect to the purchase of materials and supplies that if you had a bidding requirement and if the disclosure was made and all of the dealing was aboveboard, that it would be possible to enact such a law which would be for the benefit of the taxpayer There would be disclosure, nonparticipation in the voting, and the requirement of bidding, and the act would apply only with respect to materials and supplies If it was a public works contract, it would be almost impossible because of the change orders, supervision of the contract, and a number of other things where I think you would invite corruption The Legislature agreed with the bill and approved it, but Governor Warren did not. He had had personal experience as District Attorney of Alameda County with prosecuting certain officials in Oakland on a public works contract case, and he thought that this proposal was no different, so that maybe because of the views that he expressed in his veto message, the committee would not want to reconsider that type of statute. I personally feel that if it were properly drafted, as we felt that one was, that the Legislature would again approve it and that it could be helpful in this field."

However, where specifications are written to exclude certain products or bidders, conflict of interest problems again become a possibility. Assembly Bill 1541—passed by the 1961 Legislature—prohibits specifications which limit bidding to one bidder and provides that where brand names are used, they be followed by the words "or equal," except for certain conditions This legislation applies to all governmental units and should mitigate many of the practices that have existed. However, there are many variations on a theme, and it is doubtful that all limiting specifications can be precluded

VII. THE THREE PERCENTERS

One of the most ludicrous statutes on the books is Section 1091 5 of the Government Code This section provides in part that an officer shall not be deemed interested in a contract if his interest is the ownership of less than 3 percent of the shares of a corporation for profit

A public official could own less than 3 percent of the stock in American Telephone and Telegraph Company and still have holdings in the company valued at approximately $660 million This official would be receiving $21,600,000 a year in dividends at the current rate—yet under Section 1091 5, there would be no conflict of interest if he negotiated a contract between the government and American Telephone and Telegraph Co This virtually destroys the application of Section 1090 regulating conflicts of interest, except for the small "mama and papa" concerns Under California law, apparently, it is permissible for conflicts of interest to exist where big business is concerned, but not for small business

Perhaps the public interest would be better served if this section were amended to provide that no conflict of interest in a contract shall be deemed to exist if a public official received less than 3 percent (or 5) of his total income from his interest in a profitmaking corporation

VIII. INTEREST ONCE REMOVED

A modified form of conflict of interest—a form where apprehension is difficult—exists where a public officer has an interest in a contract once removed For example, a public official may have no interest in a contract before a board, but many know that the party awarded the contract will purchase goods and services from the public official.

One of the few felony cases regarding conflict of interest that we have had in the State relates to this point. In *People* v *Deysher* (2C. 2d 141), a Marin County supervisor let road contracts in his district to a contractor who had rented the equipment for the work from the partnership in which the supervisor was a member Action was brought, and the supervisor was convicted of conflict of interest The California Supreme Court, in this case, held·

> "After the award of a public contract, the purchase, without previous agreement so to do, by the contractor of material, used in the performance of the contract, from a member of the board

awarding the contract, or from a corporation of which such member is a stockholder or employee, does not create in such member an interest in the contract which will invalidate it, but if the purchase is made pursuant to an agreement with such member, made before the award of the contract, the latter is void and there is such an interest in the contract on the part of such member as amounts to a violation of Section 71 of the Penal Code."

IX. MOONLIGHTING

Potentially, the practice of "moonlighting"—where an individual holds one or more additional jobs in addition to his primary one—presents numerous possibilities for conflicts of interest For example, a policeman hired by a bar as a bouncer might be hesitant on duty to press a violation of the Alcoholic Beverage Control Act at that bar An attorney working as a public official and practicing law part time might be hesitant to take some public action that would affect adversely the interest of a client of his law business

A more direct conflict of interest occurs when a public official intimates that if he is given some moonlighting work to do, official action of a favorable nature can be expedited Assemblyman Tom Carrell gave the committee an example of this.

> "I've had an experience in—maybe you can give me some light on this—I've had some experience with a planning department I went in for a little zone change. When I got in there, they told me I was crazy as the dickens and moved me from one man to the other—the old passing the buck thing—until someway I got the idea that if I employed one of their staff to draw me a set of maps and to give me some advice, I might be able to at least have something to present to the commission . . . which I did. He told me that I should include a lot of other people that I didn't have to, but anyway, he got some seven or eight hundred dollars out of me. When I got through, some friend of mine said, 'Well, we'd better go see the planning chairman or director ' And he advised me that all I needed was that it was just a simple matter of going before the commission . but I had paid for all this information . . . I found out I wouldn't have had to pay out anything . . I kind of felt like I'd been taken "

Another variation of moonlighting and conflict of interest is illustrated by a discussion between Assemblyman Richard Hanna and Deputy District Attorney William Spiers of Orange County before the committee as follows:

> **Assemblyman Hanna:** Assuming you had a situation where you find that developers who come to the city for their plans and so on are hiring the city attorney to be their attorney—in the event that you found a regular pattern of this—there isn't anything in the law that precludes that at the present time, is there?
>
> **Mr. Spiers:** No, there's nothing to that effect.

Assemblyman Hanna: At the same time, you find that there is a certain sanitation engineer in the county who is representing a number of the sanitation districts and has also been doing some work for the city, and suddenly he becomes the engineer for a number of these construction projects where he advises them in matters in setting out their projects where they're going to have to come to the city and advise the city on what to do with this project. There's nothing in the law to preclude that, is there?

Mr. Spiers: Not to my knowledge

Assemblyman Hanna: In so long as there's no precluding of manpower, is it also true that anybody on the planning staff who has some free time weekends or nights—he might do work such as Mr. Carrell was talking about in advising and drawing up plans and so on? There's nothing in the law to preclude this, is there? Even if their fees are high in comparison to the average fees, that still doesn't prove anything.

Mr. Spiers: No, about all you have is suspicion, and there's nothing in the law that you can do.

Assemblyman Hanna: Do you think that there's any possibility in the law of making any change to make these things either a misdemeanor or . . .

Mr. Spiers: Mr. Hanna, I don't profess to be an expert in this field, and my experiences have been limited to certain cases—and there are just one or two suggestions. I don't know whether they have merit or not, but they might help One of them is to try to set a high standard of conduct for public officials and do it by statute I'm not talking about a code of ethics that we propose to follow, but put some teeth in it and to try to enforce that by—say a contractor takes a councilman to Las Vegas—I suppose that could happen For the district attorney's office to go to the grand jury and prosecute that—to send investigators to Las Vegas, to get the evidence that we would need, to go to the grand jury and so forth—the cost would be prohibitive. I'm just wondering if you couldn't have some sort of an administrative body like you do in the insurance field and others that could deal with things without your jury and the grand jury . . . and make a code that applies to public officers.

Moonlighting, in and of itself, is not necessarily undesirable. There are many instances of where this practice is actually in the public interest, such as in the case where a public official teaches a class in government in his spare time.

Often, moonlighting is an economic necessity, as governmental units are not paying wages which are sufficient for the public employee to support his family. This is especially true for teachers.

If regulations are needed to curb "moonlighting," where it is not in the public interest, at what level should they be proscribed?

According to Richard Carpenter of the League of California Cities in the following exchange with Assemblyman Z'berg:

Assemblyman Z'berg: For instance, if a policeman were to go to the chief of police and say, "I've been asked to work at the

League of Women Voters Fund Raising Ralley, and they need a policeman Can I work there tonight after work?'' If the chief of police thought this wasn't going to interfere with his occupation as a policeman, he wasn't going to get all tired out because it wasn't going to last too long, he could give his consent to this man to do this; whereas, if he had a blanket prohibition against this, would you think that would be more advisable?

Mr. Carpenter: Well, I would think that if you were going to do it, what you would do is to have the city council establish the policy, provide the standards under which the police chief could make exceptions, rather than let him determine the policy himself—just as the Legislature should

Assemblyman Z'berg: Then you think that we should allow the city council the opportunity of doing this in the manner they think best, or do you think we ought to write this into state legislation applying to all cities, or should we let the local agencies determine for themselves how they want to handle this business under their own rules and regulations?

Mr. Carpenter: On moonlighting, the Legislature should permit the city councils and the county boards of supervisors to adopt their own regulations.

Kenneth Larson, representing the Federated Firefighters of California, had a slightly different opinion·

> ''Do administrative orders really take care of the problem of a conflict of interest—moonlighting on the statewide level? I don't think you'll find that public employees are opposed to fair regulations, but the problem arises that with administrative orders, administrators change frequently from city to city It's like a game of hopscotch In some cities we have regulations in regard to moonlighting In others we have no regulations ''

X. WORKING THE OTHER SIDE OF THE STREET

Changing sides by a government employee—whereby a public official resigns his official position to take a job with a concern with which he has been dealing as a government employee or a job where he will be in contact directly with the government agency where he was formerly employed—has been denounced by a number of people as not in the public interest. As examples, they cite attorneys hired from the staff of the Public Utilities Commission by a private utility or members of the Department of Water Resources retained as consultants to water districts and others interested in the state water plan

Although the State of California has no restrictions on such post-employment activity, federal law has prohibited such activity for a number of years Until this year, former employees of the United States Government were prohibited from handling any claim against the United States which was pending in any department during the period of their employment, for a period of two years after their em-

ployment According to a report of the Judiciary Committee of the House of Representatives,* the provisions were unsatisfactory as they:

> " . limit their prohibition to the prosecution of 'claims against the United States' for money or property, leaving persons who quit the government free to involve themselves in any other type of proceeding, irrespective of the fact that they may have participated directly in the very same proceeding on behalf of the government "

In addition, the language was deemed too broad in prohibiting the prosecution of claims even if the individual had no connection with their subject matter This would prevent a former Interior Department attorney from processing a claim for a tax refund through the Treasury Department

Legislation passed by Congress in 1962 corrected these inequities A former employee who participated personally and substantially in a matter while in the government service now would be barred from handling it for private parties not only for two years, but permanently In addition, the new law eliminates any bar in the case of matters that were before the government while the person was employed but never came within his responsibility Finally, an intermediate category was also set up so that a former employee could not handle for two years matters which were under his official responsibility but matters which he did not personally handle The new law also draws distinctions between full-time and part-time government employees

Technically, a conflict of interest—and a difficult one to detect—would occur only if the individual knew when he was working for the government that he was to be hired by those dealing directly with him This would probably be considered a form of bribery However, those supporting some regulation of postemployment practices in California also use moral and ethical arguments to support their position According to Assemblyman Frank Lanterman, author of a measure in 1961 (Assembly Bill 706) restricting postemployment practices similar to the new federal provisions

> " . a man who is trained by the State and has intimate knowledge of matters of public significance and concern by virtue of his employment should not be able to exploit that for the purpose of personal remuneration or gain for a period of time—a reasonable period of time Two years was simply a following of the federal statute in certain instances but was to prevent, in my opinion, an undue exploitation of his privilege of public service for personal gain for a reasonable period of time following that employment Now, I was not referring specifically to an individual instance, but I will remind you that the technical background, the technical understanding of a state project that has been created by state employees of high standing, high quality engineers, etc., certainly should not be allowed to go out into private representation immediately following their period of severance from the State and

* Eighty-seventh Congress, First Session, U S House of Representatives, Report No 748, July 20, 1961, p 11

come in before a state agency and appear in behalf of clients This would seem to me an undue advantage and exploitation of their state service ''

Assemblyman William Bagley, discussing the proposed legislation with Assemblyman Lanterman, brought out another aspect of the problem·

Assemblyman Bagley: I'm just wondering, Frank, or Mr Henderson, if we allow these people in high positions in state government to go out and immediately take advantage of the specific knowledge that they have, whether or not the state government thereby has lost a lot of good employees by being "stolen," in effect, by outside agencies for this purpose

Assemblyman Lanterman: Well, that was exactly the purpose I had in mind that we ought to have some continuity of service of people who have received a valued training as members of the state employ and who, if they had not been bid higher by private consultation or gain, would not have left the state employ if there had been a hiatus specifically prevailed upon which prohibited them from capitalizing and exploiting the knowledge they gained as state employees

Of course, on the other side of the coin, a restriction such as the one proposed by Assemblyman Lanterman might preclude high quality employees from considering employment with the State of California

Other arguments often heard in opposition to any form of post-employment regulation are·

1. Such regulation would be unwarranted interference in the freedom of the individual.
2. Postemployment restrictions would work a hardship on an employee who might not leave voluntarily, but would leave because his position might be deleted from the budget or because he was not covered by civil service
3. A former governmental employee might be able to provide valuable information in certain situations—information which otherwise might not be available The Legislature and other government boards and commissions need all the information they can get in order to make wise decisions.

The position of the California State Employees' Association on this issue, as expressed by the association's legislative advocate, Wallace Henderson, is as follows

"In previous sessions of the Legislature, legislation has been proposed which would have made certain activities by exstate employees in conflict with their previous employment. For example, one proposal would have prohibited former state employees from appearing before the Legislature or its committees for a period of years after separating from state service While we believe that some restrictions to prevent conflicts may be appropriate, the legislation which was discussed at that time seemed to us to be too radical."

XI. PROBLEMS OF GROWTH AND CONFLICT OF INTEREST

At the local level, conditions of growth provide a fertile climate for conflict of interest possibilities Assemblyman Richard T Hanna outlined the nature of this phase of the problem as follows:

"I thought that this morning what I might do, with your indulgence, is to speak somewhat about the special problems of an area such as the western portion of Orange County, which I have had the pleasure of representing for the last 6½ years We are an area that is very noted for its expansive growth; and with this growth has come the creation of new cities Since taking office, I have added to my district, the Cities of Buena Park, Cypress, Westminster, Fountain Valley, Dairy City, and Los Alamitos. There is, at the present time, underway one other city formation, so that we have tended to see this problem in the light of that kind of expansion and see the problems that are created where you have new cities coming into being

"In this particular area to which you are directed today, I see special reasons why we have problems in this kind of a situation. First of all, we have the creation of a new city with new councilmen with new personnel with a necessity of appointing committees and commissions—of these persons, very few have had past experience—and they must undertake their labors, and responsibilities, and duties without having the full force of what the weight and responsibilities really are and without experience with which to deal with these responsibilities Now, in addition to that, because of the growth patterns that have created the cities, you have an outstanding single economic activity that tends to make the climate under which these new cities get underway, and this particular activity is in the land and land development Immediately a new city is thrust into a situation in which the planning commission is beset with a great number of zoning changes

"You have the situation of agricultural land suddenly becoming part of an urban development, people wanting residential, commercial, industrial complexes out of what had been agricultural land; and there is a great economic interest which is vying for consideration here There are great pressures behind moves of this kind

"Then there are acquisitions of property by people who have development plans; and generally speaking, as I have witnessed it, most of these development plans are on somebody else's money. Once they get the commitment going into a program with somebody else's money, this means that they have interest to pay on somebody else's money, and time becomes of the essence So, pressure is again added upon to get whatever it is necessary for them to get in a project underway and to get something accomplished

"Now, in the face of this, they are met then with the new departments, new officeholders, who are unsure of themselves due to their lack of experience It seems to be that in this complex, many

times unfortunately what we have had in the way of speculative construction has developed here and there the type of entrepreneur who is so under pressure, because of his marginal financing approach, that he puts on a pretty rough front They put on a leaning-on suit as sort of a uniform of the day, and when they come to anybody, it's with the idea that, 'I've got something that has to be done yesterday.' And if they can't get it done, it's costing them money, and they're going to look for any and every way that they can to get this thing started In that kind of a climate, you find the greatest opportunities for things to get off to the wrong start Nobody ever froze to death unless they were in subzero weather, and the climate for the type of problems that you are looking into insofar as it affects cities is the very kind of climate which allows the largest potential for this sort of thing This does not affect only the persons who are elected as councilmen in these new cities It affects also the staff with which this new city works, such as your city managers

"In the absence of experience from the city councilmen, one would expect to find it in the city managers and in the offices within the city complex—the staff, if you will, but because it's a new city, it has very little in the way of funds on which to operate Generally speaking, they can't offer the large salaries that will attract the experienced person, so they start off with young, inexperienced help Here again you have the lack of the very thing that would bring stability into the picture

"The fastest growing departments of any such new city will be its building department and its planning department, because as part of the growth, these are the departments that are involved in this construction complex Here again, these are the departments that will have the greatest pressures put on them—inspectors to hurry up and get things inspected and to make concessions and compromises and so forth in the interest of time, which is money to the builder Now, I think it is remarkable that, under that kind of circumstance, our problems have been no greater than they are; and I think that some consideration should be given to a better approach upon which we can launch these new cities."

Mr. James Black, former city manager of Westminster, further discussed this problem and possible solutions with Assemblyman Winton·

Mr. Black: . . At the present time, the legislation provides for a boundaries commission that has no more authority than I have right at the present time They simply rule on the correctness of the legal description of the annexation, and any licensed surveyor in the State of California could do the same thing If more teeth were placed in this law that provides for a boundaries commission, you would take away a leverage that the developers have at the present time to make their inroads into the weakness of the governmental people

Chairman Winton: May I paraphrase a minute, Mr Black, and you see if I am correct on this· It may be a very definite ad-

vantage to a person who is interested in the development of a particular piece of property into which city he goes or whether he goes into a city

Mr. Black: This is the point, yes

Chairman Winton: Therefore, seeing if he can get annexed into one city rather than another, or get annexed rather than stay in the county as a whole, it could be of financial advantage to him. Then he is posed with the problem of how he goes about getting his aims accomplished which will benefit him financially

Mr. Black: That is correct

Chairman Winton: This would lead him to wish to, perhaps, be on very friendly terms with the particular city officials in the city in which he wants to have his property annexed

Mr. Black: Not only that thought, but we'll take it a little deeper One particular city may have standards which are completely different from another city, and of course being in the unincorporated area, the county may have a third set of standards that he must comply with should he desire to develop in that county His first thought, of course, is to find out if the city that has the lowest standard is willing to take him into the city, and 99 percent of the time, that city is anxious to take him in, because it enlarges their area, it increases their tax base, and it provides more for their community. So the first thing he looks at is, "On what area can we compromise? You want my property in your city I want to develop it at the lowest cost I can develop it at, so now where can we reach a compromise?"

A wise investor, through choice investments in land—land likely to be rezoned and developed—stands to improve his economic position greatly almost overnight. Where rezoning occurs, the danger of conflict of interest is probably greater than in any other governmental activity, and state law—at the present time—is inadequate to cope with this problem, as the following exchange between Assemblyman Winton and Mr Charles E Corker, Deputy Attorney General, illustrates:

Chairman Winton: Let me ask a question to either Mr Corker or the Legislative Counsel's representative If a member of a city council had knowledge or intimation of the fact that a particular piece of land was going to be rezoned or be annexed—which was not general public knowledge—and he went out and bought in that area, would there be any statute that would say that this would be a conflict of interest at the present time?

Mr. Corker: I would hope that in an extreme case you might get it under Section 3060 in the Government Code

Chairman Winton: But generally speaking, no Here's a direct place where a public official could use knowledge he gained as a public official for his private benefit without any question of application of the conflict of interest laws I might say that this is one of the things I was speaking about this morning when I opened this session and said that one of the great reasons for conflict of interest laws is because the whole idea of public morality and public trust and the faith which we have in government can be shredded by

something such as this happening. The general public then feels that the public officials make a habit of profiting by their public office, and this tears down our moral structure, which I believe leads eventually to a tearing down of moral fiber in business and all the rest of our life While 99 percent of city officials can act in good faith and with morality and confidence—it's a bad apple in the barrel that will contaminate all the rest and lead to distrust

XII. CITIZEN LEGISLATORS AND DUAL CAPACITY

California lawmakers at the present time are considered "citizen legislators" and are expected to devote only part time to their official duties, although, in fact, the requirements of the office demand almost all of an individual's time The people of the State of California, however, have seen fit to pay less than a part-time salary to the officeholders

The only restrictions on state legislators in the area of conflict of interest are those relating to contracts There are no restraints on legislators under state law as to appearances before state agencies or boards. Assembly Bill 706, introduced at the 1961 session of the Legislature by Assemblyman Lanterman, proposed to prohibit a legislator from entering into an agreement for compensation for services rendered before any executive agency In support of this concept, Assemblyman Lanterman stated

"I think that it is worthy of consideration that the members themselves shall come forth with a reasonable program of restraints and agreed limitations upon their privileges of office I think this is not asking too much, and I think that indelibly written across the face of this legislation is the concept that the part-time citizen-legislator shall not be restricted as much as the full-time legislator.

"Now, the full-time legislator in Congress, amongst the most difficult situations of a multibillion dollar government with complexities beyond any of our comprehension, cannot prescribe specific restrictions that are all-inclusive and that are not prohibitive

"I would say that in the State Legislature and in state government we have a more circumscribed area of service, and while the time involved in a membership requirement of each individual to give of his time is becoming more and more a burden, it is approaching—if not full time—at least three-quarter time In many instances, it is full time. Those of us who can give do give full time

"The question is then · Regardless of the amount of compensation, regardless of the conflicts that may arise within your personal employment and your personal activities in your own private life, we are approaching that point when this kind of a schedule of prohibition and restraints is going to have to come out of the membership itself, even if we only have to make it a start in this direction, and I personally feel that whether or not you get your compensation in relation to the time you're giving or let it remain until such time as strict restrictions shall be applied—this is an academic argument.

"I personally would like to see the membership paid a reasonable sum for the time that they are now giving I don't approve of them earning a supplementary income by virtue of their service. I don't approve of this That's my own personal viewpoint I would like to see the Legislature raised in the estimation of the people to the standards where they demand and expect and demand certain standards of the highest quality of conduct of the membership, and I personally believe that the membership does maintain, by and large, far above the standards of most other state legislatures I'm very proud to be a Member of the Legislature I am not critical of the membership at all The magnitude of the problems that come before the State Legislature in California now is so involved that you cannot limit your service to just a brief period and then go back to your employment

"This transition is taking place We should anticipate it with this kind of legislation, and I think the people should anticipate it by in advance at least recognizing that privilege of service should not be a penalty financially. I don't believe that the people should expect this, and I'm simply pointing this out to you that I think that it's a very sincere effort on my part and a very sensitive area to bring this matter before us as it applies to all levels of service in this State, and above all, the supreme lawmaking body of this State—the State Legislature "

Commenting on Assembly Bill 706, Assemblyman Hanna pointed out some of the difficulties which such a measure would create and made an alternate suggestion·

"The conflict of interest problem, as it relates to legislators, is made particularly tough in that there is far less than a living standard of wages for the type of services being rendered This is sort of a citizens' contribution type of service, and it has to be acknowledged that most of the Members of the Legislature have to augment their income from the Legislature by other outside activities Lawyers, therefore, particularly will be carrying on legal services—some of which inevitably involve state agencies It seems to me that the emphasis that should be placed, as long as we're in this kind of circumstance, should be on a lawyer-legislator, at all times, to make full disclosures as to what his interest is in any matter that involves his crossing the state functions—that he should deal completely in the open at all times in any matters in which he should be involved, and that in the interest of discretion—and I would think moreover that there should be even many instances in which he would disqualify himself in matters that would obviously be getting into certain realms of government practice

"In other words, a lawyer who is a legislator whose practice was primarily appearing before state agencies, I think that would be somewhat questionable If he had to go before a state agency for a client whose interests involve many other things, but on a particular occasion, needed representation before one or the other of the boards, then I think this would be all right as long as he bent over backwards to try to make it clear that he wasn't using the power

of his office, but simply the merits of the matter in his presentation . .

"It's been my experience if you do that, that most of the time your problem for your client is that the board will recognize this and will also bend over backwards to give the other guy a break, and your client will lose, so I told them, for the most part, 'I hope you don't count on me for pushing these matters, because you would probably be in better hands if you take it to an attorney who has no state interest so that there isn't this bending over backwards on both sides.' "

Assemblyman Winton also observed that the conflict of interest problem is not as great for legislators as for employees

"When you look at legislative bodies—state legislatures, county boards of supervisors, city councils, and school boards, which are elected—and then you look, on the other hand at state employees, city employees, county employees, school board employees, and so on—when it comes to a place where there is a conflict of interest, it seems to me that the State Legislature, the city councils, the boards of supervisors, the school boards, etc , who are elected come under, perhaps, a much closer scrutiny of both the press and the general public than do the employees who do not have to stand for election In a political campaign, as we all know, many things are said and come out, and accusations are made that are not even based on a thread of truth; and should there be any conflict of interest, undoubtedly an opponent who is industrious in his homework is going to turn up—if he can—some evidence where he feels an officeholder has not acted in the interest of the public

"But on the other hand—and perhaps this is the reason for, in some cases, more restrictive law as to employees—the employee, because he doesn't come up for election, isn't faced with meeting the public."

Similar objections were raised by Richard Carpenter of the League of California Cities.

"Unless you have full-time legislators, I don't think you should deny a Member of the Legislature the right to have that opportunity to appear before a board or commission because he happens to be a lawyer, because there are other legislators who are in different kinds of businesses, and in one way or another, being a Member of the Legislature, they may profit from that business They may not seek the profit, but it may come to them simply as an increment to the business that they already had "

XIII. FULL DISCLOSURE

Requiring full disclosure of all outside interests of governmental officials and employees would bring any possible conflict of interest into the open whereby any impropriety could be judged as the facts in each case would warrant. In addition, laws restrictive and punitive in nature would not be necessary if a "full disclosure" statute were enacted.

According to Assemblyman Hanna:

". . . if you have in the law the general requirement for disclosure and disqualification, this is very important and can be a very substantial safeguard Now, if the city council prefers not to disqualify the man after he has offered his disqualification, then it would appear to me that the city council has made a determination that they will take his advice with a grain of salt—realizing that he's going to have a possibility of being somewhat moved, perhaps, by a substantial interest in a client The disclosure is so important that I think that the law should specifically spell out these three things· disclosure, the offer of disqualification, and open dealing. That, it would seem to me, would take care of a number of cases that are not now covered."

This approach to the problem of conflict of interest was also supported by other witnesses at the committee's hearing on the subject—notably Orange County District Attorney Ken Williams and Richard Carpenter of the League of California Cities. Carpenter told the committee:

"The Attorney General has said, where there is bribery, there is no real problem It is just a question of enforcing the law so that we don't feel that in that case there needs to be a change.

"It would appear that it would be highly desirable for the committee to consider the enactment of statutory laws which provide for disqualification and disclosure where there is a noncontractual interest, so that it's clear from the outset that the man doesn't have to resign from the council, because as I said at the beginning, one of the problems which we have is to attract the most able men and at the same time preserve the sound public policy that you can't have this conflict of interest in contractual cases."

The Orange County District Attorney indicated his position on the question in the following dialogue with Assemblyman Winton:

Chairman Winton: It was suggested yesterday that if there were some requirement that anybody on a staff—an employee who might have an interest—personal interest which would be adverse to the general public interest or might be in conflict—not necessarily adverse—would be required to disclose this Take, for example, an engineering department or a planning department whose employees might be doing what we generally call "moonlighting" —doing work for a subdivider—and yet they're the same ones who make a staff report; and maybe the subdivision on which they're doing the work is in a different city or a different part of the county, and they make a staff report in City A where they're working to the planning commission or to the council as to whether a subdivision should be approved or not . . . certainly they have, to some extent, a conflict of interest

And yet, there is nothing in the law now that would require them to reveal that—nothing in the law that we could find, in discussing it yesterday, that even would say that this really is a

conflict of interest under our present statutes. If this were revealed or required to be revealed—and there should be penalties if they did not reveal it—do you think this would be of any assistance in, perhaps, clearing up some of these problems?

Mr. Williams: I think so I think that would be a very excellent idea.

In considering any "full disclosure" statute, it must be kept in mind that there is a certain right of privacy to which all individuals are entitled. In some instances, disclosure may not show any conflict of interest but may be embarrassing to the employee and his friends. It may also be damaging in some business dealings where a certain amount of secrecy is necessary, or could subject an individual to considerable harassment from pressure groups of various kinds A legislator-businessman may feel disclosure puts him at a competitive disadvantage. A governmental employee receiving part of his income from writing erotic (but not pornographic) literature under a pseudonym or a coach who holds a number of shares in a tobacco firm could be subject to harassment because of outside interests

As Robert Moses, long-time public official in the City of New York, puts it *

> "Shall we impose an oath of poverty, chastity, and obedience on everybody who accepts public office? Is every bureaucrat to be a vestal virgin, or a Caesar's wife so notoriously pure as to stay the serpent's tongue of gossip, rumor or malice?"

XIV. RECRUITMENT OF OUTSTANDING PUBLIC OFFICIALS

In drafting any conflict of interest statute, a prime consideration must be providing the government with the means of attracting outstanding public officials To the extent that promising individuals are disuaded from accepting government positions due to harassing or overly protective conflict of interest provisions, the public interest will suffer

According to the "Hoover Commission," which was charged with studying efficiency and economy in the federal government·

> "A particular obstacle to attracting competent men into public service is the problem caused by these portions of the conflicts of interest laws requiring divestment of personal investments and industrial pension and other rights While competent men may be willing to accept lower pay in public service, increasingly, they are becoming reluctant to give up their lifetime accumulations of investments and pensions and other rights from private industry. We must develop a fresh approach in this matter of conflict of interest."

If imaginative, honest, and competent persons can be attracted into public service, conflict of interest provisions are not needed Even the most rigid conflict of interest laws will not prevent some venality where

* Robert Moses, "Mr. Moses Examines 'Conflict of Interest,'" *New York Times Magazine*, July 23, 1961, p 26.

public employees are recruited from the ranks of the devious and incompetent The public interest requires a major emphasis on the first, with such safeguards that will not hinder recruitment, but will be effective to deal with the "bad apples" in the barrel

XV. THE STATE OF PUBLIC MORALITY

It is wholly unrealistic to expect that the values of a culture will not permeate the official organs which a society has established to govern itself Public officials are not a race apart

President Kennedy, in his message to Congress,* observed that the problem of conflict of interest is inexorably bound to the state of public morality as a whole and added·

> "Public officials are not a group apart They inevitably reflect the moral tone of the society in which they live And if that moral tone is injured—by fixed athletic contests and quiz shows—by widespread business conspiracies to fix prices—by the collusion of businessmen and unions with organized crime—by cheating on expense accounts, by ignoring traffic laws, or by petty tax evasion—then the conduct of our government must be affected Inevitably, the moral standards of a society influence all who live within it—the governed and those who govern "

The possible decline in the moral values of the citizenry has a far deeper significance for Americans and the American way of life than the question of conflict of interest of public employees Public employees can set an example for others, but, if the public's attitude is "I'm all right, Jack," the end result can only be a slow decay—a dry rot—of our civilization and the development of a hedonistic society For example, a society that spends more on alcohol and tobacco than on education, a society more enamored with the pleasures of the moment —not willing to take an active interest in and not willing to sacrifice a few extra dollars for schools—cannot be a strong society building for the future, but one dissipating its most valuable natural resources without regard as to the consequences In a struggle for national survival, the consequences could be national extinction

The scope of this problem is far too large to adequately cover in a report of this nature but far too important to dismiss after several paragraphs and a few pious wishes Our civilization, our way of life, may be at stake The nature of public morality is worthy of much more attention than it has been receiving While absolute government control over public morality, such as prohibition, is repugnant and inconsistent with our heritage of democracy and liberty, ways and means of strengthening the agents of character formation in society can be pursued.

The state of public morality is discussed in the context of this report merely to show the problem of conflict of interest of governmental officials in proper prospective This is not to condone or excuse the many selfish, deceitful, and immoral practices of individuals in government service or in private life

* President John F Kennedy, Message to Congress on Conflict of Interest, April 27, 1961.

XVI. DRAWING THE LINE

The drawing of lines between rules and exceptions is perhaps the most difficult problem that government officials face Attorney General Stanley Mosk told the committee that the problem of conflict of interest is one of the most sophisticated problems of government and added:

> "On the one hand, there is the policy that no man can serve two masters, that public office (and I would say public employment to be technical) is a public trust On the other hand, if something approaching vows of celibacy and poverty are required of public servants, staffing of public offices will become a far more difficult task
>
> "Statutes on this subject will never be as simple and as clear-cut as an Attorney General, his deputies, and assistants, called on for quick answers to hard problems, would like "

The following account by Stephen K Bailey of his experiences as mayor of a community in Connecticut is as good an illustration as any of the dilemmas which arise when any legislation or regulation dealing with conflict of interest is being considered *

> "When the nicest people have rationalized their selfishness with a tactical deference to the public interest, elected political executives are often grateful that they are too preoccupied to be ethically astute Even where venality seems clearest, as in the rare case of an attempt at straight bribery ('Mayor, here's a thousand dollars in five-dollar bills if you get that easement through the council'—the political version of 'payola'), the ethical issues may not be self-evident Let us make some assumptions suppose that the mayor knows that the easement will go through 'on its merits' (begging what that slippery phrase means) Suppose further that the mayor knows that the party needs money not only to run the forthcoming election but to pay debts on a past election Suppose the mayor knows further that the voting public has not responded favorably and positively to the appeal of the American Heritage Foundation for everyone to give to the party of his choice Suppose finally that the mayor believes that a working two-party system is the nation's and the community's greatest safeguard of democracy and freedom If it could be proved to the mayor's satisfaction that the lack of $1,000 at the moment could do irreparable damage to the two-party system in the area, would it be a higher principle in a naughty world for the mayor to accept the money on behalf of the party, or to refuse the money?
>
> "Stated this way, the issue is still not very complex for most people 'They've known what's right and wrong since they've been 10' You do not accept bribes, period, and you most certainly do not compound evil by cheating the briber This is all very clear But is it, really? There are ways of playing slight variations on this theme which would remove from the sternest Presbyterian

* Stephen K Bailey, *Ethics and the Politician*, Santa Barbara Center for the Study of Democratic Institutions, 1960, p 5-8

moralist any burden of guilt. The briber has made a number of contributions to the party over the years The latest thousand is simply another indication of his belief in the great principles of the party On the easement question, every party member on the council, including the mayor, attempts to examine the issue on its merits But a 'will to believe' has set in—a subtle coloration of the problem Good old Joe is a friend who provided all the favors for the party picnic Isn't it fortunate that the merits of the easement case are on his side?

"And bribery can take so many forms money, favors, flattery, help in time of trouble, influence in building status To pretend that bribery is a simple and easily spotted phenomenon is naive To pretend it takes place only in politics is silly I have seen the egos of older university professors successfully bribed by astute and ambitious instructors, I have seen great institutions bribe men into conformity with promises of promotions or demotions I have seen them kill, spiritually, those who resisted I have received threats that unless such-and-such happened, I'd be voted out of office at the next election Is this not attempted bribery? Is money any more a thing of value than power or status or re-election? If there are clear moral distinctions here, they escape me, even though our cultural inheritance sanctions certain kinds of bribery and frowns on others

"To the man who is ethically sensitive, the hairturning issues are those which involve impossible choices among contending interpretations of the public interest Take the following problems which faced me as mayor, and which are typical of perhaps a hundred I faced in two years as an elected executive:

(1) A leading department store on Main Street said it had to have a rear access service garage on Broad Street or it would be forced to leave town Broad Street was zoned residential Ethical question would the loss of the department store be a greater loss than a break in the city's zoning pattern?

(2) The best detective on the chronically underpaid police force is suspected of taking protection money from some local two-bit gamblers The evidence is too vague and unsubstantial to stand in court Ethical question is the *possibility* of the evidence being correct important enough to warrant a substantial investigation, with a consequent probable loss in efficiency and morale in the police department during and long after the investigation, a certain loss in public confidence in the whole force, and the ever-present possibility that the rumor was planted by a crank? And out of the many pressing issues coming across the mayor's desk, how much time and effort does such an investigation warrant from the mayor himself?

(3) Two mayors in four years happened to have lived on Wyllys Avenue Wyllys Avenue desperately needed repaving But so did some other streets in the city Ethical question should Wyllys Avenue be paved, granted a heavy presumption that many citizens would claim that the mayor had "taken care of himself"?

(4) Buying of tires in wholesale lots would save the taxpayers $300 a year—about one cent per citizen per annum. A score of little Middletown tire merchants would lose 10 dollars or more in income Ethical question how does one balance one cent each for 30,000 people versus 15 dollars each for 20 merchants?

The ethical and moral problems faced by those who govern cannot go unresolved, and certainly guidelines must be established In drawing these lines, however, caution must be exercised so that honest men are not unduly burdened or penalized or put in a position that subjects them to harassment by the opposition party These lines must also be drawn with an eye to the recruitment of outstanding career employees.

XVII. RECOMMENDATIONS

A We recommend that Section 1090 of the Government Code be amended to include employees

B. We recommend that Section 1090 of the Government Code be amended to define interest as "financial interest."

C. We recommend the enactment of a new section of the Government Code as follows:

"Except as permitted by subsection (a) hereof, whoever, being an officer or employee of the executive branch of the State of California, or of any county, city, city and county, or special district, participates personally and substantially as a government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a government action, proceeding or other particular matter in which, to his knowledge, he, his spouse, child, partner, business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be fined not more than $10,000 or imprisoned not more than two years or both

(a) This section shall not apply (1) if the officer or employee first advises the government official responsible for appointment to his position of the nature and circumstances of the action, proceeding or other particular matter and makes a full disclosure of the financial interest, or (2) if the interest is too remote as defined by Sections 1091, 1091 1 or 1091 5 of the Government Code, or (3) if the financial interest has been exempted from the requirements of this section by general rule or regulation of the State Personnel Board, or the governing board of a city, county, city and county, or special district as being too remote to affect the integrity of the employee's services, or (4) if the action taken by a governmental employee affects his nongovernmental interest no more than like competing interests, or (5) if it can be shown that the nongovernmental interest of the employee will accrue no financial advantage by the action taken.

D. We recommend that a new section of the Government Code be enacted to allow any governmental unit to award a contract for material or supplies despite the possible interest in the contract if both of the following conditions are met:
   1. There must be competitive bidding, more than two bids, and the award must go to the lowest bidder.
   2. The person or persons with the interest must disclose the interest and not participate in the vote.

E. We recommend that Section 1091 5 of the Government Code be amended to provide that an officer shall not be deemed interested in a contract if his interest is
   1 The ownership of stock which is less than 3 percent of the shares of a corporation for profit or the ownership of stock of a corporation for profit which produce in dividend payments less than 5 percent of an officer's annual income, whichever is less; or
   2 That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;
   3. That of a recipient of public services generally provided by the public body or board of which he is a member, on the same terms and conditions as if he were not a member of the board.

F. We recommend that the sections of the Government Code dealing with general law cities be repealed or that a cross reference be made in that law to Section 1090 so that when changes are made, they are applicable to all

G. We recommend that a new section of the Government Code be enacted to prohibit government officers and employees, for a period of two years after their employment has ceased, from knowingly acting as an agent or attorney or adding or assisting anyone in connection with any judicial or other proceeding, application request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the State of California (or local government unit) is a party and in which the employee or officer had a direct and substantial interest and in which he participated personally and substantially. This statute in no way should restrict appearances before the Legislature or any of its committees, nor should this restriction apply when a former employee is invited to participate by the government, nor should it cover governmental employees who do not leave government service voluntarily

H We recommend that the Governor call a conference on the state of public morality to explore this question and recommend actions, if any, that can be taken by government in this area

I. We recommend that this committee continue to study the problems of conflict of interest at the state and local level

APPENDIX I

I. GENERAL PRINCIPLES

A. *The Bible*

"No man can serve two masters, for either he will hate the one and love the other, or else he will hold to the one and despise the other." Matthew 6 24, Luke 16.13

B. *Common Law*

1 The principle upon which public officers are denied the right to make contracts in their official capacity with themselves or to be or become interested in contracts thus made is evolved from the self-evident truth, as trite and impregnable as the law of gravitation, that no person can, at one and the same time, faithfully serve two masters representing diverse or inconsistent interests with respect to the service to be performed The principle has always been one of the essential attributes of every rational system of positive law, even reaching to private contractual transactions, whereby there are created between individuals trust or fiduciary relations The voice of divinity, speaking from within the sublimest incarnation known to all history, proclaimed and emphasized the maxim nearly two thousand years ago on occasions of infinite sacredness.

"The personal interest of an officer in a contract made by him in his official capacity may be indirect only, still such interest would be sufficient to taint the contract with illegality If his interest in the contract is such as would tend in any degree to influence him in making the contract, then the instrument is void because contrary to public policy, the policy of the law being that a public officer in the discharge of his duties as such should be absolutely free from any influence other than that which may directly grow out of the obligations that he owes to the public at large " (*Stockton P & S Co* v *Wheeler*, 68 Cal. App 592, at p 601, 602.)

2 As was stated in *Noble* v *City of Palo Alto* (1928), 89 Cal App 47, 51-52, 264 Pac 529, 531.

"There is neither a more wholesome nor a sounder rule of law than that which requires public officers to keep themselves in such a position as that nothing shall tempt them to swerve from the straight line of official duty Officers ought not to be allowed to place themselves in a position in which personal interest may come into conflict with the duty which they owe to the public The rule which has so long prevailed is eminently just (*Stropes* v. *Green Co*, 72 Ind 42)."

3 "The general principle is, that no man can faithfully serve two masters, whose interests are or may be in conflict " *San Diego* v. *San Diego and Los Angeles Railroad Co*, 44 C 106, 113 No statute prohibiting such an interest was involved in this case.

4 "Officers of a municipal corporation like those of private corporations, are agents of the corporate body and may not use their official position for their own benefit, or for the benefit of anyone except the municipality itself" (*Schaefer* v. *Bernstein*, 140 C A. 2d, 278, at p. 289-290.)

C. *Strict Enforcement*

Statutes prohibiting personal interest of public officers in public contracts are strictly enforced. (*Schaefer* v. *Bernstein*, 140 C.A 2d, 278, 291) The tendency of the law is to widen rather than circumscribe the scope of "conflict of interest" statutes such as Section 1090, 36 A.G. 122.

D. *All Members Affected*

By virtue of such interest of a member at the time of the award the statutes are violated by all members who have knowledge of such interest Members of the board (council) who are disinterested in a contract will do their duty and refrain from voting to award a contract in which another member is interested (*People* v. *Darby*, 114 C.A. 2d 412, 427)

E. *Precedent*

The following language found in *People* v *Darby*, 114 Cal App 2d, at page 432 (250 P 2d 743) is worthy of note. "Precedent is of little value except as an analogue Whether an officer or board member was interested at the time he or his board made the contract is a question for determination in each controversy."

II. STATUTES (INCLUDING CHARTERS)

A. *Government Code*

"1090 Interest in contracts, sales and purchases "Members of the Legislature, state, county, special district, judicial district, and city officers shall not be interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, special district, judicial district, and city officers be purchasers at any sale or vendors at any purchase made by them in their official capacity"

"1091 'Remote Interest' of Officer (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest

"(b) As used in this article 'remote interest' means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee of said contracting party for at least three years prior to his initially accepting his office

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party; or

(6) That of a member of a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products

"(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract

"(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097 Such violation shall not void the contract, however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed."

"1091 1 Interest in Contracts; Subdivided Lands The prohibition against an interest in contracts provided by this article or any other provision of law shall not be deemed to prohibit any public officer or member of any public board or commission from subdividing lands owned by him or in which he has an interest and which subdivision of lands is effected under the provisions of Chapter 2, (commencing at Section 11500) of Part 2 of Division 4 of the Business and Professions Code or any local ordinance concerning subdivisions; provided, that (a) said officer or member of such board or commission shall first fully disclose the nature of his interest in any such lands to the legislative body having jurisdiction over the subdivision thereof, and (b) said officer or member of such board or commission shall not cast his vote upon any matter or contract concerning said subdivision in any manner whatever."

"1091 5. Ownership of Corporate Shares, Reimbursement for Expenses, Recipient for Public Services An officer shall not be deemed to be interested in a contract if his interest is·

"(a) The ownership of less than 3 percent of the shares of a corporation for profit

"(b) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty

"(c) That of a recipient of public services generally provided by the public body or board of which he is a member, on the same terms and conditions as if he were not a member of the board"

"1092 Avoidance of Contracts. Every contract made in violation of any of the provisions of Section 1090 may be avoided at the instance

of any party except the officer interested therein. No such contract may be avoided because of the interest of an officer therein unless such contract is made in the official capacity of such officer, or by a board or body of which he is a member.

"1097. Penalty for Violations. Every officer or person prohibited by the laws of this state from making or being interested in contracts, or from becoming a vendor or purchaser at sales, or from purchasing scrip, or other evidences of indebtedness including any member of the governing board of a school district, who willfully violates any of the provisions of such laws, is punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment in the state prison for not more than five years, and is forever disqualified from holding any office in this state.

"1100 Public Securities Defined. As used in this article, 'public securities' means any issue of bonds, notes, warrants, or other evidences of indebtedness and the interest coupons, if any, attached thereto, issued by any public body."

"1101 Public Body Defined. As used in this article, 'public body' means any county, city and county, city, municipal corporation, political subdivision, school district, or any other public district or public corporation, any public authority, or any agency of any thereof

"1102 Interest in Sale of Securities. Notwithstanding any provision of law to the contrary, a member of the legislative body of any public body or any officer or employee thereof shall not be deemed interested in a contract for the sale of any public securities issued by such public body provided, that such public securities are sold at public sale to the highest bidder after notice inviting bids has been published as required by the law under which said bonds are issued, or for one time in a newspaper of general circulation not less than five (5) days prior to the date of such sale."

"3060. Willful or Corrupt Misconduct. An accusation in writing against any officer of a district, county, or city, including any member of the governing board of a school district, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer accused is elected or appointed. An accusation may not be presented without the concurrence of at least 12 grand jurors"

B. *Penal Code*

182 "If two or more persons conspire. 1 To commit any crime; . . 5 To commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws"

The law is substantially similar as it relates to general law cities (Sec 36525-36528, Government Code) The penalty is less, misdemeanor and ground for removal from office. I will not review the other code provisions because the sections already reviewed apply to all municipal officials whether they serve a charter or general law city. Those of you holding office in a charter city however, need to exercise even greater

care because frequently charter provisions dealing with the same subject prohibit any "direct or indirect" interest and apply to all officers and "employees." It is of the utmost importance that all doubts be resolved by avoiding any interest and that your City Attorney be consulted in each case if there is any question in your mind that a possible conflict exists. Keep in mind at all times that the contract generally will be void and, as Lew Keller has carefully explained to you in his review of the law, you and your fellow councilmen personally may be liable for unlawful expenditures.

C. *Typical Charter Provisions*

1. "No member of the Council, or of any Board, and no officer or employee of the city shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the City Treasury, nor shall either or any of them receive any gratuity or advantage from any contractor or person furnishing labor or material for the same, and any contract with the City, in which any such officer or employee is or becomes interested, shall be declared void by the Council." Charter of the City of Compton, California, Statutes 1925, Chapter 20, Section 6, Article 26

2. "Section 1202. Illegal Contracts. Financial Interest. No member of the City Council, officer or employee of the City, shall be financially interested, directly or indirectly, in any contract, sale or transaction in which the City is a party.

"No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member for approval or which pertains to the department, office or agency of the City with which such board or commission is connected, for official action.

"Any such contract or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council.

"No member of the City Council, officer or employee of the City, or member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation by reason of the ownership of stock in such corporation unless said stock so owned by him shall amount to at least three per cent of all the stock of such corporation issued and outstanding. No City Councilman shall vote on or participate in any contract or transaction in which he is directly or indirectly financially interested, whether as a stockholder of the corporation or otherwise.

"If any member of the City Council, officer or employee of the City or member of a board or commission shall so vote or participate, or be financially interested as aforesaid, upon conviction thereof, he shall forfeit his office." (The City of Compton's former and current charter provisions are included because referred to by the code in *Schaefer* v. *Bernstein*, 180 Cal. App. 2d, 107 and related cases cited therein.)

2. Unless the state law was intended to establish a state policy and to operate exclusively within this particular field of legislation, a chartered city may enact regulations not in conflict with the state law (See. *Eastlich* v. *City of Los Angeles* (1947), 29 Cal 2d 661, 665) In this connection the courts have by dicta indicated that any additional or stricter rules or regulations imposed by the charter may be given effect, and that a prohibited interest definition contained in the charter should be considered (See *Stockton P & S Co* v *Wheeler,* 68 Cal App 592 and *City of Oakland* v *Calif Const Co ,* 14 Cal. 2d 673; *Terry* v *Bender* (1956), 143 Cal. App 2d 198) City of Pasadena Opinion, Wendell R Thompson, City Attorney, November 9, 1959

D. *Purpose of Law*

"The purpose of the statutes against public officers being interested in any contract made in their official capacity in which they have a personal or financial interest is to remove all indirect influence of the interested officer, as well as to discourage deliberate dishonesty, and it is not the character of the contract itself but the manner in which it is created that renders it violative of public policy (*Schaefer* v. *Bernstein* (1956), 295 P 2d 113, 140 C A 2d 278) "

III. OFFICERS

A. *Definitions—Distinguished From Employees*

The definition of a public officer depends not upon what the particular office may be called, but upon the power granted and wielded, the duties and functions performed, and other circumstances which manifest the true character of the position A public office is generally defined to be the right, authority, and duty created and conferred by law, the tenure of which is not transient, occasional or incidental, by which for a given period an individual is invested with power to perform a public function for the benefit of the public A public officer is a public agent and the sanction of the public is generally necessary to give the act performed by the officer the authority and power of a public act or law The characteristic which distinguishes him from a mere employee is that a public duty is delegated to him, the performance of which is an exercise of a part of the governmental functions of the particular political unit for which he, as agent, is acting. Other incidents which ordinarily distinguish a public officer are a fixed tenure of office, an oath of office, an official bond, liability for misfeasance or nonfeasance and the payment of his salary from the general treasury Under the said tests, it was held that an act providing for the appointment by the board of supervisors of a county engineer to hold office for a definite term purported to create a public office rather than a mere employment *Coulter* v *Pool,* 187 C 181

B. *Members of the Legislative Body*

1 Contracts Held to Be Void Members of the city council or board of trustees have universally been held to be officers within the meaning of prohibition against officers having an interest in contracts with the

city In the following cases, contracts with the city in which a member of the city council had an interest were held to be void as violative of the restrictions against officers having an interest in city contracts· *Berka* v *Woodward*, 125 C 119, *Stockton Plumbing and Supply Co* v *Wheeler*, 68 C A. 592; *Hobbs, Wall & Co.* v *Moran*, 109 C A 316; and *Miller* v *City of Martinez*, 28 C A 2d 364

2. Contracts Held to Be Valid In the following cases the court impliedly recognized that a member of the city council is an officer within the meaning of the provisions prohibiting officers from being interested in municipal contracts, but the contracts involved were held to be valid upon other grounds In both cases it was shown that the officer was not interested in the contract, and in the second case it also appeared that the contract was with a public utility which was required by law to render services to the city *Beale* v *City of Santa Barbara*, 32 C A. 235; *Hotchkiss* v. *Moran*, 109 C.A. 321.

C. *Advisory Position*

A contract may be contrary to public policy where an official in a position to advise or influence officials making the contract has a personal interest in the contract A person in an advisory position to a city is affected by the conflicts of interest rule (City Manager) *People* v. *Sullivan*, 113 C.A 2d 510 and (Special Counsel) *Schaefer* v. *Bernstein*, 140 C A. 2d 278, 291. See also *Schaefer* v *Bernstein*, 180 Cal. App. 2d 107, 130.

IV. INTEREST

A. *General*

It must be remembered that "remote interest" as now defined by Section 1091 Government Code will, at least as to general law cities, produce a result different than that reached by the courts in several of the cases hereafter cited

B. *Direct Contract Between the Officer and the City*

1 In General It is held, of course, that where a municipal officer himself enters into a direct contract with the city he has an interest in the contract which is prohibited by the restrictions against officers having an interest in a contract with the city *Berka* v *Woodward*, 125 C. 119, *Osburn* v *Stone*, 170 C 450; *County of Shasta* v *Moody*, 90 C.A 519

Acquisition of Property Owned by Mayor or Councilman. A contract for sale of land by officer to city would be void but land, if needed by city, can be acquired by condemnation proceedings in which court fixes consideration 26 A G. 5

2. Lowest Responsible Bidder. Even though the officer may be the lowest responsible bidder for a municipal contract, the contract falls within the restrictions against an officer of the city having an interest in a contract with the city. The limitation that the contract be awarded to the lowest responsible bidder is not the only limitation All bids of city officers must be rejected under the penalty that such a contract, if made, shall be void. *Capron* v *Hitchcock*, 98 C. 427.

3 Effect of Statute on Public Policy. Frequently, we find an opinion to the effect that even if the statute has not been violated, the contract is void inasmuch as it violates public policy See 30 Ops. Att. Gen. 323, 326 I cannot agree with these statements or opinions because we are dealing with laws involving a crime and must, of necessity, look to the statutes. A clear statement of what the law should be and probably is is contained in *County of Marin* v. *Duffey,* 144 C.A 2d 30, 36-37

4. Contracts Between City and Partnership in Which Officer Is a Partner. A municipal officer is interested in a contract between the city and partnership in which he is one of the partners, and such contract is void because of his interest therein. Thus a contract between the city and a law partnership for legal services was void where one of the partners was an officer of the city· *Osburn* v *Stone,* 170 C 480; as was a contract between county and contractor where contractor had prior arrangement with partnership, one of whom was a supervisor, for lease of equipment to be used on project. *People* v. *Deysher,* 2 C. 2d 141.

C. *Contracts Between City and Employer of Municipal Officer*

1. In General. A public officer is interested within the meaning of the prohibition against officers having an interest in contracts with the city where such officer is employed by the person, firm or corporation with which the city contracts Where a municipal officer is an employee of a person entering into a contract with the city, such contract is void. In such case the officer has a divided allegiance, and it is not necessary to show any pecuniary benefit. *Stockton Plumbing and Supply Co.* v *Wheeler,* 68 C A 592; *Hobbs, Wall & Co* v *Moran,* 109 C A 316; and *Miller* v. *City of Martinez,* 28 C A 2d 364.

2. Municipal Officer as Officer of Private Corporation Where a municipal officer is also the officer of a private corporation with which the city contracts, such officer is interested in the contract It has been impliedly held that the mayor of a city who was also the president and a stockholder of a utility corporation with which the city did business was interested in the contract, but the contract was nevertheless upheld upon the ground that the public utility corporation was required by law to render service to the city *Capital Gas Co* v. *Young,* 109 C 140

3. Municipal Officer as Trustee of Corporation Where a city was authorized by the Legislature to convey not to exceed five thousand acres to a railroad corporation in which one of the city trustees was a director and a stockholder, the conveyance by the city to the corporation was void for the reason that the officer is one of the trustees of a corporation with which the city contracts and he is interested in a contract within the meaning of the restrictions *San Diego* v. *San Diego and Los Angeles Railroad Co* , 44 C 106

D. *Contracts Between City and Corporation in Which a Municipal Officer Owns Stock*

The following cases imply that the holding of stock by a municipal officer in a corporation with which the city enters into a contract con-

statutes an interest in the contract contrary to the restriction against an officer being interested in any contract with the city However, in each case, the municipal officer, in addition to being a stockholder of the corporation with which the city contracted, was also an employee or director of the said corporation. *Capital Gas Co.* v *Young,* 109 C 140; *Miller* v. *City of Martinez,* 28 C A. 2d 364; *San Diego* v. *San Diego and Los Angeles Railroad Co ,* 44 C. 106

E. *Contract Between City and a Third Person With Whom a City Officer Also Has a Contract*

1. Rental of Equipment by Officer to Contractor. Where a public officer has an agreement, express or implied, with a contractor to whom the city awards a contract that after the contract is awarded the contractor will purchase certain materials from such public officer and will rent certain equipment from him to be used in the execution of the contract with the city, such officer is interested in the contract and is subject to a criminal prosecution under Section 1097, Government Code. However, if there was no previous agreement on the part of the contractor to purchase supplies or to rent equipment from the public officer, the mere fact that he did so after the contract had been awarded to him by the city would not create in such officer an interest in the contract so as to invalidate it or subject the officer to penal liability. *People* v. *Deysher,* 2 C. 2d 141

2. Purchase of Lumber From Officer After Contract Awarded. No previous arrangement or agreement and contract was neither void, voidable or subject to criticism. *Escondido Lumber Co.* v. *Baldwin,* 2 C.A. 606

F. *Relationship Between School Board Member and Third Persons With Whom School District Has Contracts*

In three cases involving school board members, each was convicted and subject to removal from office under statutes which prohibited interest Each had business dealings with persons or corporations who contracted with the school district; one as a landlord, one as an attorney, and one as an insurance broker. *People* v. *Darby,* 114 C A. 2d 412; *People* v *Elliott,* 115 C A 2d 410; and *People* v. *Becker,* 112 C A. 2d 324.

G. *Municipal Officer Holding Encumbrance on Business or Assets of Person With Whom City Contracts*

Where a county supervisor held a chattel mortgage on the newspaper and printing plant which did the printing and advertising for the county, it was held that such officer was interested in the contract and that the contract was, therefore, void The court held that the business of the county was a vital element in maintaining the value of the security covered by the chattel mortgage which the officer held The value of the security was increased by the business received by the newspaper from the county *Moody* v *Shuffleton,* 203 C 100

H. *Contracts Between City and Person Related to Municipal Officer*

1. Wife of Municipal Officer A county superintendent of schools was interested in a contract between himself as such superintendent and his wife whereby he appointed his wife as a supervising teacher in the county schools. This was true even though they had previously entered into an agreement that the earnings of each should be their separate property The separate property of the wife is liable for necessities of life furnished to the husband. Consequently, a public officer is interested in a contract between the public body which he represents and his wife, since there is a possibility that he may receive support from the profits or earnings of his wife under such contract *Nielsen* v. *Richards,* 75 C A. 680.

2 Son of Municipal Officer. In a case involving a contract between the county and the son of one of the county supervisors, it was held that the contract was void because of the fact that the supervisor held a chattel mortgage on the son's business. The question of the blood relationship between the parties was not discussed. *Moody* v. *Shuffleton,* 203 C. 100.

I. *Ownership by Officer of Land in Proposed Improvement District*

A member of a city council is not disqualified from voting for the adoption of a resolution of intention because of his ownership of property in the district which will be subject to assessment for the cost of the improvement. The resolution of intention is not invalidated by reason of the vote of such member of the city council *Beale* v. *City of Santa Barbara,* 32 C A. 235; *United Real Estate & Trust Co.* v. *Barnes,* 159 C 242 See also *Federal Construction Co.* v. *Curd,* 179 Cal. 489.

J. *Remote Interest*

A contract for lighting a city does not violate the statute merely because the councilman who participates in the transaction is the manager of a mercantile business in which a prominent stockholder of the electric company is also a stockholder. The interest of the councilman under such circumstances is too remote and speculative upon which to assume the contract will be affected thereby *Hotchkiss* v. *Moran,* 109 C A. 321

K. *Test to Determine Existence of Interest*

1. The Cases Upon the Subject In each of the following three cases the court discusses the tests to determine whether or not an officer is interested in a contract with the city Each case involved a situation where the officer was an employee of the person who entered into the contract with the city. The officer, as such employee, received no additional salary or remuneration and had no pecuniary interest in the contract; yet, in each case, the contract was held to be void because of the interest of the officer therein

2 It is only natural for an employee to be desirous of awarding the contract to his employer Such interest of an employee is sufficient to invalidate the contract While such employee may not derive direct pecuniary gain from the contract, he would be indirectly benefited

since upon the success of his employer's business depends the continued tenure of his position. *Stockton Plumbing and Supply Co.* v. *Wheeler*, 68 C A 592.

3. Employment Constitutes Interest A private employer demands strict loyalty to the private business on the part of his employees, and if an employee of such private employer is also a councilman and an officer of the city, it may be inferred that the officer is not free to negotiate a bargain in behalf of the city as favorable to a municipality as though these conflicting interests did not exist His membership on the council may also be expected to influence his associates in purchasing supplies for the city. The desire to favor a fellow councilman, unwarranted confidence, or carelessness in bargaining for supplies, might result in a substantial loss to the city. It is not necessary to show actual fraud, dishonesty or loss The purpose is to remove all indirect influence of an interested officer as well as to discourage dishonesty. Nothing in the relationship of a public officer should prevent him from exercising absolute loyalty and undivided allegiance to the best interests of the municipality he serves. *Hobbs, Wall & Co* v *Moran*, 109 C.A 316.

4. No Pecuniary Interest Need Be Shown. The interest need not involve any direct financial gain upon the part of the public official. It may be any interest which would prevent him from exercising absolute loyalty and undivided allegiance to the best interests of the municipality. He should be absolutely free from any influence other than that which may grow out of the obligations he owes the public. Where the officer is an employee of a corporation with whom the city does business, he is not a free agent in respect to such transactions If he voted against the purchase he might believe such a course to be prejudicial to his standing with his employer. According to ordinary rules of human conduct, he would consider that it would be to his interest to approve the transaction with his employer. *Miller* v *City of Martinez*, 28 C A 2d 364

V. THE CONTRACT

A. *Subject Matter*

1. In General The nature or subject matter of the contract apparently is immaterial if it is shown that an officer of the city is interested in it. Regardless of the nature or subject matter of the contract whether it is one for the rendition of services to the city, for the sale of material or supplies to the city, for the construction of public works, or for the purchase of property from the city, it is void. However, the courts have apparently made an exception in favor of contracts which the city is compelled by law to enter into An exception is also made in cases where the other contracting party is compelled to render services to or to contract with the city, such, for example, as public utilities

2 Printing A contract to do printing and advertising for the city falls within the scope of the prohibitions where it is shown that an officer of the city has an interest therein *Moody* v. *Suffleton*, 203 C. 100; *County of Shasta* v *Moody*, 90 C A 519.

3. Personal Services.

(a) Legal Services A contract by a law partnership to render legal services to the city is invalid where one of the partners is an officer of the city *Osburn* v. *Stone*, 170 C. 480.

(b) School Teachers A contract employing a school teacher is void where the superintendent of schools is the husband of the teacher so employed *Nielsen* v *Richards*, 75 C A. 680

4. Renting Equipment A contract whereby a public officer or a firm in which he is interested rents equipment to the city is invalid *Osburn* v *Stone*, 170 C 480, *People* v *Deysher*, 2 C. 2d 141

5 Public Works Where a contract for the construction of public works is awarded to a municipal officer or to a firm in which a municipal officer is interested, such contract is void, and it is no defense to establish that the said officer or firm was the lowest responsible bidder *Capron* v. *Hitchcock*, 98 C 427; *Stockton Plumbing and Supply Co.* v. *Wheeler*, 68 C A 592.

6. Selling Supplies A contract for the sale of materials or supplies to the city by an officer thereof or by a firm in which such officer is interested is prohibited *Berka* v *Woodward*, 125 C 119; *Hobbs, Wall & Co* v. *Moran*, 109 C A 316; *Miller* v. *City of Martinez*, 28 C.A 2d 364

7. Receiving Property From City. A contract whereby a city conveyed certain land to a railroad company in which a city officer was a stockholder and director was void as against public policy. *San Diego* v. *San Diego and Los Angeles Railroad Co*., 44 C 106.

8 Designating Bank as Depository for Funds. *People* v *Meschutt*, 163 N.Y S 2d 891.

B. *Fairness of the Contract Is Immaterial*

Where the contract is one in which an officer is interested, it cannot be sustained by showing that the contract is fair, just and equitable as to the city, nor does the fact that the contract would be more advantageous to the city than any others proposed upon the same subject matter have any bearing upon the question of its validity *San Diego* v *San Diego and Los Angeles Railroad Co*., 44 C. 106; *Berka* v. *Woodward*, 125 C. 119, *Stockton Plumbing and Supply Co.* v. *Wheeler*, 68 C.A 592

C. *Contracts Required by Law*

1. Public Utilities

(a) *Gas* In a suit by a public utility company to recover the value of gas furnished to the city, it was no defense to show that the mayor of the city was interested in the public utility company. The company was bound under penalty to furnish gas to the city. Under the operation of this law the gas company was not a free agent with power to contract or refuse to do so, but it became its duty, upon demand, to furnish gas to the city This duty devolved upon the company not by virtue of contract, but

by operation of law, and hence the laws governing ordinary contracts and providing that no officer be interested had no application *Capital Gas Co* v *Young*, 109 C 140

(b) *Water* A public utility corporation which is engaged in supplying customers with water is entitled to collect the value of water furnished to a city in spite of the inhibition of the statute against contracts in which officers are interested This exception from the application of the statute is declared to exist for the reason that a public utility corporation is compelled by law to supply all customers upon demand However, where the company supplying water to the city was merely a mercantile establishment and not a public utility corporation, the contract was illegal where a city officer had an interest in the company *Hobbs, Wall & Co* v *Moran*, 109 C A 316

(c) *Electricity* The reason for protecting a city against the possible result of the personal interest of an officer in a contract or transaction with the city does not exist in the case of a public utility corporation furnishing electric energy to the city In such case the public utility corporation is subject to regulation by the Public Utilities Commission, and upon demand is bound to supply the city with electricity for municipal purposes The obligation to supply electricity to the city under the law distinguishes the transaction from the mere enforcement of a contract and the transaction is not invalidated by the interest of a municipal officer therein *Hotchkiss* v *Moran*, 109 C A 321

2 Contracts Which City Is Compelled to Make In a case in which it was established that the State Legislature had authorized, empowers and granted permission to the City of San Diego to convey to a certain railroad company not to exceed 5,000 acres of pueblo lands, and the city subsequently conveyed 5,000 acres to the said railroad company, in which one of the city trustees was a director and stockholder, it was held that the conveyance was void because of the interest of the officer However, the court implies that if the words "authorized and empowered" were construed as being mandatory, and if the amount and description of the land had been set forth by the Legislature so that the city had been directed to make a definite conveyance, and no discretion was left to be exercised by the city or its trustees, then the contract would have been valid and would not have been affected by the interest of the officer therein *San Diego* v. *San Diego and Los Angeles Railroad Co*, 44 C 106

3. Lowest Responsible Bidder The requirement that a contract be awarded to the lowest responsible bidder does not amount to an obligation imposed by law to award the contract to such lowest responsible bidder The said requirement is only one limitation upon the awarding of contracts The second limitation that a contract cannot be awarded to an officer or to a firm in which an officer is interested must also be taken into consideration Consequently, a contract in which an officer is interested is void, even though it may have been awarded to the lowest responsible bidder *Capron* v *Hitchcock*, 98 C 427, *Stockton Plumbing and Supply Co* v. *Wheeler*, 68 C A 592

D. Contracts Not Made by Officer in His Official Capacity or by Board or Commission of Which He is a Member

1. General. Public Policy—Sections 1090, et seq, of the Government Code render invalid all contracts in which an officer is interested provided such contract be made by said officer in his official capacity or by any body or board of which he is a member Apparently contracts which are awarded or made by other officers of the city or by some department with which the interested officer is not connected are not prohibited by said sections of the Government Code. The great majority of cases arising under the said sections involve contracts which were made by the interested officer or by a board or department of which he was a member However, in another case it was shown that the contracts were made direct with various county officials other than the board of supervisors of which the interested officer was a member, and the court held that even if it be conceded that Section 1090 of the Government Code was not applicable, still contracts were void by the provisions of another statute, and also that they were void as being in contravention of public policy. It therefore appears that it is no defense to show that the contract was made by some department of the city with which the interested officer was not connected. *County of Shasta* v. *Moody,* 90 C.A 519.

2. Effect of Participating in Award.

(a) Where Officer Takes Part in Making the Contract In cases arising under the general law, it is universally held that the contract is void where the interested officer took an active part in the awarding or making thereof *Miller* v. *City of Martinez,* 28 C A 2d 364

(b) Where Officer Took No Part in Awarding or Making Contract. It is to be noted that the decisions invalidate all contracts with the city in which an officer is interested It is immaterial whether or not the contract was made by the officer in his official capacity or by any particular board or department of which he was a member The restriction applies to any contract with the city Thus, where a member of the school board was interested in a contract made by the city council, the contract was invalid *Capron* v *Hitchcock,* 98 C 427; *Osburn* v. *Stone,* 170 C 480. This should not be the present rule as to general law cities, and we can only hope that a court would not so hold today because the statutes have been drastically amended since these decisions

3. Public Policy—No Statute Involved In two cases the contract in which an officer was interested was held to be invalid as opposed to public policy independent of any statutory law. In one of these cases, the contract was not made by the interested officer or by any body or board of which he was a member. Consequently, it appears under common law, the former general law and many charters that by reason of public policy every contract with the city is invalid, no matter by whom made, where it is shown that an officer is interested therein *San Diego* v. *San Diego and Los Angeles Railroad Co,* 44 C 106, *County of Shasta* v. *Moody,* 90 C A. 519

4 Voting. Where the interested officer is a member of the city council, the fact that he does not vote or act upon the awarding or the making of the contract is no defense The contract is not rendered valid merely because an officer who could have acted did not act in the making of the contract If he does not act, the city is deprived of its right to his services and knowledge in determining the questions which may arise upon the awarding or making of the contract. *Berka* v *Woodward*, 125 C. 119; *Stockton Plumbing and Supply Co.* v. *Wheeler*, 68 C A. 592; *Hobbs, Wall & Co* v. *Moran*, 109 C A 316

VI. COUNCIL MAY NOT WAIVE WRONGDOING

In a case involving a special city attorney employed to negotiate the purchase and sale of tax-deeded lands, it was contended that the city council had waived any claim against the special city attorney for his alleged wrongdoing The court, after noting that the conduct was in violation of the charter, stated, "Laws of this nature are for the protection of the public by promoting honesty in governmental affairs Public policy requires that the duties imposed by statute be discharged; therefore, the requirements of a law or ordinance enacted for a public reason may not be waived by an official or a governmental body." *Terry* v *Bender*, 143 C A 2d 198, 214

VII. CHARTER CITIES

It is our view that the provisions of a city charter regarding interest of officers in contracts will apply in those cases where the charter provisions are more restrictive than the provisions of the Government Code relating to all state and local public officers *Coffey* v *Superior Court*, 147 C 525, *Dinan* v *Superior Court*, 6 C A 217; *Betkouski* v. *Superior Court*, 34 C A 117, and *In re Shaw*, 32 C A 2d 84 This view has been partially confirmed by the decision of the District Court of Appeal in *Schaeffer* v *Bernstein*, 140 C A 2d 278 in which the court indicated that even if the charter of the City of Compton was silent on "conflicts of interest," the conduct of its municipal officers would be prohibited by Section 1090 of the Government Code

VIII. REMEDIES

A. *Effect of Violation*

1. Contracts Void The courts have held on numerous occasions that contracts in violation of the inhibition against the interest of municipal officers therein are void This appears to be true whether or not such contracts are expressly declared to be void by statutes. *San Diego* v. *San Diego and Los Angeles Railroad Co*, 44 C 106; *Moody* v *Shuffleton*, 203 C 100, *Miller* v *City of Martinez*, 28 C A 2d 364

2. Contracts Voidable. In a charter city, where the charter purports to declare that such contracts shall be voidable at the election of the council, the contract is nevertheless void Thus, where the charter of the City of Stockton provided that "such contract in which any member is interested may be declared void by the council," it was held that it was not intended to be optional with the council to determine

such a contract to be void, or, by failing to make such determination, determine it to be valid. The court held that the language of the charter was mandatory and that a contract in violation of the provision was absolutely void without the necessity of any action being taken by the council *Stockton Plumbing & Supply Co* v *Wheeler*, 68 C A 592

3 Contract Valid The above rules have been modified to "remote interests" only by Section 1091 (d) of the Government Code, which provides "The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097 Such violation shall not void the contract, however, unless the contracting party had knowledge of the fact of the *remote interest* of the officer at the time the contract was executed"

B. *Civil Remedies*

1 Mandamus

(a) To Compel Execution of the Contract Awarded Mandamus will not lie to compel the execution by the proper officers of the city of a contract awarded in violation of a charter provision against officers having an interest in municipal contracts *Stockton Plumbing & Supply Co* v *Wheeler*, 68 C A 592

(b) To Compel Auditor to Audit, Approve and Allow Warrant A writ of mandate will not be issued to compel the auditor to audit, approve and allow a warrant issued in payment of a claim based upon a contract in which an officer was interested, such contract being prohibited by law and contrary to public policy *Nielsen* v *Richards*, 75 C A 680

(c) To Compel Auditor to Issue Warrant A court will not issue a writ of mandamus to compel an auditor to draw his warrant in payment of a claim based upon an illegal contract in which an officer was interested The fact that the claim had been previously approved by the board of supervisors is immaterial *Moody* v *Shuffleton*, 203 C 100

(d) To Compel Treasurer to Pay Warrant The treasurer may not be compelled by a writ of mandate to pay warrants issued in payment of a claim for materials and supplies furnished to the city by an interested officer or by a firm in which an officer is interested *Berka* v *Woodward*, 125 C 119, *Hobbs, Wall & Co* v *Moran*, 109 C.A. 316.

2 Suit by City for Cancellation or Rescission Where a city has entered into a contract with a firm in which one of its officers is interested contrary to public policy in a suit by the city, the courts will grant a cancellation of the contract and the rescission of any conveyance made by the city thereunder This relief will be granted even though there be no express statute or charter provision prohibiting contracts in which officers are interested or declaring such contracts to be void *San Diego* v. *San Diego and Los Angeles Railroad Co*, 44 C 106

3. Suit to Recover Consideration Paid.

(a) Suit by City. Where a contract with the city is void by reason of the interest of an officer therein, the city may recover back any money or consideration paid under such contract *Osburn* v *Stone*, 170 C 480, *County of Shasta* v *Moody*, 90 C A 519.

(b) Suit by Taxpayer Where the city fails or refuses to bring suit to recover back the consideration paid under a void contract in which a municipal officer is interested, a resident and taxpayer of the city may bring suit and recover on behalf of the city any funds or consideration paid out by the city under such contract *Miller* v *City of Martinez*, 28 C A 2d 364 "A taxpayer may sue in cases involving fraud, collusion, ultra vires, or failure on the part of a governmental body to perform a duty specifically enjoined." *Schaefer* v *Bernstein*, 140 C.A. 2d 278, 289

(c) Restoring Consideration Received In a suit by the city or by a taxpayer on behalf of the city to recover back the consideration paid under a contract which was void by reason of the interest of a municipal officer therein, it is not necessary for the city to restore or offer to restore any consideration which it may have received under the said contract Such contracts are against the express prohibition of the law and the courts will not entertain any rights growing out of such a contract *County of Shasta* v *Moody*, 90 C A 519, *Miller* v *City of Martinez*, 28 C A 2d 364

4 Invalidity as a Defense

(a) Suit to Foreclose Lien for Street Improvement In a suit brought to foreclose a lien of an assessment for street work, it is a defense to show that the plaintiff contractor was an officer of the city and that the contract awarded to him for the street work was invalid as a violation of the provisions of the Government Code against officers being interested in city contracts *Capron* v *Hitchcock*, 98 C 427

(b) Suit on the Contract Where a suit against the city is based upon a contract in which a municipal officer is interested, proof of such interest in the contract by an officer of the city is a valid defense to the action, the contract being void and no recovery being allowed thereon *Berka* v *Woodward*, 125 C 119; *Moody* v *Shuffleton*, 203 C 100

(c) Suit on Implied Contract The vendor or person contracting with a city under circumstances where a municipal officer is interested in the contract, is denied the right to recover upon an implied contract of quantum meruit or quantum valebat, as the case may be *Berka* v *Woodward*, 125 C 119, *Hobbs, Wall & Co* v *Moran*, 109 C 316

C. Penal Remedies

1 Government Code Section 1097

2 Government Code Section 3060

3 Government Code Section 36528

4. *People* v. *Deysher*, 2 C. 2d 141; *People* v. *Becker*, 112 C A 2d 324 *People* v *Darby*, 114 C A 2d 412; and *People* v *Elliott*, 115 C A. 2d 410

SUMMARY

The court in *Terry* v *Bender*, 143 C.A 2d 198, 206-207, has distilled the rules as follows "A public officer is a public trust created in the interest and for the benefit of the people Public officers are obligated, virtute officii, to discharge their responsibilities with integrity and fidelity Since the officers of a governmental body are trustees of the public weal, they may not exploit or prostitute their official position for their private benefits When public officials are influenced in the performance of their public duties by base and improper considerations of personal advantage, they violate their oath of office and vitiate the trust reposed in them, and the public is injured by being deprived of their loyal and honest services It is therefore the general policy of this state that public officers shall not have a personal interest in any contract made in their official capacity A transaction in which the prohibited interest of a public officer appears is held void both as repugnant to the public policy expressed in the statutes and because the interest of the officer interferes with the unfettered discharge of his duty to the public The public officer's interest need not be a direct one since the purpose of the statutes is also to remove all indirect influence of an interested officer as well as to discourage deliberate dishonesty Statutes prohibiting such 'conflict of interest' by a public officer are strictly enforced "

* * * * * *

City Attorney Robert Michalski of the City of Palo Alto has presented two papers to the City Attorneys' Department on the subject of, "Officers' Interest in Non-Contractual Matters " Your City Attorney has these papers available for your use upon request. Mr. Michalski gave the following summary which will be of assistance:

OFFICERS' INTEREST IN NONCONTRACTUAL MATTERS

1 Although there is no specific statute on the subject in this state, California follows the common law rule that it is against public policy for a representative of a municipality to vote in its legislative body on any matter which affects him individually, or for any public officer to participate in a matter before him in which he has a personal or private interest

2 Refraining from voting removes the disqualification

3 Legislation in which such an interested officer participates will probably not be set aside unless his vote was necessary to pass the legislation. On all such cases there is a strong presumption to be overcome in favor of the legislation and courts are reluctant to inquire into the motives of councilmen.

4 Participation of an interested officer may result in prosecution under Section 3060 Government Code for willful or corrupt misconduct in office, or Section 182, Subdivision 5, Penal Code, for conspiracy to commit an act injurious to public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws

5 "The power to appoint a public officer is in the nature of a public trust, to be exercised in the interest and for the benefit of the people.

See 17 Ops Cal. Atty Gen 169, 172 (1951) Public officials, of which a judge is one, are obligated to discharge their responsibilities with integrity and fidelity. *Terry* v. *Bender,* 143 Cal App 2d 198, 206 (1956). A public officer must not permit himself to be placed in a situation where, in the exercise of his official judgment, he may be influenced by personal considerations rather than the public good. *Terry* v *Bender,* supra He must not place himself in a position to warrant any inference that he is not performing his duties impartially. See 30 Ops Cal Atty Gen 323, 326 (1957) " (See 36 A G. 121, 122)

* * * * * *

APPENDIX II

EDUCATION CODE SEC. 907-916 WITH 1961 AMENDMENTS

Sec 907 Disinterest of Members in District Contracts No member of the governing board of any school district shall be interested in any contract made by the board of which he is a member

Sec 908 Permitted Interest in District Contracts Except as provided in Section 909, no contract or other transaction entered into by the governing board of any school district is either void or voidable under the provisions of Section 907, nor shall any member of such board be disqualified or deemed guilty of misconduct in office under said provisions, if the circumstances specified in the following subdivisions exist

(a) The fact of such interest is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such interested member or members, and

(b) The contract or transaction is just and reasonable as to the school district at the time it is authorized or approved

Sec 909 Exceptions to Permitted Interest in District Contracts The provisions of Section 908 shall not be applicable if the circumstances specified in any of the following subdivisions exists

(a) The contract or transaction is between the school district and a member of the governing board of that district

(b) The contract or transaction is between the school district and a partnership or unincorporated association of which any member of the governing board of that district is a partner or in which he is the owner or holder, directly or indirectly, of a proprietorship interest

(c) The contract or transaction is between the school district and a corporation in which any member of the governing board of that district is the owner or holder, directly or indirectly, of five percent (5%) or more of the outstanding common stock

(d) A board member is interested in a contract or transaction within the meaning of Section 907, and without first disclosing such interest to the governing board at a public meeting of the board, influences or attempts to influence another member or members of the board to enter into the contract or transaction

Sec 910 Provisions of Education Code to Govern where Member Interested in District Contract The question of the validity or invalidity of a contract or other transaction entered into by the governing board of any school district where a member of the governing board of that district is interested in such contract or transaction, as well as the question of disqualification or misconduct in office of such interested member, shall be exclusively governed by the provisions of the Education Code which are hereby declared to and shall supersede

(1) any and all provisions of law contained in any code or law of this State, except those which specifically refer to members of the governing board of school districts and which might otherwise be applicable and (2) any and all provisions of law contained in any charter or ordinance of a city, county or city and county, which might otherwise be applicable.

Sec 911. Permitted Interest in Contracts A board member shall not be deemed to be interested in a contract within the meaning of Section 907 of this code solely by reason of his membership in a nonprofit corporation formed under the Agricultural Code, or in a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products providing that the fact of such membership is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract in good faith by a vote sufficient for the purpose without counting the vote of such member.

Sec 912 Compensation of Member of Board for Repairs or Supplies. In a school district which, during the preceding fiscal year, had an average daily attendance of 70 or less, a member of the governing board may receive a reasonable compensation from the district for necessary work and labor performed by him for the district in repairing the school house, fences, and other property belonging to the district, or in furnishing wood or other necessary supplies In all such cases the requisition drawn in his favor in payment of services or supplies shall be signed by the other members of the governing board and shall be subject to approval by the county superintendent of schools.

(d) A board member is interested in a contract or transaction within the meaning of Section 907, and without first disclosing such interest to the governing board at a public meeting of the board, influences or attempts to influence another member or members of the board to enter into the contract or transaction

Sec 910 Provisions of Education Code to Govern Where Member Interested in District Contract The question of the validity or invalidity of a contract or other transaction entered into by the governing board of any school district where a member of the governing board of that district is interested in such contract or transaction, as well as the question of disqualification or misconduct in office of such interested member, shall be exclusively governed by the provisions of the Education Code which are hereby declared to and shall supersede (1) any and all provisions of law contained in any code or law of this State, except those which specifically refer to members of the governing board of school districts and which might otherwise be applicable and (2) any and all provisions of law contained in any charter or ordinance of a city, county or city and county, which might otherwise be applicable.

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profit corporation formed under the Agricultural Code, or in a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products providing that the fact of such membership is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract in good faith by a vote sufficient for the purpose without counting the vote of such member

Sec 912 Compensation of Member of Board for Repairs or Supplies In a school district which during the preceding fiscal year had an average daily attendance of 70 or less, a member of the governing board may receive a reasonable compensation from the district for necessary work and labor performed by him for the district in repairing the schoolhouse, fences, and other property belonging to the district, or in furnishing wood or other necessary supplies In all such cases the requisition drawn in his favor in payment of services or supplies shall be signed by the other members of the governing board and shall be subject to approval by the county superintendent of schools

Sec 913 Conditions Voiding a Contract Any contract made in violation of Sections 907 or 912 is void

Sec 914 Unlawful Influence of Board Member The offering of any valuable thing to any member of the governing board of any school district, with the intent to influence his action in regard to the granting of any teacher's certificate, the appointment of any teacher, superintendent, or other officer or employee, the adoption of any textbook, or the making of any contract to which the board of which he is a member is a party, or the acceptance by any member of the governing board of any valuable thing, with corrupt intent, is a misdemeanor

Sec 915 Corrupt Means Will Void Contract or Appointments Any contract or appointment obtained from the governing board of any school district by corrupt means is void

Sec 916 Testimony May Be Compelled Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who is charged with any offense described in Sections 914 or 915

GOVERNMENT CODE

Sec 3060 Accusation by Grand Jury Against Officer for Willful or Corrupt Misconduct in Office An accusation in writing against any officer of a district, county, or city, including any member of the governing board of a school district, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer accused is elected or appointed An accusation may not be presented without the concurrence of at least 12 grand jurors

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1961-1963

INTERIM COMMITTEE ON GOVERNMENT ORGANIZATION

THE ALCOHOLIC BEVERAGE CONTROL ACT

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LETTER OF TRANSMITTAL

ASSEMBLY
CALIFORNIA LEGISLATURE
December 13, 1962

HON JESSE M UNRUH
Speaker of the Assembly
State Capitol, Sacramento, California

DEAR SPEAKER UNRUH: Pursuant to House Resolution 361 of the 1961 Legislature, transmitted herewith is a report by the Assembly Interim Committee on Government Organization dealing with the subject of the Alcoholic Beverage Control Act

Many hours have been spent in the preparation of this report, and the material has been obtained through public hearings and the examination of other documents

Assemblyman Glenn E Coolidge was a conscientious and hard-working member of the committee until his death September 12, 1962 He will be missed by all who had the opportunity to work with him

Respectfully submitted,

TOM CARRELL
MILTON MARKS, with reservations as to Recommendation A
LESTER A MCMILLAN
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PROBLEMS RELATING TO THE ALCOHOLIC BEVERAGE CONTROL ACT

I. INTRODUCTION

All statutes occasionally need re-evaluation and study to assess their effect in the light of the changing conditions of contemporary times In this context, the Assembly Interim Committee on Government Organization has undertaken a study of a number of problems relating to the Alcoholic Beverage Control Act, pursuant to the provisions of House Resolution 361 adopted by the Assembly in 1961 It has been impossible to examine all phases of the act exhaustively, however, due to the limitations of time and money Some significant problem areas which have not been covered include the 200-foot limit, the Tied-House restrictions, and problems relating to minors

Four days of public hearings were held by the committee on this general subject—all in Sacramento—and representatives of the Department of Alcoholic Beverage Control, the industry, and the general public were present to offer comments and suggestions

The objective of the study conducted by this committee has been the improvement of the statutes on the subject. This committee has not been out looking for wrongdoing—a job better done by law enforcement officers—nor had we any reason to suspect that such existed Parenthetically, it should be added that in the course of the committee's extensive study, there was not even a shred of evidence to hint that some of the old evils were still present California is fortunate to have men and women of outstanding ability and highest competence administering its liquor laws

In drafting this report, our objective has been to be as brief as possible, consistent with our obligation to fully present information on which decisions must be based We hope we have been able to accomplish both Quotations not cited by footnotes in this report were made at one of the committee's hearings.

II. CONTINUED VIOLATION OF THE SAME SECTION OF THE ALCOHOLIC BEVERAGE CONTROL ACT WHEN DEPARTMENT ACTION IS ON APPEAL

Some licensees are continuing to violate the provisions of the ABC Act time and time again, and there is no method by which the Department of Alcoholic Beverage Control can take action to get compliance The situation arises when the department revokes or suspends a license and the licensee appeals the decision to the courts While the appeal is pending, which is often a matter of years, the licensee is given a "stay" by the courts and often continues to violate the law

Of the 1,633 appeals that had been received by the Alcoholic Beverage Control Appeals Board by September 1961, 419 or 25 6 percent involved a repeat offender Of the 419 repeat offenders, there were 171 or 41 percent of those repeat offenders who were different licensees In other words, 171 licensees filed 419 appeals for an average of 3 4 appeals for each licensee

To illustrate this problem, the following cases are cited as examples (information as of September 1961)

1 Vendome Martha-Smith Caterers, Inc File 38428 327 N Beverly Drive, Beverly Hills Offsale general license
   (a) 12-26-57 accusation filed Department's decision for 15-day suspension adopted 5-9-58 Appeal filed 7-8-58. Appeals board dismissed appeal 9-12-58 Offer in compromise accepted 4-29-59
   (b) 1-7-58 accusation filed Department's decision for 15-day suspension adopted 5-9-58 Offer in compromise accepted 4-29-59
   (c) 9-2-58 accusation filed Department's decision for 30-day suspension adopted 12-24-58 Offer in compromise accepted 4-29-59
   (d) 2-2-59 accusation filed Department's decision for 30-day suspension adopted 7-2-59 Appealed 8-11-59 Appeal dismissed 1-12-60 Department reconsidered penalty and ordered 15 days, with 5 days stayed, effective 1-12-60
   (e) 2-19-60 accusation filed Department's decision to revoke adopted 8-11-60 Appealed 9-19-60 Appeals board remanded to department 1-23-61 Penalty modified to 30 days and offer in compromise accepted 2-14-61

2 Peck's Liquors, Inc File 39537 Offsale general license
   (a) 12-28-59 accusation filed (1449 Polk Street), Department's decision for 30-day suspension adopted 4-13-61 Appealed 5-2-61 Decision pending
   (b) 12-28-59 accusation filed (734 Market Street) Department's decision for 30-day suspension adopted 4-13-61. Appealed 5-2-61 Decision pending
   (c) 2-24-60 accusation filed (1449 Polk Street) Department's decision for 60-day suspension adopted 4-13-61 Appealed 5-2-61 Decision pending
   (d) 2-24-60 accusation filed (734 Market Street) Department's decision for 60-day suspension adopted 4-13-61 Appealed 5-2-61 Decision pending.

3 Catherine and Michael Carella File 22786 Offsale general 1907 Ocean Avenue, San Francisco
   (a) 1-21-57 accusation filed Department's decision for 30-day suspension stayed for two years as of 5-3-60
   (b) 1-29-58 accusation filed Department's decision for 30-day suspension stayed for two years as of 5-3-60
   (c) 7-3-58 accusation filed Department's decision for 30-day suspension stayed for two years as of 5-3-60
   (d) 9-17-59 accusation filed Department's decision to accept $2,000 offer in compromise as of 6-17-60
   (e) 6-27-60 accusation filed. Department's decision to revoke adopted 6-29-61 Appealed 8-7-61 Decision pending
   (f) 8-10-60 accusation filed Department's decision to revoke adopted 6-29-61 Appealed 8-7-61 Decision pending

4. Wilke and Holzheiser Co File 7309 Offsale general 10 Minna Street, 545 Market Street, 698 Market Street, San Francisco
   (a) 12-8-55 accusation filed Department's decision for indefinite suspension adopted 12-6-56 Appealed 1-11-57 Department reversed 7-29-57. Case remanded for further hearing 8-15-57 New decision adopted 10-23-58 and appealed 11-26-58 Appeals Board reaffirmed department on 11-3-59 Appealed to superior court 11-27-59. Decision pending
   (b) 12-9-55 accusation filed Department's decision for indefinite suspension adopted 12-6-56 Appealed 1-11-57. Decision reversed 7-29-57 and remanded for further hearing New decision adopted 10-23-58 for indefinite suspension Appealed 11-26-58 Appeals Board affirmed department on 11-3-59 then appealed to superior court. Decision pending
   (c) 3-5-58 accusation filed 15-day penalty. Under appeal. Decision pending.
   (d) 3-11-58 accusation filed. 15-day penalty. Under appeal Decision pending
   (e) 8-20-58 accusation filed 15-day penalty appealed Decision pending
   (f) 8-29-58 accusation filed 15-day penalty appealed. Decision pending.
   (g) 12-15-59 accusation filed Penalty of revocation appealed. Decision pending.
   (h) 12-22-59 accusation filed Penalty of revocation appealed Decision pending.
   (i) 5-26-60 accusation filed Penalty of revocation appealed Decision pending.

The problem of continued violation arises after the department has taken action and is upheld by the Alcoholic Beverage Control Appeals Board At this point, the licensee appeals the decision of the department to the courts and asks the court for a stay of the department's order.

The experience of the Attorney General's Office with the courts in the granting of "stays" varies with the region—according to William T. Chidlaw, Deputy Attorney General In some areas, the courts have been very reluctant to deny a stay order to the licensee Chidlaw stated:

> " initially we felt that some of these violations—some of our B-girl violations, some of these solicitations for prostitution violations, disorderly house where we have lots of fights, knifings,—where licensees are of the character that should be put out of business, they should not receive stays We feel that it is good law enforcement to follow the penalty as quickly as possible after the offense So we did oppose many cases in the beginning on that ground, that this is a shocking, flagrant type of violation We weren't successful in more than one or two cases in the Sacramento area along those lines "

Since the problem stems from the fact that most of the courts in the State have been very accommodating in granting stays of the depart-

ment orders, the solution to the problem would also appear to lie in this area—by prohibiting stays in ABC cases after a certain number of violations or by setting up an injunction procedure to restrain licensees from continuing to violate the law or by providing that these cases are given high priority on the courts' calendars. Two approaches toward solving this problem were suggested by Director Harris:

> "Now it seems to us that there are two possible solutions to this, and I'll merely mention the first one, although I recognize that it's a rather harsh recommendation The most effective way to stop these deliberate, open, flagrant violators would be something like this:
>
> "Where a third disciplinary order is issued while two others are on appeal for the same offense, and where the department has been sustained by the Alcoholic Beverage Control Appeals Board, we would recommend that the third order be revoked immediately. In other words, the license suspended, let the licensee complete his appeal, but suspend his license while he's doing it
>
> "The second alternative is less harsh, and it would be to authorize the Department to petition the superior court to restrain a licensee from continuing to violate the law while he's on appeal. This is rather an unusual thing to ask a court to restrain a man from breaking the law, but it's about all that we can think of If we were able to do this, and a licensee continued to violate the law, you would have immediate action against him He could continue his appeals on the administrative action that we have, and he could continue operating as a licensee; but if he did as he's doing now—continue to violate fair trade—I repeat, we would go to court on a contempt charge "

This solution was supported by Sante Quattrin, Executive Secretary and Legal Counsel for the Wholesale Liquor Distributors' Association of Northern California:

> "Our organization has discussed the proposal of Mr Harris in relation to the injunction proceedings to be resorted to in cases where licensees are found to have violated the law repeatedly For that reason, we want to put our organization in favor of supporting Mr. Harris' program We would like to call your attention to a bill that was passed by the last session of the legislature—namely, Assembly Bill 898
>
> "That bill was signed by the Governor and provides that a court may issue an injunction for violations of the Cartwright Act, which is commonly known as the antitrust laws of the State of California The bill is very short, and I would like to read it into the record
>
> "Section 16754 5 added to said code, to read 'In any civil action brought by the State under this chapter, the court may, in addition to granting such prohibitory injunctions and other restraints, as may be deemed expedient to deter the defendant from and insure against his committing a future violation of this chapter, bring such mandatory injunction as may be reasonably necessary to restore and preserve fair competition in the trade or commerce affected by the violation '

"The same principle would apply to the Department of Alcoholic Beverage Control While it is true that an injunction is subject to appeal, the appeal would not stay the injunction—the injunction will still be in effect While it is also true that if an injunction is violated and the defendant is held in contempt of court, that contempt decree could also be appealed to the higher courts; but, nevertheless, the injunction will still remain in effect, and it would be rather difficult for a court of appeals or a supreme court to dissolve the order of contempt, if there were sufficient grounds for ordering the contempt decree For that reason, while we don't think this is a cure-all, it would help the department in trying to stop those who absolutely would not live up to the law "

Harry Tarnoff, representing the California Retail Liquor Dealers Institute, supported the position of the department in this matter and stated

"We feel that the violation of any section of the Alcoholic Beverage Control Act, any one violation, is as reprehensible as any other. We draw no distinctions between various sections of the act We feel if it's the law that it is important Statements have been made here, particularly the reference to the New York and New Jersey laws, and I don't know why we can't adopt similar laws in California If it's good enough for them to have a maximum thirty-day stay limit, it ought to be good enough for us here "

III. DEFINITION OF "UNIVERSITY" FOR THE PURPOSES OF THE ALCOHOLIC BEVERAGE CONTROL ACT

While Sections 172-172 5 of the *Penal Code* prohibit selling intoxicating liquors (with certain exceptions) around universities, there is no statutory definition of what a "university" is

Section 172a provides that

"Every person who, upon or within one and one-half miles of the university grounds or campus, upon which are located the principal administrative offices of any university having an enrollment of 1,000 students, more than 500 of whom reside or lodge upon such university grounds or campus, sells, gives away or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor; . "

Excluded from the restrictions of the *code* by the provisions of recently enacted Section 172e are onsale licenses at bonafide eating places Such establishments are handled by Department Rule 61 1, which provides that "No onsale general license or onsale beer and wine license shall be issued within one mile of a university unless the department is satisfied that the location of the premises is sufficiently distant from the campus and the nature of the licensed business is such that it will not be patronized by students."

While 172a is the controlling section for all "universities," special sections relate to the University of California at Berkeley and Davis (Section 172) where a mile limit is proscribed for Berkeley and a three-mile limit for Davis, to U C L A (Section 172b) where a mile and one-half limit is proscribed, and to the University of California at River-

side where a mile limit is proscribed There appears to be no logical explanation of these variances

A grandfather clause (Section 172f) has been provided for all establishments within proscribed limits, and these existing licenses may be transferred within the limits provided they are not transferred closer to the campus Thus, a great many licensed establishments are within proscribed limits A rough estimate would place over 200 licensed establishments within a mile and one-half of San Jose State—in fact, there are 15 onsale general licenses within one-half mile of the campus Well over 450 licensed establishments surround U S C , and more than 70 are within one mile of the University of California at Berkeley

With so many liquor licenses already within the forbidden areas, are the students really afforded any protection by the current restrictions? The only campuses with relatively few licensed premises in the immediate vicinity appear to be the University of California campuses at Davis, Riverside, and Santa Barbara and the Pomona campus of California Polytechnic College

In the County of San Francisco, any license in effect anywhere in the county on September 15, 1961, may be transferred anywhere else in the county, including within the limits around San Francisco State, University of San Francisco, and the University of California Medical Center All measurements are to be made by shortest road, except at Stanford where they are made by airline.

The Department of Alcoholic Beverage Control has defined "university" in Section 172a to be an institution which has the authority to grant an academic graduate degree in a major field of study, such as engineering, medicine, law, public administration, business, education, or other professions or arts and sciences. To such institutions, the added statutory requirement of 1,000 students, 500 of whom reside on campus, would apply before the institution becames eligible for a "mile and one-half limit "

The following institutions have qualified under the definition and thus have had the mile and one-half limit applied under 172a·

1 California Institute of Technology at Pasadena
2. California Polytechnic College at Pomona
3 California Polytechnic College at San Luis Obispo
4 Chico State College at Chico
5. Associated Claremont Colleges (includes Pomona College, Scripps College for Girls, Harvey Mudd College, Claremont Men's College, and Claremont Graduate School) at Claremont
6 Fresno State College at Fresno
7 Occidental College at Eagle Rock
8. Pasadena College at Pasadena
9 Sacramento State College at Sacramento
10 San Diego State College at San Diego
11 San Francisco State College at San Francisco (for *new* licenses only, thus for all practical purposes, there is no limit around S. F State)
12. San Jose State College at San Jose

13 Stanford University (named in Section 172a in connection with measuring distances)
14 University of California Medical Center at S F (for *new* licenses only, thus for all practical purposes, there is no limit around U. C. Medical Center)
15 University of California, Santa Barbara at Goleta
16 University of Pacific at Stockton
17 University of Redlands at Redlands
18 University of Santa Clara at Santa Clara
19. University of San Francisco (for *new* licenses only, thus for all practical purposes, there is no limit around U S F)
20. University of Southern California

The following are identified and regulated under other sections·

1. University of California at Berkeley (172)
2 University of California at Davis (172)
3. University of California at Los Angeles (172b)
4 University of California at Riverside (172d)

A Legislative Counsel's opinion of February 25, 1959, (No 8310) has given the department some guidance in defining "university" According to the counsel, state and private colleges have the status of universities if they have more than one department and grant degrees in different fields Cited in support of this opinion is *Mitchell* v *Whittier College,* 205 Cal 174, in which the court states that "a university is in reality but an aggregation of colleges The test seems to be in the course of study and the requirements for graduation—whether it is confined to teaching the liberal arts, whether it confers more than one degree seems not to be valid tests of a college" and observed that "institutions have retained the name 'college' while extending their instruction to university scope."

The department has indicated that the university alcoholic beverage problem has been a major one and that they would like to have a definition of "university" which would apply to Section 172a and department Rule 61 1 Director Harris suggested the following

> "We would recommend that a new subsection be added to the *Penal Code,* possibly Section 172 6, that's the next one in order I believe It would read something like this 'For the purposes of this code, university means any institution of higher learning which grants graduate degrees and which has an enrollment of more than a thousand students, more than 500 of whom reside or lodge upon the grounds or campus of such institution ' That's the way the department is interpreting it now. That's the way we define a university administratively, but there is no sanction in the law for this."

In limiting licensed liquor establishments around "universities," there has been no consideration of or planning for the future Present law allows licensees to congregate around a university at the formative stage of the school and allows them to remain there after the school

reaches the stage of development at which point no new licenses may be located in the same vicinity If it is the intent of the Legislature to keep licensed premises a mile or mile and one-half from a university, the present law has this one major loophole Dr Don Leiffer, representing the California state colleges, discussed this aspect of the problem with the committee as follows·

"In planning for the colleges, one of the primary considerations is the atmosphere of a campus. This atmosphere depends to a very great extent on the surrounding area The presence, in the immediate area surrounding a college, of a number of on- or off-sale establishments can work against the purposes of the college and create serious stumbling blocks for the educational process.

"At present, the chief protection available to the California state colleges in this area is provided by *Penal Code* Section 172a There are important limitations in this section, however, which diminish the protection given the California state colleges. (1) The statute requires that over 500 students reside or lodge on the campus and the institution have a total enrollment over 1,000 (2) In order to qualify, an institution must be a 'university' within the ABC's definition (i e , must have authority to grant an academic graduate degree in a major field of study)

"Eight campuses out of the 16 fail to qualify for protection under either or both of these requirements (Humboldt, Long Beach, Los Angeles, Alameda, San Fernando, Orange, Stanislaus, and Sonoma) And it seems unlikely that either of the two newly authorized colleges (San Bernardino-Riverside and South Bay) will qualify for some time This means that conditions may be created while the institution is young that would be prohibited subsequently This is very poor planning and we believe remedy is vitally needed.

"It would seem that all of the California state colleges deserve protection comparable to that afforded by Section 172, regardless of the number of students presently enrolled or residing on campus, and regardless of whether or not graduate degrees are presently being offered.

"All of the state college presidents who have given us their recommendations on this matter have urged that such protection be provided the state colleges without regard to these limitations

"Accordingly, we respectfully request the committee to consider legislation which would be applicable specifically to the California state colleges (just as similar limitations are not specifically made applicable to the university campuses at U C L A (Section 172b, 1½ miles), Riverside (Section 172d, 1 mile), and Berkeley (Section 172, 1 mile).

"One additional problem exists with regard to San Francisco State College As your staff report indicates, any license in effect anywhere in San Francisco County on September 15, 1961, may be transferred anywhere else in the county, regardless of the proximity of college campuses

"In this regard, President Dumke has told us that a year ago, when the dormitories at San Francisco State were opened, news-

papers reported that 52 onsale liquor license premises and 99 package stores were within a mile and a half of the campus It is the opinion of Dr. Dumke's dean of students, reporting at his request, that the zoning regulations of the area offer 'a large measure of protection,' but that 'the law does not give any real protection against exploitation of students' ''

Local zoning ordinances do not seem to be a solution to this problem, however E G Funke, Assistant Attorney General, in answer to a question as to whether a local municipality could insulate a college campus from liquor establishments by zoning, told the committee

"This is a question that, of course, can never be answered until a zoning ordinance of that particular type has been passed by a municipality and the Supreme Court has said what it means My personal opinion as a lawyer is that a municipality cannot zone against a liquor establishment as an establishment They can zone, they can make it all a residential area, but if they must go into the . . if they are going to zone it for commercial or retail outlets or whatnot, the law, insofar as I view it—and I can be completely wrong—but as I view it, the law states that a zoning ordinance—if it endeavors to zone against liquor as such—is not a valid zoning ordinance. If you say no commercial area, no retail outlets, then that's that But if they zone, if they endeavor to say restaurants may come in here, then they can't say restaurants without liquor licenses can come in here under a zoning ordinance This is my legal view, personal view, not the expression of the Attorney General"

Under the Master Plan for Higher Education, adopted by the Legislature in 1960, California junior colleges are also to be considered as a part of the broad framework of higher education It is anticipated that many students formerly enrolled in the state colleges or the University of California for lower division work will, under this plan, receive this instruction in the junior colleges

In considering the problem of licensed liquor establishments around universities, we note that these protections do not apply to junior colleges, nor has there been any suggestion made to include this segment of higher education under the provisions of *Penal Code* Section 172a or department Rule 61 1

What is the purpose for the lack of consistency with respect to liquor license limitations among the various segments of higher education?

IV. AMBIGUOUS LANGUAGE IN SECTION 25662 RELATING TO THE "ORDER OF A PARENT"

Section 25662 of the *Business and Professions Code* prohibits a minor from possessing any alcoholic beverage on any street, highway, or public place The section makes the following exception " does not apply (to a minor) making a delivery of an alcoholic beverage in pursuance of *the order of his parent* or in pursuance of his employment"

The law and the department recognize that minors are frequently employed by grocery stores or even by package goods shops and, there-

fore, make occasional deliveries of alcoholic beverages through public streets

The ambiguity arises when the minor is in possession "making a delivery of an alcoholic beverage in pursuance of the order of his parent" The department has uniformly maintained for a long period of time that the words in question allow only a licensee-parent to order a minor child to deliver alcoholic beverages to a customer as a convenience to the licensee-parent As far as is known, there are no reported court cases on the point As a corollary of the above interpretation, the department has consistently maintained that the words in question do not authorize a parent to send a child to a licensed premises with a written or telephoned order to *purchase* alcoholic beverages from the licensee for the parent

There is a great amount of misunderstanding among licensees The department recently talked to a group of licensees in Los Angeles, and many of them had made an erroneous, although sincere, interpretation of the point

V. PROBLEM OF LICENSEES WHO REMAIN OPEN AFTER HOURS FOR ACTIVITIES OTHER THAN SERVING FOOD

According to the Department of Alcoholic Beverage Control, a law enforcement problem of some magnitude is created by a few licensees—other than those serving food—who remain open after 2 a m Although the consumption of alcoholic beverages has stopped at 2 a m , public dances and/or gatherings continue past that hour

There are several premises in Northern and Southern California where soft drinks are sold after 2 a m , and there is usually an extensive parking lot around the premises The department has informed us that the conditions are favorable to extended drinking Such conditions are conducive to the congregating of hoodlums and other undesirables

After some preliminary discussion of the problem, Director Harris suggested two alternative courses of action which would alleviate this situation

> " the people who attend these entertainments are going to keep right on drinking, even if the licensee doesn't sell to them The licensee usually just sells them mix at their table, and they have the bottle under the table, and they're drinking, pouring it in the mix Or they are going out in their cars to drink We have found that places that operate like this get pretty disorderly in these early morning hours We just feel that a person who has a license has to be responsible for stopping the drinking in, on, or about his licensed premises at 2 a m So we suggest two possibilities here first, that all licensed premises other than hotels and restaurants should be closed at 2 a m.—that would be one possibility—other than hotels and restaurants The other possibility would be if you don't like that one, that dancing or other entertainment be prohibited on all licensed premises after 2 a m The Los Angeles City and County now have an ordinance like this Number 2, so we don't have this problem there, but here around Sacramento, we do have one or two places that operate like this, and they have caused us an enforcement problem."

VI. ISSUANCE AND TRANSFER OF LICENSES

A. *Background*

For years, the State of California has been trying, with little success, to repeal the law of supply and demand The policy has been both to limit the number of liquor licenses in existence and to try to keep the prices paid for the existing licenses which are sold in the marketplace from increasing

In 1961, legislation was passed modifying the licensing formula in some respects while tightening it in others in an attempt to come to grips with this problem At the present time, 1 offsale general license (package store) is authorized for every 2,000 persons, and this will increase by 1963 to 1 for 2,500 Onsale general licenses (taverns) are issued on a ratio of 1 to 2,000

As the supply of offsale general licenses has still not caught up with the demand—even with the approximately 300 new ones issued in 1961 and 1962—the price of these licenses when transferred has continued to increase Until demand is curtailed in some fashion, the price will continue to increase—short of government confiscation

B. *Necessity for License Restrictions*

It has been determined to be in the public interest to limit the number of liquor establishments licensed to operate in California What is the purpose of such restrictions? Why are they on the "books"? Two views on this were presented to the committee

According to Sante Quattrin, Executive Secretary of the Wholesale Liquor Distributors Association, Ltd , of Northern California, the reason for the limit on licenses is that.

> "The indiscriminate issuance of licenses will give you applicants that have a few dollars, they have a place in a neighborhood, and they want to go into the business just to make a living Then they find out it is hard to make a living, and then they turn around, and they do everything and anything they can just to bring in enough money to make a living—including selling to drunks, and selling to minors, staying open after hours, and doing everything under the sun The limitation of licenses, in my opinion, is strictly an economic measure, because if you don't have responsibility on the part of the fellow who is in business, if he has nothing to lose, he will not behave If a man can lose his license and turn around and get another one, you will never be able to enforce the laws of this State. On the other hand, if you have a retailer, whether it be an onsale or an offsale, who has a license that may be worth $10,000, $20,000, or $30,000. he is not going to do anything very wrong to lose that license. He's got too much money tied up in that business He's got something that he can't get—if he loses that, he can't get another one He has to go out and buy one So the incentive on the part of the individual licensee to live up to the law is far greater if he has a stake in that business That's the reason why license limitation is a good thing "

Mr Russell Munro, former Director of the Department of Alcoholic Beverage Control under Governor Knight and currently representing the California State Hotel Association and the California State Restaurant Association, had a different viewpoint. He stated:

"Well, there are probably some of my members who would chastise me for saying this, but I think it is because the liquor industry has been coddled by government largely at their own request. They have been protected by government; they have been given a monopoly virtually by government; and they want to keep it."

On the question of limiting the issuance of retail liquor licenses on the basis of population, the State of California is not unique. Other states in which liquor is sold as it is in California also have population restrictions. In many states packaged liquor is sold only through state-owned stores. Limitation in other states are as follows:

ALASKA 1 retail license of each kind for every 1,500 population

ARKANSAS 1 to 2,500 population

DISTRICT OF COLUMBIA No more than 300 onsale and 300 offsale for the entire District

FLORIDA 1 of each kind of license to 2,500 population

INDIANA 1 package store license to 5,000 population

KENTUCKY 1 onsale and one offsale for each 2,500 population

MASSACHUSETTS 1 package license to 5,000 population and the total of all kinds of retail licenses not to exceed 1 to 1,000 population

NEW JERSEY 1 package license to 3,000 population

NEW YORK Not more than one package retail license to a person and no two licensed premises to be closer than 1,500 feet on the same street

NEW MEXICO 1 package retail license to 2,000 population

RHODE ISLAND 1 package retail license to 4,000 population

TEXAS No more package licenses to be issued to retailers who already have 5 licenses

WISCONSIN No more than 2 package licenses to 1 person

C. *Demand for New Licenses in California*

There are two indicia by which demand for liquor licenses in California can be gauged. One is the number of applications received by the Department of Alcoholic Beverage Control for the new licenses that are available. The other is the average costs of licenses on the "open market."

On both counts, it is clear that a substantial demand for offsale licenses exists. Except in Los Angeles, Riverside, Santa Barbara, and Yolo Counties, the supply of onsale liquor licenses is apparently adequate. Records of the Department of Alcoholic Beverage Control show that in 1961 and 1962, the applications for new offsale licenses exceeded the number available by over 500 percent. As of November 1, 1962, onsale licenses are still available through the Department of Alcoholic Beverage Control for most counties. The following table will serve to illustrate these points:

	1961		*1962*	
	Licenses Available	*Applications*	*Licenses Available*	*Applications*
Off-sale	154	939	150	982
On-sale	143	107*	127	97†

(For more detailed information, by county, see Appendix I.)

* Through December 31, 1961

† Filed during predrawing period

While the number of applications might not accurately reflect true demand—as some may seek licenses on a speculative basis—other requirements, such as a location and certain investments, probably mitigate this factor

There has also been a progressive increase in the average price paid for the transfer of an offsale general license A summary of the open-market price of offsale licenses in 42 counties is as follows:

	Ave Price	*Highest Price*	*No of Transfers*
January-June 1961	$11,536	$35,000	302
July-December 1961	$14,198	$38,000	291
January-June 1962	$15,074	$42,000	258

(For more detailed information, by county, see Appendix II)

The "open-market" price of onsale licenses has been stabilized at around $10,000 for some time

What are the reasons for this demand for offsale liquor licenses? Is the liquor business a "bonanza" for those entering it?

According to Mr Sante Quattrin, Executive Secretary of the Wholesale Liquor Association of Northern California, Inc., the average profits in the retail liquor business are not high He told the committee:

> "In the year 1961, a total of 29,242,621 gallons of distilled spirits were sold in California The best estimate is that about two-thirds of the distilled spirits sold to consumers in this State are sold by the offsale licensee for consumption off the premises, and one-third are sold by the onsale licensee for consumption on the licensed premises This means that last year in this State about 19,495,081 gallons of distilled spirits were sold by all the offsale licensees
>
> "The state population in 1961 was estimated to be 16½ million This means that the per capita offpremises consumption was 1 18 gallons for the year which, in turn, means that the consumption for each 2,500 population was 2,950 gallons for the year or 8 gallons a day for each 2,500 population
>
> "The estimated average gross profit for an offsale retailer is about $4 75 per gallon This means that an offsale retailer operating in a county which has the *minimum* number of one license to 2,500 population, can expect as his share of the gross profit from the sale of distilled spirits, the amount of $38 per day Out of this $38 the retailer has to pay his rent, insurance, taxes, public utilities, interest on capital, depreciation, delivery charges, and employees' salaries unless he can do all the work himself, working seven days a week and up to 20 hours a day if he stays open the full legal hours
>
> "A distilled spirits offsale retailer, of course, sells products other than distilled spirits, and that is the only reason why as many as one offsale distilled spirits retailer for every 2,500 population can be expected to survive "

Included in "other products" sold by licensees are, of course, beer and wine Californians consumed 238 million gallons of beer and 35 million gallons of wine in 1961 We do not have information as to how much was sold through offsale licenses and how much was sold by taverns and offsale beer and wine licenses

The plight of the new licenses in San Diego County was used as a further illustration of the lack of great profits in the package store liquor business Under the provisions of Senate Bill 275, this county was authorized 25 new offsale licenses per year to meet the needs of an increasing population Duane Sisson, Vice President of the California Retail Liquor Dealers Institute, told the committee of the financial difficulties in which many of these new licensees found themselves after opening.*

"We received the full 25 licenses in our area, and I took the liberty to call upon 15 of these people through a representative and personally, and these new licensees, as located in our city and county, as a whole, are having a very difficult time I can quote you several cases one, an older couple in the National City area, where by the way the National City city council requested the Alcoholic Beverage Control Department not to locate any more licenses in their area because they had a more than adequate supply down there, but these two older people located down there and opened a business, and they've been doing a fantastic figure of $10, $12, $15 a day gross They're older, and they're vitally concerned with their future, and actually they're very upset, and they're in deep trouble financially.

"On El Cajon Boulevard, one of the better boulevards in our city, not too far from my store, but not in immediate competition with me, a man who had never been in the liquor business before had taken his savings and put it into the Department of Alcoholic Beverage Control and drew a license, luckily, and went into business on the boulevard and even maintained his night job in another business that he's trained in—another mechanical thing that he's trained in—and this man is doing $15, $20, $25 a day He told me himself that he is so distraught and so upset over his financial condition on El Cajon Boulevard that he's going to ask the Alcoholic Beverage Control people to allow him to transfer Now, this may or may not be allowed, because there is something in there that you have to show hardship, and how can you interpret an honest business failure to hardship?

"Now, many of us in our County felt that we needed some type of a license program, and I'm not saying that the program that we have isn't going to be successful, because you haven't in the first place had an opportunity to see how well this is going to work, because none of these new licenses have been available upon the market in areas for, we'll say, redistribution, because you had to have a location when you applied for a license, so some of these locations, we'll say, are naturally our mistakes "

The inflated demand for licenses, the committee was told, is due to the desire of "chain stores"—grocery and drug stores—to obtain licenses incidental to their business in the hope that a liquor department will increase the overall volume of the business As a result of California's expanding economy, the growth of suburban areas, the rise of shopping centers and the decline of the small grocery store, a

* A profit and loss statement of the Little Spirit Shop in San Diego County for the year 1961, furnished by Mr Sisson as an example, can be found in Appendix III

great many new "chain" grocery stores have been and are being constructed.

Sante Quattrin told the committee.

"A pertinent question has been raised, and that is this if one offsale liquor license for each 2,500 population appears to be sufficient, why is it that in some counties such a high price has to be paid to purchase a license?

"A great portion of the answer to this question, if not the entire answer, can be illustrated by an actual case of which I have personal knowledge The case is this

"A leading chain store organization in the State purchased a block of property in the neighborhood where I live in San Francisco They paid $450,000 for the property, $50,000 to put it in condition for building, $350,000 to build the store, and they must carry at least $150,000 of inventory at all times because of the tremendous business they do These expenditures add up to $1,000,000 They wanted a liquor license, and they bought one, and they probably bought it for $5,000 or less because of the abundance of licenses in San Francisco Had this organization built the same store in a county when the price for a license was higher, they would have paid the price without materially changing their total investment in the enterprise, because an addition of a few thousand dollars on a million-dollar investment is not material

"We believe that when this committee has all the evidence before it, it will find that most of these high-priced licenses are purchased by persons who are already in the retail liquor business in a very substantial way"

Harry Tarnoff, representing the California Retail Liquor Dealers Institute, also indicated he felt the demands by the "chains" were at the root of the problem

"Now certain statements have been made here about other states, and this is very significant You don't have a problem like this in New York, and that is the closest to our State, as has been indicated One reason, gentlemen, that this whole problem has arisen is the fact that you have enough liquor licenses, really There is no demand on the part of the communities The chains want the liquor licenses because they find it's a very desirable and attractive thing

"I might mention here again that in the onsale picture, you don't have a situation like the offsale where these chain markets come in, to cite again Mr Quattrin's example, come in with tremendous million-dollar developments and tremendous parking areas and thousands of items to sell and can attract business from consumers everywhere—you don't have that— and you don't have the desire in the onsale picture of that group to have licenses willy-nilly whether they put other people out of business or whether they need them for the success of their business or not You see, this is one reason why you don't have that demand in the onsale picture"

Mayfair Markets, a chain grocery store company operating 167 stores in California, Utah, Arizona, Washington, and Oregon and holder of 60 offsale liquor licenses in California, are on record as of June 30, 1962, as having paid the highest sums for liquor licenses—$42,000 in Riverside County and $40,000 in Ventura County. Mr Harold J Millard, treasurer of the firm, tended to substantiate the statements made by Mr Quattrin and Mr Tarnoff He told the committee that:

> "We have checked and found that our overall volume increases by from 10 percent to 25 percent by having a liquor department in that market"

Approximately 10 percent of all outstanding offsale liquor licenses in California are in the hands of large chain stores—stores holding 10 or more licenses Department of Alcoholic Beverage Control records show that as of March 2, 1962, of the 9,625 offsale licenses issued by the department, 942 were held by "chain stores" holding 10 or more licenses An additional number were in possession of smaller or regional chain grocery or drug stores

Thrifty Drug Stores control the largest number of licenses—172—followed by Lucky Stores, Inc, with 107 *

D. *Transfer of Licenses*

In any discussion relating to the transferability of liquor licenses, a number of sticky moral questions arise By the issuance of a state privilege for $6,000 under the present setup whereby this privilege can be sold to another, a value of $15,000 is created overnight. Is it right for the State to issue a privilege which immediately doubles or triples in value the day that that privilege is issued? Should the State create and allow this windfall to the licenseholder—a person who has done no work to create this value?

However, there does not appear to be any question of corruption involved in these transfers Nor is their any question of the State losing money—since the cost of the license cannot be deducted from income taxes as an item of expense, nor can the price be amortized In fact, when the selling price of the license is higher than the cost, the State gains, as taxes must be paid on the difference

Stopping the transfer of licenses without flooding the State with new licenses would retard California's economic growth Many of the new restaurants, hotels, and other businesses feel that a liquor license is a definite asset to business In San Francisco, for example, where no new licenses have been issued for over twenty years, all the new hotels, restaurants, and stores would be without liquor licenses if transfers were not allowed The Mark Hopkins Hotel would be without a license as would the Jack Tar, the Townehouse, Paoli's, Alexis, and many others

To have all licenses revert to the State for reissue, as some have suggested, also raises a number of problems Licensees who have paid large prices for these transferred licenses can only recover their investments through further transfer Particularly hard hit would be those who have obtained their licenses recently In addition, if a licensee

* For further breakdown of licenses held by chain stores see Appendix IV

wished to sell his business, there is no guarantee that he can sell his stock, his store, and his "good will" if the buyer is not assured of getting a license

Although it is customary to refer to the present method of transferring licenses as a sale between two parties, in actual practice, the license reverts to the State, and the buyer is issued a new one (unless, of course, he is morally unfit or does not qualify on some other basis) If licenses which were turned in were reissued on the basis of a drawing, this would put the seller of a business at a great disadvantage and could retard the economic growth of California There is no guarantee that the Mark Hopkins would win in a drawing, for example

As noted, the cost on the "open market" for an offsale liquor license has continued to soar, despite the enactment of legislation in 1961 authorizing the issuance of approximately 150 new licenses a year In a year's time, the average cost of an offsale license has jumped $4,000—from $11,536 to $15,074 The absolute maximum paid for a license also has skyrocketed to a high of $42,000—an increase of $7,000 in the last 12 months While the selling price of offsale licenses has increased, the number of licenses transferred from one party to another has actually decreased substantially This could indicate an almost complete unwillingness on the part of many to part with their licenses—either because they want to remain in business or because they wish to speculate further, anticipating a further increase in value

The costs of "onsale" licenses appear to be stabilized at around $10,000, although a license in San Mateo County was purchased for $60,000 and one in Santa Clara County at $42,000 Cold statistics on the sale prices of liquor licenses have a tendency to be somewhat misleading, however There are many factors entering into the cost of a particular license These factors do not show up in the records maintained by the Department of Alcoholic Beverage Control. For example, James Cowan, of Santa Clara, featured in press accounts at the time of the committee hearings in February 1962, as the purchaser of a liquor license for a record sum of $38,000, told the committee why he paid this amount for a license

> **Mr. Cowan:** I did pay $38,000, but not for a license I paid that sum for a business Out of that $38,000, $2,000 went for a broker's fee, and I also got an addition to the business—goodwill I got fixtures, refrigerator—the normal equipment for a liquor store
>
> **Chairman Winton:** The inventory?
>
> **Mr. Cowan:** Not the inventory, sir
>
> **Chairman Winton:** The inventory was in addition to that?
>
> **Mr. Cowan:** Entirely separate In my case, it ran to about $10,000 or $11,000 In addition, if you would allow me to add something to that, sir, there was a certain premium value attached to this license It is quite close to the University of Santa Clara, and that area is now restricted No one can move a license into the area There are five licenses inside the circle, and mine is one of them, and I thought the license was worth probably several thousand dollars more than normal on account of that premium value I made an inquiry from the seller of the license, and I found out that he bought the license in 1957, and he paid $30,000 for it. I

could also point out that out of the $36,000 that he got from me, he had to pay sales tax and, of course, the capital gains tax There was no fantastic profit involved, and I was quite satisfied

Figures reported to the Department of Alcoholic Beverage Control must involve other considerations in addition to the value of the license to be transferred A special zoning situation, goodwill of the business, and certain fixtures may be involved This is the only apparent explanation of why a party in Santa Clara County would pay $42,000 for an onsale license when one could be obtained through the State for $6,000 The variation in prices for licenses within a county further supports this assumption In San Francisco County, onsale licenses were transferred for $2,000 and $19,000 In Alameda County, offsale licenses were transferred for $7,000 and $25,000

Although the figures recorded with the Department of Alcoholic Beverage Control as to the consideration paid for the transfer of a liquor license must be modified in the light of these facts, the finding that the transfer costs of liquor licenses are continuing to increase would still be valid These variations in price are not new factors, but constants

Several possible solutions to this problem have been proposed Alcoholic Beverage Control Director Malcolm Harris suggested that the transfer of any license not part of an operating licensed business should be prohibited, but legitimate and necessary business transfers continued to be allowed In addition, under the Harris Plan, the Department of Alcoholic Beverage Control would be authorized to buy back licenses for $6,000 and reissue them regardless of population limitations Finally, Director Harris stated that the Legislature should:

> "Either authorize sufficient new licenses to meet the demands of our growing population and economy, or, if it is not in the public interest to do that, declare that present limitations should remain intact and recognize that the department will not be able to license many new hotels, restaurants, package stores, drugstores, and other types of businesses desiring licenses. This later point, I feel, is a very, very important matter of public policy that I should not have to decide—or try to decide "

Alfred A Whitaker, representing the California Beverage Retailers Association—a group composed of the large "chain stores"—suggested a two-stage remedy. The first stage would be to issue new licenses for use and not for transfer and to remove the restrictions on intercounty transfer of licenses After a period of six years, liquor licenses would be issued by the State without limitations, and the transfer of licenses would be prohibited

The position of the California Grocers' Association was put before the committee by Merle Goddard as follows

> "There has been a good deal of discussion about making licenses nontransferable As such, we would oppose this type of legislation for several reasons—one of which is that people who are in the business certainly have a great deal of investment involved, and if they were made nontransferable, they would become practically valueless, if not completely so Secondly, as long as we have a

shortage of liquor licenses in the State of California, and if they are not transferable, we think the political pressures on the department would be very great; and for these two reasons—our primary reasons—we are opposed to making licenses nontransferable, unless licenses can be made available in such quantities to have them available for anyone who wants to legitimately enter into business and not have to wait his turn, for perhaps a period of several years before one could be made available through the State We do very definitely believe that we need more liquor licenses in the State of California"

Harry Tarnoff, representing the California Retail Liquor Dealers Institute, and Sante Quattrin, representing the Wholesale Liquor Distributors of Northern California, both observed that the problem would be solved with the enactment of legislation prohibiting any person or corporation to directly or indirectly hold or have an interest in more than five offsale general licenses—with current holders exceeding this maximum allowed to keep the licenses they have, but prohibited from acquiring additional ones.

E. *Intercounty Transfer*

A provision permitting the transfer of liquor licenses from county to county, within specified limits, was enacted by the 1961 Legislature in an attempt to stabilize the transfer price of liquor licenses and to divest counties of licenses where an overconcentration exists Licenses can only be transferred into counties over 35,000 in population, and offsale licenses cannot be transferred into counties receiving new licenses In addition, the number which can be transferred into any one county is limited to 5 percent of the number in existence in the county or to 25, whichever is less The authorization for intercounty transfers will expire in June of 1963

After 18 months of operation, little use has been made of the intercounty transfer law. As of November 1, 1962, there were 109 offsale licenses and 204 onsale licenses still eligible for transfer * This situation is probably due to the fact that the counties into which licenses can be transferred are those where the asking price for licenses is relatively low In other words, it is just as economical for a prospective purchaser to acquire a license within the same county rather than to buy one in another county and pay the $3,000 transfer fee to transfer in San Francisco County is a good example of this Twenty-five licenses could be transferred into San Francisco, but it is doubtful that anyone would do this Los Angeles, Sacramento, Santa Barbara, Marin, San Luis Obispo, and Shasta Counties are the only counties to which the full quota of offsale licenses have been transferred. To only two counties—Santa Barbara and Yolo—have a full quota of onsale licenses been transferred.

According to Russell Munro, former Director of the Department of Alcoholic Beverage Control and currently the representative of the California State Hotel Association and California State Restaurant Association, the enactment of an intercounty law without limitations would be desirable He added

* See Appendix I for a complete breakdown on intercounty transfers

"So long as general licenses are limited in number, thereby perpetuating a government-enforced monopoly and creating an artificial market climate for the natural play of supply and demand for licenses, county-to-county transfers offer the most effective means for keeping the price of existing licenses somewhere within the bounds of reason"

VII. RECOMMENDATIONS

A. *Continued Violation of the Same Section of the ABC Act*

1 We recommend that the Legislature propose to the people of the State of California that the Constitution of the State be amended by amending the seventh paragraph of Section 22 of Article XX thereof relating to alcoholic beverages, to read

"When any person aggrieved thereby appeals from a decision of the department ordering any penalty assessment, issuing, denying, transferring, suspending or revoking any license for the manufacture, importation, or sale of alcoholic beverages, the board shall review the decision subject to such limitations as may be imposed by the Legislature In such cases, the board shall not receive evidence in addition to that considered by the department Review by the board of a decision of the department shall be limited to the questions whether the department has proceeded without or in excess of its jurisdiction, whether the department has proceeded in the manner required by law, whether the decision is supported by the findings, and whether the findings are supported by substantial evidence in the light of the whole record In appeals where the board finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department, it may enter an order remanding the matter to the department for reconsideration in the light of such evidence In all other appeals the board shall enter an order either affirming or reversing the decision of the department When the order reverses the decision of the department, the board may direct the reconsideration of the matter in the light of its order and may direct the department to take such further action as is specially enjoined upon it by law, but the order shall not limit or control in any way the discretion vested by law in the department *An* order of the board shall be subject to judicial review, upon petition of the director or any party aggrieved by such order *Such review proceedings shall be preferred over, and shall be heard and determined in preference to, all other civil business except election causes, irrespective of position on the court's calendar Pending appeal, no order of the board shall be stayed for more than six months. No extension of a stay shall be granted*"

B. *Definition of "University"*

1 We recommend that a new section be added to the Alcoholic Beverage Control Act defining "university" for the purposes of the act as "an institution which has the authority to grant an academic graduate degree"

2 We recommend that a new section be added to the Alcoholic Beverage Control Act to bring within the protection of the *Penal Code* Section 172a and Department Rule 61 1 * those new campuses of the University of California and the California State Colleges that the Regents of the University or the Board of Trustees of the California State Colleges certify will have, within 10 years, at least 1,000 students, 500 of whom are residing on campus, and will be granting academic graduate degrees Noting that there are no restrictions on the issuance of licenses around junior colleges and that many licenses are within the proscribed limits around state colleges and universities, we recommend that this subject be further studied for the purpose of determining whether the present statutes are effective and whether it is necessary to have any restrictions at all

C. *Ambiguous Language in Section 25662*

We recommend that Section 25662 of the *Business and Professions Code* be amended as follows

> "Section 25662 Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway or any public place is guilty of a misdemeanor This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage ~~in pursuance of the order of his parent or~~ in pursuance of his employment "

D. *Licensees Who Remain Open After Hours*

1 We recommend that all onsale or onsale beer and wine licensed premises, other than restaurants, hotels, and other establishments as determined by the Director of the Department of Alcoholic Beverage Control to be hardship cases, must be closed by 2 15 a.m

E. *Issuance and Transfer of Licenses*

1 We recommend that the authorization for intercounty transfers of liquor licenses—with the present restrictions—be extended for six years

2 If the Legislature determines that the policy of the State of California is to hold the price of liquor licenses sold on the open market within reasonable bounds and to continue to provide for the economic growth of California, only two solutions are possible one would be to enact legislation prohibiting any person, partnership, or corporation from holding more than three of the same type of liquor licenses—and allowing those holding more than three at the present time to continue to hold them but to add no more The other would be to issue licenses without limits We do not think this second solution would be met with enthusiasm by the people of the State of California

3. We recommend that the Department of Alcoholic Beverage Control establish reporting procedures to determine more accurately the price paid for the transfer of a license—exclusive of all other factors

* Subsequent to the committee's work on this subject, the Alcoholic Beverage Control Appeals Board has declared department Rule 61 1 to be unconstitutional

APPENDIX I

ORIGINAL ISSUANCE AND INTERCOUNTY TRANSFER OF ONSALE AND OFFSALE LIQUOR LICENSES, 1961-1962

ORIGINAL ISSUANCE AND INTERCOUNTY TRANSFERS OF ONSALE GENERAL LICENSES

July 1 through December 31, 1961

Counties	*Original available*	*Original issued*	*Original pending*	*Transfer available*	*Transfer issued*	*Transfer pending*
Alameda	--	--	--	25	1	1
Alpine	--	--	--	--	--	--
Amador	--	--	--	--	--	--
Butte	--	--	--	3	--	--
Calaveras	--	--	--	--	--	--
Colusa	--	--	--	--	--	--
Contra Costa	--	--	--	12	--	1
Del Norte	--	--	--	--	--	--
El Dorado	--	--	--	--	--	--
Fresno	--	--	--	11	--	--
Glenn	--	--	--	--	--	--
Humboldt	--	--	--	5	--	--
Imperial	--	--	--	3	--	--
Inyo	--	--	--	--	--	--
Kern	--	--	--	9	--	--
Kings	--	--	--	2	--	--
Lake	--	--	--	--	--	--
Lassen	--	--	--	--	--	--
Los Angeles	25	14	13	--	--	--
Madera	--	--	--	1	1	--
Marin	--	--	--	6	1	--
Mariposa	--	--	--	--	--	--
Mendocino	--	--	--	3	--	--
Merced	--	--	--	3	--	--
Modoc	--	--	--	--	--	--
Mono	--	--	--	--	--	--
Monterey	--	--	--	7	1	1
Napa	--	--	--	3	1	--
Nevada	--	--	--	--	--	--
Orange	25	12	10	--	--	--
Placer	--	--	--	3	--	--
Plumas	--	--	--	--	--	--
Riverside	14	11	3	--	--	--
Sacramento	--	--	--	16	8	3
San Benito	--	--	--	--	--	--
San Bernardino	21	9	4	--	--	--
San Diego	25	7	5	--	--	--
San Francisco	--	--	--	25	--	--
San Joaquin	--	--	--	10	--	--
San Luis Obispo	--	--	--	4	--	--
San Mateo	--	--	--	15	--	--
Santa Barbara	--	--	--	5	1	--
Santa Clara	25	5	0	--	--	--
Santa Cruz	--	--	--	6	--	--
Shasta	--	--	--	3	--	--
Sierra	--	--	--	--	--	--
Siskiyou	--	--	--	--	--	--
Solano	--	--	--	5	--	--
Sonoma	--	--	--	9	--	--
Stanislaus	--	--	--	5	--	--
Sutter	--	--	--	--	--	--
Tehama	--	--	--	--	--	--
Trinity	--	--	--	--	--	--
Tulare	--	--	--	4	--	--
Tuolumne	--	--	--	--	--	--
Ventura	8	3	2	--	--	--
Yolo	--	--	--	2	1	1
Yuba	--	--	--	--	--	--
Total	143	61	46	205	15	7

1962 ORIGINAL ISSUANCE AND INTERCOUNTY TRANSFERS
ONSALE GENERAL LICENSES

	ORIGINAL LICENSES					INTERCOUNTY TRANSFERS				
COUNTIES [a]	*Lics. avail 6-11-62*	*Appls filed* [b]	*Issued*	*Pending*	*Lics avail 11-1-62*	*Lics avail 6-11-62*	*Appls. filed* [b]	*Issued*	*Pending*	*Lics. avail 11-1-62*
Alameda	--	--	--	--	--	25	1	2	1	22
Butte	--	--	--	--	--	3	--	--	--	3
Contra Costa	--	--	--	--	--	12	--	2	--	10
Fresno	--	--	--	--	--	11	--	--	--	11
Humboldt	--	--	--	--	--	5	--	--	--	5
Imperial	--	--	--	--	--	2	--	--	--	2
Kern	--	--	--	--	--	9	--	--	--	9
Kings	--	--	--	--	--	2	--	--	--	2
Los Angeles	25	57	12	13	--	--	--	--	--	--
Madera	--	--	--	--	--	1	--	--	--	1
Marin	--	--	--	--	--	6	--	--	--	6
Mendocino	--	--	--	--	--	3	--	--	--	3
Merced	--	--	--	--	--	3	--	--	--	3
Monterey	--	--	--	--	--	7	--	--	--	7
Napa	--	--	--	--	--	3	--	--	--	3
Orange	25	13	9	10	6	--	--	--	--	--
Placer	--	--	--	--	--	3	--	--	--	3
Riverside	6	12	2	4	--	7	--	--	--	7
Sacramento	--	--	--	--	--	16	1	1	1	14
San Bernardino	23	5	6	4	13	--	--	--	--	--
San Diego	25	8	7	5	13	--	--	--	--	--
San Francisco	--	--	--	--	--	25	--	--	--	25
San Joaquin	--	--	--	--	--	10	--	--	--	10
San Luis Obispo	--	--	--	--	--	4	--	--	--	4
San Mateo	--	--	--	--	--	15	--	--	6	9
Santa Barbara	--	--	--	--	--	5	7	5	--	--
Santa Clara	10	1	1	5	4	15	--	--	--	15
Santa Cruz	--	--	--	--	--	5	--	--	--	5
Shasta	--	--	--	--	--	3	--	--	1	2
Solano	--	--	--	--	--	5	--	--	--	5
Sonoma	--	--	--	--	--	9	--	--	--	9
Stanislaus	--	--	--	--	--	5	--	--	--	5
Tulare	1	1	1	--	--	4	--	--	--	4
Ventura	9	--	1	2	6	--	--	--	--	--
Yolo	--	--	--	--	--	2	3	2	--	--
Total	124	97	39	43	42	225	12	12	9	204

[a] Counties not listed did not have new licenses or intercounty transfers available
[b] Filed during predrawing period

ORIGINAL ISSUANCE AND INTERCOUNTY TRANSFERS OF OFFSALE GENERAL LICENSES

July 1 through December 31, 1961

COUNTIES *	*Orig avail.*	*Appl filed*	*Orig. issued*	*Orig pending*	*Unsuccessful appl*	*Trans avail*	*Trans issued*	*Trans pending*	*Licenses yet avail*
Alameda	--	--	--	--	--	25	1	2	22
Butte	--	--	--	--	--	3	2	1	--
Contra Costa	14	102	13	2	88	--	--	--	--
Fresno	--	--	--	--	--	11	--	--	11
Humboldt	--	--	--	--	--	4	--	--	4
Imperial	--	--	--	--	--	3	--	--	3
Kern	--	--	--	--	--	7	1	2	4
Kings	--	--	--	--	--	2	--	1	1
Los Angeles	--	--	--	--	--	25	15	8	2
Madera	1	1	1	--	--	--	--	--	--
Marin	--	--	--	--	--	5	1	4	--
Mendocino	--	--	--	--	--	3	--	--	3
Merced	4	2	2	2	--	--	--	--	--
Mono	--	--	--	--	--	6	--	--	6
Monterey	--	--	--	--	--	2	--	1	1
Orange	25	141	19	10	116	--	--	--	--
Placer	--	--	--	--	--	3	3	--	--
Riverside	9	107	6	12	98	--	--	--	--
Sacramento	8	64	6	8	56	--	--	--	--
San Bernardino	17	62	16	5	45	--	--	--	--
San Diego	25	160	20	9	135	--	--	--	--
San Francisco	--	--	--	--	--	25	--	--	25
San Joaquin		--	--	--	--	8	--	--	8
San Luis Obispo	--	--	--	--	--	3	3	--	--
San Mateo	14	65	11	8	51	--	--	--	--
Santa Barbara	--	--	--	--	--	6	5	1	--
Santa Clara	17	141	11	9	124	--	--	--	--
Santa Cruz	--	--	--	--	--	4	--	--	4
Shasta	--	--	--	--	--	2	1	--	1
Solano	--	--	--	--	--	4	--	--	4
Sonoma	--	--	--	--	--	6	--	--	6
Stanislaus	6	7	6	1	1	--	--	--	--
Sutter	2	9	2	1	7	--	--	--	--
Tulare	3	2	2	1	--	--	--	--	--
Ventura	6	62	5	1	56	--	--	--	--
Yolo	3	14	3	--	11	--	--	--	--
Total	154	939	123	69	788	157	32	20	105

* Counties not listed did not have new licenses or intercounty transfers available

1962 ORIGINAL ISSUANCE AND INTERCOUNTY TRANSFERS
OFFSALE GENERAL LICENSES

	ORIGINAL LICENSES					INTERCOUNTY TRANSFERS				
COUNTIES	*Lics avail 6-11-62*	*Appls filed*	*Issued*	*Pending*	*Lics avail 11-1-62*	*Lics avail 6-11-62*	*Appls filed* [b]	*Issued*	*Pending*	*Lics. avail 11-1-62*
Alameda	--	--	--	--	--	25	1	1	2	22
Butte	--	--	--	--	--	3	1	1	--	2
Contra Costa	16	99	7	9	--	--	--	--	--	--
Fresno	--	--	--	--	--	11	--	--	--	11
Humboldt	--	--	--	--	--	4	--	--	--	4
Imperial	--	--	--	--	--	3	--	--	--	3
Kern	--	--	--	--	--	8	--	--	--	8
Kings	--	--	--	--	--	2	--	--	--	2
Los Angeles	--	--	--	--	--	25	25	6	19	--
Madera	--	--	--	--	--	1	--	--	--	1
Marin	--	--	--	--	--	5	4	4	1	--
Mendocino	--	--	--	--	--	3	1	1	--	2
Merced	3	6	2	1	--	--	--	--	--	--
Monterey	--	--	--	--	--	6	--	--	1	5
Napa	--	--	--	--	--	2	--	--	--	2
Orange	25	201	8	17	--	--	--	--	--	--
Placer	--	--	--	--	--	3	--	--	--	3
Riverside	10	128	4	6	--	--	--	--	--	--
Sacramento	--	--	--	--	--	13	21	11	2	--
San Bernardino	19	76	13	6	--	--	--	--	--	--
San Diego	25	116	15	10	--	--	--	--	--	--
San Francisco	--	--	--	--	--	25	--	--	--	25
San Joaquin	--	--	--	--	--	8	--	--	--	8
San Luis Obispo	--	--	--	--	--	3	2	2	1	--
San Mateo	16	101	10	6	--	--	--	--	--	--
Santa Barbara	--	--	--	--	--	6	4	6	--	--
Santa Clara	19	172	6	13	--	--	--	--	--	--
Santa Cruz	--	--	--	--	--	4	1	--	--	4
Shasta	--	--	--	--	--	2	1	2	--	--
Solano	--	--	--	--	--	4	1	1	--	3
Sonoma	--	--	--	--	--	6	1	1	1	4
Stanislaus	7	3	--	2	5	--	--	--	--	--
Tulare	1	--	1	--	--	--	--	--	--	--
Ventura	7	71	4	3	--	--	--	--	--	--
Yolo	2	9	1	1	--	--	--	--	--	--
	150	982	71	74	5	172	62	36	27	109

APPENDIX II-A

CONSIDERATION PAID FOR TRANSFER OF OFFSALE LIQUOR LICENSES, 1961-1962

SCHEDULE No 1

CONSIDERATION PAID FOR TRANSFER OF OFFSALE GENERAL LICENSES AS SHOWN IN RECORDED NOTICES REQUIRED UNDER SECTION 24073

	January 1 to June 30, 1961			*July 1 to December 31, 1961*		
Counties	*Largest price paid*	*Number transfers in period*	*County averages*	*Largest price paid*	*Number transfers in period*	*County averages*
Alameda	$12,500	8	$10,150	$21,000	17	$12,191
Butte	12,700	4	11,800	12,500	2	12,375
Calaveras	---	--	---	7,000	1	7,000
Contra Costa	---	--	---	29,000	3	27,166
El Dorado	23,000	1	23,000	---	--	---
Fresno	13,000	7	9,507	10,000	5	9,040
Humboldt	---	--	---	13,000	1	13,000
Imperial	---	--	---	10,000	3	8,118
Inyo	8,500	1	8,500	---	--	---
Kern	15,000	7	13,214	15,000	1	15,000
Los Angeles	20,000	177	11,314	28,500	139	13,488
Madera	12,000	1	12,000	---	--	---
Marin	18,500	3	17,166	20,000	1	20,000
Mendocino	---	--	---	9,000	1	9,000
Merced	16,000	2	14,000	---	--	---
Monterey	12,000	2	10,000	3,875	1	3,875
Nevada	11,200	2	8,600	---	--	---
Orange	31,500	8	22,437	30,000	12	25,300
Placer	14,000	2	13,500	16,000	3	16,000
Plumas	4,500	3	2,833	---	--	---
Riverside	34,500	3	24,833	30,000	3	21,666
Sacramento	20,000	4	18,500	27,500	6	21,250
San Bernardino	19,500	5	11,820	20,000	1	20,000
San Diego	25,000	12	12,000	31,500	27	18,222
San Francisco	8,500	20	3,330	13,000	21	5,750
San Joaquin	10,000	2	8,250	10,000	7	8,750
San Luis Obispo	14,900	1	14,900	15,000	5	12,300
San Mateo	---	--	---	30,000	3	23,166
Santa Barbara	20,000	3	14,666	18,000	5	15,800
Santa Clara	33,000	4	27,500	38,000	6	30,016
Santa Cruz	20,000	3	12,833	---	--	---
Shasta	13,500	3	12,166	---	--	---
Siskiyou	5,000	2	3,750	8,000	2	6,500
Solano	8,000	1	8,000	14,000	4	11,100
Sonoma	11,000	2	8,500	12,000	2	9,000
Stanislaus	8,500	2	7,250	9,000	3	8,333
Sutter	---	--	---	10,000	1	10,000
Tehama	---	--	---	13,500	1	13,500
Tulare	10,000	3	8,666	10,000	1	10,000
Tuolumne	8,000	1	8,000	---	--	---
Ventura	35,000	1	35,000	15,000	1	15,000
Yuba	7,500	2	7,000	7,500	2	7,250
		302	$11,536		291	$14,198

Average = Total consideration — Number of transfers

CONSIDERATION PAID FOR TRANSFER OF OFFSALE GENERAL LICENSES AS SHOWN IN RECORDED NOTICES REQUIRED UNDER SECTION 24073

January 1 to June 30, 1962

Counties	*Smallest price paid*	*Largest price paid*	*Total transfers 6 months*	*Total consideration paid*	*County averages*
Alameda	$7,000	$25,500	14	$170,500	$12,179
Alpine	---	---	--	---	---
Amador	---	---	1	12,000	12,000
Butte	12,500	15,000	2	27,500	13,750
Calaveras	---	---	1	13,000	13,000
Colusa	---	---	--	---	---
Contra Costa	28,500	30,000	3	87,500	29,167
Del Norte	---	---	1	12,500	12,500
El Dorado	---	---	--	---	---
Fresno	7,200	16,500	7	72,900	10,414
Glenn	---	---	--	---	---
Humboldt	13,000	15,000	2	28,000	14,000
Imperial	7,500	8,400	2	15,900	7,950
Inyo	---	---	--	---	---
Kern	11,000	12,500	5	60,500	12,100
Kings	---	---	--	---	---
Lake	---	---	1	12,000	12,000
Lassen	---	---	--	---	---
Los Angeles	5,000	16,500	120	1,590,250	13,252
Madera	---	---	--	---	---
Marin	19,500	20,000	2	39,500	19,750
Mariposa	---	---	--	---	---
Mendocino	---	---	--	---	---
Merced	---	---	1	15,000	15,000
Modoc	---	---	--	---	---
Mono	---	---	--	---	---
Monterey	9,500	12,700	4	44,500	11,125
Napa	---	---	--	---	---
Nevada	---	---	--	---	---
Orange	12,000	33,000	13	319,500	24,577
Placer	5,000	17,000	3	37,000	12,333
Plumas	---	---	--	---	---
Riverside	30,000	42,000	2	72,000	36,000
Sacramento	24,000	28,500	11	291,000	26,455
San Benito	---	---	--	---	---
San Bernardino	18,200	24,000	4	82,200	20,550
San Diego	5,900	30,000	16	284,700	17,794
San Francisco	6,000	9,000	13	94,500	7,269
San Joaquin	7,000	10,000	6	51,700	8,617
San Luis Obispo	15,000	15,000	2	30,000	15,000
San Mateo	---	---	1	35,000	35,000
Santa Barbara	14,000	21,500	5	92,500	18,500
Santa Clara	25,000	40,000	3	95,000	31,667
Santa Cruz	5,000	19,500	3	40,500	13,500
Shasta	---	---	--	---	---
Sierra	---	---	--	---	---
Siskiyou	---	---	1	8,000	8,000
Solano	6,000	10,000	3	23,200	7,733
Sonoma	---	---	1	14,000	14,000
Stanislaus	---	---	--	---	---
Sutter	---	---	--	---	---
Tehama	---	---	--	---	---
Trinity	---	---	--	---	---
Tulare	---	---	1	14,000	14,000
Tuolumne	7,500	9,000	2	16,500	8,250
Ventura	16,800	40,000	4	136,800	34,200
Yolo	---	---	1	20,000	20,000
Yuba	---	---	1	6,000	6,000
			262	$3,965,650	$15,136

APPENDIX II-B

CONSIDERATION PAID FOR TRANSFER OF ONSALE LIQUOR LICENSES, 1962

CONSIDERATION PAID FOR TRANSFER OF ONSALE GENERAL LICENSES AS SHOWN IN RECORDED NOTICES REQUIRED UNDER SECTION 24073

January 1 to June 30, 1962

Counties	*Smallest price paid*	*Largest price paid*	*Total transfers 6 months*	*Total consideration paid*	*County averages*
Alameda	$10,000	$24,500	17	$233,800	$13,753
Alpine	--	--	-	--	--
Amador	--	--	-	--	--
Butte	--	--	1	10,000	10,000
Calaveras	7,500	10,000	2	17,500	8,750
Colusa	--	--	-	--	--
Contra Costa	11,000	15,000	6	72,000	12,000
Del Norte	--	--	1	12,500	12,500
El Dorado	--	--	-	--	--
Fresno	10,000	12,500	6	64,500	10,750
Glenn	--	--	-	--	--
Humboldt	--	--	1	10,000	10,000
Imperial	--	--	1	15,000	15,000
Inyo	--	--	-	--	--
Kern	6,000	8,000	5	37,900	7,580
Kings	--	--	-	--	--
Lake	--	--	1	10,000	10,000
Lassen	--	--	-	--	--
Los Angeles	4,000	20,900	116	1,003,400	8,650
Madera	--	--	1	15,000	15,000
Marin	--	--	1	6,000	6,000
Mariposa	--	--	-	--	--
Mendocino	10,000	12,500	2	22,500	11,250
Merced	5,500	12,500	6	52,500	8,750
Modoc	--	--	-	--	--
Mono	--	--	-	--	--
Monterey	10,000	27,000	4	62,100	15,525
Napa	--	--	1	7,000	7,000
Nevada	--	--	1	9,500	9,500
Orange	6,000	35,000	15	183,400	12,227
Placer	--	--	1	11,500	11,500
Plumas	5,000	7,500	2	12,500	6,250
Riverside	12,500	12,600	3	37,700	12,567
Sacramento	10,000	21,000	13	175,450	13,496
San Benito	--	--	1	6,500	6,500
San Bernardino	6,000	14,000	4	33,200	8,300
San Diego	6,000	9,000	25	190,900	7,636
San Francisco	2,000	19,000	26	222,100	8,542
San Joaquin	5,000	18,500	10	90,000	9,000
San Luis Obispo	--	--	1	7,000	7,000
San Mateo	10,000	60,000	4	91,000	22,750
Santa Barbara	6,000	16,500	5	66,900	13,380
Santa Clara	6,500	42,200	10	167,200	16,720
Santa Cruz	7,000	9,000	6	47,000	7,833
Shasta	--	--	--	--	--
Sierra	--	--	--	--	--
Siskiyou	--	--	--	--	--
Solano	--	--	1	10,000	10,000
Sonoma	6,000	16,000	6	57,000	9,500
Stanislaus	7,500	10,000	5	42,500	8,500
Sutter	--	--	--	--	--
Tehama	--	--	1	15,000	15,000
Trinity	--	--	--	--	--
Tulare	10,000	11,000	2	21,000	10,500
Tuolumne	6,000	8,000	4	29,000	7,250
Ventura	6,000	9,000	4	27,000	6,750
Yolo	--	--	1	20,000	20,000
Yuba	10,000	19,000	3	39,500	13,167
			326	$3,264,550	$10,014

APPENDIX III

PROFIT AND LOSS STATEMENT

LITTLE SPIRIT SHOP, SAN DIEGO COUNTY, 1961

LITTLE SPIRIT SHOP INCOME STATEMENT
(September 27 through December 31, 1961)

	DECEMBER		*Year To Date*	
SALES (EXCLUDING SALES TAX)				
Beer	$932 01		$2,253 67	
Liquor	4,982 70		9,929 42	
Wine	382 72		701 74	
Misc & Food	722 37		1,441 50	
TOTAL SALES	$7,019 80	100%	$14,386 33	100%
COST OF SALES				
Inventory Beginning	$8,761 60		–	
Purchases—Beer	714 65		$2,541 88	
Purchases—Liquor	3,374 62		13,034 09	
Purchases—Wine	200 31		1,418 75	
Purchases—Misc & Food	732 20		2,350 39	
	$13,783 98		$19,345 11	
Less Inventory 12-31-61	8,483 43		8,483 43	
TOTAL COST OF SALES	$5,299 05	75 5	$10,861 68	75 5
GROSS MARGIN	$1,719 85	24 5	$3,524 65	24 5
EXPENSES				
Wages	$448 00		$1,225 00	
Payroll Taxes	26 98		73 60	
Taxes & Licenses	17 58		52 74	
Rent	145 00		580 00	
Phone & Utilities	128 87		338 96	
Insurance	21 10		84 40	
Repairs	7 33		139 24	
Store Supplies	29 05		252 80	
Other Supplies	10 21		41 87	
Advertise & Promotion	85 16		306 91	
Cash Difference	9 32		(26 59)	
Dues	4 16		17 48	
Depreciation & Amortization	78 62		231 72	
Bank Charges	2 61		4 31	
Misc Service	27 50		72 50	
Interest	17 50		52 50	
Accounting & Books	35 00		133 26	
Bottle Refund excess over Income	2 19		2 57	
TOTAL EXPENSE	$1,105 18		$3,583 27	
PROFIT ON SALES (LOSS)	$614 67		($58 62)	

APPENDIX IV

OFFSALE LIQUOR LICENSES HELD BY "CHAIN STORES" HOLDING 10 OR MORE LICENSES

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
SACRAMENTO 5, March 2, 1962

HONORABLE JACK SCHRADE
Member of Assembly
State Capitol, Room 4009
Sacramento, California

DEAR MR SCHRADE You asked me to obtain certain information at the time of the recent legislative interim committee hearings I had not forgotten your request but it took a few days to compile the statistics.

The questions you asked were

1 How many total "C" licenses were issued in the State
2 How many "C" licenses are now held by chain operators

The answer to the first question is that there are now 9,625 "C" licenses issued by the department

With respect to the second question, I considered only those operators holding 10 or more licenses as being a chain licensee The total number of "C" licenses held by chain stores is 942, something less than 10 percent of the total licenses issued Individual breakdowns are

Name	*Number of licenses*
The Boy's Market Inc	17
Dales Food Mkts, Inc	11
Food Giant Markets	58
Fox Markets, Inc.	35
Gourmet, Inc	11
Great Atlantic & Pacific Tea Co.	26
Greater All American Mkts Inc	11
Gregory Sales, Inc	11
Hughes Markets, Inc	13
Jay-Vee, Inc	11
Jurgensen's	13
Long's Stores	19
Lucky Stores, Inc	107
Market Basket	53
Mayfair Markets	60
Owl Drug Co	22
Pantry Food Markets, Inc.	10
Raley's	11
Ralph's Grocery Co	20
Safeway Stores, Inc	47
Sav-On-Drug, Inc	32
Sherry's Liquor Stores	15
Shoppers Markets, Inc	13
Thriftmart, Inc	62
Thrifty Drug Stores	172
Von's Grocery Co	71
Walgreen Drug Co	11

I am sending a copy of this letter to Mr Gordon Winton, chairman of the committee, as he would undoubtedly be interested in these figures

Cordially,

PHILIP J HANLEY
Area Administrator

o

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VOLUME 12 NUMBER 8

CALIFORNIA LEGISLATURE

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENT ORGANIZATION

THE NEED FOR A RETIREMENT REVIEW BOARD

MEMBERS OF COMMITTEE

GORDON H WINTON, JR, *Chairman*
NICHOLAS C PETRIS, *Vice Chairman*

WILLIAM T BAGLEY
TOM CARRELL
GLENN E COOLIDGE (deceased)
MILTON MARKS
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THOMAS M REES
W BYRON RUMFORD
JACK SCHRADE
JOSEPH C. SHELL
GEORGE A WILLSON
EDWIN L Z'BERG

ROSE BIRD, *Special Consultant*

January 1963

Published by the
ASSEMBLY
OF THE STATE OF CALIFORNIA

JESSE M UNRUH
Speaker
CARLOS BEE
Speaker pro Tempore
JEROME R WALDIE
Majority Floor Leader
JOSEPH C SHELL
Minority Floor Leader

LETTER OF TRANSMITTAL

ASSEMBLY
CALIFORNIA LEGISLATURE
December 17, 1962

HON. JESSE M. UNRUH
Speaker of the Assembly
State Capitol, Sacramento

DEAR SPEAKER UNRUH: Pursuant to House Resolution 361 of the 1961 Legislature, transmitted herewith is a report by the Assembly Interim Committee on Government Organization dealing with the subject of THE NEED FOR A RETIREMENT REVIEW BOARD.

This report was prepared by Miss Rose Bird, a special consultant to the committee retained during the summer of 1961.

Assemblyman Glenn E. Coolidge was a conscientious and hard-working member of the committee until his death September 12, 1962. He will be missed by all who had the opportunity to work with him.

Respectfully submitted,

GORDON H. WINTON, JR., *Chairman*
NICHOLAS C. PETRIS, *Vice Chairman*

WILLIAM T. BAGLEY
TOM CARRELL
MILTON MARKS
LESTER A. MCMILLAN
DON MULFORD
THOMAS M REES
W. BYRON RUMFORD, with reservations
JACK SCHRADE
JOSEPH C. SHELL
GEORGE A. WILLSON
EDWIN L. Z'BERG

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THE NEED FOR A RETIREMENT REVIEW BOARD

I. INTRODUCTION

Members of the Legislature are deluged every two years by a score of complex and technical bills relating to the various retirement systems to which the State of California contributes These bills involve important policy questions of a political and social nature as well as the expenditure of millions of dollars of state funds

In order to provide the Legislature with disinterested, technical advice, legislation was introduced at the 1961 General Session by Assemblyman Gordon H Winton, Jr, which would have created a Retirement Review Board to advise the Legislature in such matters Although the bill passed the Assembly, it failed passage in the Governmental Efficiency Committee of the Senate and was referred for further study to the Assembly Interim Committee on Government Organization.

A staff report on the bill—Assembly Bill 2556—was prepared by Miss Rose Bird, a special consultant to the committee retained during the summer of 1961 This report is being submitted as written in outline form—a form which is conducive to brevity and ease of understanding vital to this topic

II. ASSEMBLY BILL 2556: AN ANALYSIS

A Establish a Retirement Review Board
  1. Function
     a Advise Legislature on public retirement systems in State
     b. Investigate and review the retirement systems covering public employees in State, excepting systems contracting with private insurers
     c. Report to Legislature on actuarial condition of each system and its financial impact on General Fund
     d Make any recommendation or report any other pertinent facts to the Legislature
     e Study feasibility of a permanent Retirement Review Board
  2. Membership
     a Director of Finance—Chairman
     b Legislative Analyst
     c Attorney General
     d Limited participation by two members from each house who will also constitute a joint interim legislative committee on this subject
  3 Special Advisory Committee
     a Function
        (1) Secure information and assist board at its pleasure
     b. Membership—11 total
        (1) One member of State Employees' Retirement System
        (2) One member of State Teachers' Retirement System

(3) One member of Judges' Retirement System
(4) One member of Legislators' Retirement System
(5) One member of University of California Pension and Retiring Annuities System
(6) Six members appointed by the Retirement Review Board
  (a) One member representing all counties operating retirement system under County Employees Retirement Law of 1937
  (b) One member representing independent city retirement system
  (c) One actuary
  (d) One banker or investment counselor
  (e) Two lay persons

4. Staff for the board
  a. Retirement Review Board empowered to appoint a secretary and prescribe his duties
  b. Utilize the services of all governmental departments and agencies
  c. Assistance and co-operation of every department, commission, board, agency, officer, and employee of state government, including Attorney General's office, employees of any political subdivision, county, city, or public district
5. Appropriation for Expenses
  a. $25,000 for the support and expenses of Retirement Review Board and its advisory committee

III. PURPOSE OF RETIREMENT BOARD

A. Orderly retirement of superannuated employees
B. Reduce personnel turnover
C. Aid in recruitment
D. Inducement for employment and continued service
E. Stabilization of employment
F. Maintenance of constructive personnel administration: recruitment and retention

IV. RETIREMENT PLANS TO WHICH STATE OF CALIFORNIA CONTRIBUTES

A. California Highway Patrol, Forestry and Fish and Game Wardens
B. Local firemen and policemen, county peace officers, local motor coach operators
C. Miscellaneous local members other than above (B)
D. State Employees other than above (A)
E. Teachers' Retirement System
F. Judges' Retirement System
G. Legislators' Retirement System
H. University Retirement System

V. BILLS BEFORE THE 1961 SESSION OF THE LEGISLATURE DEALING WITH SOME PHASE OF THE RETIREMENT SYSTEM

(Approximately 200)

AB 1701	AB 1216	AB 2239	AB 763
AB 2228	AB 2278	SB 879	AB 888
SB 1465	AB 2289	AB 2028	AB 766
AB 1392	SB 324	AB 1740	AB 875
AB 2598	AB 1076	AB 49	AB 767
SB 1151	AB 2953	AB 424	AB 873
AB 1113	AB 2255	AB 3076	AB 864
AB 1114	AB 2914	AB 2593	AB 769
AB 609	AB 1671	AB 2290	AB 3049
AB 786	AB 1704	AB 2593	AB 541
AB 1111	SB 298	AB 1740	AB 296
AB 1859	AB 1748	SB 588	AB 3096
AB 89	AB 2279	AB 49	AB 654
AB 2427	SB 250	AB 1869	AB 2654
AB 1110	SB 1521	AB 2272	AB 1411
AB 2877	ACA 45	AB 2601	AB 649
SB 1292	ACA 50	AB 616	AB 1165
AB 1859	ACR 99	SB 97	AB 2598
SB 309	SB 1342	AB 1952	AB 2822
AB 1722	SB 879	AB 2556	SB 1177
SB 1292	SB 704	AB 255	AB 86
AB 1112	AB 591	AB 627	AB 87
AB 1719	AB 2046	SB 939	AB 88
AB 349	SB 879	SB 1265	AB 1386
AB 1269	SB 716	AB 1346	AB 767
AB 2427	SB 880	AB 442	AB 255
AB 348	SB 1053	AB 2305	AB 1127
AB 2310	SB 704	AB 873	AB 1748
AB 1921	SB 1325	AB 347	AB 769
SB 1521	AB 3037	AB 2990	AB 2707
SB 1059	SB 770	AB 3097	AB 2699
AB 2228	SB 840	AB 2598	AB 3077
AB 1701	AB 1357	SB 1151	AB 2822
SB 1521	AB 2028	AB 3097	SB 177
AB 2278	SB 529	AB 1005	AB 2599
AB 613	AB 590	SB 292	AB 1039
AB 1076	SB 274	AB 943	AB 2953
SB 324	AB 2046	SB 694	AB 1338
AB 470	AB 2639	AB 1671	

VI. WISCONSIN RETIREMENT RESEARCH COUNCIL

A. Background

1. 1945—Wisconsin had 13 distinct retirement systems created by state law
2. Retirement planning was chaotic and confused
3. 1947—Legislature created the joint survey committee
   (a) Membership
      (1) Two senators
      (2) Two assemblymen
      (3) One actuary from insurance commission
      (4) Attorney from attorney general's staff
      (5) One appointment of governor

(b) Function
(1) Competent analysis of all proposals and changes in retirement systems List cost, effect on actuarial soundness of system, desirability of proposal as matter of public policy
(2) Write out above report before any bill heard in legislature
(3) Investigate and report to legislature on any retirement system for public employees
(c) Limitations Too heavy workload for participants
(1) Four legislative members unable undertake extensive research and writing necessary
(2) Attorney and actuary—both already on state payroll with full-time workloads in respective departments
(3) Unable to carry out mandate of investigation of operation of retirement systems for public employees

B. Retirement study commission created—1955
1. Membership
(a) Twenty-two members representing all interested groups —employer, employees, legislators and public members
(b) Staff—research director and necessary actuarial advice and assistance
2 Function
(a) Research the problem of substantial modification in the provisions of three major retirement systems
3. Recommendations
(a) Two major changes and 15 minor modifications in the three major retirement systems
4. All commission recommendations adopted by 1957 legislature A more restricted retirement study commission set up which research remaining retirement problems

C. The retirement research council created in 1959 by legislature
1. Joint survey committee of legislature duties were limited to research and reports on current retirement bills during the legislative session
2. Retirement study commission changed to retirement research council
3. Function
(a) Specific powers and duties of investigation, research and initiation of changes in retirement legislation
4. Membership
(a) One full-time director of research
(b) Members of joint survey committee
(c) Executive director of Wisconsin Retirement Fund
(d) The following individuals appointed by the Governor as follows:

(1) One representative of state, county, or municipal employees
(2) One teacher of state teachers retirement system
(3) One member of board of trustees of teachers annuity and retirement fund
(4) Three members of public
(5) One representative of county or municipal employers

(e) One senator and one assemblyman from minority party in respective houses

5. Workload—heaviest during interim period
6 Prime objective. Resolve controversy and reach agreements on retirement problems within the council rather than on floor of the legislature
7. Accomplishments
   a Definite improvements in evaluation of retirement legislation
   b Co-ordination and focus brought to hodgepodge
   c Substantial contribution to sound retirement legislation

VII. ILLINOIS PUBLIC EMPLOYEES PENSION LAWS COMMISSION

A. Background
   1 Commission first created in 1945
   2. Purpose—conducting research into subject of pensions and establishing policies and standards for evaluating pension laws and legislation
   3 Status—temporary, renewed each legislative session since 1945
   4. Need for commission
      a. Little control over amendatory pension proposals
         (1) Large obligations approved without reasonable inquiry into cost impact and long-term effects
      b Only source of information sponsors of measures to increase benefits
      c Complexity of subject
      d. Precarious financial condition of pension funds
      e Need for uniformity and standardization of basic provisions

B. Permanent commission established—1959
   1. Purpose—make continuing study of pension and annuity benefit laws relating to employees and officers in governmental service
      a. Study pension and benefit laws applicable to employees and officers in governmental service
      b. Appraise and evaluate existing laws pertaining to this subject
      c Study financial problems of several funds
      d. Recommend revisions in financial provisions and methods of amortizing accrued liabilities
      e. Investigate practicability of codifying all public pension laws and preparing legislative drafts

2. Membership—15
   a Five members of house of representatives
   b Five members of senate
   c Five citizens appointed by the governor
3. Staff
   a Commission given authority to employ and fix compensation of such assistants as necessary for performance of duties
4. Basic aim
   a Consider all aspects of pension planning and operation aiming toward development of standard pension policy grounded in fundamental principles
5. Major areas for reform
   a Budgeting pension costs toward aim of rigid control over costs and insurance of continuous flow of revenue to pension funds
   b Consolidation of small membership funds
   c Codification of pension laws to insure more compact law and simplification of language and organization

VIII. PRESENT EXTENT OF REVIEW OF RETIREMENT LEGISLATION IN CALIFORNIA

A. The Legislative Analyst's Office does an analysis of every retirement bill for the Assembly Ways and Means Committee and the Senate Finance Committee. These analyses are limited to the fiscal implications of the measure Policy direction is not considered, nor does the analyst make a recommendation on the bills

B. The Board of Administration of the State Employees' Retirement System makes a complete analysis of every retirement bill which has an effect upon the system This includes the effect of the bill, the cost to the State, the position taken by the system, and an evaluation of the bill under retirement principles.

C. Often the various committee consultants of the Assembly and the Senate assemble brief analyses of the bills being heard before their respective committees However, these are usually quite brief and not very comprehensive.

D. Outside interest groups review bills with which they are concerned
   1 California Taxpayers Association
   2. County Supervisors Association
   3. League of California Cities
   4. California State Employees' Association
   5 Various organizations concerned with specific benefits—firemen, patrolmen, etc

IX. NEED FOR REVIEW OF STATE RETIREMENT SYSTEMS

A. Last complete review was done by Joint Legislative Budget Committee in 1954 in survey form

B. Cost is considerable to the State—approximately $250 million annually was paid by the State in 1959 for retirement benefits for state and local government employees

C Complex and highly specialized field in which initiation and revision should be done only after careful investigation The extension of benefits in one area often produces a rippling effect throughout the various retirement systems This results in increases and extension of benefits far more costly and sweeping than the Legislature intended or proposed

D Legislation concerning retirement systems is not considered on a centralized and co-ordinated basis Municipal and County Government Committee, Civil Service and State Personnel, Ways and Means all consider bills on this subject

E. Need of the Legislature for information and research is great
   1 Need general grasp of highly technical subjects, complex questions, factual information and informed opinion
   2 Usually the facts come from either proponents or opponents of bills The absence of other sources of information and factual material is quite evident when there is no controversy on a measure
   3 Bring specialized knowledge to bear upon analysis of a new problem or new approach to an old problem
   4 Places the Legislature in a better position for independent, intelligent, alternative, affirmative policymaking

F Stability of procedure is needed actuarial estimates of present and future costs, how cost determined, scientific, orderly predictable program of cost finding

X. QUESTIONS CONCERNING RETIREMENT REVIEW BOARD

A Functions of the board too broad for the composition and staff to handle? Boards are traditionally slow in decision and oversensitive to special pleading

B Membership
   1. Conflict of loyalties between legislative and executive branch —Director of Finance and Attorney General Such arrangements often violate the basic American doctrine that legislative, executive powers should remain separate and provide a check on each other
   2 Problem of time and the heavy burden these men already carry in present full-time positions Usually have full-time jobs and cannot devote sufficient time to their board duties, particularly when the board has administrative functions

C Special Advisory Committee
   1 Is the membership representative of all groups directly concerned—is it evenly balanced?

2. Members also hold outside full-time positions—again the limitations of time and energy.

D. Staff of the Board
1. Is one secretary, full-time, capable of handling co-ordination, research, etc.?

E. The board as proposed is modeled on the Wisconsin Retirement Research Council, whose prime objective is "to resolve controversy and reach agreements on retirement problems within the council rather than on the floor of the Legislature." Question the advisability of this in light of the loss of legislative prerogative and power implicit in this statement.

XI. POSSIBLE ALTERNATIVES TO RETIREMENT REVIEW BOARD

A. Joint Legislative Budget Committee
1. Utilize the services of the Legislative Analyst and the cooperation of the various staffs of the Retirement System.
2. The committee would do a complete analysis of every retirement bill and would make recommendations as to its feasibility, fiscal implications, and actuarial soundness.

B. Have the Legislative Analyst's office do a complete study and evaluation of the retirement systems in the State and make recommendations on changes and/or modifications.

C. Set up a completely independent committee, (composed of all groups directly interested in retirement systems), which would be directed by the Legislature to complete a two-year study of retirement systems This committee might be attached to a parent body within the Legislature such as the Joint Legislative Budget Committee. (Perhaps even a Citizens Advisory Commission). Some staff should be provided, but this might be drawn from the Joint Legislative Budget Committee.

D. In any event, it would seem to be most unwise for the Legislature to direct an outside board, especially one composed of administrative officials, to pass upon all the retirement bills coming before the Legislature. The dependence of the Legislature upon an outside body for information on legislation is a weakness and should not be encouraged Rather, research facilities within the Legislature should be enlarged and greater reliance placed upon the ability of the Legislature's staff to analyze bills and similar proposals.

XII. RECOMMENDATIONS

A. We recommend that a special study commission be established to make a complete survey of all retirement systems to which the State of California contributes funds and report such findings and recommendations as deemed appropriate to the Legislature on or before January 15, 1965

B. We recommend that the Legislative Analyst or separate staff —attached to a joint retirement committee—be required by joint rule to analyze every bill before the Legislature relating to any retirement system not only for fiscal implications—present and future—but for policy aspects as well as the impact on other retirement systems and to make a recommendation on each.

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REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Judiciary reports:

Assembly Bill No 866
Assembly Bill No 887

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

WILLSON, Chairman

Above bills ordered to second reading

Committee on Criminal Procedure

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Criminal Procedure reports

Assembly Bill No 1012

With amendments with the recommendation: Amend, and re-refer to the Committee on Criminal Procedure

WINTON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Criminal Procedure reports

Assembly Concurrent Resolution No 25

With the recommendation: That the resolution be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

WINTON, Chairman

Subject matter of the above resolution referred to the Committee on Rules

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Criminal Procedure reports

Assembly Bill No 324
Assembly Bill No. 568

With the recommendation: That the bills be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study.

WINTON, Chairman

Subject matter of the above bills referred to the Committee on Rules.

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Criminal Procedure reports

Assembly Bill No 848

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

WINTON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Criminal Procedure reports

Assembly Bill No 519

With amendments with the recommendation Amend, and do pass, as amended

WINTON, Chairman

Above bill ordered to second reading

Committee on Judiciary

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER: Your Committee on Judiciary reports

Assembly Bill No 863

With the recommendation: Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

WILLSON, Chairman

Above bill ordered to second reading.

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 5—An act to amend Section 262 of the Revenue and Taxation Code, relating to the church exemption, declaring the urgency thereof, to take effect immediately,

Assembly Bill No. 78—An act to amend Section 28157 of the Government Code, relating to county officers,

Assembly Bill No. 84—An act to amend Section 28141 of the Government Code, relating to compensation for public service in counties;

Assembly Bill No. 86—An act to amend Section 24100 of the Water Code, relating to irrigation districts,

Assembly Bill No. 689—An act to add Section 6854 3 to the Business and Professions Code, and to add Section 12055 to the Insurance Code, relating to credit insurance, declaring the urgency thereof, to take effect immediately;

And reports the same correctly enrolled, and presented to the Governor at 9.30 a m, March 13, 1963

POWERS, Chairman

ASSEMBLY CHAMBER, March 13, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 33—Relative to directing the State Department of Social Welfare to inquire into and eliminate duplicative investigative procedures;

And reports the same correctly enrolled, and presented to the Secretary of State on the 13th day of March, 1963, at 9 30 a m

POWERS, Chairman

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 103	Assembly Bill No 941
Assembly Bill No 313	Assembly Bill No 972
Assembly Bill No 712	Assembly Bill No 975
Assembly Bill No 739	Assembly Bill No 1017
Assembly Bill No 766	Assembly Bill No 1023
Assembly Bill No 846	Assembly Bill No 1030

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading.

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 229

And reports the same correctly re-engrossed.

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 8	Assembly Bill No 398
Assembly Bill No 68	Assembly Bill No. 1046

And reports the same correctly engrossed.

POWERS, Chairman

Above bills re-referred to committee.

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No 776
Assembly Bill No 911
And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 720	Assembly Bill No 971
Assembly Bill No. 735	Assembly Bill No 1009
Assembly Bill No 748	Assembly Bill No 1018
Assembly Bill No 777	Assembly Bill No 1051
Assembly Bill No 778	Assembly Bill No 1052
Assembly Bill No 779	Assembly Bill No 1055
Assembly Bill No 780	Assembly Bill No 1056
Assembly Bill No. 781	Assembly Bill No 1057
Assembly Bill No 814	Assembly Bill No. 1058
Assembly Bill No 830	Assembly Bill No. 1059
Assembly Bill No 834	Assembly Bill No 1061
Assembly Bill No 844	Assembly Bill No 1063
Assembly Bill No. 862	Assembly Bill No. 1065
Assembly Bill No. 864	Assembly Bill No 1067
Assembly Bill No. 865	Assembly Bill No 1068
Assembly Bill No 930	Assembly Bill No 1070
Assembly Bill No 931	Assembly Bill No 1072
Assembly Bill No 933	Assembly Bill No 1073
Assembly Bill No 959	Assembly Bill No. 1074
Assembly Bill No 970	Assembly Bill No 1075

And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, March 13, 1963

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No. 20	Assembly Bill No 564
Assembly Bill No 236	Assembly Bill No 569
Assembly Bill No 240	Assembly Bill No 1020

And reports the same correctly engrossed.

POWERS, Chairman

Above bills re-referred to committee.

ASSEMBLY CHAMBER, March 13, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 1066
Assembly Bill No 1069
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar.

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 1053	Assembly Bill No 1064
Assembly Bill No 1054	Assembly Bill No 1081
Assembly Bill No 1060	

And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered to the Consent Calendar.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 24—Relative to St. Patrick's Day.

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—75

NOES—None

Resolution ordered transmitted to the Senate

ADJOURNMENT

At 11 26 a m , on motion of Mr Waldie, the Speaker pro Tempore declared the Assembly adjourned until 9 30 a m , Thursday, March 14, 1963

JESSE M. UNRUH, Speaker

KATHERINE SCHEETZ, Assistant Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FORTIETH LEGISLATIVE DAY

FORTY-NINTH CALENDAR DAY
(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Thursday, March 14, 1963

The Assembly met at 9 30 a m
Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding
Chief Clerk Arthur A. Ohnimus at the desk
Assistant Clerk Charles Winner reading

ROLL CALL

The roll was called, and the following answered to their names

Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brtschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev Robert R Ferguson

Eternal God, Our Loving Father, we know that Thou dost love the world, for Thou hast given Thyself to us May we not become so enmeshed in grinding out laws that we forget the people for whom these laws are made Keep us from an aloof impersonalness May we empathize with those afflicted with miseries, calamities and injustices Allow us to be developing a basic integrity of life which cannot be swayed by every wind that blows, but give us the courage to chart our decisions by the compass pointing toward justice, mercy, and paths that lead to peace

In the name of our Lord, we pray —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr Powers then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr. Zenovich, seconded by Mr. Soto.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr Hinckley, on motion of Mr Conrad.

Mr Badham, on motion of Mr. Conrad.

Mr. Willson, on motion of Mr Waldie

The following member was granted leave of absence for the day, and desired to waive his per diem:

Mr. Warren, on motion of Mr. Waldie.

COMMUNICATION FROM CHIEF CLERK

The following communication from the Chief Clerk was received, and read.

March 14, 1963

Hon. Jesse M. Unruh
Speaker of the Assembly

DEAR MR SPEAKER Assembly Bills Nos. 801 and 1012 (Items 17 and 36, Assembly Daily File for March 14) were submitted with amendments that were not prepared by the Legislative Counsel as required by Rule 76

The major portion of the amendments to Assembly Bill No. 1012 were prepared by Legislative Counsel; however, an attachment has been stapled to Amendment No 3, Page 14, which was not prepared or checked as to form by the Legislative Counsel

None of the amendments to Assembly Bill No 801 were prepared or checked as to form by Legislative Counsel

ARTHUR A. OHNIMUS, Chief Clerk

ASSEMBLY BILLS NOS. 801 AND 1012 RE-REFERRED TO COMMITTEE

Pursuant to the provisions of Rule No 76, and the above communication, Speaker pro Tempore Bee ordered the following bills and the committee amendments thereto re-referred to committees as follows

Assembly Bill No. 801 to the Committee on Fish and Game
Assembly Bill No. 1012 to the Committee on Criminal Procedure.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time

Assembly Bill No. 1857: By Messrs Dymally and Stanton—An act to amend Sections 117 and 117b of the Code of Civil Procedure, relating to declaratory relief in small claims court

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1858: By Mr Henson—An act to amend Section 3605 of the Penal Code, relating to witnesses at execution of death penalty.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1859: By Mr. Dymally—An act to amend Section 20806 of the Education Code, relating to school district taxes

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1860: By Messrs Marks and Rumford—An act to add Section 2727 5 to the Business and Professions Code, relating to the practice of nursing.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1861: By Mr Knox—An act to amend Section 6407 of the Health and Safety Code, relating to sanitary districts

Held at desk by order of the Speaker pro Tempore

Assembly Constitutional Amendment No. 31: By Messrs. Mulford, Waldie, Thelin, Holmes, Alquist, Ashcraft, Bagley, Barnes, Bee, Belotti, Britschgi, Burgener, Chapel, Cologne, Conrad, Cusanovich, Danielson, Mrs Davis, Messrs Deukmejian, Dills, Donovan, Ferrell, Frew, Garrigus, Gonsalves, Greene, Henson, Hinckley, Kenniek, Knox, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Pattee, Petris, Powers, Quimby, Soto, Stevens, Thomas, Veneman, Veysey, Whetmore, Williamson, Young, and Zenovich—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2, 34, and 38 of Article IV thereof, relating to sessions of the Legislature.

Held at desk by order of the Speaker pro Tempore.

INTRODUCTION OF GUESTS

Mr Moreno introduced his wife, Mrs Beverly Moreno, and their son, Jon Moreno, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 12, 1963

MR SPEAKER: Your Committee on Transportation and Commerce reports:

Assembly Bill No 643
Assembly Bill No 716
Assembly Bill No 849
Assembly Bill No 890
Assembly Bill No 902

With the recommendation. Do pass.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar.

CARRELL, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 12, 1963

MR SPEAKER: Your Committee on Transportation and Commerce reports:

Assembly Bill No. 684
Assembly Bill No 850
Assembly Bill No. 852

With the recommendation Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

CARRELL, Chairman

Above bills ordered to second reading.

Committee on Municipal and County Government

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER The Chairman of your Committee on Municipal and County Government reports

Assembly Bill No 1082

With author's amendments with the recommendation Amend, and re-refer to the Committee on Municipal and County Government.

KNOX, Chairman

RE-REFERENCE OF ASSEMBLY BILL NO. 1082

Speaker pro Tempore Bee raised the point of order that the amendments to Assembly Bill No 1082 were not prepared by the Legislative Counsel pursuant to Rule No 76, and ordered the bill and the amendments re-referred to the Committee on Municipal and County Government

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 12, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 696

With the recommendation Do pass

CARRELL, Chairman

Above bill ordered to second reading

Committee on Industrial Relations

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER The Chairman of your Committee on Industrial Relations reports

Assembly Bill No 619

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Industrial Relations

ELLIOTT, Chairman

SECOND READING OF ASSEMBLY BILL NO. 619 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 619—An act to amend Section 1775 of the Labor Code, relating to wages

Bill read second time.

Motion to Amend

Mr Elliott moved the adoption of the following amendments

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "State or political subdivision", and insert "contractor"

Amendment No. 2

In line 4, page 2, after "body", insert "shall notify the Division of Labor Law Enforcement of such violation and the Division of Labor Law Enforcement, if necessary with the assistance of the awarding body,"

Amendment No. 3

On page 2, line 5, after "maintain", insert ", after 10 days has elapsed from the date of such notice by the awarding body unless the division is notified by the awarding body that payment has been made of the difference between the stipulated prevailing wage rates and the amount paid to each workman,"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Industrial Relations

REPORTS OF STANDING COMMITTEES

Committee on Industrial Relations

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Industrial Relations reports
Assembly Bill No 798
With the recommendation Do pass, as amended
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ELLIOTT, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Industrial Relations reports
Assembly Bill No 799
With the recommendation Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ELLIOTT, Chairman

Above bill ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 524
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered to third reading

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports
Assembly Bill No 573
With the recommendation Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ALLEN, Chairman

Above bill ordered to second reading

Committee on Livestock and Dairies

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Livestock and Dairies reports
Assembly Bill No 747
With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

BELOTTI, Chairman

Above bill re-referred to the Committee on Ways and Means

Committee on Civil Service and State Personnel

ASSEMBLY CHAMBER, March 12, 1963

MR SPEAKER Your Committee on Civil Service and State Personnel reports
Assembly Bill No 217
With amendments with the recommendation Amend, and do pass, as amended

MEYERS, Chairman

Above bill ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 14, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 907
Assembly Bill No 932
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file.

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 36
Assembly Bill No 693
Assembly Bill No 860
Assembly Bill No 916
Assembly Bill No 1016
Assembly Bill No 1110
Assembly Bill No 934
And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered returned to second reading file

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file:

Assembly Bills Nos. 693, 1110, 934, 932, 218, 907, 36, 916, 1071, 1016, 768, and 860.

Assembly Bills Nos 693, 1110, 934, 36, 916, 1016, and 860 ordered to third reading

Assembly Bill No. 768 ordered to third reading, subsequent to engrossment

Assembly Bills Nos. 932 and 907 ordered to the Consent Calendar

Assembly Bill No. 218 ordered to the Consent Calendar, subsequent to re-engrossment.

Assembly Bill No. 1071 ordered to the Consent Calendar, subsequent to engrossment.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 912—An act to amend Section 4650 of the Corporations Code, relating to involuntary winding up or dissolution of corporations.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 889—An act to amend Section 24505 of the Public Utilities Code, relating to transit districts in Alameda or Contra Costa Counties

Bill read second time, and ordered engrossed

Assembly Bill No. 1086—An act to amend Section 309 of, and to add Section 309.5 to, the Public Utilities Code, relating to public utilities examiners

Bill read second time, and ordered engrossed.

Assembly Bill No. 179—An act to add Section 223 to the Fish and Game Code, relating to deer.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Fish and Game, were read, and adopted:

Amendment No. 1

On page 1, line 4, of the printed bill, after "Plumas," insert "Sierra,".

Amendment No. 2

On page 1, line 5, strike out "Tehama,"

Bill ordered reprinted, and engrossed

Assembly Bill No. 406—An act to add Section 4305 to the Fish and Game Code, relating to deer.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Fish and Game, was read, and adopted

Amendment No. 1

On page 1, after line 6, of the printed bill, insert

"This section shall be effective until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature and thereafter shall have no force or effect."

Bill ordered reprinted, and engrossed

Assembly Bill No. 726—An act to amend Section 7150 of the Fish and Game Code, relating to fishing licenses.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Fish and Game, were read, and adopted:

Amendment No. 1

On page 1, line 3, of the printed bill, before "A", insert "7150."

Amendment No. 2

On page 1, line 5, strike out "citizen of the United States", and insert "person"

Amendment No. 3

On page 1, line 7, strike out "For the", and insert "A sport fishing license stamp may not be purchased for this license

For the purpose of this section and Section 7149, ocean waters in the San Francisco Bay area are those waters bounded by U S Highway 101 commencing at the Golden Gate Bridge, thence northerly toward the City of Petaluma to the junction of U S Highway 101 and State Highway Legislative Route 104, thence easterly on State Highway Legislative Route 104 to its junction with State Highway sign route 12; thence southerly on State Highway sign route 12 to its junction with State Highway sign route 37 near the Town of Schellville, thence easterly along State Highway sign route 12 and 37 to its junction with State Highway sign route 29 near the City of Napa, thence southerly along State Highway sign route 29 to its junction with U S Highway 40; thence southerly along U S. Highway 40 to its junction with State Highway sign route 17; thence southerly and westerly on State Highway sign route 17 to its junction with Bypass U S 101 near the City of San Jose; thence northerly on Bypass U.S. 101 to the point of beginning"

Amendment No. 4

On page 1, strike out lines 8 to 15, inclusive

Bill ordered reprinted, and engrossed

Assembly Bill No. 725—An act to amend Section 3200 of the Fish and Game Code, relating to raising, importing, and selling of domesticated game birds and mammals

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 796—An act to amend Section 3516 of the Fish and Game Code, relating to imported game birds

Bill read second time

Motion to Amend

Mr Booth moved the adoption of the following amendment

Amendment No. 1

On page 1, line 4, of the printed bill, strike out ", taking, and possession"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and removed from the Consent Calendar

Assembly Bill No. 943—An act to add Section 9272 5 of the Public Resources Code, relating to soil conservation districts

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 944—An act to amend Sections 9156, 9315, 9317 13, 9508, 9526, 9550, 9605, and 9713 of the Public Resources Code, relating to soil conservation

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 48—An act to add Section 5014 to the Public Resources Code, relating to the State Park System

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Natural Resources, Planning, and Public Works, was read, and adopted·

Amendment No. 1

On page 1 of the printed bill, strike out line 3; and in line 4, strike out "abandon", and insert

"5014 The Director of Parks and Recreation shall convey to the Del Norte Company, upon such terms and conditions as he determines are in the best interests of the State,"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 942—An act to amend Section 9313 of the Public Resources Code, relating to soil conservation.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Natural Resources, Planning, and Public Works, was read, and adopted·

Amendment No. 1

On page 1, line 5, of the printed bill, after "terms", insert "indicating the perimeter boundaries in terms generally understood by persons residing in the area"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 538—An act to amend Sections 5823, 5823 5, 5824, 5827, 5829 1, 5829 2, 5833, 5861, and 5882 of the Public Resources Code, relating to small craft harbors.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Natural Resources, Planning, and Public Works, were read, and adopted

Amendment No. 1

Strike out lines 1 and 2 of the title of the printed bill, and insert "An act to amend Section 5882 of the Public Resources Code,".

Amendment No. 2

On page 1, line 1, strike out "5823", and insert "5882"

Amendment No. 3

On page 1, strike out lines 3 to 18, inclusive; strike out pages 2 and 3, and on page 4, strike out lines 1 to 45, inclusive

Amendment No. 4

On page 4, line 48, strike out "Natural Resources", and insert "Parks and Recreation".

Amendment No. 5

On page 4, line 49, strike out "Natural Resources", and insert "Parks and Recreation"

Amendment No. 6

On page 5, strike out lines 1 to 13, inclusive, and insert "such fund unless an appropriation is made therefor by the Legislature "

Bill ordered reprinted, and engrossed

Assembly Bill No. 914—An act to amend Sections 11750 3 and 11755 of the Insurance Code, relating to rating organizations

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 918—An act to amend Section 1194 95 of the Insurance Code, relating to investment of excess funds in electronic computer or data processing systems

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 921—An act to amend Sections 10163, 10163 5 and 10489 2 of the Insurance Code, relating to industrial life insurance mortality tables

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 966—An act to amend Section 14806 of the Financial Code and to add Section 14804 2 to said code, relating to credit unions

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Finance and Insurance, was read, and adopted

Amendment No. 1

On page 1, line 11, of the printed bill, after "unions", insert ", providing such corporation is formed by an organization composed of credit unions described in Section 14805 5(a)".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 922—An act to amend Section 1591 of the Insurance Code, relating to annual statements of alien insurers.

Bill read second time, and ordered engrossed

Assembly Bill No. 965—An act to amend Section 14901 of the Financial Code, relating to credit unions

Bill read second time, and ordered engrossed

Assembly Bill No. 866—An act to amend Section 11501 of the Government Code, relating to administrative adjudication

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Judiciary, was read, and adopted.

Amendment No. 1

On page 1 of the printed bill, strike out line 12, and insert "California Board of Nurs-"

Bill ordered reprinted, engrossed and to be placed on the Consent Calendar

Assembly Bill No. 887—An act to amend Section 15854 of the Government Code, relating to the acquisition of real property.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Judiciary, was read, and adopted:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "decision of", and insert "determination by"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 848—An act to amend Section 938 1 of the Penal Code, relating to transcripts of grand jury proceedings

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 519—An act to amend Sections 1121 and 1128 of the Penal Code, relating to juries in criminal cases

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted

Amendment No. 1

On page 1, line 4, of the printed bill, after "or", insert "in cases in which the defendant is represented by counsel"

Amendment No. 2

On page 1, line 7, after the period, insert "Any request made to the court for separation of jurors after the submission of the case to the jury shall be made by oral motion to the court outside the presence of the jury"

Bill order reprinted, and engrossed.

Assembly Bill No. 863—An act to amend Sections 11506 and 11520 of the Government Code, relating to administrative adjudication.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Judiciary, were read, and adopted:

Amendment No. 1

On page 2, line 10, of the printed bill, after "11520", insert "(a)".

Amendment No. 2

On page 2, line 16, after the period, insert
"(b) Nothing herein shall be construed to deprive the respondent of the right to make any showing by way of mitigation"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

Senate Bill No. 105—An act to amend Section 13242 of the Public Utilities Code, relating to bond denominations, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 25—An act relating to the tide and submerged lands granted to the City of Vallejo by Chapter 310 of the Statutes of 1913, and declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 35—An act to add Section 13109.2 to the Government Code, relating to letting of state property.

Bill read second time, and ordered to the Consent Calendar

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No. 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means

Assembly Bill No. 907.
Assembly Bill No. 1086, subsequent to engrossment.

REFERENCE OF BILLS

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees:

Assembly Bill No	*Committee*
1817	Criminal Procedure
1818	Education
1819 and 1820	Municipal and County Government
1821	Governmental Efficiency and Economy
1822 and 1823	Judiciary
1824	Municipal and County Government
1825	Water
1826	Criminal Procedure
1827 and 1828	Governmental Efficiency and Economy
1829 through 1835	Finance and Insurance
1836	Criminal Procedure
1837	Education
1838	Transportation and Commerce
1839 and 1840	Finance and Insurance
1841	Water
1842	Natural Resources, Planning, and Public Works
1843	Judiciary
1844 through 1846	Criminal Procedure
1847	Governmental Efficiency and Economy
1848	Judiciary
1849	Finance and Insurance
1850 and 1851	Education
1852	Finance and Insurance
1853	Education
1854	Public Utilities and Corporations
1855	Judiciary
1856	Finance and Insurance

Assembly Constitutional Amendment No	
30	Judiciary

Senate Bill No	
115	Education

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 13, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No 52

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bill ordered to unfinished business file

SENATE CHAMBER, March 13, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 80

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bill ordered enrolled

SENATE CHAMBER, March 13, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Assembly Concurrent Resolution No 24

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above resolution ordered enrolled

SENATE CHAMBER, March 13, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 30
Senate Bill No 78
Senate Bill No 82
Senate Bill No 89
Senate Bill No 249
Senate Bill No 301
Senate Bill No 334
Senate Bill No 436
Senate Bill No 454

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time

Senate Bill No. 30—An act to add Chapter 6 (commencing with Section 28100) to Division 12 of the Vehicle Code, relating to Vehicle Equipment Safety Compact

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 78—An act to add Division 18 5 (commencing with Section 25410) to, to amend Section 8454 of, and to repeal Chapter 6 (commencing with Section 1401) of Division 4, Chapter 7 (commencing with Section 2551) of Division 5, Chapter 8 (commencing with Section 22200) of Division 16, Article 4 (commencing with Section 5701) of Chapter 5 of Division 6, Article 5 (commencing with Section 7801) of Chapter 2 of Division 7, and Article 8 (commencing with Section 15651) of Chapter 2 of Division 11, of, and to repeal Sections 989, 7751, 8403, 17004, and 20802 of; the Education Code, relating to junior colleges

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 82—An act to amend Section 2786 5 of the Business and Professions Code, relating to the practice of nursing

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 89—An act to amend Sections 27324 and 27263 of the Government Code, relating to indexing

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 249—An act to amend Section 13581 of the Education Code, relating to the definition of the classified service within school districts

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 301—An act to amend Sections 888, 898, 904, 908 and 908 1 of, and to add Section 888 2 to, the Penal Code, relating to the number of members of grand juries

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 334—An act to amend Section 9701 of the Education Code, relating to textbooks

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 436—An act to amend Section 7074 of, add Section 7138 to, and repeal Section 7085 of, the Business and Professions Code, relating to contractors

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 454—An act to amend Sections 51, 53, 54, 120, 213, 326, 422, 502 1, 512, 513, 515, 550, 562, 565, 612, 640, 643.2, 644, and the title of Chapter 3 (commencing with Section 550) of Part 2 of Division 2 of the Military and Veterans Code, relating to the designation of the California National Guard Reserve.

Held at desk by order of the Speaker pro Tempore

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND RULE NO. 59

Mr Garrigus was granted unanimous consent that Rule No 59 be temporarily suspended for the purpose of setting Senate Bill No. 115 for hearing in the Committee on Education

REMARKS ON CONDITION OF FILE

Messrs Britschgi and Mills spoke on the condition of the file

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 524—An act to add Section 5096 7 to, and to amend Section 5096 3 of, the Revenue and Taxation Code, relating to property tax

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Young, Zenovich, and Mr Speaker—64
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 114—An act to add Section 13552 5 to the Education Code, relating to leaves of absence for teachers elected to the Legislature

Bill read third time, and on request of Mr. Mills, ordered passed on file, and to retain its place on file.

Announcement

Mr Mills announced that he would take up Assembly Bill No 114 on Monday, March 18, 1963, and directed the attention of the Members of the Assembly to the opinion of the Legislative Counsel relative to the bill, which appears at pages 998 and 999 of the Assembly Daily Journal for March 12, 1963

Consideration of House Resolution No. 125

By Mr Belotti.

House Resolution No. 125—Relative to the death of Clem Miller.

Resolution read

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Rules, were read, and adopted.

Amendment No. 1

In the heading of the measure, as printed in the Assembly Journal for March 5, 1963, on page 835, after "Belotti", insert "and Mrs Davis"

Amendment No. 2

In the second "*Resolved*" clause, on page 835, on line 2, strike out "Katharine", and insert ", Katharine,"

Members Made Coauthors of House Resolution No. 125

Mr Belotti was granted unanimous consent that all members so desiring be placed upon House Resolution No 125 as coauthors

Roll Call

The following members indicated a desire to become coauthors:

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—None

Names Placed Upon Roll Call

Messrs Quimby and Cologne were granted unanimous consent that they be recorded as voting "Aye" on the roll call of members desiring to become coauthors of House Resolution No 125

Consideration of House Resolution No. 125, as Amended

By Mr Belotti, Mrs Davis, Messrs Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Unruh, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, and Zenovich

House Resolution No. 125

Relative to the death of Clem Miller

WHEREAS, The untimely and tragic death on October 7, 1962, of Clem Miller, Congressman from the First Congressional District, left a void in the ranks of the Country's young statesmen and cut short a career that gave promise of greatness; and

WHEREAS, Clem Miller was first elected to Congress in 1958 and quickly proved to be a skillful public servant; and

WHEREAS, A man of sound conviction and quiet persuasiveness, he left no stone unturned in his efforts to fully represent his constituents; and

WHEREAS, He championed the cause of preserving the rugged beauty of California's northern coastline for the benefit of future generations and through his vigorous efforts Point Reyes National Seashore Park was established; and

WHEREAS, That park will remain as a living memorial to this man of courage and integrity who gave his life while serving his Country; and

WHEREAS, Clem Miller will be missed by his family, his friends, and his colleagues in state and national government; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly take this means to express their profound sorrow at the death of Clem Miller and to offer their deepest condolences to his bereaved family; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Clem Miller's widow, Katharine, and to his five daughters, Amey, Abigail, Clare, Marion and Katharine

Resolution read, as amended, and adopted unanimously

Assembly Bill No. 16—An act to add Section 35416 to of the Vehicle Code, relating to length of combination of vehicles

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Song, Soto, Stanton, Stevens, Thelin Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—72

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 155—An act to amend Section 3501 of the Government Code and to add Article 5 (commencing with Section 13080) to Chapter 1 of Division 10 of Part 2 of the Education Code, relating to public school employee organizations.

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson Belotti, Booth, Britschgi, Burgener, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—69

NOES—Burton, Dymally, Elliott, and Stanton—4

Bill ordered transmitted to the Senate.

Assembly Bill No. 43—An act to amend Sections 10219 and 10301 of the Elections Code, relating to ballot designations

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 44—An act to amend Sections 6490, 6499, 6511, 6512, 6580, 6620, 6652, 6653, 6657, 6658, and 6659 of the Elections Code, relating to the conduct of elections

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—70.
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 103—An act to amend Section 11151 of the Education Code, relating to day of attendance and maximum credit in classes for adults

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—71
NOES—None

Bill ordered transmitted to the Senate.

NAME PLACED UPON ROLL CALL ON ASSEMBLY BILL NO. 44

Mr Marks was granted unanimous consent that he be recorded as voting "Aye" on Assembly Bill No. 44

INTRODUCTION OF GUESTS

Mr Marks introduced his wife, Mrs Carolene Marks, and their infant son, Milton Marks III, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 313—An act to amend Section 1132 of the Education Code, relating to school districts.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Chapel, Cologne, Crown, Danielson, Dannemeyer, Dills, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Johnson, Kennick, Knox, Lanterman, Marks, McMillan, Meyers, Milias, Mills, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Waite, Waldie, Whetmore, Williamson, Young, Zenovich, and Mr. Speaker—56

NOES—Bagley, Conrad, Cusanovich, Davis, Deukmejian, Donovan Lunardi, Stanton, and Veneman—9

Bill ordered transmitted to the Senate.

Assembly Bill No. 375—An act to amend Section 7700 of the Education Code, relating to instruction in the public schools.

Bill read third time, and on request of Mr Casey, ordered passed on file, and to retain its place on file.

Assembly Bill No. 712—An act to amend Section 9302 of the Education Code, relating to school textbooks

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dannemeyer, Davis, Deukmejian, Dills, Donovan. Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 846—An act to add Section 13458 1 to the Education Code, relating to leaves of absence for public school teachers

Bill read third time

Majority Floor Leader Presiding

At 10 38 a m , Hon Jerome R Waldie, Majority Floor Leader of the Assembly, presiding

Speaker pro Tempore Presiding

At 10 41 a m , Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding

Demand for Previous Question

Messrs Holmes, Belotti, Marks, Bagley, and Carrell demanded the previous question Demand sustained

The question being on the passage of the bill

Bill passed by the following vote

AYES—Alquist, Ashcraft, Bane, Barnes, Belotti, Booth, Burton, Carrell, Casey, Cologne, Crown, Dannemeyer, Davis, Dymally, Elliott, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene Henson, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Moreno, Mulford, Petris, Porter, Powers, Quimby,

Rumford, Ryan, Song, Soto, Stanton, Waite, Waldie, Williamson, Young, Z'berg, and Zenovich—48

NOES—Allen, Bagley, Bee, Beilenson, Burgener, Chapel, Conrad, Cusanovich, Danielson, Deukmejian, Donovan, Flournoy, Holmes, Lanterman, Monagan, Pattee, Stevens, Thelin, and Veneman—19

Bill ordered transmitted to the Senate

Assembly Bill No. 972—An act to add Section 21159 to the Government Code, relating to employment of persons retired under the State Employees' Retirement System

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Potter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Waite, Waldie, Whetmore, Williamson, Young, Zenovich, and Mr Speaker—68

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 975—An act to amend Sections 17151, 17155 and 17709 of the Vehicle Code, relating to the limit of civil liability for imputed negligence or willful misconduct

Bill read third time, and passed by the following vote

AYES—Allen, Alquist Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 739—An act to amend Sections 54900, 54901, and 54903 of the Government Code, relating to the filing of statements on the creation of or change in the boundaries of a city or district

Bill read third time

Speaker Presiding

At 10 47 a m , Hon Jesse M Unruh, Speaker of the Assembly, presiding

The question being on the passage of the bill

Bill passed by the following vote·

AYES—Allen, Alquist Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens Thelin Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Z'berg, and Mr Speaker—73

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 766—An act to amend Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to the establishment of zones of the flood control district in Pleasanton or Murray Townships

Bill read third time

Motion to Amend

Mr Bee moved the adoption of the following amendments

Amendment No. 1

On page 3, line 1, of the printed bill, strike out "electio", and insert "elector"

Amendment No. 2

On page 5, line 35, strike out the second "the"

Amendments read, and adopted

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 941—An act to amend Section 39585 of the Government Code, relating to weed and rubbish assessment refunds by cities

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—71

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1017—An act to amend Section 26738 of the Government Code, relating to fees of sheriffs

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—71

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1023—An act to amend Sections 25365, 34310 and 34319 of the Government Code, relating to notice required for certain actions by counties and cities

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—71

NOES—None

Bill ordered transmitted to the Senate

NAME PLACED UPON ROLL CALL ON ASSEMBLY BILL NO. 941

Mrs Davis was granted unanimous consent that she be recorded as voting "Aye" on Assembly Bill No 941

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1030—An act to amend Section 28135 of the Government Code, relating to salaries of Madera County officers

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—None

Bill ordered transmitted to the Senate

Consideration of House Resolution No. 127

By Mr Britschgi

House Resolution No. 127—Relating to the death of William P Roth

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NOTE The full text of House Resolution No 127 appears at page 838 of the Assembly Daily Journal for March 5, 1963

Resolution read

Members Made Coauthors of House Resolution No 127

Mr Britschgi was granted unanimous consent that all members so desiring be placed upon House Resolution No 127 as coauthors

Roll Call

The following members indicated a desire to become coauthors·

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—None

The question being on the adoption of House Resolution No 127 as amended

Resolution adopted unanimously

NAME PLACED UPON ROLL CALL ON ASSEMBLY BILL NO 1030

Mr Z'berg was granted unanimous consent that he be recorded as voting "Aye" on Assembly Bill No 1030

INTRODUCTION OF GUESTS

Mr Monagan introduced his parents, Mr and Mrs Robert T. Monagan, Sr., to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

VOTE CHANGED UPON ROLL CALL ON ASSEMBLY BILL NO. 155

Mr Burton was granted unanimous consent that he be recorded as voting "No," instead of "Aye," on Assembly Bill No 155

ANNOUNCEMENT

Mr. Waldie announced a Democratic Caucus at 10 a m Monday morning, March 18, 1963.

REQUEST BY SPEAKER

Speaker Unruh requested of the members that they refrain from introducing guests during consideration of the third reading file

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS

Senate Bill No. 21—An act to amend Section 27320 of the Government Code, relating to recordation of documents

Bill read third time, and presented by Mr Casey

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Winton, Young, Zberg, Zenovich, and Mr Speaker—73

NOES—None

Bill ordered transmitted to the Senate

CONSIDERATION OF CONSENT CALENDAR

Speaker Unruh announced that the next roll call would be on the first item on the Consent Calendar.

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 455—An act to amend Sections 12510 and 12804 of the Vehicle Code, relating to drivers' licenses

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Zberg, Zenovich, and Mr Speaker—73.

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 459—An act to amend Section 12817 of the Vehicle Code, relating to drivers' licenses.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 461—An act to amend Sections 310 and 12500 of the Vehicle Code, relating to driver's license

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 540—An act to amend Section 12814 of the Vehicle Code, relating to drivers' licenses.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 616—An act to amend Section 13361 of the Vehicle Code, relating to drivers' licenses

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 344—An act to add Chapter 2.5 (commencing with Section 37600) to Part 8 of Division 13, Chapter 2.5 (commenc-

ing with Section 48300) to Part 10 of Division 14, Chapter 2 5 (commencing with Section 60420) to Part 7 of Division 18, and Chapter 5 5 (commencing with Section 72540) to Part 10 of Division 20, of the Water Code, and to add Section 27 8 to the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), Section 40 5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), and Section 49 6 to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), relating to consolidation of water districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 651—An act to amend Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 72—An act to add Section 25304 to the Elections Code, relating to judicial offices

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Title Amendment

Mr. Conrad moved the adoption of the following amendment to the title of Assembly Bill No 72

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 11, 1963, strike out "25304", and insert "25305"

Amendment read, and adopted.

Bill ordered reprinted, considered re-engrossed, and transmitted to the Senate.

Assembly Bill No. 514—An act to amend Section 601 of the Code of Civil Procedure, relating to the challenge of jurors.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 627—An act to amend Section 11508 of the Government Code, relating to administrative adjudications

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 550—An act to amend Section 24603 of the Vehicle Code, relating to stop lamps on vehicles

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 551—An act to amend Sections 25100 and 25101 of the Vehicle Code, relating to display of side-marker and clearance lamps on vehicles

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 570—An act to amend Section 25300 of the Vehicle Code, relating to warning devices.

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Zberg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 571—An act to amend Sections 24607, 24609 and 25501 of the Vehicle Code, relating to reflectors and reflectorizing material on vehicles.

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Zberg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 601—An act to amend Sections 88, 92 3, 92 5, 94 5, and 94 6 of the Agricultural Code, relating to fairs and expositions.

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Zberg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 719—An act to repeal Section 92 2 of the Agricultural Code, and to amend Section 19622 of, and to repeal Sections 19626 1 and 19626 3 of, the Business and Professions Code, relating to fairs and expositions.

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Zberg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 789—An act to amend Section 16304 1 of the Government Code, relating to reversions of undisbursed balance of appropriations.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Vessey, Waite, Waldie, Whetmore, Winton, Young, Zberg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 683—An act to amend Sections 6368, 6369, 6370, 6372, and 6373 of the Education Code, relating to community service classes.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Vessey, Waite, Waldie, Whetmore, Winton, Young, Zberg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 677—An act to repeal Sections 54902 5, 54905, 54906, 54907, 54908 as added by Chapter 268, of the Statutes of 1961, 54908 as added by Chapter 1441 of the Statutes of 1961, 54909, 54910, and 54913 of the Government Code, relating to the filing of statements, maps and plats for assessment and tax purposes

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Vessey, Waite, Waldie, Whetmore, Winton, Young, Zberg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 731—An act to amend Section 258 of the Revenue and Taxation Code, relating to property taxation

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers,

Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73.
NOES—None

Bill ordered transmitted to the Senate.

Consideration of House Resolution No. 132

By Mr Young:

House Resolution No. 132—Relative to congratulating the *Napa Register*

NOTE The full text of House Resolution No 132 appears at page 893 of the Assembly Daily Journal for March 6, 1963

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Consideration of House Resolution No. 128

By Messrs Mills, Donovan, Burgener, Asheraft, and Barnes

House Resolution No. 128—Relative to the retirement of Mrs. Minnie Montalvo.

NOTE: The full text of House Resolution No. 128 appears at page 863 of the Assembly Daily Journal for March 5, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Consideration of House Resolution No. 133

By Messrs Conrad and Petris

House Resolution No. 133—Relative to commending Mr Paul W Moritz, Executive Secretary of the YMCA Youth and Government Program

NOTE The full text of House Resolution No 133 appears at page 894 of the Assembly Daily Journal for March 6, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers,

Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Consideration of House Resolution No. 134

By Messrs Rumford, Mulford, Petris, Bee, and Crown

House Resolution No. 134—Relative to congratulating Captain Waeland Patrick Taylor.

NOTE: The full text of House Resolution No 134 appears at pages 894 and 895 of the Assembly Daily Journal for March 6, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Consideration of House Resolution No. 135

By Messrs Rumford, Mulford, Petris, Bee, and Crown

House Resolution No. 135—Relating to commending Lieutenant Royal E Towns

NOTE The full text of House Resolution No 135 appears at page 895 of the Assembly Daily Journal for March 6, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

CONSENT CALENDAR—SENATE BILLS

Senate Concurrent Resolution No. 31—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization and the State Personnel Board, and the Members of the Senate and Assembly.

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Resolution ordered transmitted to the Senate

VOTE CHANGED UPON ROLL CALL ON ASSEMBLY BILL NO. 155

Mr. Elliott was granted unanimous consent that he be recorded as voting "No," instead of "Aye," on Assembly Bill No. 155

ANNOUNCEMENT

Speaker Unruh announced that Assemblyman Charles Warren of Los Angeles is being married tomorrow.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

Assembly Bill No. 1862: By Mr. Pattee—An act to amend Section 1500 of the Welfare and Institutions Code, relating to aid to needy children

Held at desk by order of the Speaker

Assembly Bill No. 1863: By Mr. Zenovich—An act to amend Sections 370, 460, and 9101 of the Vehicle Code, relating to motor vehicles

Held at desk by order of the Speaker

Assembly Bill No. 1864: By Mr. Zenovich—An act to amend Section 10782 of the Revenue and Taxation Code, relating to vehicle license fee exemptions

Held at desk by order of the Speaker

Assembly Bill No. 1865: By Mr. Zenovich—An act to add Section 70046.2 to the Government Code, relating to compensation of official reporters and fees

Held at desk by order of the Speaker

Assembly Bill No. 1866: By Mr. Zenovich—An act to amend Section 1962 of, and to add Section 1980.8 to, the Code of Civil Procedure, relating to presumptions

Held at desk by order of the Speaker

Assembly Bill No. 1867: By Mr. Williamson—An act to amend Section 48200 of the Water Code, relating to the annexation of land to water storage districts

Held at desk by order of the Speaker.

Assembly Bill No. 1868: By Mr. Williamson—An act to amend Section 8101 of the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax

Held at desk by order of the Speaker

Assembly Bill No. 1869: By Mr. Lunardi—An act to add Section 16578 to the Public Utilities Code, relative to public utility districts, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker

Assembly Bill No. 1870: By Mr Lunardi—An act to amend Sections 656 and 718 of the Harbors and Navigation Code, relating to vessels

Held at desk by order of the Speaker.

Assembly Bill No. 1871: By Mr. Lunardi—An act to amend Sections 683 and 701 of the Harbors and Navigation Code, relating to vessels

Held at desk by order of the Speaker.

Assembly Bill No. 1872: By Mr Lunardi—An act to amend Section 689b of the Code of Civil Procedure, relating to execution of civil judgments.

Held at desk by order of the Speaker.

Assembly Bill No. 1873: By Mr. Britschgi—An act to add Sections 25681 and 38901 to the Government Code, relating to the drainage and reclamation of lands by counties and cities

Held at desk by order of the Speaker.

Assembly Bill No. 1874: By Mr Casey—An act to amend Section 7604 of the Education Code, relating to courses of study.

Held at desk by order of the Speaker.

Speaker pro Tempore Presiding

At 11 11 a m , Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding

Assembly Bill No. 1875: By Mr. Stevens—An act authorizing the Department of Parks and Recreation to correct the description of property contained in a deed by which the State acquired property now constituting the Las Tunas State Park

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1876: By Messrs Waite, Ferrell, Chapel, Holmes, Dills, and Pattee—An act to add Sections 3547 and 3949 to the Public Utilities Code, relating to the leasing of motor vehicles

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1877: By Messrs Britschgi, Marks, Meyers, Waldie, Alquist, Bagley, Bee, Burton, Crown, Foran, Gaffney, Knox, Mulford, Petris, Rumford, Ryan, and Stanton—An act to amend Section 5002 of, and to repeal Section 5077 of, the Public Resources Code, relating to California riding and hiking trails

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1878: By Mr Mills—An act to amend Section 3507 of the Government Code, relating to employer-employee relations with public officers and employees.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1879: By Mr Chapel—An act to add Chapter 15 5 (commencing with Section 8850) to Division 3 of the Business and Professions Code, relating to the licensing of marine surveyors, and making an appropriation therefor.

Held at desk by order of the Speaker pro Tempore

INTRODUCTION OF GUEST

Mr Ryan introduced his wife, Mrs Margaret Ryan, to the Members of the Assembly, who joined in welcoming her on her visit to the Assembly Chamber.

ANNOUNCEMENTS

Mr Ryan announced that junior Members of the Assembly, desiring to participate in the entertainment for the senior Members of the Assembly being given by the junior Members, should contact Mr Millias, Mr Moreno, Mr Gonsalves, or Mr. Foran

REQUEST BY MR. QUIMBY

Mr Quimby requested that the Members of the Assembly hold Monday, March 25, 1963, open for the meeting of the junior Members and senior Members of the Assembly

REQUEST FOR UNANIMOUS CONSENT

Mr. Gaffney was granted unanimous consent that the following poem by Mr. Garrigus be ordered printed in the Journal

ST. PATRICK'S WAY

By Charles B. Garrigus

He taught and lived the simple life
He walked the hills to talk with God
He substituted love for strife
And purified Auld Erin's sod.
Today the world acclaims his name
And reverently reveres his place.
The great and humble praise his fame
His memory smiles from every face.
But since so well he showed us how,
Why can't we live more like him now?

ANNOUNCEMENT

Mr. Knox announced a meeting of the Committee on Municipal and County Government on adjournment, in Room 2170

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time·

Assembly Bill No. 1880: By Mr Lanterman—An act to amend Section 34080 of the Government Code, relating to municipal corporations

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1881: By Mr Lanterman—An act to amend Section 34311 of the Government Code, relating to incorporation of municipal corporations.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1882: By Mr Meyers—An act to amend Section 22773 of the Government Code, relating to the Meyers-Geddes State Employees' Medical and Hospital Care Act.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1883: By Mr Meyers—An act to amend Section 22752 of the Government Code, relating to the Meyers-Geddes State Employees' Medical and Hospital Care Act

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1884: By Mr Meyers—An act to amend Section 18571 of the Government Code, relating to state civil service

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1885: By Mr Meyers—An act to amend Section 18851 of the Government Code, relating to the state civil service

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1886: By Mr. Meyers—An act to amend Section 18708 of the Government Code, relating to state civil service

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1887: By Messrs Meyers, Gaffney, Crown, Belotti, Burton, Danielson, Elliott, Foran, Kennick, Marks, Moreno, Petris, Rumford, Song, Stanton, Thomas, Waldie, Willson, and Young—An act to amend Section 1260 of the Civil Code, relating to homesteads

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1888: By Mr. Winton—An act to amend Section 13521 of the Penal Code, relating to penalty assessments for criminal offenses.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1889: By Mr Garrigus—An act to amend Section 806 of the Agricultural Code, relating to plums and fresh prunes

Held at desk by order of the Speaker pro Tempore

Assembly Joint Resolution No. 29: By Messrs Meyers, Casey, Porter, Crown, Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Bergener, Burton, Carrell, Chapel, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Mrs Davis, Messrs Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thomas, Veneman, Veysey,

Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, and Zenovich—Relative to establishment of a federal water pollution control research facility in California

Held at desk by order of the Speaker pro Tempore

Assembly Joint Resolution No. 30: By Messrs Waldie and Knox—Relative to the establishment of a John Muir National Monument.

Referred by the Speaker pro Tempore to Committee on Rules

REQUEST FOR UNANIMOUS CONSENT

Mr Allen was granted unanimous consent that the Chief Clerk be instructed to send a telegram from the Members of the Assembly, extending best wishes and belated birthday greetings to Eugene W Biscailuz, former Sheriff of Los Angeles County, who celebrated his 80th birthday on March 12

RESOLUTIONS

The following resolution was offered:

By Messrs Mulford, Bee, Petris, Rumford, and Crown·

House Resolution No. 148

Retirement of Clarence Severin

WHEREAS, Clarence A Severin is retiring as Captain of Inspectors with the Alameda County District Attorney's office after 27 years of service, and

WHEREAS, It was only 13 days after assuming his duties as captain of detectives that he was plunged into the Burton Abbott kidnap-slaying case which resulted, in no small measure through his efforts and those of the dozen men he assigned to the case, in Abbott's conviction and execution, and

WHEREAS, His initial contact with the District Attorney's office came with his appointment as office manager by Earl Warren in 1935, at which time Severin was given the task of overhauling the filing system which included records dating back to the 1890s, and he accomplished this so well that his revised index system is the basis today for files containing 500,000 items, and

WHEREAS, He served in the Pacific Theater with the Seabees during World War II, working his way from Guadalcanal to Okinawa, and

WHEREAS, Hard work is no stranger to Clarence Severin who has worked an annual average of 1,500 hours overtime, and gone without a vacation the past three years and who will now be directing his tireless determination to the affairs of Live Oak Lodge of the Masonic Order of which he is a past master and which he will soon serve as assistant secretary, now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof take this opportunity to congratulate Clarence Severin on the quality of his public service and to extend every good wish as he enters upon retirement; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Clarence Severin

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Water reports

Assembly Bill No 531

With amendments with the recommendation· Amend, and re-refer to the Committee on Water

PORTER, Chairman

Above bill ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No 140

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Public Health.

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined. Assembly Bill No 218

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered to the Consent Calendar

Committee on Water

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER. Your Committee on Water reports Senate Bill No 253

With amendments with the recommendation. Amend, and do pass, as amended.

PORTER, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Water reports Assembly Bill No 532

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar.

PORTER, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER The Chairman of your Committee on Water reports Assembly Bill No 210

With author's amendments with the recommendation Amend, and re-refer to the Committee on Water

PORTER, Chairman

SECOND READING OF ASSEMBLY BILL NO. 210
(PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 210—An act to amend Section 12880 of the Water Code, relating to the Davis-Grunsky Act.

Bill read second time

Motion to Amend

Mrs Davis moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 25, of the printed bill, as amended in the Assembly on February 26, 1963, strike out "such", and insert "the"

Amendment No. 2

On page 2, line 30, strike out "such", and insert "the"

Amendment No. 3

On page 2, strike out lines 41 to 52, inclusive, and on page 3, strike out lines 1 to 4, inclusive

Amendment No. 4

On page 3, strike out lines 19 to 21, inclusive, and insert "the circumstances"

Amendment No. 5

On page 5, line 43, after the first "agency", insert "or where a county board of supervisors acts as the governing body of the agency"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Water.

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER: Your Committee on Water reports

Assembly Bill No 973
Assembly Bill No 1114

With the recommendation: Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

PORTER, Chairman

Above bills ordered to second reading

Committee on Rules

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Rules reports:

House Resolution No 141
House Resolution No 143

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar

BANE, Chairman

Above resolutions ordered on file

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 144

With the recommendation Be adopted

BANE, Chairman

Above resolution ordered on file

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Rules reports

Assembly Joint Resolution No 20

With the recommendation That the resolution be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

BANE, Chairman

Subject matter of the above resolution referred to the Committee on Rules

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER The Chairman of your Committee on Rules reports

Assembly Bill No 577

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Rules

BANE, Chairman

SECOND READING OF ASSEMBLY BILL NO. 577 (PURSUANT TO RULE NO. 59 5)

Assembly Bill No. 577—An act to add Section 9360 8 to the Government Code, relating to the Legislators' Retirement System.

Bill read second time.

Motion to Amend

Mr Elliott moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "The", and insert

"On or before January 1 1964, the board shall adjust the amount of the allowances payable during the 1964 calendar year to reflect any increase in cost of living occurring between the 1963 calendar year and the 1955 calendar year, inclusive, and any increase resulting from such adjustment shall be payable commencing with each installment of allowances paid or payable on or after January 1, 1964 On or before January 15, 1965, and, on or before January 15 of each year thereafter, the"

Amendment No 2

On page 1, line 8, strike out "annually"

Amendment No. 3

On page 1, line 9, strike out ", 1964", and insert "of the immediately preceding calendar year"

Amendment No. 4

On page 1, line 15, strike out "1963", and insert "1954"

Amendment No. 5

On page 1, line 17, after 'adjustment", insert "made on or before January 15, 1965 and made on or before January 15 of each calendar year thereafter"

Amendment No. 6

On page 1, line 19, after the period, insert "The adjustment made on or before January 1, 1964, shall correspond to the total of the average annual changes in each calendar year from the 1955 calendar year to the 1963 calendar year, inclusive"

Amendment No. 7

In line 1 of the title of the printed bill, after "9360 8 to", insert ", and to amend Section 9359 1 of,"

Amendment No. 8

On page 1, after line 22, insert

"SEC 2 Section 9359 1 of said code is amended to read.

9359 1 (a) The retirement allowance for a member all of whose credited service was rendered as a Member of the Senate or Assembly is an annual amount equal to five percent (5%) of the compensation payable, at the time payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed fifteen (15) years In no event shall any retirement allowance payable under this chapter to any such member exceed the compensation payable to Members of the Legislature at the time the payment of the allowance is made, except that the retirement allowance of any such member who serves more than 15 years shall be increased by ~~2 percent for each year or fraction of a year~~ *an amount equal to 3 percent of the compensation payable, at the time payment of the allowance falls due, to incumbent Members of the Senate or Assembly for each year or fraction of a year of service* in excess of 15 years

(b) The retirement allowance for a member all of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of the compensation payable at the time payments of the allowance fall due, to the officer holding the office which the retired member last held prior to his retirement, or five percent (5%)

of the highest compensation fixed for such office during the member's last term or any subsequent term prior to his retirement, whichever is greater, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years

(c) The retirement allowance for a member part of whose credited service was rendered as a Member of the Senate or Assembly and part of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of all the compensation, at the time payment of the allowance falls due, to the officer holding the highest salaried office which the member held at any time during his service prior to retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years If, however, the member would be entitled to receive a greater allowance under subdivision (a) or subdivision (b) of this section if all of his credited service had been rendered as a Member of the Senate or Assembly or as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly), then all of his credited service shall be deemed to have been rendered as a Member of the Senate or Assembly or as such other elective officer, and he shall receive a retirement allowance computed under subdivision (a) or subdivision (b) of this section, whichever is greater."

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Rules reports

Senate Concurrent Resolution No 35

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

BANE, Chairman

Above resolution ordered on file.

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Rules reports:

Assembly Concurrent Resolution No 44

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar.

BANE, Chairman

Above resolution ordered engrossed

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports

Assembly Bill No 465
Assembly Bill No. 468

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

PETRIS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports

Assembly Bill No 663
Assembly Bill No. 734

With the recommendation Do pass

PETRIS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports

Assembly Bill No 558

With amendments with the recommendation: Amend, and re-refer to the Committee on Revenue and Taxation

PETRIS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports

Assembly Bill No 676
Assembly Bill No 730
Assembly Bill No. 738

With amendments with the recommendation Amend, and do pass, as amended

PETRIS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER. Your Committee on Revenue and Taxation reports

Assembly Bill No 736
Assembly Bill No 851

With the recommendation: Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar.

PETRIS, Chairman

Above bills ordered to second reading

Committee on Water

ASSEMBLY CHAMBER, March 13, 1963

MR SPEAKER: Your Committee on Water reports

Assembly Bill No. 315

With amendments with the recommendation Amend, and do pass, as amended

PORTER, Chairman

Above bill ordered to second reading

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports:

Senate Bill No 181

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PETRIS, Chairman

Above bill ordered to second reading

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports
Assembly Bill No 665

With the recommendation That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

McMILLAN, Chairman

Subject matter of the above bill referred to the Committee on Rules

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports
Assembly Constitutional Amendment No 2
Assembly Constitutional Amendment No 8

With the recommendation That the resolutions be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

McMILLAN, Chairman

Subject matter of the above resolutions referred to the Committee on Rules

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports
Assembly Bill No 923

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

McMILLAN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports
Senate Bill No 37

With the recommendation Do pass.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

McMILLAN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports
Assembly Bill No 667

With the recommendation Do pass

McMILLAN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports
Assembly Bill No 466

With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

McMILLAN, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports

Assembly Bill No 65	Assembly Bill No 1019
Assembly Bill No 336	Assembly Bill No 1120

With author's amendments with the recommendation Amend, and re-refer to the Committee on Governmental Efficiency and Economy

McMILLAN, Chairman

ASSEMBLY BILL NO 1120 RE-REFERRED TO COMMITTEE

Speaker pro Tempore Bee raised the point of order that the author's amendments to Assembly Bill No 1120 do not comply with the provisions of Rule No 76 and therefore ordered the bill and the amendments re-referred to the Committee on Governmental Efficiency and Economy

SECOND READING OF ASSEMBLY BILLS NOS 65, 336, AND 1019 (PURSUANT TO RULE NO. 59 5)

Assembly Bill No. 65—An act to amend Sections 12701 1, 12714, and 12716 of the Business and Professions Code, relating to weighmasters.

Bill read second time

Motion to Amend

Mr Porter moved the adoption of the following amendments·

Amendment No. 1

On page 1, line 26, of the printed bill, as amended in the Assembly on February 12 1963, strike out "Chapter 4" and on page 2, line 1 strike out "(commencing with Section 11370)", and insert "Chapter 4 5 (commencing with Section 11371)"

Amendment No. 2

On page 2, line 4, strike out "under the supervision of", and insert "acting through"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy

Assembly Bill No. 1019—An act to amend Section 6732 of the Business and Professions Code, relating to the practice of engineering.

Bill read second time

Motion to Amend

Mr Knox moved the adoption of the following amendments

Amendment No. 1

On page 1, line 9 of the printed bill, after "'petroleum engineer,'" insert "'industrial engineer,'"

Amendment No. 2

On page 1, line 10, strike out "any" strike out line 11, and in line 12 strike out "sional engineer", and insert "any combination of such words and phrases"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy

Assembly Bill No 336—An act to amend Sections 11010, 11018, and 11019 of, to add Sections 11005, 11007, 11018 2, 11018 3, 11022, and 11023 to, and to repeal Sections 11000 5 and 11020 of, the Business and Professions Code, relating to subdivided lands

Bill read second time

Motion to Amend

Mr Knox moved the adoption of the following amendments

Amendment No. 1

In line 2 of the title of the printed bill, strike out "11005,".

Amendment No. 2

On page 2, strike out lines 5 to 10, inclusive

Amendment No. 3

On page 2, line 11, strike out "SEC 3", and insert "SEC 2"

Amendment No. 4

On page 2, line 21, strike out "SEC 4", and insert "SEC 3"

Amendment No. 5

On page 2, line 41, after "(h)", insert "A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.
(i)"

Amendment No. 6

On page 2, line 43, strike out "SEC 5", and insert "SEC 4"

Amendment No 7

On page 2, strike out lines 47 to 52, inclusive, and on page 3, strike out lines 1 to 4, inclusive, and insert

"The Real Estate Commissioner shall make an examination of any subdivision, and shall, unless there are grounds for denial, issue to the subdivider a public report authorizing the sale or lease in this State of the lots or parcels within the subdivision The commissioner may publish the report

The grounds for denial are

(a) Failure to comply with any of the provisions in this chapter or the regulations of the commissioner pertaining thereto

(b) The sale or lease would constitute misrepresentation to and deceit or fraud of the purchasers or lessees

(c) Inability to deliver title or other interest contracted for

(d) Inability to demonstrate that adequate financial arrangements have been made for all off-site improvements included in the offering

(e) Inability to demonstrate that adequate financial arrangements have been made for any community, recreational or other facilities included in the offering

(f) Failure to make a showing that the parcels can be used for the purpose for which they are offered

(g) Failure to provide in the contract or other writing the use or uses for which the parcels are offered, together with any covenants or conditions relative thereto

(h) Agreements or bylaws to provide for management or other services pertaining to common facilities in the offering, which fail to comply with the regulations of the commissioner."

Amendment No. 8

On page 3, line 5, strike out "SEC 6", and insert "SEC 5"

Amendment No. 9

On page 3, line 9, strike out "SEC 7", and insert "SEC 6"

Amendment No. 10

On page 3, line 11, strike out "the issuance", and insert "receipt"

Amendment No. 11

On page 3, line 16, strike out "hearing is received", and insert "a hearing is received plus the period of any such postponement"

Amendment No. 12

On page 3, line 19, strike out "SEC 8", and insert "SEC 7"

Amendment No. 13

On page 3, line 32, strike out "of this part", and insert "of Chapter 1 of Part 2".

Amendment No. 14

On page 3, line 34, strike out "be un-", and strike out line 35, and insert "constitute grounds for denial of the issuance of a public report under the provisions of Section 11018,".

Amendment No. 15

On page 3, line 37, strike out "this part", and insert "Chapter 1 of Part 2".

Amendment No. 16

On page 3, line 38, after "thereto", strike out ", or from", and insert "or from the".

Amendment No. 17

On page 3, line 41, after "days", insert "after receipt of the order".

Amendment No. 18

On page 3, line 45, strike out "is received", and insert "plus the period of any such postponement".

Amendment No. 19

On page 3, line 46, strike out "45", and insert "30"

Amendment No 20

On page 3, line 48, strike out "SEC 9", and insert "SEC 8"

Amendment No. 21

On page 4, line 22, strike out "SEC 10", and insert "SEC 9"

Amendment No. 22

On page 4, line 37, strike out "SEC 11", and insert "SEC 10"

Amendment No. 23

On page 4, strike out line 39; and in line 40, strike out "Business and Professions Code", and insert "Section 11010, or Section 11010 1, or Section 11013 1, or Section 11013 2, or Section 11013 4, or Section 11018 2, or Section 11019, or Section 11022 of this code".

Amendment No. 24

On page 4, strike out lines 45 to 50, inclusive, and on page 5, strike out lines 1 to 8, inclusive.

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports

Assembly Bill No 701
Assembly Bill No 794
Assembly Bill No 920

With the recommendation. Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

McMILLAN, Chairman

Above bills ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 14, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 1615—An act to add Section 33205 to the Health and Safety Code, relating to redevelopment agencies, declaring the urgency thereof, to take effect immediately;

And reports the same correctly enrolled, and presented to the Governor at 11 a m, March 14th, 1963

POWERS, Chairman

ASSEMBLY CHAMBER, March 14, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 1086

And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 768
And reports the same correctly engrossed

POWERS, Chairman

Above bill ordered to third reading

ASSEMBLY CHAMBER, March 14, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 889
Assembly Bill No 922
Assembly Bill No 965
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 725	Assembly Bill No 918
Assembly Bill No 848	Assembly Bill No 921
Assembly Bill No 912	Assembly Bill No 943
Assembly Bill No 914	Assembly Bill No 944

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1071
And reports the same correctly engrossed

POWERS, Chairman

Above bill ordered to the Consent Calendar

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 147
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 300
Assembly Bill No 855
And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.
Assembly Concurrent Resolution No 44
And reports the same correctly engrossed

POWERS, Chairman

Above resolution ordered to the Consent Calendar

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports

Assembly Bill No 574	Assembly Bill No 382
Assembly Bill No 576	Assembly Bill No 209

With amendments with the recommendation Amend, and do pass, as amended

ALLEN, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports
Assembly Bill No 391
Assembly Bill No 392

With the recommendation That the bills be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study.

ALLEN, Chairman

Subject matter of the above bills referred to the Committee on Rules

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 14, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Senate Concurrent Resolution No 17

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 17—Relative to the economic growth of California

Referred by the Speaker pro Tempore to Committee on Rules

ANNOUNCEMENTS

Speaker pro Tempore Bee announced that there would be no meeting of the Committee on Ways and Means at 1 30 p m today, but that the regular Monday meeting of the committee would be held in Room 4202, as scheduled

Mr Marks announced that the Committee on Governmental Efficiency and Economy would meet at 1 30 p m today, in Room 2133

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

Assembly Bill No. 1890: By Messrs Meyers and Garrigus—An act to add Section 10610 to the Education Code, relating to school pupils

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1891: By Mr Meyers—An act to amend Section 487 of the Penal Code, relating to theft

Held at desk by order of the Speaker pro Tempore.

AMENDMENTS CORRECTED

The following communications from the Chief Clerk were received.

March 14, 1963

Hon Jesse M Unruh
Speaker of the Assembly

DEAR MR SPEAKER Pursuant to the provisions of Rule No 29, Amendment No 3 to Assembly Bill No 577, as amended March 14, 1963, has been corrected by striking out the period after "year"

ARTHUR A OHNIMUS, Chief Clerk

March 14, 1963

Hon Jesse M Unruh
Speaker of the Assembly

DEAR MR SPEAKER Pursuant to the provisions of Rule No 29, Amendment No 13 to Assembly Bill No 336 has been corrected to read "On page 3, line 32," instead of "On page 3, line 31," to make the amendment fit the bill

ARTHUR A OHNIMUS, Chief Clerk

ADJOURNMENT

At 11 27 a m , on motion of Mr Waldie, the Speaker pro Tempore declared the Assembly adjourned until 11 a m , Monday, March 18, 1963.

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FORTY-FIRST LEGISLATIVE DAY

FIFTY-FIRST CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Monday, March 18, 1963

The Assembly met at 11 a m
Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk
Assistant Clerk Charles Winner reading

ROLL CALL

The roll was called, and the following answered to their names

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Patree, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev Robert R. Ferguson

Eternal God, Our Father, As we begin another week, help us to continue to do serious thinking about how our actions affect other people's lives As we deal with numerous problems, astronomic budgets, and think concerning millions of people, may we look inside at our own lives for a moment May we honestly pose and answer these personal questions

Do I demand from others a morality higher than I consider seriously myself? In public do I stand for principles which I do not adhere to in private? Am I allowing thought of personal gain to take priority over the public good? Am I tending to be part of the world's problem rather than part of its cure?

Help us to be honest this morning, we pray in our Lord's name —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr Gonsalves then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr. Veysey, seconded by Mr Winton.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of legislative business elsewhere.

Mr Mihas, on motion of Mr Conrad

The following member was granted leave of absence for the day, and desired to waive his per diem:

Mr Stevens, on motion of Mr Conrad.

COMMUNICATIONS

The following communication was presented by the Chief Clerk, and ordered printed in the Journal

OFFICE OF THE MAYOR
SAN FRANCISCO, March 12, 1963

Mr. Arthur A. Ohnimus, Chief Clerk
Assembly California Legislature
State Capitol, Sacramento

DEAR MR OHNIMUS: Thank you very much for sending me a copy of House Resolution No 118, relative to the 1964 Republican National Convention. I am extremely pleased to have this resolution

San Francisco's bid for the convention was presented to the Republican Site Selection Committee last week, and the support of the California Legislature, as indicated by this resolution, was most helpful in presenting our invitation to the Republicans to meet here next year

With every good wish, I am
Sincerely,

GEORGE CHRISTOPHER, Mayor

NOTICES OF CLAIM AND DEMAND

The following notices of claim and demand against the State were presented by the Chief Clerk

From John Mason of Ontario;

From Vernon W Gray of Ontario, and

From Zella Z. Beutler of Upland, the latter accompanied by a photostat copy of excerpts from "Lord Loudoun in North America" by Stanley McCrory Pargellus and "A History of the United States" by Edward Channing,

From Buel C Autry of Ontario,

From C Ross Crossman of Ontario; and

From Adrian Meewis of Ontario

All of the above notices and photostats referred by the Speaker pro Tempore to the Committee on Judiciary.

COMMUNICATIONS

The following letters of transmittal were presented by the Chief Clerk, and ordered printed in the Journal.

Letter of Transmittal
Bulletin No 21-61—Irrigation and Water Storage Districts in California: 1961

THE RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
SACRAMENTO, March 15, 1963

Hon. Arthur A Ohnimus
Clerk of the Assembly
State Capitol, Sacramento

DEAR MR OHNIMUS: I am pleased to transmit for the information of the California State Assembly Bulletin No 21-61 of the Department of Water Resources entitled "Irrigation and Water Storage Districts in California, 1961," dated January 1963 This is the latest of a series of similar reports which have been published periodically since 1929

Irrigation and water storage districts are required by law to submit reports of their operations to the Department of Water Resources Irrigation districts and, in certain circumstances, other districts are also required to file similar reports with the California Districts Securities Commission The statistical information in Bulletin No 21-61 has been obtained from these reports The present supplement contains information on the field operations of the districts for the year 1961

Sincerely yours,

WILLIAM E WARNE, Director

Above transmitted bulletin referred by the Speaker pro Tempore to the Committee on Water

Letter of Transmittal
A Plan for Scenic Highways

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, March 15, 1963

Hon Arthur A Ohnimus
Chief Clerk of the State Assembly
State Capitol, Sacramento

DEAR MR OHNIMUS Delivered herewith are five copies of the report on A Plan for Scenic Highways in California, authorized by Senate Concurrent Resolution No 39 (1961) and by Senate Concurrent Resolution No 4 (1962)

We are also sending copies to each Senator and Assemblyman and to the appropriate Legislative Committees, that is, The Senate Fact-Finding Committee on Transportation and Public Utilities, and The Assembly Interim Committee on Natural Resources, Planning and Public Works

If you have need for more copies, they are available

Respectfully,

ROBERT B BRADFORD
Director of Public Works
By HARRY D FREEMAN
Deputy Director

Above transmitted six copies of report referred by the Speaker pro Tempore to the Committee on Transportation and Commerce

The following communications were presented by the Chief Clerk from

Louise Carmine of Mint Canyon, relative to Sunday closing Referred by the Speaker pro Tempore to the Committee on Governmental Efficiency and Economy.

Loman L Elliott, Jr, of West Covina, relative to Assembly Bill No 793 Referred by the Speaker pro Tempore to the Committee on Civil Service and State Personnel

Dolores Vierra of San Jose, relative to a state withholding tax Referred by the Speaker pro Tempore to the Committee on Revenue and Taxation

Hermine Manigian of Hacienda Heights, relative to election of the Superintendent of Public Instruction, taxes, capital punishment, and police review boards Referred by the Speaker pro Tempore to the Committee on Education

INTRODUCTION OF GUEST

Mr Warren introduced his bride, Mrs Audrey Warren, to the Members of the Assembly, who welcomed her on her visit to the Assembly Chamber

COMMUNICATION FROM THE CHIEF CLERK

The following communication from the Chief Clerk was received, and read.

March 14, 1963

Hon Jesse M Unruh
Speaker of the Assembly

DEAR MR SPEAKER Pursuant to Assembly Rule 76, Assembly Bills Nos 851 and 920, and Senate Bill No 253 ought to be returned to the respective committees from which the bills came, because the amendments which accompanied the bills were not prepared, or approved as to form, by the Legislative Counsel

ARTHUR A. OHNIMUS, Chief Clerk

RE-REFERENCE OF BILLS

Pursuant to the above communication and Rule No 76, Speaker pro Tempore Bee ordered the following bills and the committee amendments thereto re-referred to committees as follows

Assembly Bill No. 851 to the Committee on Revenue and Taxation.

Assembly Bill No. 920 to the Committee on Governmental Efficiency and Economy

Senate Bill No. 253 to the Committee on Water

RESOLUTIONS

The following resolution was offered

By Mr Conrad

House Resolution No. 149

Relative to the retirement of Postmaster Otto K Olesen

WHEREAS, Otto K Olesen, who, since February 15, 1954, has served with great wisdom and energy as Postmaster of Los Angeles, will this year retire from that position, and

WHEREAS, Postmaster Olesen, during his term of office, has been among the most popular and effective of Los Angeles' postmasters and has introduced many modern and efficient reforms to streamline Los Angeles' postal system, and

WHEREAS, He has, in addition to his fine career in civic service, also had an outstanding career in the lighting industry, and

WHEREAS, He came to Los Angeles in 1912 from his native Denmark and in 1919 founded his own theatrical lighting equipment business in Hollywood, and

WHEREAS, In the following years, he earned a reputation as one of the most ingenious innovators in the lighting industry, being best known for having originated the now famous "searchlights in the sky" method of advertising and having contributed his talents to the solution of the lighting problems presented by the Pan-Pacific World's Fair in San Diego and the World's Fair on Treasure Island in San Francisco and for his efforts in connection with "Santa Claus Lane," the annual project of placing electrically lighted Yuletide decorations on Hollywood Boulevard, and

WHEREAS, He has served as a director of the Hollywood Bowl Association for 23 years and was elected the first Life Member of the Board of Directors of that organization, as President and General Chairman of the Hollywood Easter Sunrise Service since 1933 and was one of the founders of that renowned outdoor service, as

President of the Pilgrimage Theater Foundation, as a member of the Board of Directors of the Los Angeles Chapter of the American National Red Cross, as a member of the Los Angeles Area Council of the Executive Board of the Boy Scouts of America, and as a sustaining member of the Hollywood Y M C A, and

WHEREAS, He also was at one time Chairman of the Major Disaster Emergency Lighting Commission of Los Angeles County, and took an active part in emergency rescue work following the St Francis Dam disaster of 1928, the Long Beach earthquake of 1933, and the Montrose Flood of 1934, and

WHEREAS, He also did outstanding patriotic work during World War II and was honored for that work by being awarded the King Christian X Denmark "Freedom Medal" and a U S Treasury Award Medal, and

WHEREAS, He is also very active in fraternal affairs and is a charter member of the Hollywood Lions Club, of which he was President in 1931 and 1932, a Shriner and a life member of the Al Malaikah Temple, and a member of Cahuenga Masonic Lodge No 518, and of the Peace Officers Shrine Club, and he is also a member of the Union Press and League Club of San Francisco, the Navy League of the United States, the Viking Club of Los Angeles and Tau Kappa Epsilon fraternity at the University of Southern California, now therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly do hereby congratulate Otto K Olesen on his retirement as Postmaster of Los Angeles and commend him for having had a useful and distinguished career and extend to him every best wish for the future, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Otto K Olesen

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time

Assembly Bill No. 1892: By Mr Burton—An act to add Section 710 5 to the Unemployment Insurance Code, relating to coverage of legislative employees

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1893: By Mr Dymally—An act to repeal Sections 26104, 26105, 26106, 26107 and 26108 of the Government Code, relating to boards of trade and chambers of commerce

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1894: By Mr Monagan—An act to amend Section 208 of the Welfare and Institutions Code, relating to county boards of public welfare.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1895: By Mr Monagan—An act to amend Section 1276 of the Education Code, relating to the public school system

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1896: By Mr Monagan—An act to add Section 17666 5 to the Education Code, relating to the public school system

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1897: By Mr Monagan—An act to amend Section 17702 of the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1898: By Mr Monagan—An act to amend Section 24008 of the Government Code, relating to county fire marshals

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1899: By Mr Monagan—An act to add Section 6067 to, and to amend Section 25365 of, the Government Code, relating to transfers of county property

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1900: By Mr Monagan—An act to amend Section 25350 of the Government Code, relating to the acquisition of property by counties

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1901: By Mr Monagan—An act to amend Sections 14703 and 14708 of, and to add Sections 14708 3, 14708 5, and 14708 7 to, the Health and Safety Code, relating to fire protection districts.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1902: By Mr Badham—An act to amend Section 727 of the Fish and Game Code, relating to the Marine Research Committee.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1903: By Messrs Burgener and Garrigus—An act to add Chapter 9 1 (commencing with Section 6923) to Division 6 and Article 13 1 (commencing with Section 18212) to Chapter 3 of Division 14 of the Education Code, relating to the education of handicapped adults, making an appropriation therefor and declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1904: By Mr Dills—An act to repeal Sections 21384 and 21385 of, to amend Sections 21382 and 21386 of, and to add Sections 21384 and 21386 1 to, the Government Code, relating to the survivor's allowance for members of the State Employees' Retirement System

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1905: By Mr Zenovich—An act to add Section 216 to the Civil Code, relating to parent and child

Held at desk by order of the Speaker pro Tempore

Point of Order

Speaker pro Tempore Bee raised the point of order that Assembly Bill No 1905 carried the words "By Request" in violation of the Joint Rules, and requested that Mr Zenovich come to the desk, and remove these words from his bill

Assembly Bill No. 1906: By Messrs. Garrigus and Porter—An act to repeal Article 6 (commencing with Section 1791) of Chapter 2, Division 5, Part 1 of, to add Sections 1653, 1654, 1655, 1656, 1657 and 1658 to, and to amend Sections 1811, 1813, 1815, 1816, 2006, 2451 and 3363 of, the Education Code, relating to changing school district boundaries

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1907: By Mr Rumford—An act to amend Sections 28548 and 28551 of the Health and Safety Code, relating to restaurants

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1908: By Mr Rumford—An act to add Section 8565 5 to the Business and Professions Code, relating to structural pest control

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1909: By Mr Ryan—An act to add Section 1193 05 to the Code of Civil Procedure, relating to mechanics' liens

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1910: By Messrs Flournoy and Garrigus—An act to amend Section 7700 of the Education Code, relating to courses of study in the public schools

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1911: By Mr Knox (Senator Rees, coauthor)—An act to add Chapter 1 5 (commencing with Section 1300) to Division 2 of the Health and Safety Code, relating to health care plans

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolution was offered.

By Mr Holmes

House Resolution No. 150

Relating to Mr John E Gooding

WHEREAS, It has come to the attention of the Assembly of the State of California that Mr John E (Jack) Gooding will retire on March 31, 1963, from his position as Manager for Pacific Telephone in the San Luis Obispo area after 39 years of dedicated service to his employer and to the communities in which he has lived; and

WHEREAS, Jack Gooding's long professional career first began in 1924 when he was employed as a coin-box collector in Sacramento, and he progressed rapidly to become, successively, Manager in Grass Valley, Merced and San Luis Obispo, and

WHEREAS, Mr Gooding's personal philosophy has always caused him to accept responsibility for activities which are important in developing a community; and

WHEREAS, As a result of this philosophy Jack Gooding has participated in an impressive list of civic activities, having served at various times, two terms as President of the Grass Valley Chamber of Commerce, as a Director of the Merced Chamber, two terms as President of the San Luis Obispo Chamber, President of the Merced and San Luis Obispo Rotary Clubs, Commander of Post 66 of the American Legion, and President of the San Luis Obispo War Chest and U S O during World War II; and

WHEREAS, Mr Gooding was also a cofounder of the Tri-County Blood Bank and the San Luis Obispo County division of AID-United Givers, and was a director

of the Blood Bank from 1950 to 1960 and President of AID from 1959 to 1960; and

WHEREAS, He has also been active in governmental affairs, having been the first chairman of the San Luis Obispo County Civil Service Commission, a two-year member of the San Luis Obispo County Airport Commission, a short-term member of the San Luis Obispo City Charter Committee, member of the County Grand Jury in 1940 and Foreman of the Grand Jury in 1954; and

WHEREAS, In addition to these many worthwhile activities, Jack Gooding has devoted many years to the Boy Scouts of America, having been both president and treasurer of the Santa Lucia Council, holding the veteran's 30-year award, and having received, in 1956, one of Scouting's highest honors, the Silver Beaver Award, for his youth activities work; and

WHEREAS, John E Gooding may be justifiably proud of his record of community service; and

WHEREAS, Such an outstanding record of community service is deserving of recognition; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly do hereby congratulate and commend John E (Jack) Gooding for his many years of outstanding service to the people of his community, and do hereby extend their best wishes and hope that in all his future endeavors he will enjoy the fullest of happiness and success; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Mr John E Gooding

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

Assembly Constitutional Amendment No. 32: By Messrs Garrigus, Alquist, Z'berg, Barnes, Bagley, Carrell, Casey, Elliott, and Pattee—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 5 1 to Article XI thereof, relating to the compensation of county officers

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1912: By Mr Knox—An act to amend Section 1074 of the Penal Code, relating to challenge of jurors

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1913: By Mr Knox—An act to amend Section 1074 of the Streets and Highways Code, relating to work on county highways

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1914: By Mr Dannemeyer—An act to amend Section 21715 of the Vehicle Code, relating to towing vehicles

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1915: By Messrs Dannemeyer and Quimby—An act to amend Section 17210 of the Financial Code, relating to net worth of escrow agents

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1916: By Mr Flournoy—An act to add Section 6952 5 to the Education Code, relating to education of children in licensed childrens' institutions

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1917: By Mr Veneman—An act to add Section 26907 2 to the Government Code, relating to county auditors

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1918: By Mr Veneman—An act to amend Section 29303 of the Government Code, relating to bonds of local agencies

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1919: By Mr Veneman—An act to amend Section 1027 of the Probate Code, relating to distribution of estates

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1920: By Messrs Casey, Rumford, Dymally, Ryan, Garrigus, and Williamson—An act to amend Section 13520 of the Education Code, relating to public school employment

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1921: By Mr Donovan—An act to amend Section 40001 of the Vehicle Code, relating to vehicle owner's responsibility

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolution was offered·

By Mr. Powers:

House Resolution No. 151

Relative to the observance of Secretaries' Week

WHEREAS, The American Secretary is resolved to maintain the highest professional and personal ethics in her increasingly vital role in the modern complexities of business, industry, government and education, and

WHEREAS, Secretarial work has attained the status of exacting and highly qualified career work, and

WHEREAS, The American Secretary believes that her diligence should be directed to increased learning, efficiency, and loyalty in making ever more valuable her contribution to the office in which she is employed, and

WHEREAS, The last full week in April is set aside each year by the Secretary of Commerce to honor all American secretaries, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members hereby proclaim the week of April 21 to 27 to be Secretaries' Week, and April 24 to be Secretaries' Day throughout the State of California, and commend it to the attention of business and the secretary alike to pay tribute to the "First Lady of American Business" by honoring all secretaries for their services to the community and to the State; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to the President of the California Division, National Secretaries Association (International), Frances M. Klepl, and to the California Chairman of Secretaries' Week, for the National Secretaries Association, Nancy Gilbert.

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports Assembly Bill No 837

With amendments with the recommendation. Amend, and re-refer to the Committee on Transportation and Commerce

CARRELL, Chairman

Above bill ordered to second reading

Committee on Government Organization

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Government Organization reports

Assembly Bill No 395

With the recommendation. Do pass

MARKS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Government Organization reports

Assembly Bill No 721

With amendments with the recommendation Amend, and do pass, as amended

MARKS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Government Organization reports

Assembly Bill No 396
Assembly Bill No 398
Assembly Bill No 722
Assembly Bill No 758
Assembly Bill No 803

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

MARKS, Chairman

Above bills ordered to second reading

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER The Chairman of your Committee on Governmental Efficiency and Economy reports

Assembly Bill No 1120

With author's amendments with the recommendation Amend, and re-refer to the Committee on Governmental Efficiency and Economy

McMILLAN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1120 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1120—An act to amend Sections 10133 1, 10133 2, and 10145 of, and to add Sections 10251 5, 10265, and 10514 8 to, the Business and Professions Code, relating to the regulation of real estate, business opportunity, and mineral, oil and gas licensees

Bill read second time

Motion to Amend

Mr McMillan moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 10, of the printed bill, after "companies", insert ", or, except the provisions of subdivisions (d) and (e) of Section 10131 and of Section 10131 1, any person whose business is that of acting as an authorized representative, agent or loan correspondent of any of the foregoing or when making loans qualified for sale to any of the foregoing insofar as such business is concerned"

Amendment read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Ways and Means reports

Assembly Bill No 790

With amendments with the recommendation Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER The Chairman of your Committee on Ways and Means reports

Assembly Bill No 68

With author's amendments with the recommendation. Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 68 (PURSUANT TO RULE NO. 59 5)

Assembly Bill No. 68—An act to add Article 7 (commencing with Section 218) to Chapter 1 of Division 1 of the Streets and Highways Code, relating to roadside safety rest areas

Bill read second time

Motion to Amend

Mr Carrell moved the adoption of the following amendments

Amendment No. 1

On page 1, line 15, of the printed bill, as amended in the Assembly on March 12, 1963, after "Fund", and insert ", provided that the expenditures made for such maintenance shall not be deemed expenditures under Section 186"

Amendment No. 2

On page 1, between lines 21 and 22 insert

"(b) On highway entrances to large metropolitan areas, roadside safety rests may be provided for inbound traffic for use primarily as stopping areas for map study."

Amendment No. 3

On page 1, line 22, strike out "(b)", and insert "(c)"

Amendment No. 4

On page 2, line 1, strike out "(c)", and insert "(d)"

Amendment No. 5

On page 2 strike out lines 30 and 31 and insert

"**224. Areas comprising such roadside safety rests** shall be deemed a part of the state highway right of way for all purposes, including those set forth in Section 731 of this code"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Agriculture reports

Assembly Bill No 1128

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PATTEE, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Agriculture reports
Assembly Bill No 553
With the recommendation Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PATTEE, Chairman

Above bill ordered to second reading.

Committee on Education

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Education reports
Assembly Bill No 1092
With the recommendation Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

GARRIGUS, Chairman

Above bill ordered to second reading.

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 15, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports
Assembly Bill No 274
Assembly Bill No 879
With amendments with the recommendation Amend, and re-refer to the Committee on Transportation and Commerce

CARRELL, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 15, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports
Assembly Bill No 717
With amendments with the recommendation Amend, and do pass, as amended

CARRELL, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 15, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports
Assembly Bill No 1082
With the recommendation That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

CARRELL, Chairman

Subject matter of the above bill referred to the Committee on Rules

Committee on Education

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER The Chairman of your Committee on Education reports:
Assembly Bill No 756
Assembly Bill No 757
Assembly Bill No 1079
With author's amendments with the recommendation. Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 756, 757, AND 1079 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 756—An act to amend Section 13197.1 of the Education Code, relating to requirements for standard supervision credential.

Bill read second time

Motion to Amend

Mr. Winton moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, after "credential", insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1, strike out lines 16 to 19, and insert "ing experience for the standard supervision credential to supervise teachers, or five (5) years of successful experience in either the designated services, or teaching, or any combination of both designated services and teaching for the standard supervision credential to supervise designated services. Such teaching or service shall be given in the public elementary or secondary schools, or in private schools of equivalent status"

Amendment No. 3

On page 2, after line 10, insert

"SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are

The new public school licensure provisions added to the law by Chapter 848 of the Statutes of 1961 are to become operative on July 1, 1963. The Legislature deems it essential that the provisions dealing with the minimum requirements for the standard supervision credential be modified to permit the consideration of an experience factor; and in order that the change effected by this act may also take effect on or before July 1, 1963, it is necessary that this act take effect immediately."

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education.

Assembly Bill No. 757—An act to amend Sections 13055 and 13056 of the Education Code, relating to personnel of the public school system, declaring the urgency thereof, to take effect immediately.

Bill read second time

Motion to Amend

Mr. Winton moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, strike out lines 46 to 51, inclusive; and on page 3, strike out lines 1 to 3, inclusive, and insert

"(m) The preparation of budgets of funds to be used for educational purposes

(n) The interpretation or evaluation from an educational standpoint of equipment, material, and housing

(o) The interpretation and evaluation of school information in terms of educational significance and from an educational standpoint or viewpoint"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education.

Assembly Bill No. 1079—An act to amend Section 7604 of the Education Code, relating to general courses of study.

Bill read second time

Motion to Amend

Mr. Greene moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 8, of the printed bill, after "the", insert "governing boards of".

Amendment read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER The Chairman of your Committee on Education reports

Assembly Bill No 310
Assembly Bill No 1050

With author's amendments with the recommendation Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 310 AND 1050 (PURSUANT TO RULE NO 59.5)

Assembly Bill No. 310—An act to add Chapter 7 (commencing with Section 14800) to Division 10 of Part 2, and to add Section 20801 6 to the Education Code, relating to medical and hospital care for public school employees

Bill read second time

Motion to Amend

Mr Casey moved the adoption of the following amendments.

Amendment No. 1

On page 2 of the printed bill, strike out lines 4 to 7, inclusive, and insert "(a) "Employee" means any person serving in a position requiring certification qualifications or any person not serving in a position requiring certification qualifications, including persons employed in child care centers, and any person serving in the office of a county superintendent of schools who is paid from the County School Service Fund"

Amendment No. 2

On page 2, line 21, strike out "Health", and insert "Basic health"

Amendment No. 3

On page 2, strike out line 27, and insert
"(d) "Major medical coverage plan" means a co-insurance plan which is provided in addition to a basic health benefits plan
(e) "Annuitant" means "

Amendment No. 4

On page 2, line 29, strike out "or", and insert a comma

Amendment No. 5

On page 2, line 30, after "teachers", insert ", or local"

Amendment No. 6

On page 2, line 36, after "this code", insert "or under the applicable rules or ordinances governing a local retirement system"

Amendment No. 7

On page 2, line 37, strike out "(e)", and insert "(f)"

Amendment No. 8

On page 2, line 38, strike out the comma, and insert "or"

Amendment No. 9

On page 2, line 41, strike out "of", and insert "or"

Amendment No. 10

On page 2, line 49, strike out "(g)", and insert "(h)"

Amendment No. 11

On page 2, line 50, after "code", insert "and a County Board of Education"

Amendment No. 12

On page 2, line 51, strike out "(h)", and insert "(i)"

Amendment No. 13

On page 2, strike out line 52, and insert "Board, State Teachers Retirement System, the Board of Administration, State Employees Retirement System and the governing board of a local retirement system"

Amendment No. 14

On page 3, line 23, after "approve", insert "basic"

Amendment No. 15

On page 3, line 25, after "plans", insert "and plans offering major medical coverage"

Amendment No. 16

On page 3, line 35, after "for", insert "basic"

Amendment No. 17

On page 4, line 6, strike out "at", and insert "as"

Amendment No. 18

On page 4, line 8, strike out "health benefits plan", and insert "basic health benefits plans and any major medical coverage plan"

Amendment No. 19

On page 4, line 10, after "a", insert "basic"

Amendment No. 20

On page 4, strike out lines 16 to 18, inclusive, and insert

"14817 The Teachers Retirement Board, State Teachers Retirement System, the Board of Administration, State Employees Retirement System and the governing board of a local retirement system may agree jointly to administer and to contract with any carrier for health benefits plans for annuitants."

Amendment No. 21

On page 4, line 30, after the comma, following "to", insert "major medical coverage plans and"

Amendment No. 22

On page 4, line 34, strike out "in existence", and insert "and major medical coverage plans in which employees or annuitants were participating"

Amendment No. 23

On page 4, strike out line 43, and insert "be one or more of the following:"

Amendment No. 24

On page 5, strike out lines 42 to 48, inclusive; and on page 6, strike out lines 1 to 3, inclusive

Amendment No. 25

On page 6, line 6, strike out "an approved", and insert "a"

Amendment No. 26

On page 6, line 46, after "enrollment", insert "provided that the governing board has not authorized for a continuation of contributions by its rules or regulations"

Amendment No. 27

On page 6, strike out lines 50 to 52, inclusive, and on page 7, strike out lines 1 to 9, inclusive, and insert

"14840 The contribution of the school district or State may be the full amount necessary to pay the cost of a basic health benefits plan or any portion thereof, but shall not be less than five dollars ($5) per month for each employee or annuitant. The school district or state contribution may cover major medical insurance, in addition to the basic health benefits plan. The school district's contri-"

Amendment No. 28

On page 7, line 11, strike out "on", and insert "not later than"

Amendment No. 29.

On page 7, line 25, after "district", insert "and the county superintendent of schools".

Amendment No. 30

On page 7, line 28, after "State", insert "and local retirement system"

Amendment No. 31

On page 7, line 33, strike out "all annuitants", and insert "the annuitants under State Employees Retirement System and State Teachers Retirement System"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education

Assembly Bill No. 1050—An act to add Article 7.5 (commencing with Section 14070) to Chapter 4, Division 10 of the Education Code, relating to the State Teachers' Retirement System

Bill read second time.

Motion to Amend

Mr. Bee moved the adoption of the following amendments.

Amendment No. 1

On page 2 of the printed bill, strike out lines 9 to 14, inclusive, and insert ", provided the member has 10 years of California service and provided that all of the following conditions are met

(a) The member shall have rendered a minimum of 10 years of California service, although these 10 years may be taken as a basis to qualify a similar number of years of out-of-state service at the end of the 10-year qualifying period"

Amendment No. 2

On page 2, line 26, after "sought," insert "at the minimum California salary plus the age and sex factor for that year,"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, March 18, 1963

MR. SPEAKER: Your Committee on Education reports

Assembly Bill No. 1046
Assembly Bill No. 1091

With the recommendation: Do pass

GARRIGUS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 18, 1963

MR. SPEAKER: Your Committee on Education reports

Assembly Bill No. 1130

With amendments with the recommendation: Amend, and do pass, as amended

GARRIGUS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 18, 1963

MR. SPEAKER: Your Committee on Education reports

Assembly Bill No. 703
Assembly Bill No. 704

With the recommendation: Do pass, as amended

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar

GARRIGUS, Chairman

Above bills ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 15, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 48
Assembly Bill No 796
Assembly Bill No 863
Assembly Bill No 866
Assembly Bill No 887
Assembly Bill No 942
Assembly Bill No 966

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file

ASSEMBLY CHAMBER, March 15, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 336
Assembly Bill No 577
Assembly Bill No 619
Assembly Bill No 1019

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 15, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 65
Assembly Bill No 210

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 15, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 179
Assembly Bill No 406
Assembly Bill No 519
Assembly Bill No 538
Assembly Bill No 726

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file

ASSEMBLY CHAMBER, March 15, 1963

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 706

And reports the same correctly re-engrossed.

POWERS, Chairman

Above bill ordered to third reading

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 18, 1963

MR. SPEAKER The Chairman of your Committee on Finance and Insurance reports:

Assembly Bill No 20

With author's amendments with the recommendation. Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 20 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 20—An act to add Sections 17200.8, 17213.1, and 17421 to, and to amend Sections 17209, 17209.1 and 17209.2 of, the Financial Code, relating to escrow agents

Bill read second time.

Motion to Amend

Mr Z'berg moved the adoption of the following amendments

Amendment No. 1

On page 2, line 3, of the printed bill, as amended in the Assembly on March 12, 1963, strike out "consideration, fee commission, or other disbursal", and insert "disbursal, other than for a fee, commission or compensation"

Amendment No. 2

On page 2, line 8, strike out "by the proposed directors and verified by", and in line 9, strike out "one of the incorporators", and insert "and verified by an authorized officer of the applicant"

Amendment No. 3

On page 2, line 31 strike out "incorporators", and insert "stockholders"

Amendment No. 4

On page 2, line 41, strike out "incorporators,"

Amendment No. 5

On page 2, line 40, strike out "thirty (30)", and insert "fifteen (15)"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Finance and Insurance

Rush Order Placed Upon Printing of Assembly Bill No. 20

Mr. Mills was granted unanimous consent that a rush order be placed upon the printing of Assembly Bill No 20

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Social Welfare reports

Assembly Bill No 841

With the recommendation. Do pass

BURTON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Social Welfare reports

Assembly Bill No 306

With amendments with the recommendation Amend, and re-refer to the Committee on Social Welfare

BURTON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER. Your Committee on Social Welfare reports

Assembly Bill No 511

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

BURTON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER. Your Committee on Social Welfare reports

Senate Bill No 19

With amendments with the recommendation Amend, and re-refer to the Committee on Social Welfare

BURTON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Social Welfare reports
Assembly Bill No 59
Assembly Bill No 61
Assembly Bill No 117
With amendments with the recommendation Amend, and do pass, as amended
BURTON, Chairman

Above bills ordered to second reading

INTRODUCTION OF GUESTS

Mr Allen introduced his wife, Mrs Margaret Allen, and his grandson, Master Don A Allen, III, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

REQUEST BY SPEAKER PRO TEMPORE

Speaker pro Tempore Bee requested that the Members of the Assembly co-operate in the following procedure for the introduction of guests

All guests are to be introduced from the Assembly rostrum by the presiding officer, with the exception of the following guests who may be introduced from the Member's desk groups of students or other visitors; members of his family; or other distinguished guests when cleared through the Speaker's office

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file.

Assembly Bills Nos. 179, 406, 726, 796, 48, 942, 538, 966, 866, 887, 519, and **863**

Assembly Bills Nos 179, 406, 726, 538, 796, and 519 ordered to third reading

Assembly Bills Nos 48, 942, 966, 866, 887, and 863 ordered to the Consent Calendar

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 643—An act to amend Sections 10405, 10406, 10502 and 10503 of the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 716—An act to amend Section 11809 of, and to add Section 11810 to, the Vehicle Code, relating to vehicle salesman's license

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 849—An act to amend Section 35752 of the Vehicle Code, relating to bridge signs

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 890—An act to amend Sections 11800, 11802 and 11803 of the Vehicle Code, relating to vehicle salesmen licenses

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 902—An act to amend Section 21402 of the Vehicle Code, relating to yield right-of-way signs

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 684—An act to amend Section 17159 of the Vehicle Code, relating to liability of personal representatives for motor vehicles.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce, was read, and adopted:

Amendment No. 1

On page 1, lines 7, 8, and 9, of the printed bill, strike out "the registration thereof has been transferred by the Department of Motor Vehicles", and insert "he has complied with the requirements of subdivision (a) or (b) of Section 5602"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 850—An act to amend Sections 2213 and 2214 of the Streets and Highways Code, relating to federal-aid secondary highways.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce, was read, and adopted:

Amendment No. 1

On page 1, line 19, of the printed bill, strike out "and 2212", and insert "to 2213, inclusive,".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 852—An act to amend 5204 of the Vehicle Code, relating to display of tab, sticker or other suitable device

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce, was read, and adopted.

Amendment No. 1

On page 1, lines 9 and 10, of the printed bill, strike out "tractors or trucks towing trailers or semitrailers", and insert "truck tractors"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 696—An act to amend Sections 19030 and 19037 of the Streets and Highways Code, relating to establishment of highway lighting districts

Bill read second time, and ordered engrossed

Assembly Bill No. 798—An act to amend Section 3078 of the Labor Code, relating to apprenticeship

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Industrial Relations, was read, and adopted

Amendment No. 1

On page 1, line 23, of the printed bill, strike out "of"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 799—An act to amend Section 3076 of the Labor Code, relating to apprenticeship

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 575—An act to add Article 7 (commencing with Section 31900) to Chapter 5 of Division 22 of the Education Code, relating to school district elections

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 217—An act to amend Sections 22150 and 22151 of the Government Code, relating to public retirement systems

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Civil Service and State Personnel, were read, and adopted:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 22150 and 22151," and insert "Section 22150".

Amendment No. 2

On page 2 of said bill, strike out lines 1 to 7, inclusive, and insert "SEC. 2. This act is an urgency measure necessary for the".

Bill ordered reprinted, and engrossed.

Assembly Bill No. 531—An act to add Section 24 5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), relating to water conservation districts

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Water, was read, and adopted

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "and for the purposes of this section the" and strike out lines 9 to 14, inclusive, and insert "for the purpose of financing the production, transmission, and distribution of water for public and private purposes and for the construction of facilities necessary thereto including any contributions by a district to another agency under a contractual agreement or for cost incurred in the construction of joint use facilities"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Water

Assembly Bill No. 532—An act to amend Sections 44030, 44031, 45900, 46175 46355, 47800, 47801, 47805, 47807, 47808, 47809, and 47810 of, to add Sections 43006, 44032 to, and to add Article 10 (commencing with Section 46375) to Chapter 2 of Part 9 of Division 14 of, the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately

Bill read second time, and to the Consent Calendar

Assembly Bill No. 973—An act to amend Section 39440 of the Water Code, relating to California water storage districts

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1114—An act to amend Sections 42700, 42701 and 42726 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered engossed, and to be placed on the Consent Calendar

Assembly Bill No. 465—An act to amend Section 1716 of the Revenue and Taxation Code, relating to equalization of property assessments

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 468—An act to add Section 268 7 to the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 663—An act to add Sections 10257 and 10257.5 to the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law.

Bill read second time, and ordered engrossed

Assembly Bill No. 734—An act to amend Sections 7851, 7852 and 7853 of, and to add Section 7854 to, the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax Law

Bill read second time, and ordered engrossed

Assembly Bill No. 558—An act to add Section 6371 to the Revenue and Taxation Code, relating to exemptions from sales and use taxes

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Revenue and Taxation, was read, and adopted

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "prosthetic devices appli-", and strike out line 6, and insert "artificial limbs, orthopedic braces, or their replacement parts or appurtenances"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Revenue and Taxation

Assembly Bill No. 676—An act to amend Section 8952 of, and to add to Sections 8953, 8954 and 8955 to, the Revenue and Taxation Code, relating to the Use Fuel Tax Law

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 8952 of, and to add Section 8953," and insert "Sections 8952, 10051, 10052, and 10053 of, and to add Sections 8953, 8954, 8955 and 10054 to,"

Amendment No. 2

Strike out the second and third lines of the title, and insert "the Revenue and Taxation Code, relating to state taxes"

Amendment No. 3

On page 2, after line 40, insert

"SEC. 5. Section 10051 of said code is amended to read

10051. If any operator is delinquent in the payment of ~~the license tax,~~ *any obligation imposed under this part, or in the event a determination has been made against such an operator which remains unpaid,* the Controller may, *not later than three years after the payment becomes delinquent, or within three years after the last recording of a certificate under Section 10099,* give notice ~~of the amount of the delinquency~~ *thereof, personally or* by registered mail to all persons, *including any officer or department of the State or any political subdivision or agency of the State,* having in their possession or under their control any credits or other personal property belonging to the operator, or owing any debts to the operator. *In the case of any state officer, department or agency, the notice shall be given to such officer, department or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller.*

SEC 6 Section 10052 of said code is amended to read.

10052 After receiving the notice the person so notified shall neither transfer nor make *any* other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the Controller consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, *whichever period expires the earlier*

SEC 7 Section 10053 of said code is amended to read

10053 All persons so notified shall ~~within five days~~ *forthwith* after receipt of the notice advise the Controller of all such credits, other personal property, or debts in their possession, under their control, or owing by them *If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held*

SEC 8 Section 10054 is added to said code, to read

10054. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld, to the extent of the value of the property or the amount of the debts thus transferred or paid he shall be liable to the State for any indebtedness due under this part from the person with respect to whose obligation the notice was given if solely by reason of such transfer or disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given ''

Bill ordered reprinted, and engrossed

Assembly Bill No. 730—An act to amend Sections 8732 and 9351 of, and to add Sections 9155 and 9156 to, the Revenue and Taxation Code, relating to the Use Fuel Tax Law

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Revenue and Taxation, was read, and adopted

Amendment No. 1

On page 1, lines 11 and 12, of the printed bill, strike out "certify to said vendors their authorization to so purchase the fuel", and insert "purchase fuel without payment of tax to a vendor"

Bill ordered reprinted, and engrossed

Assembly Bill No. 738—An act to amend Section 32381 of, to amend and renumber Sections 32382 and 32383 of, and to add Sections 32382, 32383, and 32384 of, the Revenue and Taxation Code, relating to the Alcoholic Beverage Tax Law

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Revenue and Taxation, was read, and adopted·

Amendment No. 1

On page 1 of the printed bill, after line 14, insert "In the case of any state officer, department, or agency, the notice shall be given to such officer, department, or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller"

Bill ordered reprinted, and engrossed.

Assembly Bill No. 736—An act to amend Sections 1822, 1823, and 1824 of the Revenue and Taxation Code, relating to property taxation

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 1822.5 to,".

Amendment No 2

On page 1, after line 17, insert

'SEC. 2. Section 1822.5 is added to said code to read

1822.5. When the review, equalization, and adjustment are completed, the secretary of the board shall transmit to the auditor and the governing body of the taxing agency whose assessment is questioned, and to the applicant a notice of the action of the board with respect to the assessment. The notice is prima facie evidence of the regularity of all proceedings of the board resulting in the action which is the subject matter of the notice. Upon receipt of the notice the auditor shall enter upon the local roll any change in the assessment resulting from the action of the board"

Amendment No. 3

On page 2, line 1, strike out "SEC. 2", and insert "SEC. 3"

Amendment No. 4

On page 2, line 28, strike out "3", and insert "4"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 315—An act to amend Sections 43500 and 43531 of, and to add Sections 43532 and 43533 to, and to add Article 3 (commencing with Section 43555) to Chapter 4 of Part 6 of Division 14 of, the Water Code, relating to condemnation proceedings, and declaring the urgency thereof, to take effect immediately

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Water, was read

Amendment No. 1

On page 3, line 17, of the printed bill, as amended in the Assembly on March 11, 1963, strike out "if", and insert "is".

Withdrawal of Committee Amendment

Mr. Williamson was granted unanimous consent that the committee amendment be withdrawn, and that he be permitted to offer substitute amendments in place thereof.

Motion to Amend

Mr Williamson moved the adoption of the following substitute amendments

Amendment No. 1

On page 3, line 13, of the printed bill, as amended in the Assembly on March 11, 1963, strike out "and" and insert "such".

Amendment No. 2

On page 3, line 17, strike out "if", and insert "is"

Amendments read, and adopted

Bill ordered reprinted, and re-engrossed.

Assembly Bill No. 923—An act to amend Sections 5009, 5020, 5020.3, 5022, and 5133 of the Business and Professions Code, relating to the practice of accountancy

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 667—An act to amend Section 25610 of the Business and Professions Code, relating to alcoholic beverages

Bill read second time, and ordered to third reading

Assembly Bill No. 701—An act to amend Sections 11566 and 11592 of the Business and Professions Code, relating to subdivision maps

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Governmental Efficiency and Economy, were read, and adopted.

Amendment No. 1

On page 1, line 9, of the printed bill, after "The", insert "governing body may require that the".

Amendment No. 2

On page 1, line 10, after "monumented", insert "or referenced"

Amendment No. 3

On page 2, line 46, strike out "the interior"

Amendment No. 4

On page 2, line 47, strike out "shall", and insert "may"

Amendment No. 5

On page 2, line 50, strike out "new".

Amendment No. 6

On page 2, line 52, strike out "map first filed", and insert "recorded map"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 794—An act to amend Section 11535 of the Business and Professions Code, relating to subdivision maps

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Governmental Efficiency and Economy, was read, and adopted

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to 23, inclusive; and on page 2, strike out lines 1 to 11, inclusive, and insert

"11535 (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into five or more parcels ~~within any one year period~~ ; provided, that this chapter shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases

(b) "Subdivision" does not include either of the following.

(1) Any parcel or parcels of land in which all of the following conditions are present: (i) the whole parcel before division contains less than five acres, (ii) each parcel created by the division abuts upon a public street or highway, (iii) no street opening or widening, drainage facilities, or other improvements have been required by official action of the governing body, and (iv) the lot design meets the approval of the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a net area of 20 acres or more, to be sold or leased for commercial agricultural purposes each of which abuts upon an improved public street or highway and the lot design meets the approval of the governing body

(c) In either case provided in subsection (b) of this section, a tentative map shall be submitted to the governing body in the same manner as is provided in this chapter for subdivisions and approved by the governing body as to all requirements of this section and thereafter a record of survey map in accordance with the approved tentative map shall be filed pursuant to the provisions of Chapter 15 (commencing with Section 8700), Division 3 of this code, and thereupon conveyances may be made of lots or parcels shown on such map by lot or block number, initial or such other designation as may be shown on such map

(d) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California

(e) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code "

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 574—An act to add Section 10020 to the Elections Code, relating to absentee voting

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Elections and Reapportionment, were read, and adopted:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "or across the bottom of each sample ballot,".

Amendment No. 2

On page 1, after line 18, insert
"SEC. 2 The provisions of this act shall remain in effect until January 1, 1965"

Bill ordered reprinted, and engrossed

Assembly Bill No. 576—An act to add Section 10020 to the Elections Code, relating to absentee voting.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Elections and Reapportionment, were read, and adopted:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "or across the bottom of each sample"; and in line 7, strike out "ballot,".

Amendment No. 2

On page 2, after line 6, insert
"SEC. 2 The provisions of this act shall remain in effect until January 1, 1965"

Bill ordered reprinted, and engrossed

Assembly Bill No. 383—An act to amend Section 15400 of, and to add Section 15412 to, the Elections Code, relating to vote tabulating devices.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Elections and Reapportionment, were read, and adopted:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out ", and to add Section 15412 to".

Amendment No. 2

On page 1, strike out lines 11 to 15, inclusive.

Bill ordered reprinted, and engrossed

Assembly Bill No. 209—An act to add Section 8408.5 to the Elections Code, relating to county central committees

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Elections and Reapportionment, was read, and adopted:

Amendment No. 1

On page 1, line 10, of the printed bill, as amended in the Assembly on February 27, 1963, strike out ", unless there is filed with", strike out lines 11 to 14, inclusive; and, in line 15, strike out "involved"

Bill ordered reprinted, and re-engrossed.

SECOND READING OF SENATE BILLS

Senate Bill No. 181—An act to amend Section 268 of the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 37—An act to amend Section 17765 of, and add Section 17750 1 to the Business and Professions Code, relating to trading stamps

Bill read second time, and ordered to the Consent Calendar

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means

Assembly Bill No. 48.

Assembly Bills Nos. 663, 734, and **923,** subsequent to engrossment

REFERENCE OF BILLS

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees:

Assembly Bill No	*Committee*
1857	Judiciary
1858	Criminal Procedure
1859	Education
1860	Judiciary
1861	Municipal and County Government
1862	Social Welfare
1863 and **1864**	Transportation and Commerce
1865 and **1866**	Judiciary
1867	Water
1868	Natural Resources, Planning, and Public Works
1869	Public Utilities and Corporations
1870 through **1872**	Natural Resources, Planning, and Public Works
1873	Municipal and County Government
1874	Education
1875	Natural Resources, Planning, and Public Works
1876	Public Utilities and Corporations
1877	Natural Resources, Planning, and Public Works
1878	Government Organization
1879	Governmental Efficiency and Economy

Assembly Bill No	*Committee*
1880 and **1881**	Municipal and County Government
1882 through **1886**	Civil Service and State Personnel
1887	Judiciary
1888	Criminal Procedure
1889	Agriculture
1890	Education
1891	Criminal Procedure
Assembly Constitutional Amendment No.	
31	Rules
Assembly Joint Resolution No.	
29	Water
Senate Bill No.	
30	Transportation and Commerce
78	Education
82	Governmental Efficiency and Economy
89	Judiciary
249	Education
301	Judiciary
334	Education
436	Governmental Efficiency and Economy
454	Military and Veterans Affairs

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 405—An act to amend Section 8211 of the Government Code, relating to notary public fees.

Bill read third time.

Demand for Previous Question

Messrs Holmes, Dills, Pattee, Kennick, and Lanterman demanded the previous question Demand sustained.

The question being of the passage of the bill

The roll was called

Call of the Assembly

Pending the announcement of the vote, Mr Z'berg moved a call of the Assembly

Mr. Knox seconded the motion.

Motion carried Time, 11 58 a m

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 113

Mr Waldie was granted unanimous consent that Assembly Rule No 113 be temporarily suspended for the purpose of placing a call of the Assembly on any matter before the House

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 52—An act to amend the heading of Article 12 of Chapter 6 of Division 5 of, and to amend Section 2451 of, the Education Code, relating to school district organization

The question being · Shall the Assembly concur in the following Senate amendments to Assembly Bill No 52?

Amendment No. 1

On page 2, line 2, of the printed bill, strike out "area of the".

Amendment No. 2

On page 2, line 3, strike out "area"

Amendment No. 3

On page 2, strike out line 4, and insert "territory in question in the other high school district so that the elementary school district shall be situated entirely within that high school district"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 52 by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—None.

Assembly Bill No 52 ordered enrolled

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 114—An act to add Section 13552 5 to the Education Code, relating to leaves of absence for teachers elected to the Legislature

Bill read third time

Motion to Amend

Mr Winton moved the adoption of the following amendment

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in the Assembly on February 27, 1963, after "Legislature", insert "but in no event shall such leave of absence exceed a period of 10 (ten) years"

Amendment read

Motion to Re-refer

Mr Collier moved that the bill and the amendment be re-referred to the Committee on Education

Mr Cusanovich seconded the motion.

Parliamentary Inquiry

Mr Winton arose to the following parliamentary inquiry Is the question debatable?

Reply by Speaker pro Tempore

Speaker pro Tempore Bee replied that the question was debatable only as to the propriety of re-reference of the bill

The question being on the motion that the bill and the amendment be re-referred to the Committee on Education

Parliamentary Inquiry

Mr Willson arose to the following parliamentary inquiry Is the motion a proper motion?

Reply by Speaker pro Tempore

Speaker pro Tempore Bee replied in the affirmative.

Request for Division of Question

Mr Willson asked for a division of the question

Speaker pro Tempore Bee advised Mr Willson that a division of the question could leave the bill before the House, and the amendment in committee, or vice versa

Point of Order

Mr Winton arose to the following point of order: That the question is not divisible

Ruling by Speaker pro Tempore

The Speaker pro Tempore ruled the point of order well taken

The question being on the motion by Mr Collier that the bill and the amendment be re-referred to the Committee on Education

Motion lost by the following vote

AYES—Badham, Barnes, Britschgi, Burgener, Chapel, Collier, Conrad, Cusanovich, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Flournoy, Hinckley, Holmes, Lanterman, Lunardi, Mulford, Pattee, Porter, Thelin, Veneman, and Whetmore—24

NOES—Allen, Alquist, Asheraft, Bagley, Bane, Beilenson, Belotti, Booth, Burton, Carrell, Casey, Cologne, Crown, Danielson, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Johnson, Kennick Knox, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thomas, Vevsey, Waite, Waldie, Warren, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—53.

The question being on the adoption of the amendment by Mr Winton

Amendment adopted by the following vote.

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Dymally, Elliott, Ferrell, Foran Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Johnson Kennick, Knox, Lunardi, Marks, McMillan, Meyers Mills, Monagan, Moreno, Mulford, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young Z'berg, Zenovich, and Mr Speaker—63

NOES—Badham, Britschgi, Chapel, Collier, Cusanovich, Donovan, Flournoy, Hinckley, Lanterman, Thelin, and Willson—11

Bill ordered reprinted, and re-engrossed

CALL OF THE ASSEMBLY DISPENSED WITH ON ASSEMBLY BILL NO. 405

At 12.08 p m., on motion of Mr Z'berg, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called, and Assembly Bill No 405 passed by the following vote.

AYES—Ashcraft, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Dills, Donovan, Dymally, Foran, Frew, Gaffney, Garrigus, Gonsalves, Hinckley, Kennick, Knox, Marks, Meyers, **Mills, Moreno, Petris, Powers, Quimby, Rumford,** Thomas, Waite, Waldie, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—44

NOES—Allen, Alquist, Badham, Beilenson, Burton, Collier, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Elliott, Ferrell, Flournoy, Greene, Henson, **Holmes, Johnson, Lanterman,** Lunardi, McMillan, Monagan, Mulford, Pattee, Porter, Ryan, Song, Soto, Stanton, Thelin, Veneman, Veysey, Warren, and Whetmore—34

Bill ordered transmitted to the Senate.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 693—An act to add Section 35811 to the Education Code, relating to school district organization.

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1110.—An act to amend Section 20806 of the Education Code, relating to school district taxation, declaring the urgency thereof, to take effect immediately

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—69.

NOES—Chapel, Collier, Flournoy, and Thelin—4

The question being on the passage of the bill

Bill passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell,

Foran, Frew, Gaffney, Garrigus, Gonsalves, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thomas, Veneman, Versey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—69

NOES—Chapel, Collier, Flournoy, and Thelin—4

Bill ordered transmitted to the Senate

Speaker Presiding

At 12 13 p m, Hon Jesse M Unruh, Speaker of the Assembly, presiding

APPOINTMENT OF SELECT COMMITTEE

Speaker Unruh appointed Messrs Porter, Kennick, and Willson as a Select Committee to represent the Assembly at the funeral for the late Congressman Clyde Doyle to be held in Long Beach tomorrow

Announcement by Speaker

Speaker Unruh announced that if any other Members of the Assembly desired to be appointed to the Select Committee to attend the funeral for the late Congressman Clyde Doyle, they should so advise him

Speaker pro Tempore Presiding

At 12 15 p m, Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 36—An act to add Section 11541 to the Health and Safety Code, relating to peyote.

Bill read third time, and, on request of Mr Petris, ordered passed on file, and to retain its place on file

Assembly Bill No. 916—An act to add Section 3311 to the Health and Safety Code, relating to tuberculosis hospitals and sanatoriums

Bill read third time

Motion to Amend

Mr. Powers moved the adoption of the following amendments

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 13, 1963, strike out "3311", and insert "3356"

Amendment No. 2

On page 1, line 1, strike out "3311", and insert "3356"

Amendment No 3

On page 1, line 3, strike out "3311", and insert "3356".

Amendments read, and adopted

Bill ordered reprinted and re-engrossed

REQUEST FOR UNANIMOUS CONSENT TO RESET SPECIAL ORDER FOR ASSEMBLY BILL NO. 652

Mr. Cologne was granted unanimous consent that Assembly Bill No 652, heretofore set as a special order for Tuesday, March 19, 1963, at

10 30 a m , be reset as a special order of business for Wednesday, March 20, 1963, at 10 30 a m

COMMITTEE MEETING ANNOUNCEMENTS

Mr Crown announced that the Committee on Ways and Means would meet at 2 p m today in Room 4202, instead of at 1 30 p m as previously scheduled

Mr Meyers announced that the Committee on Civil Service and State Personnel would meet at 2 p m today in Room 2117, instead of at 1 30 p m as previously scheduled

Mr Rumford announced that the Committee on Public Health would meet at 2 p m today in Room 5168, instead of at 1 30 p m as previously scheduled

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 17—An act to amend Section 21715 of the Vehicle Code, relating to combinations of vehicles

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Fertell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Walthe, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 535—An act to amend Section 31407 of the Vehicle Code, relating to fire extinguishers on farm labor vehicles

Bill read third time, and passed by the following vote

AYES—Allen, Alquist Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener Burton, Carrell, Casey Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Fertell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Walthe, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 589—An act to amend Sections 375, 24953, 25108, 25250 and 25251 of the Vehicle Code, relating to lights on vehicles

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Wilson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78.

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 777—An act to amend Section 220 of the Military and Veterans Code, relating to manner of commissioning officers of the California National Guard.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Wilson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 778—An act to amend Section 222 of the Military and Veterans Code, relating to the qualifications of commissioned officers of the California National Guard

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Wilson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 779—An act to amend Section 225 of the Military and Veterans Code, relating to appointment of warrant officers of the California National Guard

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Wilson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78.

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 780—An act to amend Section 226 of the Military and Veterans Code, relating to arms and equipment for officers of the California National Guard

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Wilhamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 781—An act to amend Section 232 of the Military and Veterans Code, relating to officers of the National Guard

Bill read third time, and passed by the following vote

AYES—Allen, Alquist Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton Carrell, Casey, Chapel, Collier Cologne, Conrad, Crown, Cusanovich Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 959—An act to amend Section 7503 of the Education Code, relating to the Curriculum Commission

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox Lanterman, Lunardi Marks McMillan, Meyers, Mills, Monagan Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Wilhamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 970—An act to amend Section 2582 of the Education Code (as added by Chapter 1077 of the Statutes of 1961), relating to school district organization

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti Booth, Britschgi, Burgener, Burton Carrell, Casey, Chapel Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman,

Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 971—An act to amend Section 2841 of the Education Code, relating to school district organization.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Berlenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey Chapel Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 930—An act to amend Section 19702 of the Government Code, relating to prohibition of discrimination in the state civil service

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Berlenson Belotti Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 931—An act to amend Section 19253 5 of the Government Code, relating to state civil service

Bill read third time, and passed by the following vote

AYES—Allen, Alquist Asheraft, Badham, Bagley, Bane, Barnes, Bee, Berlenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 933—An act to amend Sections 18533, 18537, and 19054 of the Government Code, relating to state civil service employment lists

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate.

Consideration of House Resolution No. 124

By Mr Crown.

House Resolution No. 124—Relative to Invest-in-America Week

NOTE The full text of House Resolution No 124, as amended on March 13, appears at page 1025 of the Assembly Daily Journal for March 13, 1963

Resolution read, and adopted by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Consideration of House Resolution No. 126

By Messrs Burgener, Barnes, Ashcraft, Mills, and Donovan

House Resolution No. 126—Relative to the death of Judge R Fenton Garfield

NOTE The full text of House Resolution No 126 as amended on March 13, appears at page 1026 of the Assembly Daily Journal for March 13, 1963

Resolution read, and adopted by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Assembly Bill No. 1073—An act to maintain the Business and Professions Code by amending Sections 3151, 19632, 20853, 23108, and 24206 thereof, by amending and renumbering Sections 1293 as added by Chapter 824 of the Statutes of 1961, and 6534 9 as added by Chapter 1478 of the Statutes of 1961, thereof, and by repealing Sections 23 8 as added by Chapter 1821 of the Statues of 1961 and 23321 5, and

Chapter 6 (commencing with Section 450, as added by Chapter 1821 of the Statutes of 1961) of Division 1, thereof, relating to licensed professions and business enterprises

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1074—An act to maintain the Agricultural Code by repealing Section 260 85 as added by Chapter 22 of the 1959 Statutes, relating to bovine brucellosis

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1075—An act to amend Section 36 17 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), relating to revenue bonds

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1081—An act to amend Section 409 of the Probate Code, relating to appointment of administrators with the will annexed

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti Booth, Britschgi, Burgener, Burton, Carrell, Casey Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemever, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman,

Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1059—An act to amend Sections 481 and 842 of the Probate Code, relating to administration of estates

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1060—An act to maintain the Penal Code by amending Sections 148 1, 197, 212, 337 5, 653½, 6202, 6520, and 13510, amending the heading of Chapter 9 (commencing with Section 6200) of Title 7 of Part 3, amending and renumbering Sections 597a, 597b, 597c and 597d as added by Chapter 220 of the Statutes of 1907, and by repealing Section 499c thereof, relating to criminal conduct, proceedings, and detention

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1061—An act to maintain the Military and Veterans Code by amending Sections 986, 986 1, 986 2, 986 10 and 987 01, and by repealing Section 698, relating to military and veterans' affairs

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1063—An act to maintain the Insurance Code by amending Sections 1620 7, 1821, 10176 1, and 10203 55 thereof, relating to insurance regulations

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1064—An act to maintain the Health and Safety Code by amending Sections 3300 1, 3355, 4704, 9302, 12713, 14011, 14405, 14603, 18897, 24368 4, and 26472, by amending and renumbering the second Section 33070 added by Chapter 2116 of the 1961 Statutes, and by repealing Article 15 (commencing with Section 24376 40) of former Chapter 2 6, Division 20, relating to health and safety.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1065—An act to maintain the Harbors and Navigation Code by amending Section 1912, relating to the San Francisco Port Authority

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves Greene Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi Marks, McMillan Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1066—An act to maintain the Government Code by amending Sections 12410, 20981, 23007, 23011, 29601, 31676 1, 43068, 69594, 70063, and 74504, amending and renumbering Sections 13409, as enacted by Chapter 2187 of the Statutes of 1961, 37395, as

enacted by Chapter 1475 of the Statutes of 1957, 54908, as enacted by Chapter 1441 of the Statutes of 1961, and the heading of Article 5 (commencing with Section 75100) of Chapter 11 of Title 8, and repealing Sections 9134 and 9135, thereof, relating to the government of public agencies within this State

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1067—An act to maintain the Fish and Game Code by amending Section 1352 and repealing Section 7152, relating to wildlife restoration and the taking of fish and game by members of the armed forces.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1068—An act to maintain the Financial Code by amending Section 1357, and by repealing Sections 5056 5, 5701, Chapter 5 5 (commencing with Section 6050) of Part 1 of Division 2, as added by Chapter 871 of the Statutes of 1961, and Section 6510 5 as added by Chapter 561 of the Statutes of 1961, relating to savings and loan associations

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1069—An act to maintain the Education Code by amending Sections 857, 957, 960, 962, 963, 964, 6652, 6911, 10652,

12408, 12901, 13528, 13554, 15831, 17306, 17703, 19418, 19505, 19632, 20303, 20304, 22601 5, 25392 and 29057, amending and renumbering the heading of Article 1 5 (commencing with Section 2581) of Chapter 7 of Division 5, as added by Chapter 1077 of the Statutes of 1961, the heading of Article 1 6 (commencing with Section 2595) of Chapter 7 of Division 5, as added by Chapter 1215 of the Statutes of 1961, Section 817 as added by Chapter 1133 of the Statutes of 1959, Sections 2581, 2582, 2583, 2584, and 2585 all as added by Chapter 1077 of the Statutes of 1961, and Sections 2595 and 2596 both as added by Chapter 1215 of the Statutes of 1961, and repealing Section 5718 5 as added by Chapter 879 of the Statutes of 1961, Section 5718 5 as added by Chapter 887 of the Statutes of 1961, Sections 13188, 13193, and 13194 all added by Chapter 848 of the Statutes of 1961, and 16864 thereof, relating to institutions of learning, including their establishment, maintenance, government, and operation

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks McMillan Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1070—An act to amend Section 12912 of the Education Code, relating to sex offenses

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan Meyers, Mills, Monagan, Moreno Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1072—An act to maintain the Civil Code by amending Section 1812 94, relating to contracts for health and dance studio services

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves Greene, Henson, Hinckley, Holmes Johnson, Kennick, Knox Lanterman, Lunardi, Marks McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 735—An act to amend Section 951 of the Probate Code, relating to the estates of decedents

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 862—An act to add Section 11504.5 to the Government Code, relating to administrative adjudication

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 864—An act to amend Section 11524 of the Government Code, relating to administrative adjudication

Bill read third time, and passed by the following vote

AYES—Allen, Alquist Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemever, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 865—An act to amend Section 11510 of the Government Code, relating to administrative adjudication

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell Casey, Chapel Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemever, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1051—An act to amend Section 5 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941), relating to the Monterey Peninsula Airport District

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1052—An act to amend Section 70 of the Antelope Valley-East Kern Water Agency Law (Sections 49 to 96, inclusive, Chapter 2146 of the Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1053—An act to maintain the Welfare and Institutions Code by amending Sections 1576, 1725, 1737, 1760.4, 1760.5, and 2160.1, and by repealing Sections 2026, 3011, and 3411, as added respectively by Section 1 of Chapter 1226, Section 1 of Chapter 1996, and Section 1 of Chapter 1995, of the Statutes of 1961, thereof, relating to the provisions for protection and care of children, aged persons, and others specially in need thereof

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1054—An act to maintain the Water Code by amending Sections 6501, 31006, 55153, and 60300, by amending and renumbering the heading of the Chapter 5 (commencing with Section

12880) of Part 6 of Division 6 that was added by Chapter 2052 of the Statutes of 1957, by repealing the Division 19 (commencing with Section 65000) that was added by Chapter 2019 of the Statutes of 1959, and by adding Part 7 (commencing with Section 12950) to Division 6, relating to water

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Begley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1055—An act to maintain the Vehicle Code by amending Section 34011, and by repealing Section 11520 as amended by Chapter 1566 of the Statutes of 1961, relating to motor vehicles

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1056—An act to amend Section 2735 5 of the Unemployment Insurance Code, relating to unemployment disability insurance

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1057—An act to maintain the Revenue and Taxation Code by amending and renumbering Section 24406 (as added by Chapter 846, Statutes of 1961) thereof, relating to the computation of net income under the Bank and Corporation Tax Law

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne,

Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1058—An act to amend Section 2208, amend and renumber Section 5781 10, and repeal Section 5783 7, as added by Chapter 2181, Statutes of 1959, of the Public Resources Code, relating to natural resources

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 720—An act to add Sections 5473 10 and 5473 11 to the Health and Safety Code, relating to sewer service charges

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 748—An act to amend Section 13825 of the Health and Safety Code, relating to the formation of fire protection districts

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton Carrell, Casey, Chapel Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite Waldie Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 814—An act to add Section 27463.5 to the Government Code, relating to coroners

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 830—An act to amend Sections 31662 6 and 31663 of the Government Code, relating to County Employees' Retirement Law

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi Marks, McMillan Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78.

NOLS—None

Bill ordered transmitted to the Senate

Assembly Bill No 834—An act to amend Section 1873 of the Civil Code, relating to unclaimed property.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti. Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves Greene Henson, Hinckley Holmes, Johnson, Kennick, Knox Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford. Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young. Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 844—An act to amend Section 31680 of the Government Code, relating to payment for services rendered by a retired officer or employee of a county or district

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener Burton Carrell Casey Chapel Collier, Cologne Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin,

Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1009—An act to add Section 34090.7 to the Government Code, relating to destruction of city records

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1018—An act to amend Section 1181 of the Civil Code, relating to proof and acknowledgment of an instrument

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate.

CONSENT CALENDAR—SENATE BILLS

Senate Joint Resolution No. 4—Relative to conveyance of federal lands in Marin County to the State of California

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Resolution ordered transmitted to the Senate.

Senate Bill No. 20—An act to add Sections 27360.5, 27361.7, and 27361.8 to the Government Code, relating to recordation of documents

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills,

Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

REPORTS OF STANDING COMMITTEES

Committee on Government Organization

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER. The Chairman of your Committee on Government Organization reports

Assembly Bill No 386

With author's amendments with the recommendation. Amend, and re-refer to the Committee on Government Organization

MARKS, Chairman

SECOND READING OF ASSEMBLY BILL NO 386 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 386—An act to amend Sections 17742 and 17745 of, and to add Section 17745 1 to, the Revenue and Taxation Code, relating to taxation of trusts

Bill read second time

Motion to Amend

Mr. Marks moved the adoption of the following amendments

Amendment No. 1

On page 2, line 39, of the printed bill, strike out "income", and insert "taxable".

Amendment No. 2

On page 2, line 47, strike out "income", and insert "taxable".

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Government Organization

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 1922: By Messrs Flournoy and Badham—An act to amend Sections 34153, 34165, 34304, 34305, 35600, 35626, 37657 of, and to add Sections 36408 4, 36408 5, and 36408 6 to, the Water Code, relating to California water districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1923: By Mr. Asheraft—An act to repeal Article 3 (commencing with Section 4650) of Chapter 2 of Part 2 of Division 4 of, to add Article 3 (commencing with Section 4650) to Chapter 2 of Part 2 of Division 4 of, and to amend Section 5100 5 of, the Labor Code, relating to workmen's compensation

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1924: By Mr. Asheraft—An act to add Section 4663 1 to the Labor Code, relating to workmen's compensation

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1925: By Mr Asheraft—An act to amend Section 5100 of the Labor Code, relating to workmen's compensation.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1926: By Mr Asheraft—An act to amend Section 4453 of the Labor Code, relating to workmen's compensation.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1927: By Mr Allen—An act to add Section 461 to the Health and Safety Code, relating to public health education

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1928: By Messrs Alquist, Garrigus, Ryan, and Stanton—An act to repeal Section 4 of Chapter 1833 of the Statutes of 1961 and to repeal Sections 11101 and 11451 of, to amend Sections 11102 and 11253 of, and to add Section 11451 to, the Education Code, relating to junior college attendance and declaring the urgency thereof, to take effect immediately.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1929: By Mr Alquist—An act to amend Section 22652 of the Vehicle Code, relating to removal of vehicles.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1930: By Mr Porter—An act to amend Section 21166 of the Water Code, relating to irrigation districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1931: By Mr Crown—An act to amend Section 5829 2 of, and to add Section 5829 3 to, the Public Resources Code, relating to lease of small craft harbor facilities

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1932: By Mr Crown—An act to amend Sections 73076, 73084 1, 73084 2, 73084.3, 73084.4, 73084 5, 73085 1, 73085 2, 73085 3, 73085 4, 73085 5, 73085 6, 73086, 73087, 73088, 73089, 73090 and 73090 1 of the Government Code, relating to salaries of municipal court attachés.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1933: By Mr Mills—An act to add Section 25620 to the Business and Professions Code, relating to alcoholic beverages.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1934: By Mr. Waite—An act to add Section 23602 to the Education Code, relating to state colleges

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1935: By Mr Garrigus—An act to amend Sections 803 and 806 of the Agricultural Code, relating to fruit standards, and declaring the urgency thereof, to take effect immediately.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1936: By Messrs Bagley, Garrigus, Cologne, Burgener, and Veneman—An act to amend Sections 151, 152, 252, and 352 of the Education Code, relating to administration of the public school system

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1937: By Mr Gonsalves—An act to amend Section 26711 of the Vehicle Code, relating to movable eyeshades.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1938: By Mr Petris—An act to add Chapter 9 (commencing with Section 1150) to Part 3 of Division 2 of the Labor Code, relating to employment in industries where a labor dispute exists.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1939: By Mr Waldie—An act to amend Section 11512 of, and to add Section 11512 05 to, the Insurance Code, relating to hospital service contracts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1940: By Mr. Williamson—An act to add Article 3 (commencing with Section 43555) to Chapter 4 of Part 6 of Division 14 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1941: By Mr Lunardi—An act to amend Section 681 of the Harbors and Navigation Code, relating to vessels

Held at desk by order of the Speaker pro Tempore

Assembly Joint Resolution No. 31: By Mr Allen—Relative to equal rights for women

Referred by the Speaker pro Tempore to Committee on Rules.

RESOLUTIONS

The following resolutions were offered.

By Messrs Marks, Winton, Dills, Mulford, Bagley, Carrell, Damelson, Donovan, Rumford, and Willson

House Resolution No. 152

Relative to a study of the sale of alcoholic beverages

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to assign to the appropriate interim committee for study the subject of the sale of alcoholic beverages and the licensing of premises for such sale in proximity to institutions of higher learning, the committee to study all facts and circumstances relating to this matter and to report its findings and recommendations to the Legislature by the 5th calendar day of the 1965 Regular Session

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

By Messrs Williamson and Casey

House Resolution No. 153

Relative to the death of Judge Gordon L Howden

WHEREAS, The Members of the Assembly have learned with regret of the death on March 3, 1963 of Judge Gordon L Howden, and

WHEREAS, Judge Howden was born on September 18, 1916 and was graduated from the University of California at Los Angeles and the University of Southern California Law School; and

WHEREAS, After practicing law in Santa Monica he enlisted in the Army Air Force in 1942, serving in the armed forces for the duration of the World War II, during which time he advanced from the rank of private to lieutenant, and

WHEREAS, Upon his discharge from the armed forces Judge Howden was associated with the law firm of West and Vizzard in Bakersfield becoming a partner in 1948, until his appointment as Superior Court Judge in Kern County in October of 1953, at which time he was reputed to be the youngest superior court judge in California, being then 37 years of age and

WHEREAS, His interest in his profession and in the civic, fraternal and social affairs of his community was reflected by his service as President of the Kern County Bar Association, President of the Junior State Bar of California, Exhalted Ruler of the Bakersfield Elks Club, and Senior Elder of the First Presbyterian Church of Bakersfield, and by his active participation in the Masonic Lodge and the Scottish Rite Bodies, community theater, junior league baseball and other community affairs, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly express their regret at the passing of Judge Gordon L Howden, and extend their sympathies to his widow, Mary Louise Howden, and the other members of his family, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Judge Howden's widow, Mary Louise Howden, his daughters, Barbara and Anne, his mother, Helen Nichol Howden, and his sister, Jean Sales

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Mr Greene

House Resolution No. 154

Relative to the Order of DeMolay

WHEREAS, The Order of DeMolay is composed of young men ranging in age from 14 to 21 years, who are seeking to become tomorrow's better citizens by developing character with boys of their own age, and

WHEREAS, The organization was founded by Frank S Land during the year 1919, at Kansas City, Missouri, and is now international, and

WHEREAS, All the DeMolay members of the State of California will observe the period of March 17 through 24 as "DeMolay Week" in celebration of their 44th Anniversary, so as to exemplify them many community and international activities, and in some small way show recognition to all former DeMolays, now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof call upon all our citizens to join in saluting the young men of the Order of DeMolay and in expressing our grateful appreciation of the fine example set by these young leaders in contributing to the welfare and character of other young men of this State, thus aiding in the development of tomorrow's leaders, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mr Frederick Vail, Master Councilor, San Juan Chapter, Order of DeMolay and to the International Supreme Council, Order of DeMolay

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Messrs Porter, Kennick, and Willson

House Resolution No. 155

Memorializing Congressman Clyde Doyle

WHEREAS, The Members of the Legislature were greatly shocked and saddened to learn of the passing on March 14, 1963, of one of California's greatest patriots,

veteran Congressman Clyde Doyle, representative in Congress of the 23d California District, and

WHEREAS, Clyde Doyle was born on July 11, 1887, in Oakland, attended schools in Oakland and Seattle, and graduated from the Long Beach High School in 1909 and the University of Southern California College of Law in 1917, and

WHEREAS, Shortly thereafter, he entered the practice of law in Long Beach and embarked upon his lifelong career of service in the public interest as a member of the city's board of freeholders which drew up the charter for the expanding city, and

WHEREAS, Over the years he served as the charter president of the Long Beach Kiwanis Club, first president of the Long Beach Boy Scout Council, counsel for and trustee of the Adelaide Tichenor Hospital School for Crippled Children, director of the YMCA, trustee of the California Junior Republic, and as member and officer of a score of other charitable and civic organizations, and

WHEREAS, In 1936, he received a meritorious citizenship award from the Inter-Allied Council of Service Clubs in Long Beach. He was also the recipient of meritorious awards from the Veterans of Foreign Wars, American Legion, American Veterans of World War II and Korea (AMVETS), and the Disabled American Veterans, and

WHEREAS, He was a member in 1941 of the State Board of Education, an advisory member of the National Recreational Association, a trustee of the California Conference of Bar Delegates, and an executive board member of the California Conference on Social Work, and

WHEREAS, He was first elected to Congress in 1944, and since 1948 has served for seven successive terms, achieving a well-earned reputation as an honest, hard-working dedicated representative of the people, and

WHEREAS, Governor Edmund G. Brown, on hearing of his passing said, "I valued his friendship, and his death saddens me personally as I am sure it does the people of the district whose interests he guarded so diligently during his years in public service", and

WHEREAS, President John F. Kennedy also spoke very highly of Congressman Clyde Doyle saying, "During my years of association with him as a member of the House of Representatives and as President, I respected his dedication to duty and admired his love and compassion for mankind. His death is a great loss to our Country and the area he represented so well", now, therefore, be it

Resolved by the Assembly of the State of California, That the members hereby join with the many friends and colleagues of Congressman Clyde Doyle in expressing their deep regret at his passing, and extending their heartfelt sympathy to his bereaved family, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the widow of Congressman Doyle, his daughter, Mrs. Dorothy Stanton, and his grandchildren, Dan Doyle Stanton and Clyde Douglas Stanton

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

COMMUNICATIONS FROM THE CHIEF CLERK

The following communications from the Chief Clerk were received, and read:

March 18, 1963

Hon. Jesse M. Unruh
Speaker of the Assembly

DEAR MR. SPEAKER: If the instructions contained in Amendment No. 1 to Assembly Bill No. 721 are followed, a comma and a period will follow ($50). Deleting the period in the amendment after ($50) will make the amendment fit the bill. This has been done, pursuant to Rule No. 29.

ARTHUR A. OHNIMUS, Chief Clerk

March 18, 1963

Hon. Jesse M. Unruh
Speaker of the Assembly

DEAR MR. SPEAKER: Amendment No. 1 to Assembly Bill No. 1120 (McMillan), on page 1, line 10 after "companies", two periods will follow if the instructions of the amendment are followed.

Deleting the period after "concerned" in the amendment will make the amendment fit the bill. This correction has been made pursuant to Rule No. 29.

ARTHUR A. OHNIMUS, Chief Clerk

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 465
Assembly Bill No 468
Assembly Bill No 575
Assembly Bill No 643
Assembly Bill No 716
Assembly Bill No 799
Assembly Bill No 849
Assembly Bill No. 890
Assembly Bill No 902
Assembly Bill No 973
Assembly Bill No 1114

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar.

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 663
Assembly Bill No 734
Assembly Bill No 923

And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 696

And reports the same correctly engrossed.

POWERS, Chairman

Above bill ordered to third reading

ADJOURNMENT

At 12 38 p m, on motion of Mr Moreno, the Speaker pro Tempore declared the Assembly adjourned until 10 a m, Tuesday, March 19, 1963.

JESSE M. UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FORTY-SECOND LEGISLATIVE DAY

FIFTY-SECOND CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Tuesday, March 19, 1963

The Assembly met at 10 a m
Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk
Assistant Clerk Ronald Collins reading

ROLL CALL

The roll was called, and the following answered to their names

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brutsehgi, Burgener, Burton, Cartell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vessey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77

Quorum present

PRAYER

Upon invitation of Speaker pro Tempore Bee, the following prayer was offered by Rev Don Schilling, Assistant Pastor of the Fremont Presbyterian Church

Almighty God, Thou Who Art Our Creator and Sustainer, We pause a moment from our busyness to reflect upon Thee We praise Thee for Thy goodness not only to us but to all men We thank Thee that Thou hast not left us to stumble and falter through life on our own, but rather hast entered into our human situation desiring to be in the very midst of our every day affairs Grant, we pray Thee, that as legislators we may understand our work as being service unto Thee Give to each one a heart and mind sensitive to the leading of Thy Spirit and eager for the living out of Thy truth Through our Lord and Saviour, Jesus Christ, we pray —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr. Mills then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Greene, seconded by Mr Danielson.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leave of absence for the day, because of legislative business elsewhere

Mr Kennick, on motion of Mr Waldie

Mr Porter, on motion of Mr Waldie

Mr Willson, on motion of Mr Waldie.

COMMUNICATIONS

The following communication was presented by the Chief Clerk, and ordered printed in the Journal

POST OFFICE DEPARTMENT
WASHINGTON, D C, March 12, 1963

Mr Arthur A Ohnimus
Chief Clerk, Assembly
California Legislature
State Capitol, Sacramento

DEAR MR OHNIMUS The Postmaster General has asked me to thank you for your letter of March 1, transmitting a copy of a resolution adopted by the Assembly, relative to the issuance of a commemorative stamp honoring Hollywood's entertainment industry, on the occasion of the dedication of the Hollywood Motion Picture and Television Museum in June, 1964 Acknowledgment is also made of your letter to the President on the same subject

This proposal was presented to our Citizens' Stamp Advisory Committee at a recent meeting and they regretfully turned down the request for a stamp for this occasion

As you can appreciate, many worthy requests must be bypassed each year due to our restricted program of 15 commemorative issues As we have requests in our files for hundreds of meritorious events and persons, the selection of subjects for postal recognition is a most difficult task

Your interest in this particular stamp is appreciated and we are sorry that our reply cannot be favorable

Sincerely yours,

JAMES F KELLEHER
Special Assistant to the
Postmaster General

The following communication was presented by the Chief Clerk from Mrs George Dill of Santa Ana, relative to laws pertaining to licensed baby sitters Referred by the Speaker pro Tempore to the Committee on Industrial Relations

COMMUNICATION FROM CHIEF CLERK

The following communication from the Chief Clerk was received, and read

March 18, 1963

Hon Jesse M Unruh
Speaker of the Assembly

DEAR MR SPEAKER The proposed amendments to Assembly Bill No 1130, appearing as Item No 35 on File, were not prepared by the Legislative Counsel. Therefore this bill should be re-referred to committee

ARTHUR A. OHNIMUS, Chief Clerk

ASSEMBLY BILL NO. 1130 RE-REFERRED TO COMMITTEE

Pursuant to the preceding communication and the provisions of Rule No 76, Speaker pro Tempore Bee ordered Assembly Bill No 1130 and the committee amendments thereto re-referred to the Committee on Education

REPORTS OF STANDING COMMITTEES

Committee on Military and Veterans Affairs

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Military and Veterans Affairs reports

Assembly Bill No 1188

With amendments with the recommendation Amend, and do pass, as amended

LUNARDI Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER March 18, 1963

MR SPEAKER Your Committee on Military and Veterans Affairs reports

Assembly Bill No 782
Assembly Bill No 783
Assembly Bill No 786

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

LUNARDI, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Military and Veterans Affairs reports.

Assembly Bill No 784
Assembly Bill No 785

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

LUNARDI, Chairman

Above bills ordered to second reading

Committee on Education

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER The Chairman of your Committee on Education reports

Assembly Bill No 226
Assembly Bill No 1155

With author's amendments with the recommendation Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 226 AND 1155 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 226—An act to add Sections 23058 and 23758 2 to the Education Code, relating to state colleges

Bill read second time

Motion to Amend

Mr Carrell moved the adoption of the following amendments

Amendment No. 1

In line 1 of the title of the printed bill, after "23758 2 to", insert ", and to amend Section 23754 of,"

Amendment No. 2

On page 1, line 4, strike out "the Regents of the University of California", and insert "a state college or of a district maintaining a junior college"

Amendment No. 3

On page 1, between lines 9 and 10, insert

"SEC 2 Section 23754 of said code is amended to read

23754 Except as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student The rate of tuition to be paid by each nonresident student shall not be less than three hundred sixty dollars ($360) per year, except that the rate or tuition to be paid by each nonresident student who is a citizen and resident of a foreign country shall be two hundred fifty-five dollars ($255) per year

No admission fee or tuition fee shall be required of any student who is a citizen and resident of a foreign country and who attends a state college under an agreement entered into by a governmental agency formed under the Constitution or laws of this State or a nonprofit corporation or organization so formed, with a similar agency, or corporation or association, domiciled in and organized under the laws of a foreign country, where a principal purpose of the agreement is to encourage the exchange of students with the view of enhancing international good will and understanding The trustees shall, in each instance, determine whether the conditions for such exemption from fees exist and may prescribe appropriate procedures to be complied with in obtaining the exemption

No admission fee or tuition fee shall be required of any nonresident student who is the child *or wife* of an academic or administrative employee of the California State Colleges ~~, when such exemption from fees has been determined by the trustees to be essential in securing the services of the parent in employment as against other educational agencies or institutions where employment may be available to him~~ "

Amendment No. 4

On page 1, line 10, after "SEC ", strike out "2 ", and insert "3 "

Amendment No. 5

On page 1, line 12, after "college", insert "or of a district maintaining a junior college"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education

Assembly Bill No. 1155—An act to add Chapter 6 (commencing with Section 22750) to Division 16 5 of the Education Code, relating to payment of the cost of instruction at the University of California and state colleges

Bill read second time

Motion to Amend

Mr Collier moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, after the comma, insert "and to add Section 17235 to the Revenue and Taxation Code,".

Amendment No. 2

On page 4, after line 27, insert

"SEC. 2. Section 17235 is added to the Revenue and Taxation Code, to read

17235. In computing taxable income there shall be allowed as a deduction all amounts repaid during the year on cost of instruction notes "Cost of instruction notes" for purposes of this section means those notes provided for in Chapter 6 (commencing with Section 22750) of Division 16.5 of the Education Code."

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, March 19, 1963

MR. SPEAKER: Your Committee on Education reports

Assembly Bill No. 144
Assembly Bill No. 235
Assembly Bill No. 388
Assembly Bill No. 527
Assembly Bill No. 745

With the recommendation: Do pass

GARRIGUS, Chairman

Above bills ordered to second reading

Committee on Civil Service and State Personnel

ASSEMBLY CHAMBER, March 19, 1963

MR. SPEAKER: Your Committee on Civil Service and State Personnel reports

Assembly Bill No. 695
Assembly Bill No. 713
Assembly Bill No. 908
Assembly Bill No. 1003
Assembly Bill No. 1005

With the recommendation: Do pass

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar

MEYERS, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 18, 1963

MR. SPEAKER: Your Committee on Civil Service and State Personnel reports

Assembly Bill No. 318

With amendments with the recommendation: Amend, and do pass, as amended

MEYERS, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 19, 1963

MR. SPEAKER: Your Committee on Civil Service and State Personnel reports

Assembly Bill No. 1008

With amendments with the recommendation: Amend, and re-refer to the Committee on Civil Service and State Personnel

MEYERS, Chairman

Above bill ordered to second reading.

Committee on Education

ASSEMBLY CHAMBER, March 19, 1963

MR. SPEAKER: Your Committee on Education reports

Senate Bill No. 29

With the recommendation: Do pass

GARRIGUS, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER: Your Committee on Education reports

Assembly Constitutional Amendment No. 5

With amendments with the recommendation. Amend, and be adopted, as amended

GARRIGUS, Chairman

Above resolution ordered on file

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER: Your Committee on Education reports.

Assembly Concurrent Resolution No 36

With the recommendation Be adopted, and be re-referred to the Committee on Ways and Means

GARRIGUS, Chairman

Above resolution re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Education reports

Senate Bill No 115

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

GARRIGUS, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No. 501

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar.

GARRIGUS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Education reports:

Assembly Bill No 87

With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

GARRIGUS, Chairman

Above bill re-referred to the Committee on Ways and Means

Committee on Municipal and County Government

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Municipal and County Government reports.

Senate Bill No 158

Senate Bill No 294

With the recommendation. Do pass.

KNOX, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Municipal and County Government reports:

Assembly Bill No. 1088

Assembly Bill No 1122

With the recommendation Do pass.

Pursuant to the provisions of Joint Rules Nos 22.1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

KNOX, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Municipal and County Government reports
Assembly Bill No 46
Assembly Bill No 611
With amendments with the recommendation Amend, and do pass, as amended

KNOX, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Municipal and County Government reports
Assembly Bill No. 855
Assembly Bill No 1109
Assembly Bill No 1124
Assembly Bill No 1126
Assembly Bill No 1208
With the recommendation Do pass

KNOX, Chairman

Above bills ordered to second reading

Committee on Ways and Means

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Ways and Means reports
Assembly Bill No 256
With amendments with the recommendation Amend, and do pass, as amended

CROWN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Ways and Means reports
Assembly Bill No 905
Assembly Bill No 257
Assembly Bill No 258
Assembly Bill No 260
Assembly Bill No 389
Assembly Bill No 981
With the recommendation Do pass

CROWN, Chairman

Above bills ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 701
Assembly Bill No 786
Assembly Bill No 794
Assembly Bill No 798
Assembly Bill No 850
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 217
Assembly Bill No 574
Assembly Bill No 730
Assembly Bill No 738
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 20
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 114
Assembly Bill No 916
And reports the same correctly re-engrossed

POWERS, Chairman

Above bills ordered to third reading.

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined,
Assembly Concurrent Resolution No. 24—Relative to St Patrick's Day;
And reports the same correctly enrolled, and presented to the Secretary of State on the 18th day of March, 1963, at 2 p m

POWERS, Chairman

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 80—An act to amend Section 18657 of the Education Code, relating to funds for education,
And reports the same correctly enrolled, and presented to the Governor at 2 p m, March 18th, 1963.

POWERS, Chairman

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 1942: By Mr Knox—An act to add Section 4711 5 to the Revenue and Taxation Code, relating to tax sale proceeds.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1943: By Mr Petris—An act to amend Sections 33700, 33711, 33738, and 33747 of, and to add Section 33750 to, the Health and Safety Code, and to amend Sections 33349 and 33452 of, repeal Section 33413 of, and to add Section 33375 to, Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code as proposed by Assembly Bill No ____, relating to community redevelopment

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1944: By Mr Petris—An act to amend Sections 18403, 18431, 18433, 18434, 18551 1, 18553, 18588, 18681, 18682, 18686, 18805, 19052, 19053 and 19053 9 of, and to amend and renumber Sections 18806, 18807, 18808, 18809, 18810, and 18811 of, to add Sections 17035, 17204 7, 18412, 18435, 18556, 18557, 18591 1, 18602, 18681 1, 18681 5, 18685 1, 18685 2, 18685 3, 18685 4, 18685 5, 18687 1, 18696, 18806, 18807, 18808, 18809, 18810, 18811, 18812, 18813, 18814, 18815, 18817, 18823, 18824, 18825, 18934, 19051 1, 19053 1, 19062 11, 19062 12, 19062 13, 19062 14, 19082 1, 19200, 19409, 19410, 19411, 19412, and 19413 to, to add Article 5 (commencing with Section 18491) to Chapter 17 of Part 10, Division 2 of, to add Chapter 26 (commencing with Section 19521) to Part 10 of Division 2 of, and to repeal Section 18552 of, the Revenue and Taxation Code, and to amend Section 4204 of the Government Code, relating to withholding and payment of taxes upon and with respect to personal income taxes, to take effect immediately.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1945: By Mr Petris—An act to amend Sections 17041 and 17048 of the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1946: By Mr. Petris—An act to amend Sections 23041, 23042, 23058, 23184, 23185, 23185a, 23185b, 23301, 23361, 23362, 23571, 23701n, 23731, 23734a, 23736 3, 23736 4, 23771, 23772, 24273, 24273 5, 24307, 24310, 24343, 24344, 24345, 24346, 24347, 24348, 24349, 24351, 24356, 24356 1, 24357, 24358, 24360, 24361, 24362, 24363, 24364, 24365, 24366, 24368 1, 24372, 24373, 24374, 24375, 24377, 24402, 24404, 24408, 24425, 24427, 24430, 24482, 24485, 24495, 24502, 24516, 24575 1, 24601, 24602, 24603, 24606, 24607, 24608, 24611, 24631, 24633, 24634, 24636, 24661, 24667, 24668, 24669, 24670, 24672, 24673, 24674, 14675, 24676, 24677, 24678, 24681, 24703, 24704, 24705, 24706, 24721, 24722, 24722 1, 24722 3, 24723, 24832, 24833, 24835, 24836, 24837, 24916, 24918, 24943, 24944 24945, 24946, 24961, 24962, 24971, 25001, 25003, 25004, 25005, 25006, 25009, 25010, 25101 1, 25201, 25202, 25204, 25206, 25208, 25401, 25401b, 25551, 25552, 25552a, 25554, 25761, 26072, 26073, and 26073c of, to add Sections 23115, 23151 5, 23153 2, 23153 5, 23181 2, 23181 5, 23182 5, 23183 2, 23183 5; 23186 5, 23201, 23202, 23203, 23505, 24565, 24566, 24567, 25561, 25562, 25562 5, 25563, 25564, 25565, 25951, 25952, 25953, 25954, 25955, 25955 5, 25956, 25957, and 26081 to, to add Article 2 5 (commencing with Section 25441) to Chapter 19 of Part 11 of Division 2 of, and to repeal Sections 23112, 25551a, and 25553 of, the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1947: By Mr Petris—An act to amend Sections 12302 and 12305, and to add Article 5 (commencing with Section 12251) to Chapter 3 of Part 7 of Division 2, of the Revenue and Taxation Code, relating to taxation of insurers

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1948: By Mr Petris—An act to amend Sections 1775.5 and 12974 of, and to add Sections 12974 1 and 12974 2 to, the Insurance Code, relating to Surplus Line Broker Tax.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1949: By Mr Petris—An act to repeal Section 12241 of the Revenue and Taxation Code, relating to insurance tax deduction.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1950: By Mr Petris—An act to amend Section 15401 of the Revenue and Taxation Code, relating to gift tax exemptions

Held at desk by order of the Speaker pro Tempore

Assembly Constitutional Amendment No. 33: By Mr Petris—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 14¼ of Article XIII relating to taxation of insurers

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1951: By Mr Zenovich—An act to amend Section 69506 of the Government Code, relating to expenses of superior court judges

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1952: By Mr Zenovich—An act to amend Sections 2733 1, 2733 5 and 2736 of the Business and Professions Code, relating to nursing

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1953: By Mr Zenovich—An act to amend Section 1261 of the Unemployment Insurance Code, relating to unemployment compensation benefits eligibility

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1954: By Mr Ryan—An act to amend Section 26202 of the Government Code, relating to the destruction of county records more than two years old

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1955: By Mr Thomas—An act to add Section 6385 5 to the Revenue and Taxation Code, relating to sales tax

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1956: By Mr Garrigus—An act to amend Section 588 of the Penal Code, relating to damage to highways by water.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1957: By Messrs Mills, Kennick, Carrell, Moreno, Ashcraft, Badham, Bane, Barnes, Beilenson, Burgener, Casey, Chapel, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Gonsalves, Henson, Hinckley, Holmes, Johnson, Lanterman, McMillan, Porter, Quimby, Song, Soto, Stevens, Thelin, Thomas, Veysey, Warren, Whetmore, Williamson, and Willson (Senator Rees, coauthor)—An act to amend Sections 187. 188, 188 7, 188 8, 188 9, 191, and 825, and to repeal Section 188 4, of the Streets and Highways Code, relating to state highway funds

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1958: By Messrs Mills, Kennick, Carrell, Moreno, Ashcraft, Badham, Bane, Barnes, Beilenson, Burgener, Casey, Chapel, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Gonsalves, Henson, Hinckley, Holmes, Johnson, Lanterman, McMillan, Porter, Quimby, Song, Soto, Stevens, Thelin, Thomas, Veysey, Warren, Whetmore, Williamson, and

Willson (Senator Rees, coauthor)—An act to amend Section 188 of the Streets and Highways Code, relating to the State Highway Fund

Held at desk by order of the Speaker pro Tempore

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file

Assembly Bills Nos. 684, 850, 852, 798, 217, 676, 730, 738, 736, 315, 701, 794, 574, 576, 383, and **209.**

Assembly Bills Nos 217, 730, 738, and 574, ordered to third reading

Assembly Bills Nos 676, 576, and 383 ordered to third reading, subsequent to engrossment

Assembly Bills Nos 315 and 209 ordered to third reading, subsequent to re-engrossment

Assembly Bills Nos 850, 798, 736, 701, and 794 ordered to the Consent Calendar

Assembly Bills Nos 684 and 852 ordered to the Consent Calendar, subsequent to engrossment

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 837—An act to amend Section 1656 of the Vehicle Code, relating to copies of the Vehicle Code

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted

Amendment No. 1

On page 1, line 12 of the printed bill, strike out "in California".

Amendment No 2

On page 1, lines 13 and 14, strike out "which is responsible for traffic law enforcement on any federal enclave in California, or", and insert " Copies of the Vehicle Code may be distributed without charge to"

Amendment No. 3

On page 1, line 15, strike out "teaching driver education pro-", and strike out lines 16 to 19, inclusive, and insert "in quantities to be determined by regulation of the Department of Motor Vehicles with regard for the number of teachers instructing driver education courses"

Amendment No. 4

On page 2, between lines 7 and 8, insert "Any funds remaining in the Vehicle Code publication account on the effective date of the amendment of this section in 1963 shall be transferred to the Motor Vehicle Fund"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Transportation and Commerce

Assembly Bill No. 395—An act to amend Section 172a of the Penal Code, relating to alcoholic beverages

Bill read second time, and ordered engrossed

Assembly Bill No. 721—An act to add Section 24048 5 to the Business and Professions Code, relating to alcoholic beverages

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Government Organization, was read, and adopted

Amendment No. 1

On page 1, lines 15 and 16, of the printed bill, strike out "one hundred dollars ($100)", and insert "fifty dollars ($50)"

Bill ordered reprinted, and engrossed

Assembly Bill No. 396—An act to add Section 172 9 to the Penal Code, relating to alcoholic beverages

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 398—An act to amend Section 25662 of the Business and Professions Code, relating to alcoholic beverages

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 722—An act to add Section 23986 1 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 758—An act to amend Section 23091 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 803—An act to amend Section 23985 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 790—An act to amend Section 15853 of the Government Code, relating to state public works.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted

Amendment No. 1

On page 1, lines 4, 5, 6, and 7 of the printed bill, strike out "for use in furtherance of the postwar construction program, provided for in Chapter 572, Statutes of 1943, as sites for the construction of buildings or" and "other".

Amendment No. 2

On page 1, line 9, strike out "Moneys", and insert "Where moneys are"

Amendment No. 3

On page 1, line 12, after "Law," insert "such moneys and acquisitions"

Amendment No. 4

On page 1, line 13, after "and", insert "said moneys"

Amendment No. 5

On page 1, line 16, after "advisable", insert "For purposes of this part, furnishings contained within improvements acquired by the board are real property"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 1128—An act to amend Section 1105 3 of the Agricultural Code, relating to eggs

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Agriculture, were read, and adopted.

Amendment No. 1

In line 1 of the title of the printed bill, after the comma, insert "and Section 28150 of the Health and Safety Code,"

Amendment No. 2

On page 1, line 4, strike out "the same"

Amendment No. 3

On page 1, after line 6, insert

"SEC 2. Section 28150 of the Health and Safety Code is amended to read:

28150 Unless otherwise permitted by this article, it is unlawful to represent or advertise as fresh goods articles of food which have been placed in cold storage This section shall not apply to vegetables, fruit or other foods sold as "fresh frozen" and so labeled, when stored at or below zero degrees Fahrenheit, or to eggs ~~held in cold storage for 30 days or less~~ "

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 553—An act to amend Section 322 of the Agricultural Code, relating to reports of sales of cold storage meat

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1092—An act to amend Section 6426 of the Education Code, relating to special educational programs for mentally gifted minors

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 274—An act to amend Sections 4000, 9400, 24951, 25100, 29004, 35414, and 35785 of, and to add Section 378 to, the Vehicle Code, relating to vehicles

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted·

Amendment No. 1

Strike out line 2 of the title of the printed bill, as amended in the Assembly on February 21, 1963, and insert "and 35785 of, and to add Sections 378 and 35416 to, the"

Amendment No. 2

On page 5, strike out lines 30 to 52, inclusive, and insert

"SEC 7 Section 35416 is added to said code, to read

35416 A combination of vehicles consisting of a motor truck and a logging dolly may exceed a total length of 60 feet but may not exceed a total length of 65 feet"

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Transportation and Commerce

Assembly Bill No. 879—An act to amend Section 9406 of, and to add Section 243 to, the Vehicle Code, and to amend Section 10753 of the Revenue and Taxation Code, relating to motor vehicle fees

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce were read, and adopted·

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 11, 1963, strike out "Section 9406", and insert "Sections 260, 465, and 9400"

Amendment No. 2

In line 2 of the title, after "243", insert "and 362"

Amendment No. 3

On page 1, line 3 strike out "'unit" is any unit designed and con-", strike out lines 4 and 5, and in line 6, strike out "suitable for", and insert "is a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or".

Amendment No. 4

On page 2, strike out lines 16 to 29, inclusive, and insert

"SEC 2 Section 260 of said code is amended to read

260 (a) A "commercial vehicle" is a vehicle of a type required to be registered under this code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property

(b) Passenger vehicles which are not used for the transportation of persons for hire, compensation, or profit *and house cars* are not commercial vehicles This subdivision shall not apply to Chapter 4 (commencing at Section 6700) of Division 3

SEC 3 Section 362 is added to said code, to read·

362 A "house car" is a motor vehicle originally designed, or permanently altered, and equipped for human habitation A motor vehicle designed primarily to transport property to which a camper has been temporarily attached is not a house car

SEC 4 Section 465 of said code is amended to read

465 A "passenger vehicle" is any motor vehicle, other than a motor truck or truck tractor, designed for carrying not more than nine

persons including the driver, and used or maintained for the transportation of persons *The term "passenger vehicle" shall include a house car*

SEC 5 Section 9400 of said code is amended to read·

9400 In addition to any other registration fee there shall be paid the ~~following~~ *fees set forth in this section* for the registration of commercial vehicles, except vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for the transportation - *Whenever a camper is temporarily attached to a motor vehicle designed to transport property, such motor vehicle shall be subject to the fees imposed by this section The camper shall be deemed to be a load, and fees imposed by this section upon the motor vehicle shall be based upon the unladen weight of such motor vehicle, exclusive of the camper*

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule

Unladen weight	Fee
Less than 6,000 lbs	$48
6,000 lbs or more but less than 10,000 lbs	96
10,000 lbs or more	128

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule

Unladen weight	Fee
3,000 lbs to and including 4,000 lbs	$44
4,001 lbs to and including 5,000 lbs	27
5,001 lbs to and including 6,000 lbs	40
6,001 lbs to and including 7,000 lbs	54
7,001 lbs to and including 8,000 lbs	67
8,001 lbs to and including 9,000 lbs	80
9,001 lbs to and including 10,000 lbs	94
10,001 lbs to and including 11,000 lbs	107
11,001 lbs to and including 12,000 lbs	120
12,001 lbs to and including 13,000 lbs	134
13,001 lbs to and including 14,000 lbs	147
14,001 lbs and over	160

(c) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule·

Unladen weight	Fee
2,000 lbs to and including 3,000 lbs	$11
3,001 lbs to and including 4,000 lbs	20
4,001 lbs to and including 5,000 lbs	40
5,001 lbs to and including 6,000 lbs	60
6,001 lbs to and including 7,000 lbs	80
7,001 lbs to and including 8,000 lbs	100

Unladen weight	Fee
8,001 lbs. to and including 9,000 lbs	120
9,001 lbs. to and including 10,000 lbs	140
10,001 lbs to and including 11,000 lbs	160
11,001 lbs to and including 12,000 lbs	180
12,001 lbs to and including 13,000 lbs	200
13,001 lbs. to and including 14,000 lbs.	220
14,001 lbs. to and including 15,000 lbs	240
15,001 lbs and over	267''

Amendment No. 5

On page 2, line 30, strike out "SEC 3", and insert "SEC 6"

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Transportation and Commerce.

Assembly Bill No. 717—An act to amend Section 40000 of the Vehicle Code, relating to the time period for commencing criminal actions for Vehicle Code violations involving false or counterfeit documents.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "or firm"

Amendment No. 2

On page 1, line 15, strike out "or firm"

Amendment No. 3

On page 1, after line 19, insert

"(d) The time allowed for commencing criminal proceedings as provided in paragraphs (b) and (c) of this section shall not extend beyond five years from the date of commission of the act"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1046—An act to add Section 20953 to the Education Code, relating to funds received by school districts.

Bill read second time

Motion to Amend

Mr Garrigus moved the adoption of the following amendment:

Amendment No 1

On page 1, line 10, of the printed bill, as amended in the Assembly on March 12, 1963, after "thereof", insert for a particular purpose"

Amendment read, and adopted

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 1091—An act to add Section 5207 1 to the Education Code, relating to Saturday educational activities

Bill read second time, and ordered engrossed

Assembly Bill No. 703—An act to amend Sections 1401 and 2648 of the Education Code, relating to junior college districts

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Education, was read, and adopted.

Amendment No. 1

On page 1, line 6, of the printed bill, as amended in the Assembly on March 11, 1963, strike out the first "district".

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 704—An act to amend Section 2571 of the Education Code, relating to a junior college remaining a separate district upon formation of coterminous unified district

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Education, was read, and adopted:

Amendment No. 1

On page 1 of the printed bill, as amended in the Assembly on March 11, 1963, strike out lines 9 and 10, and insert

"This section shall not affect the status of any unified district formed and maintaining a junior college on or before July 1, 1961 and shall not be deemed to require the formation of a junior college district for the maintenance of any junior college now operated by a unified district."

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 841—An act to add Section 19 1 to the Welfare and Institutions Code, relating to public social services.

Bill read second time, and ordered engrossed

Assembly Bill No. 306—An act to amend Section 454 of the Welfare and Institutions Code, relating to property qualification of public assistance recipients.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Social Welfare, were read, and adopted:

Amendment No. 1

On page 1, line 14, of the printed bill, after "payments", insert "and interest".

Amendment No. 2

On page 1, line 15, after "payments", insert "and interest"

Amendment No. 3

On page 1, line 16, strike out "income of the applicant", and insert "personal property of the applicant except for such amounts as exceed the limits prescribed by Section 456 of this code which amounts shall be considered the income of the applicant"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Social Welfare

Assembly Bill No. 511—An act to amend Section 9006 of the Welfare and Institutions Code, relating to community mental health services

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 59—An act to add Section 459 to, to amend Sections 2020, 3080 01, 3084, and 3472 of, and to repeal Sections 1509 6, 2020 05, 2025 01 and 3084 3 of, the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Social Welfare, were read, and adopted

Amendment No. 1

In line 2 of the title of the printed bill, strike out "1509 6,".

Amendment No. 2

On page 1, line 15, after "recipient", insert "of aid under any public assistance program for which federal funds are available"

Amendment No 3

On page 2, strike out line 10

Amendment No. 4

On page 2, line 24, strike out "dollars ($100) per month", and insert "five dollars ($105) per month plus any adjustment reflecting cost of living changes subsequent to January 1, 1962"

Amendment No. 5

On page 2, line 33, strike out "one hundred dollars ($100)", and insert "the amount of the maximum grant payable under this section".

Amendment No. 6

On page 2, lines 35 and 36, strike out "one hundred dollars ($100)", and insert "the amount of the maximum grant payable under this section"

Amendment No. 7

On page 3, lines 33 and 34, strike out "fifteen dollars ($115)", and insert "twenty dollars ($120) plus any adjustment reflecting cost of living changes subsequent to January 1, 1960"

Amendment No. 8

On page 3, lines 43 and 44, strike out "one hundred fifteen dollars ($115)", and insert "the amount of the maximum grant payable under this section"

Amendment No. 9

On page 3, line 46, strike out "one hundred fifteen dollars ($115)", and insert "the amount of the maximum grant payable under this section"

Amendment No. 10

On page 4, lines 36 and 37, strike out "fifteen dollars ($115) per month", and insert "twenty dollars ($120) per month plus any adjustment reflecting cost of living changes subsequent to January 1, 1960"

Amendment No. 11

On page 4, lines 46 and 47, strike out "one hundred fifteen dollars ($115)" and insert "the amount of the maximum grant payable under the section"

Amendment No. 12

On page 4, line 49 strike out "one hundred fifteen dollars ($115)", and insert "the amount of the maximum grant payable under this section"

Bill ordered reprinted, and engrossed.

Assembly Bill No. 61—An act to add Section 433 to, to amend Sections 1511, 2020, 2020 002, 3084, 3084 01, 3472, 3472 01, and 3472 1 of, and to repeal Sections 2025 and 3084 1 of, the Welfare and Institutions Code, relating to public assistance grants, and declaring the urgency thereof, to take effect immediately

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Social Welfare, were read, and adopted

Amendment No. 1

Strike out lines 1 to 3, inclusive, of the title of the printed bill, and insert "An act to amend Section 1511 of the Welfare and Institu-"

Amendment No. 2

On page 1, strike out lines 1 to 15, inclusive, and on page 2, strike out lines 1 to 12, inclusive, and insert

"SECTION 1 Section 1511 of the Welfare and Institutions Code is amended to read "

Amendment No. 3

On page 3, strike out lines 17 to 51, inclusive, strike out all of pages 4 to 7, inclusive, and on page 8, strike out lines 1 to 37, inclusive, and insert

"SEC 2 This act is an urgency measure necessary for the "

Bill ordered reprinted, and engrossed

Assembly Bill No. 117—An act to add Section 439 to, and to amend Sections 2020 002, 3084 01, and 3472 01 of, the Welfare and Institutions Code, relating to public assistance

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Social Welfare, were read, and adopted.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "439", and insert "443 "

Amendment No. 2

In line 1 of the title, after "Sections", insert "425,"

Amendment No. 3

On page 1, strike out lines 1 and 2, and insert

"SECTION 1 Section 425 of the Welfare and Institutions Code is amended to read

425 Unless otherwise stated, the provisions of this chapter shall apply to any public assistance program established by this code for which federal funds are received by this State, and shall also apply to the aid to the potentially self-supporting blind program established under Chapter 3 (commencing with Section 3400) of Part 1 of Division 5 of this code The terms 'applicant" and "recipient," as used in this chapter, refer to any person applying for or receiving aid under any such public assistance program

Sections 433 through 437 and Section 443 do not apply to medical assistance for the aged as provided for in Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code

SEC 1 5 Section 443 is added to said code, to read "

Amendment No. 4

On page 1, line 3, strike out "439", and insert "443"

Amendment No. 5

On page 1, line 19, strike out "sixty-five dollars ($165)", and insert "seventy dollars ($170)"

Amendment No. 6

On page 2, line 19, strike out "sixty-five dollars ($165)", and insert "seventy dollars ($170)"

Amendment No. 7

On page 2, line 42, strike out "sixty-five dollars ($165)", and insert "seventy dollars ($170)"

Bill ordered reprinted, and engrossed

SECOND READING OF SENATE BILLS

Senate Bill No. 19—An act to add Section 118 1 to the Welfare and Institutions Code, relating to public assistance recipients.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Social Welfare, were read, and adopted:

Amendment No. 1

On page 1 of the printed bill, as amended in the Senate on February 14, 1963, strike out lines 8 to 10, inclusive, and insert "of this code by supplying the director of the county welfare department, the head of the county probation department, or the district attorney, on written request, with all information on".

Amendment No. 2

On page 1, after line 20, insert

"The director of the county welfare department shall use information obtained pursuant to this section only for the purpose of administering public assistance and the district attorney or head of the county probation department shall use it only for the purpose of enforcing support liability of an absent relative or for prosecuting persons mentioned in this section, and neither shall use the information, or disclose it, for any other purpose"

Bill ordered reprinted, and to be re-referred to the Committee on Social Welfare

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 18, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Assembly Concurrent Resolution No 29

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, March 18, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Senate Joint Resolution No 8

J. A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read.

Senate Joint Resolution No. 8—Relative to the economic development of California tide and submerged lands.

Held at desk by order of the Speaker pro Tempore

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 18, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 89
Assembly Bill No 301
Assembly Bill No 337
Assembly Bill No 416

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bills ordered enrolled

SENATE CHAMBER, March 18, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No. 69
Senate Bill No 113
Senate Bill No 120
Senate Bill No 123
Senate Bill No 165
Senate Bill No 177
Senate Bill No 191
Senate Bill No 242
Senate Bill No 250
Senate Bill No 279
Senate Bill No 283
Senate Bill No 397
Senate Bill No 398
Senate Bill No 401
Senate Bill No. 414
Senate Bill No 453
Senate Bill No. 494
Senate Bill No 507
Senate Bill No 523
Senate Bill No 527
Senate Bill No 569

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were read the first time

Senate Bill No. 69—An act to amend Section 10801 of the Education Code, relating to interdistrict school attendance

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 113—An act to add Section 39561 5 to, and to amend Section 39581 of, the Government Code, relating to weed abatement, and declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 120—An act to amend Section 2922 of the Revenue and Taxation Code, relating to unsecured property taxes

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 123—An act to amend Section 440 of the Probate Code, relating to petition for letters of administration.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 165—An act to add Chapter 3.5 (commencing with Section 55920) to Part 5, Division 16 of the Water Code, relating to county waterworks districts

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 177—An act to add Section 410 to, and to amend Section 512 of, the Probate Code, relating to administrators with the will annexed

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 191—An act to amend Sections 251, 14660, 14662, 14665, 14666, 14667, and 18201 of the Elections Code, relating to absent voter ballots

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 242—An act to amend Section 12775 of the Health and Safety Code, relating to fireworks

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 250—An act to amend Section 20501 of the Education Code, relating to school district financial statements

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 279—An act to amend Sections 2251, 8153, 8163, 9261, 12505, 16376, 21359, 22359, 22361, 34011, 35104, 35411, and 35415 of the Vehicle Code, and to amend Section 12155 of the Insurance Code, and to amend Section 1696 3 of the Labor Code, relating to vehicles, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 283—An act to amend Section 280 of the Vehicle Code, relating to darkness

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 397—An act to amend Section 13187 1 of the Education Code, relating to the licensing of school personnel, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 398—An act to amend Sections 13189, 13191, and 13193 (as added by Chapter 848 of the Statutes of 1961) of the Education Code, relating to credentials for teachers in the public schools

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 401—An act to amend Sections 336 1, 337.8, 339 1, 339 6, and 349 of, and to add Section 337 65 to, the Agricultural Code, relating to cattle protection

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 414—An act to amend Section 13146 of the Education Code, relating to credentials for public school teachers

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 453—An act to amend Section 28118 of the Government Code, relating to salaries of county officers

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 494—An act to amend Section 830 3 of the Agricultural Code, relating to fruits, nuts, and vegetables

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 507—An act to add Section 253 to the Insurance Code, relating to claims of spouses

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 523—An act to repeal Section 141 of the Welfare and Institutions Code, relating to welfare payments

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 527—An act to amend Section 16855 of the Education Code, relating to school buses.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 569—An act conveying in trust certain tidelands and submerged lands lying under the waters of the Pacific Ocean to the City of Oceanside in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof, and reserving rights to the State

Held at desk by order of the Speaker pro Tempore

REFERENCE OF BILLS

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees:

Assembly Bill No	*Committee*
1892	Rules
1893 and **1894**	Municipal and County Government
1895 through **1897**	Education
1898 through **1901**	Municipal and County Government
1902	Fish and Game
1903	Education
1904	Civil Service and State Personnel
1905	Criminal Procedure
1906	Education
1907	Public Health
1908	Governmental Efficiency and Economy
1909	Judiciary
1910	Education
1911	Finance and Insurance
1912	Criminal Procedure
1913	Municipal and County Government
1914	Transportation and Commerce
1915	Finance and Insurance
1916	Education
1917	Municipal and County Government
1918	Public Utilities and Corporations
1919	Judiciary
1920	Education
1921	Transportation and Commerce
1922	Water
1923 through **1926**	Finance and Insurance

Assembly Bill No.	*Committee*
1927	Public Health
1928	Education
1929	Transportation and Commerce
1930	Water
1931	Public Utilities and Corporations
1932	Judiciary
1933	Governmental Efficiency and Economy
1934	Education
1935	Agriculture
1936	Education
1937	Transportation and Commerce
1938	Industrial Relations
1939	Finance and Insurance
1940	Water
1941	Public Utilities and Corporations

Assembly Constitutional Amendment No.	
32	Municipal and County Government

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 114—An act to add Section 13552 5 to the Education Code, relating to leaves of absence for teachers elected to the Legislature

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft Bane, Barnes, Beilenson, Belotti, Booth, Burton, Carrell, Casey, Crown, Davis, Dymally, Elliott, Foran, Frew, Gaffney, Garrigus, Gonsalves, Henson, Johnson, Knox, Marks, McMillan, Meyers, Mills, Moreno, Mulford, Petris, Powers, Rumford, Ryan, Song, Soto, Stanton, Thomas, Waite, Waldie, Warren, Whetmore, Williamson, Young, and Zenovich—44

NOES—Badham, Britschgi, Burgener Chapel, Collier, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer Deukmejian, Donovan, Flournoy, Greene, Hinckley, Holmes, Lanterman, Milias, Monagan, Pattee, Stevens, Thelin, and Veysey—23

Bill ordered transmitted to the Senate

Assembly Bill No. 375—An act to amend Section 7700 of the Education Code, relating to instruction in the public schools

Bill read third time

Speaker Presiding

At 10 30 a m , Hon Jesse M Unruh, Speaker of the Assembly, presiding

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Crown, Danielson, Dannemeyer, Deukmejian, Donovan, Dymally, Elliott, Ferrell, Foran, Frew, Garrigus, Gonsalves, Greene, Henson, Johnson, Knox, Marks, McMillan, Meyers, Milias, Mills, Moreno, Mulford, Petris, Powers, Rumford, Ryan, Song, Soto, Stanton,

Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Young, Zenovich, and Mr Speaker—56
NOES—Badham, Collier, Cusanovich, Dills, Flournoy, Gaffney, Hinckley, Holmes, Lanterman, Monagan, Pattee, Stevens, Thelin, Veysey, and Winton—15

Bill ordered transmitted to the Senate

Assembly Bill No. 766—An act to amend Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to the establishment of zones of the flood control district in Pleasanton or Murray Townships

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills Donovan, Dymally, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan Moreno, Mulford, Pattee, Petris, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 916—An act to add Section 3356 to the Health and Safety Code, relating to tuberculosis hospitals and sanatoriums

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—71
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1016—An act to amend Section 5050.7 of the Welfare and Institutions Code, relating to the mentally ill

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 768—An act to amend Section 37 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to annexation

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne,

Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 860—An act to add Section 2 3 to, and to amend Sections 4, 7, 8 and 13½ of, the Orange County Flood Control Act, Statutes of 1927, Chapter 723, relating to Orange County flood control

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Pattee, Petris, Powers, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Zenovich, and Mr Speaker—66

NOES—Moreno—1

Bill ordered transmitted to the Senate

Speaker pro Tempore Presiding

At 10.51 a m , Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding

Assembly Bill No. 889—An act to amend Section 24505 of the Public Utilities Code, relating to transit districts in Alameda or Contra Costa Counties

Bill read third time

Demand for Previous Question

Messrs Mills, Pattee, Dills, Belotti, and Marks demanded the previous question Demand sustained

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Barnes, Beilenson, Belotti, Booth, Britschgi, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Dills, Donovan, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Pattee, Powers, Quimby, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Young, and Zenovich—61

NOES—Bane, Bee, Burgener, Burton, Milias, Petris, Rumford, and Z'berg—8

Bill ordered transmitted to the Senate

Assembly Bill No. 922—An act to amend Section 1591 of the Insurance Code, relating to annual statements of alien insurers

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan,

Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—74
NOES—None

Bill ordered transmitted to the Senate

Name Placed Upon Roll Call on Assembly Bill No. 922

Mr. Cologne was granted unanimous consent that he be recorded as voting "Aye" on Assembly Bill No 922

Assembly Bill No. 965—An act to amend Section 14901 of the Financial Code, relating to credit unions

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—75
NOES—None

Bill ordered transmitted to the Senate.

Consideration of House Resolution No. 144

By Messrs. Waldie and Knox:

House Resolution No. 144—Relative to memorializing Nancy Ann Boyd.

NOTE. The full text of House Resolution No 144 appears at pages 1005 and 1006 of the Assembly Daily Journal for March 12, 1963

Resolution read

Members Made Coauthors of House Resolution No. 144

Mr. Waldie was granted unanimous consent that all members so desiring be placed upon House Resolution No. 144 as coauthors.

Roll Call

The following members indicated a desire to become coauthors

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76
NOES—None

The question being on the adoption of House Resolution No 144, as amended

Resolution adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lunardi, Marks,

McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Assembly Bill No. 179—An act to add Section 223 to the Fish and Game Code, relating to deer

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Garrigus, Gonsalves, Greene, Henson, Hinckley, Knox, Lunardi, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Young, and Z'berg—60

NOES—Badham, Beilenson, Deukmejian, Frew, Holmes, Lanterman, Pattee, Whetmore, Williamson, Winton, and Zenovich—11

Bill ordered transmitted to the Senate

Assembly Bill No. 406—An act to add Section 4305 to the Fish and Game Code, relating to deer.

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gonsalves, Greene, Henson, Hinckley, Johnson, Knox, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Petris, Powers, Quimby, Rumford, Ryan, Soto, Stanton, Stevens, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Z'berg, and Mr Speaker—60

NOES—Badham, Beilenson, Conrad, Deukmejian, Garrigus, Holmes, Lanterman, Pattee, Song, Thelin, Whetmore, Williamson, Young, and Zenovich—14

Bill ordered transmitted to the Senate.

Assembly Bill No. 726—An act to amend Section 7150 of the Fish and Game Code, relating to fishing licenses.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 796—An act to amend Section 3516 of the Fish and Game Code, relating to imported game birds

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey,

Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 538—An act to amend Sections 5823, 5823.5, 5824, 5827, 5829.1, 5829.2, 5833, 5861, and 5882 of the Public Resources Code, relating to small craft harbors.

Bill read third time, and on request of Messrs. Williamson and Marks, ordered passed on file, and to retain its place on file.

Assembly Bill No. 667—An act to amend Section 25610 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Young, Z'berg, Zenovich, and Mr Speaker—70
NOES—Beilenson—1

Bill ordered transmitted to the Senate

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 932—An act to amend Section 19142 of the Government Code, relating to reinstatement to the state civil service

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 218—An act to amend Sections 1607, 1625, 1632, 1650, 1671, and 1680 of, and to repeal Section 1674 of, the Business and Professions Code, and to amend Section 10176 of the Insurance Code, relating to dentistry.

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris,

Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—77
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1071—An act to maintain the Code of Civil Procedure by amending Sections 89, 274a, and 1190.1 thereof, relating to procedures in civil actions and special proceedings of a civil nature

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—77
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 912—An act to amend Section 4650 of the Corporations Code, relating to involuntary winding up or dissolution of corporations

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—77
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 725—An act to amend Section 3200 of the Fish and Game Code, relating to raising, importing, and selling of domesticated game birds and mammals

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—77
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 943—An act to add Section 9272 5 of the Public Resources Code, relating to soil conservation districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 944—An act to amend Sections 9156, 9315, 9317 13, 9508, 9526, 9550, 9605, and 9713 of the Public Resources Code, relating to soil conservation

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel Collier, Cologne, Conrad, Crown, Cusanovich, Danielson Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley Holmes, Johnson, Knox, Lanterman, Lunardi, Marks McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 914—An act to amend Sections 11750 3 and 11755 of the Insurance Code, relating to rating organizations

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier Cologne, Conrad, Crown, Cusanovich, Danielson Dannemeyer Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 918—An act to amend Section 1194 95 of the Insurance Code, relating to investment of excess funds in electronic computer or data processing systems

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee Beilenson, Belotti, Booth, Britschgi Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson Dannemeyer, Davis Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris,

Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 921—An act to amend Sections 10163, 10163.5 and 10489 2 of the Insurance Code, relating to industrial life insurance mortality tables.

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dannelson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 848—An act to amend Section 938 1 of the Penal Code, relating to transcripts of grand jury proceedings

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dannelson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77.
NOES—None

Bill ordered transmitted to the Senate

Consideration of House Resolution No. 141

By Mr. Petris:

House Resolution No. 141—Relative to the conference for space technology in Oakland.

NOTE: The full text of House Resolution No 141 appears at page 968 of the Assembly Daily Journal for March 11, 1963.

Resolution read, and adopted by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dannelson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77
NOES—None

Consideration of House Resolution No. 143

By Mr Bagley

House Resolution No. 143—Relative to congratulating Vivian B Werner

NOTE The full text of House Resolution No. 143 appears at page 1005 of the Assembly Daily Journal for March 12, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dunnelson Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vessey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—77
NOES—None

Assembly Concurrent Resolution No. 44—Relative to the Civil War Centennial Commission

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dunelson Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vessey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77.
NOES—None

Resolution ordered transmitted to the Senate

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 105—An act to amend Section 13242 of the Public Utilities Code, relating to bond denominations, declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dunelson Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vessey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77
NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—Allen, Alquist, Ashcraft Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dunelson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi,

Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Zberg, Zenovich, and Mr. Speaker—77

NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 25—An act relating to the title and submerged lands granted to the City of Vallejo by Chapter 310 of the Statutes of 1913, and declaring the urgency thereof, to take effect immediately

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Zberg, Zenovich, and Mr. Speaker—77

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Zberg, Zenovich, and Mr. Speaker—77

NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 35—An act to add Section 13109.2 to the Government Code, relating to letting of state property

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Zberg, Zenovich, and Mr. Speaker—77

NOES—None

Bill ordered transmitted to the Senate

Senate Concurrent Resolution No. 35—Approving an amendment to the Charter of the City of Petaluma, a municipal corporation in the County of Sonoma, State of California, ratified by the qualified electors of the city at an election held therein on the 22d day of January, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills,

Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—77

NOES—None

Resolution ordered transmitted to the Senate

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No. 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means

Assembly Bills Nos. 676 and **1092**, subsequent to engrossment

Assembly Bills Nos. 730 and **738**.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 19, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 684
Assembly Bill No. 852
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar.

ASSEMBLY CHAMBER, March 19, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 383
Assembly Bill No. 576
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, March 19, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 209
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered to third reading

ASSEMBLY CHAMBER, March 19, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 68
And reports the same correctly re-engrossed.

POWERS, Chairman

Above bill re-referred to Committee on Ways and Means

ASSEMBLY CHAMBER, March 19, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 315
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered to third reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 396
Assembly Bill No 511
Assembly Bill No 553
Assembly Bill No 722
Assembly Bill No 758
Assembly Bill No 803

And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered to the Consent Calendar.

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 1092

And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 676

And reports the same correctly engrossed.

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 395
Assembly Bill No 841
Assembly Bill No 1091

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

Committee on Public Health

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Public Health reports:

Assembly Bill No 1020

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos. 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

RUMFORD, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Public Health reports:

Senate Bill No 187

With amendments with the recommendation Amend, and do pass, as amended

RUMFORD, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Public Health reports:

Assembly Bill No 282

With amendments with the recommendation Amend, and do pass, as amended.

RUMFORD, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Public Health reports.

Assembly Bill No. 393
Assembly Bill No 947
Assembly Bill No 948

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar.

RUMFORD, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Public Health reports:

Assembly Bill No 979

With the recommendation. Do pass

RUMFORD, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER The Chairman of your Committee on Public Health reports

Assembly Bill No 160
Assembly Bill No 417

With author's amendments with the recommendation Amend, and re-refer to the Committee on Public Health

RUMFORD, Chairman

SECOND READING OF ASSEMBLY BILL NO. 160 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 160—An act to amend Sections 4160, 4161, 4164, 4166, and 4167 of the Business and Professions Code, relating to classification of certain model airplane glue as a poison

Bill read second time.

Motion to Amend

Mr Carrell moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 8, of the printed bill, after "substance", insert "or compound containing toluene and which is"

Amendment read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health.

RE-REFERENCE OF ASSEMBLY BILL NO. 417

Speaker pro Tempore Bee announced that the author's amendment to Assembly Bill No. 417 did not comply with Rule No 76, and ordered the bill and the amendment re-referred to the Committee on Public Health.

REPORTS OF STANDING COMMITTEES

Committee on Criminal Procedure

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER The Chairman of your Committee on Criminal Procedure reports.

Assembly Bill No 9

With author's amendments with the recommendation Amend, and re-refer to the Committee on Criminal Procedure

WINTON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 9 (PURSUANT TO RULE 59.5)

Assembly Bill No. 9—An act to add Section 148 3 to the Penal Code, relating to resisting arrest and interrogation

Bill read second time

Motion to Amend

Mr. Porter moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "felony", and insert "misdemeanor, except that if injury to any person results from the flight or consequent pursuit, he is guilty of a felony".

Amendment read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Criminal Procedure.

REPORTS OF STANDING COMMITTEES

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, March 19, 1963

MR. SPEAKER Your Committee on Revenue and Taxation reports

Assembly Bill No 851

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PETRIS, Chairman

Above bill ordered to second reading.

Committee on Rules

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 154

With the recommendation. Be adopted

BANE, Chairman

Request for Unanimous Consent

Mr Greene was granted unanimous consent to take up House Resolution No 154 without reference to file

CONSIDERATION OF HOUSE RESOLUTION NO. 154

By Mr Greene:

House Resolution No. 154—Relative to the Order of DeMolay.

NOTE The full text of House Resolution No 154 appears at page 1154 of the Assembly Daily Journal for March 18, 1963

Resolution read, and adopted

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER. Your Committee on Rules reports

Assembly Joint Resolution No 26

Assembly Joint Resolution No 27

With the recommendation. That the resolutions be re-referred to the Committee on Water

BANE, Chairman

Above resolutions re-referred to the Committee on Water

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Rules reports

Assembly Concurrent Resolution No 46
Assembly Concurrent Resolution No 47

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar

BANE, Chairman

Above resolutions ordered engrossed

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 145
House Resolution No 147

With the recommendation . Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar

BANE, Chairman

Above resolutions ordered on file

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 137
House Resolution No 138
House Resolution No 139

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar

BANE, Chairman

Above resolutions ordered on file

Committee on Judiciary

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Judiciary reports .

Assembly Bill No 1231

With the recommendation That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

JOHNSON, Vice Chairman

Subject matter of the above bill referred to the Committee on Rules.

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Judiciary reports

Assembly Bill No 874	Assembly Bill No. 1029
Assembly Bill No 875	Assembly Bill No 1102
Assembly Bill No 876	Assembly Bill No 1228
Assembly Bill No 1025	Assembly Bill No 1232

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

JOHNSON, Vice Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Judiciary reports

Assembly Bill No 186
Assembly Bill No 1249

With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

JOHNSON, Vice Chairman

Above bills re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER: The chairman of your Committee on Judiciary reports

Assembly Bill No 109

With author's amendments with the recommendation Amend, and re-refer to the Committee on Judiciary

JOHNSON, Vice Chairman

SECOND READING OF ASSEMBLY BILL NO. 109 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 109—An act to amend Section 70048 of the Government Code, relating to superior court reporters, and declaring the urgency thereof, to take effect immediately

Bill read second time

Motion to Amend

Mr Donovan moved the adoption of the following amendments

Amendment No. 1

In the heading of the printed bill, below "Introduced by Messrs. Donovan and Mills", strike out "(By Request)"

Amendment No. 2

In lines 2 and 3 of the title, strike out ", and declaring the urgency thereof, to take effect immediately"

Amendment No. 3

On page 2, strike out lines 21 to 30, inclusive

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, March 10, 1963

MR SPEAKER Your Committee on Judiciary reports.

Assembly Bill No 1137

With the recommendation Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

JOHNSON, Vice Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 14, 1963

MR SPEAKER Your Committee on Judiciary reports:

Assembly Bill No 940
Assembly Bill No 1106

With amendments with the recommendation Amend, and do pass, as amended

WILLSON, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Judiciary reports

Senate Bill No 50
Senate Bill No 101
Senate Bill No 111
Senate Bill No 134

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

JOHNSON, Vice Chairman

Above bills ordered to second reading

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER: The Chairman of your Committee on Transportation and Commerce reports.

Senate Bill No 173

With author's amendments with the recommendation Amend, and re-refer to the Committee on Transportation and Commerce

CARRELL, Chairman

SECOND READING OF SENATE BILL NO. 173 (PURSUANT TO RULE NO. 59.5)

Senate Bill No. 173—An act to add Article 7 (commencing with Section 218) to Chapter 1 of Division 1 of the Streets and Highways Code, relating to safety rests.

Bill read second time.

Motion to Amend

Mr Carrell moved the adoption of the following amendments.

Amendment No. 1

In line 5 of the heading of the printed bill, as amended in the Senate on March 1, 1963, strike out "and"

Amendment No. 2

On page 1, line 12, after "Fund", insert ", provided that the expenditures made for such maintenance shall not be deemed expenditures under Section 186"

Amendment No 3

On page 2, after line 33, insert

"224 It shall be unlawful for any person to throw or deposit any substance in a safety rest other than in a receptacle provided for that purpose It shall be unlawful for any person to deposit in the receptacles provided for refuse in a safety rest any refuse or waste from homes, farms, or commercial establishments, or other material which does not arise out of the use of the safety rest by a member of the traveling public The violation of this section shall be a misdemeanor punishable as provided in Section 42002 of the Vehicle Code, and all of the provisions of Chapter 2 (commencing at Section 40300) of Division 17 of the Vehicle Code shall apply to an offense committed under this section the same as if such offense were made an offense by the Vehicle Code

225 The department may enact rules and regulations governing the time and manner of use of such safety rests and all state laws and such rules and regulations of the department shall be administered and enforced within the safety rests by all employees of the State authorized by the department to do so and by all peace officers

226 Areas comprising such safety rests shall be deemed a part of the state highway right of way for all purposes, including those set forth in Section 731"

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Transportation and Commerce

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 310	Assembly Bill No 756
Assembly Bill No 386	Assembly Bill No 757
Assembly Bill No 531	Assembly Bill No 1079
Assembly Bill No 558	Assembly Bill No 1120

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined
Assembly Concurrent Resolution No 46
Assembly Concurrent Resolution No 47
And reports the same correctly engrossed

POWERS, Chairman

Above resolutions ordered to the Consent Calendar

ASSEMBLY CHAMBER, March 19, 1963

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1050
And reports the same correctly engrossed.

POWERS, Chairman

Above bill re-referred to the Committee on Education

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 1959: By Mr Mulford—An act to add Section 1750 5 to the Insurance Code, relating to fees for nonresident brokers

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1960: By Messrs. Burgener and Mihas—An act to add Section 272 to the Health and Safety Code, relating to physically handicapped children

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1961: By Mr. Lunardi—An act to amend Sections 9250 and 9400 of, and to add Section 9401 to, the Vehicle Code, relating to commercial vehicles

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1962: By Mr. Pattee—An act to amend Section 829 35 of the Agricultural Code, relating to packing of cantaloupes

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1963: By Messrs. Pattee and Holmes—An act to amend Section 19491 of the Business and Professions Code, relating to horse racing

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1964: By Messrs Pattee and Holmes—An act to add Section 19574 to the Business and Professions Code, relating to horse racing

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1965: By Messrs Pattee and Holmes—An act to add Section 19575 to the Business and Professions Code, relating to horse racing

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1966: By Messrs Pattee and Holmes—An act to amend Section 829 7 of the Agricultural Code, relating to containers

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1967: By Mr Greene—An act to add Sections 9359 83 and 75032 5 to the Government Code and to add Section 14378 to the Education Code, relating to deductions from retirement allowances for group life insurance premiums

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1968: By Mr Belotti—An act to add Chapter 2 (commencing with Section 29200) to Division 13, and to repeal Chapter 2 (commencing with Section 29200) of Division 13, of the Vehicle Code, relating to transportation of logs and poles

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1969: By Messrs Warren, Moreno, Gonsalves, Dymally, Beilenson, Burton, Danielson, Ferrell, Foran, Johnson, Knox, Petris, Ryan, Song, Stanton, and Waldie—An act to amend Sections 6854, 6860, 6862, 6863, 6864, 6865, 6865 5, 6867, 6867 5, 6868, 6870, 6871, 6875, 6876, 6876 1, 6885, 6886, 6886 1, 6887, 6888, 6889, 6890, 6891, 6892, 6893, 6894, 6894 2, 6894 3, 6894 4, 6895, 6900, 6901, 6902, 6904, 6905, 6906, 6911, 6912, 6913, 6914, 6915, 6916, 6916 1, 6917, 6921, 6922, 6925, 6930, 6931, 6948, 6949, 6949 2, 6950, and 6951 of, to amend and renumber Sections 6894 7, 6894 8, 6894 9, and 6894 10 of, to amend the title of Article 6 5 (commencing with Section 6904) of Chapter 8 of Division 3 of, to add Sections 6900 1, 6906 2, 6913 1, 6926, and 6948 1 to, and to repeal Sections 6854 5, 6878 1, 6894 1, 6894 6, 6904.1, 6904 2, 6904 3, and 6904 4 of, the Business and Professions Code, relating to collection agencies

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1970: By Mr. Warren—An act to amend Section 6956 of the Business and Professions Code, relating to collection agencies, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1971: By Mr Warren—An act to amend Section 6955 of the Business and Professions Code, relating to collection agencies

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1972: By Mr Cologne—An act to add Sections 17035, 17036, 17105 5, and 17515.5 to, and to amend Sections 17501, 17503, 17511, 17637, and 17639 of, the Revenue and Taxation Code, relating to personal income tax.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1973: By Mr. Lunardi—An act to add Section 31703 2 to the Water Code, relating to the Sierra Lakes County Water District

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1974: By Messrs Milias, Burgener, and Veneman—An act to amend Sections 770, 770 3 and 771 of, and to add Section 776 to, the Insurance Code, relating to insurance in connection with financed purchases and loans

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1975: By Messrs Veysey and Britschgi—An act to add Section 9357 45 to the Government Code, relating to legislators' retirement

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1976: By Messrs Burton, Moreno, Ferrell, Dymally, Bane, Elliott, Foran, Rumford, Soto, and Stanton—An act to add Section 273 to the Labor Code, relating to wages

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1977: By Mrs Davis and Mr. Lunardi—An act to add Article 4 (commencing with Section 1280) to Chapter 2, Part 2, Division 2 of the Water Code, relating to reservation of water for fish life.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1978: By Messrs Williamson, Casey, Rumford, and Z'berg—An act to amend Section 3002 of the Corporations Code, relating to share registers

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolution was offered

By Messrs Britschgi, Alquist, Milias, Ryan, and Stanton

House Resolution No. 156

Relative to bids on state contracts

WHEREAS, It has come to the attention of the Assembly that the Department of Finance has requested bids for various radio and electronic parts, supplies, accessories, test equipment and services but has required that the bidders operate a radio parts store in Sacramento or North Sacramento, and

WHEREAS, The best interest of the State is served when bids are competitive, and

WHEREAS, The request for bids limiting the bidders to limited areas is contrary to the spirit of competitive bidding, now, therefore, be it

Resolved by the Assembly of the State of California, That the Department of Finance is hereby directed to delete the requirement of area locations from requests for bids relating to radio and electronic parts, supplies, accessories, test equipment and services, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Finance

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

EXPLANATION OF ABSENCE

March 19, 1963

It was necessary for me to be off the floor today on Legislative business elsewhere and I missed some roll calls

DON MULFORD

ADJOURNMENT

At 12 14 p m , on motion of Mr Waldie, the Speaker pro Tempore declared the Assembly adjourned until 10 a m , Wednesday, March 20, 1963

JESSE M. UNRUH, Speaker

ELEANOR K. DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FORTY-THIRD LEGISLATIVE DAY

FIFTY-THIRD CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Wednesday, March 20, 1963

The Assembly met at 10 a m
Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk
Assistant Clerk Timothy Lemucchi reading

ROLL CALL

The roll was called, and the following answered to their names

Allen, Alquist, Ashcraft, Badham, Bagley, Bane Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev Robert R Ferguson.

Eternal God, Our loving Father, Thou who hast put us in a world which is part of a cosmos rather than chaos, give to Thy servants ordered minds that they may face calmly and intelligently the matters before them

As we look back we realize there have been great men who have made decisions which now make our decisions possible May we have respect for them, but never be intimidated by them As crises and difficult times bring out latent potentials, among this body release hidden springs of statesmanship

May all the men in this Assembly be challenged by this hour to live up to their God-given potential to lead this State in the ways of creative righteousness and peace We pray in our Master's name —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr. Foran then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr. Danielson, seconded by Mr. Greene

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, on personal business.

Mr Beilenson, on motion of Mr. Waldie

COMMUNICATIONS

The following letter of transmittal was presented by the Speaker, and ordered printed in the Journal.

Letter of Transmittal

Second Report, Special Commissions on Insanity and Criminal Offenders—November 15, 1962

STATE OF CALIFORNIA
YOUTH AND ADULT CORRECTIONS AGENCY
SACRAMENTO, March 15, 1963

Hon Jesse M. Unruh
Speaker of the Assembly
State Capitol, Sacramento

DEAR MR UNRUH I am honored to transmit, in behalf of the Board of Corrections, the Second Report of the Special Study Commissions on Problems of Insanity Relating to Criminal Offenders—Substantive and Procedural

This second report sets forth procedures designed to implement the substantive recommendations of the first report These procedures can, however, stand alone

The board commends the members of the commissions for their dedication to duty and for their diligence in undertaking this difficult task

Sincerely yours,

RICHARD A McGEE, Chairman
State Board of Corrections

Above transmitted report ordered held in the Speaker's Office for reference

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time

Assembly Bill No. 1979: By Mr Flournoy—An act to add Section 5725 to the Education Code, relating to junior colleges

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1980: By Mr Flournoy—An act to add Article 16 7 (commencing with Section 18380) to Chapter 3 of Division 14 of the Education Code, relating to public school finance.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1981: By Mr Flournoy—An act to add Section 5724 to the Education Code, relating to junior colleges

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1982: By Mr Foran—An act to add Section 502 to the Penal Code, relating to parking meters

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1983: By Mr Flournoy—An act to amend Section 5722 of the Education Code, relating to junior colleges

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1984: By Mr Powers—An act to amend Section 73871, 73872, 73873, 73874, 73876 and 73877 of the Government Code, relating to municipal courts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1985: By Mr Dannemeyer—An act to add Chapter 13 (commencing with Section 7050) to Division 7, Title 1 of the Government Code, relating to the use of public buildings and grounds

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolution was offered

By Mr. Veneman.

House Resolution No. 157

Relative to Youth Fitness Week

WHEREAS, The future success and the security of the Nation and of the State of California depends upon the strength of its youth who are the leaders of tomorrow, and

WHEREAS, Medical and educational authorities agree that total fitness is essential to youth in order to obtain optimum growth and development to meet the challenges of modern society, and

WHEREAS, Total fitness demands that an individual be developed physically, mentally, spiritually, emotionally, and socially in order to achieve full maturity and to enable our youth to contribute to the improvement of the welfare of society; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly heartily commend the schools of California and other organizations in the State for their success in the improvement of health and physical education programs which are assisting the youth of California to develop total fitness, and be it further

Resolved, That the week, May 5 to May 11, 1963, be proclaimed Youth Fitness Week throughout the State of California, and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit six suitably prepared copies of this resolution to the Honorable John G Veneman.

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined: Assembly Bill No 1046

And reports the same correctly re-engrossed.

POWERS, Chairman

Above bill ordered returned to second reading file

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined: Assembly Bill No 1128

And reports the same correctly engrossed.

POWERS, Chairman

Above bill ordered returned to second reading file.

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 9
Assembly Bill No 100
Assembly Bill No 306
Assembly Bill No. 837
And reports the same correctly engrossed.

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 703
Assembly Bill No 704
And reports the same correctly re-engrossed.

POWERS, Chairman

Above bills ordered returned to second reading file

ASSEMBLY CHAMBER, March 20, 1963

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 117
Assembly Bill No. 717
Assembly Bill No. 721
And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered returned to second reading file.

Committee on Public Utilities and Corporations

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER: Your Committee on Public Utilities and Corporations reports.
Assembly Bill No 891
Assembly Bill No 1148
With amendments with the recommendation Amend, and re-refer to the Committee on Public Utilities and Corporations

WILLIAMSON, Chairman

Above bills ordered to second reading

Committee on Education

ASSEMBLY CHAMBER, March 20, 1963

MR. SPEAKER: Your Committee on Education reports
Assembly Bill No 1130
With amendments with the recommendation: Amend, and do pass, as amended

GARRIGUS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER The Chairman of your Committee on Education reports
Assembly Bill No 1186
With author's amendments with the recommendation Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1186 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1186—An act to amend Section 1061, and to repeal Sections 1361 and 1423 of, the Education Code, relating to schools.

Bill read second time.

Motion to Amend

Mr Cologne moved the adoption of the following amendments·

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "The", and insert "Unless otherwise provided by rule of the board of trustees, the"

Amendment No. 2

On page 2, between lines 3 and 4, insert
"At the annual meeting each city board of education shall organize by electing a president from its members."

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Finance and Insurance reports
Assembly Bill No 1077
With the recommendation Do pass

MILLS, Chairman

Above bill ordered to second reading

Committee on Social Welfare

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER. The Chairman of your Committee on Social Welfare reports:
Assembly Bill No 802
With author's amendments with the recommendation Amend, and re-refer to the Committee on Social Welfare

BURTON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 802 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 802—An act to add Section 1503.1 to the Welfare and Institutions Code, relating to work relief and vocational training

Bill read second time.

Motion to Amend

Mr Song moved the adoption of the following amendment·

Amendment No. 1

On page 1 of the printed bill, after line 18, insert
"Work projects developed under this section shall be confined to projects which serve a useful public purpose, do not result either in displacement of regular workers or in the performance of work that would otherwise be performed by employees of public or private agencies, institutions, or organizations, and (except in cases of projects which involve emergencies or which are generally of a nonrecurring nature) are of a type which has not normally been undertaken in the past by the State or community, as the case may be"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Social Welfare.

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, March 14, 1963

MR. SPEAKER: Your Committee on Social Welfare reports

Assembly Bill No 115

With amendments with the recommendation Amend, and do pass, as amended

BURTON, Chairman

Above bill ordered to second reading

Committee on Fish and Game

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER. Your Committee on Fish and Game reports.

Senate Bill No 320

With the recommendation Do pass.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

DAVIS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Fish and Game reports

Assembly Bill No. 381

With amendments with the recommendation: Amend, and re-refer to the Committee on Fish and Game

DAVIS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Fish and Game reports

Assembly Bill No. 583

With the recommendation: Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

DAVIS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Fish and Game reports

Assembly Bill No 272

Assembly Bill No 762

With the recommendation: Do pass

DAVIS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER The Chairman of your Committee on Fish and Game reports.

Assembly Bill No 801

With author's amendments with the recommendation Amend, and re-refer to the Committee on Fish and Game.

DAVIS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 801 (PURSUANT TO RULE NO 59.5)

Assembly Bill No. 801—An act to amend Section 5938 of the Fish and Game Code, relating to fish hatcheries

Bill read second time.

Motion to Amend

Mr Lunardi moved the adoption of the following amendment·

Amendment No. 1

On page 1, after line 23, of the printed bill, insert
"Nothing herein contained shall affect any agreement or arrangement heretofore entered into by the State or the department relative to operation and maintenance of hatcheries and related structures and facilities and artificial spawning channels in lieu thereof"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Water reports
Senate Bill No 253
With amendments with the recommendation Amend, and do pass, as amended
PORTER, Chairman

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file:

Assembly Bills Nos. 721, 1128, 717, 1046, 703, 704, 59, 61, and 117.

Assembly Bills Nos 721, 717, 1046, and 117 ordered to third reading.

Assembly Bills Nos 59 and 61 ordered to third reading, subsequent to engrossment

Assembly Bills Nos 1128, 703, and 704 ordered to the Consent Calendar

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1188—An act to amend Section 925 of the Penal Code, relating to the grand jury.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Military and Veterans Affairs, were read, and adopted·

Amendment No. 1

On page 1, strike out line 9 of the printed bill, and insert
"Notwithstanding the provisions of Sections 408 and 451 of the Revenue and Taxation Code, the grand jury, as part of its annual examination, shall on".

Amendment No. 2

On page 1, line 16, after the period, insert "The sample used for such investigation and examination shall be made on a random basis without regard to the names of the veterans on the assessment roll The names of the veterans whose affidavits are investigated and examined shall not be made public by the grand jury except as to those against whom an indictment or information is issued and an arrest made The grand jury shall not investigate or examine, pursuant to this section, any affidavits filed by a veteran prior to the effective date of the amendment to this section enacted at the 1963 Regular Session"

Bill ordered reprinted, and engrossed.

Assembly Bill No. 782—An act to amend Section 250 of the Military and Veterans Code, relating to enlistment in the California National Guard

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 783—An act to amend Section 644 1 of the Military and Veterans Code, relating to award of the Federal Service Ribbon

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 786—An act to add Section 643 3 to the Military and Veterans Code, relating to awarding of a State Service Ribbon

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 784—An act to amend Section 161 of the Military and Veterans Code, relating to qualifications and appointment of the Assistant Adjutant General

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Military and Veterans Affairs, were read, and adopted

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "the M & V C", and insert "the Military and Veterans Code"

Amendment No. 2

On page 2, line 4, strike out the period

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 785—An act to amend Section 162 of the Military and Veterans Code, relating to qualifications and appointment of the Adjutant General

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Military and Veterans Affairs, were read, and adopted

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to 18, inclusive; and on page 2, strike out lines 1 to 10, inclusive, and insert

"SECTION 1 Section 162 of the Military and Veterans Code is amended to read

162 The Adjutant General shall be appointed by the Governor with the advice and consent of the Senate, and shall hold office at the pleasure of the Governor, or until his successor is appointed and has

qualified No person is eligible for appointment as Adjutant General unless he had not less than a total of ten (10) years of commissioned service in the ~~California~~ National Guard *of the United States*, of which at least four (4) years shall be service as a field *grade* officer *in the California National Guard within the preceding 10-year period prior to the date of appointment* and of which at least four (4) years shall have been in command of ~~air~~ *army* or ~~ground~~ *air* troops at the battalion or equivalent or higher command level or four (4) years as a staff officer at brigade or equivalent or higher staff level. ~~and of which at least two (2) years shall be active duty in time of war until 1960. In lieu of the 10 years commissioned service in the California National Guard and the further provisions as to service therein such person shall have not less than a total of fifteen (15) years commissioned service in the National Guard of another state, the District of Columbia, a territory or the United States Army or Marine Corps of which service at least five (5) years shall have been as a field officer and at least five (5) years shall have been in command of air or ground troops at the battalion or equivalent or higher staff level or five (5) years as a staff officer at brigade or equivalent or higher staff level and at least two (2) years shall be active duty in time of war until 1960.~~"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 144—An act to amend Section 8358 of the Education Code, relating to school district as employer

Bill read second time, and ordered engrossed

Assembly Bill No. 235—An act to amend Section 13402 of the Education Code, relating to re-employment of permanent certificated employees

Bill read second time, and ordered engrossed

Assembly Bill No. 388—An act to amend Section 15958 of the Education Code, relating to purchase and lease of school property and equipment.

Bill read second time, and ordered engrossed

Assembly Bill No. 527—An act to add Section 15955 5 to the Education Code, relating to contracts by school districts

Bill read second time, and ordered engrossed

Assembly Bill No. 745—An act to add Section 8202 to the Education Code, relating to the public schools

Bill read second time, and ordered engrossed

Assembly Bill No. 695—An act to amend Section 14001 of the Education Code, relating to state teachers' retirement

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 713—An act to amend Sections 14105 and 14157 of, and to repeal Section 14106 of, the Education Code, relating to state teachers' retirement.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 908—An act to amend Sections 20101, 20104, and 22810 of the Government Code, relating to medical and hospital care for state officers and employees

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1003—An act to amend Section 22793 of the Government Code, relating to medical and hospital care for state officers and employees

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1005—An act to amend Sections 22826 and 22840 of the Government Code, relating to medical and hospital care for state officers and employees

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 318—An act to add Sections 21251 6 and 21258 3 to the Government Code, relating to the State Employees' Retirement System

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Civil Service and State Personnel, were read, and adopted.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 21258 3", and insert ", 20750 13, 20750 23, 20750.33, and 20750 43".

Amendment No. 2

On page 2, line 1, strike out "equals the percentage increase set", and insert "except any increase resulting from an amendment of the provisions of this part relating to allowances upon ordinary disability retirement, equals the percentage of the retirement allowance set".

Amendment No. 3

On page 2, line 5, strike out "of"

Amendment No. 4

On page 2, line 6, strike out "increase"

Amendment No. 5

On page 2, line 7, strike out "1958", and insert "1957".

Amendment No. 6

On page 2, line 8, strike out "1960", and insert "1958".

Amendment No. 7

On page 2, line 9, strike out "1960", and insert "1959"

Amendment No. 8

On page 2, line 10, strike out "1961", and insert "1960"

Amendment No. 9

On page 2, line 11, strike out "Six", and insert "Eighteen"

Amendment No. 10

On page 2, strike out lines 22 through 29, and insert "vided by this section shall be an amount equal to the percentage of the allowance being paid to the retired person, and upon death of the retired person, or upon death of his beneficiary if a different allowance is payable to the retired person because of such death, an equal percentage of the amount then payable to the survivor, and if either such retired person or his beneficiary is not living on said effective date, then the increase provided under this section shall be an amount equal to the percentage of the allowance being paid to the survivor If such member"

Amendment No. 11

On page 2, strike out lines 38 through 41, and insert "the same proportions that the current service benefit and the prior service benefit bear to the total benefit, and shall be derived from contributions of the employer "

Amendment No. 12

On page 2, line 42, after "benefit", insert ", survivor allowance under Section 21365 5 of this part, or allowance under Section 21263 or 21264 of this part"

Amendment No. 13

On page 2, lines 43 and 44, strike out "industrial"

Amendment No. 14

On page 2, line 46, after "benefit", insert "or allowance"

Amendment No. 15

On page 2, line 50, strike out the period, and insert "or, in the case of an allowance under Section 21263 or 21264 opposite the period during which the member's retirement became effective "

Amendment No. 16

On page 2, line 52, strike out "retirement"

Amendment No. 17

On page 3, line 2, after "benefit", insert "or allowance"

Amendment No. 18

On page 3, line 4, strike out "retirement"

Amendment No. 19

On page 3, strike out lines 6 through 11

Amendment No. 20

On page 3, strike out line 12, and insert
"(d) This section shall not apply to any contracting agency, other than a county superintendent of schools,".

Amendment No. 21

On page 3, line 13, strike out "retirement"

Amendment No. 22

On page 3, strike out lines 23 through 26

Amendment No. 23

On page 3, line 27, strike out "(g)", and insert "(e)"

Amendment No. 24

On page 3, line 30, strike out "State", and insert "employer".

Amendment No. 25

On page 3, strike out lines 33 through 52

Amendment No. 26

On page 4, strike out lines 1 through 29, and insert

"SEC 2 Section 20750 13 is added to said code, to read

20750 13 The State's contribution to the Retirement Fund in respect to state miscellaneous members provided by any and all other provisions of this chapter is increased by a sum equal to fifteen hundredths (0 15) of 1 percent of the compensation paid state miscellaneous members

SEC 3 Section 20750 23 is added to said code, to read

20750 23. The State's contribution to the retirement fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to sixty-five hundredths (0 65) of 1 percent of the compensation paid state patrol members

SEC 4 Section 20750 33 is added to said code, to read

20750 33 The State's contribution to the retirement fund in respect to forestry members provided by any and all other provisions of this chapter is increased by a sum equal to fifteen hundredths (0 15) of 1 percent of the compensation paid forestry members

SEC 5 Section 20750 43 is added to said code, to read

20750 43 The State's contribution to the retirement fund in respect to warden members provided by any and all other provisions of this chapter is increased by a sum equal to sixty-six hundredths (0 66) of 1 percent of the compensation paid warden members"

Amendment No. 27

On page 4, line 30, following "SEC ", strike out "3", and insert "6"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1008—An act to amend Section 22754 of, and to add Article 7 (commencing with Section 22850) to Chapter 1 of Part 5 of DIVISION 5 of the Government Code, relating to coverage under the Meyers-Geddes State Employees' Medical and Hospital Care Act, and declaring the urgency thereof, to take effect immediately.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Civil Service and State Personnel, were read, and adopted.

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "of any public agency, which pursuant to contract.", strike out lines 12 and 13, and in line 14, strike out "the State", and insert "any employee or retired employee, who retired as a member of the State Employees' Retirement System, of a contracting agency".

Amendment No. 2

On page 2, line 40, strike out ", dis-"; and strike out lines 41 to 49, inclusive, and insert "as defined in Section 20010".

Amendment No. 3

On page 3, line 1, strike out "Public", and strike out line 2 and insert "Local Agencies Contracting with the State Employees' Retirement System"

Amendment No. 4

On page 3, line 7, strike out "of public"; and strike out lines 8 to 17, inclusive, and insert "and annuitants of contracting agencies"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Civil Service and State Personnel

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 18 1 to Article XI thereof, relating to indebtedness of school districts

Resolution read.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Education, was read, and adopted:

Amendment No. 1

On page 1, line 14, of the printed measure, strike out "a majority", and insert "60 percent"

Resolution ordered reprinted, and engrossed

Assembly Constitutional Amendment No 5 Re-referred to Committee

Speaker pro Tempore Bee ordered Assembly Constitutional Amendment No 5 re-referred to the Committee on Constitutional Amendments, subsequent to its engrossment, pursuant to Rule No 67 1

Assembly Bill No. 501—An act to amend Section 13729 of the Education Code, relating to emergency appointments of classified employees

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1088—An act to add Article 2 6 (commencing with Section 4729) to Chapter 3, Part 3, Division 5 of, and to amend Section 4830 of, the Health and Safety Code, relating to sanitation districts.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1122—An act to amend Sections 6860 and 6938 of the Harbors and Navigation Code, relating to river port districts

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 46—An act to amend Section 933 of the Penal Code, relating to grand juries

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted.

Amendment No. 1

On page 1, lines 8 and 9, of the printed bill, strike out "impanelment of the next succeeding", and insert "the discharge of said".

Amendment No. 2

On page 1, line 15, strike out "grand jury", and insert "presiding judge of the superior court who impaneled the grand jury for the previous calendar year"

Amendment No. 3

On page 2, strike out lines 1 to 7, inclusive.

Bill ordered reprinted, and engrossed

Assembly Bill No. 611—An act to amend Section 29610 of the Government Code, relating to the convention expenses of county officers.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Municipal and County Government, was read, and adopted.

Amendment No. 1

On page 1, line 6, of the printed bill, after "treasurer," insert "and, with prior approval of the board of supervisors, necessary deputies for each such officer,".

Bill ordered reprinted, and engrossed.

Assembly Bill No. 855—An act to amend Sections 33230, 33231.5 and 33232 of the Health and Safety Code, relating to community redevelopment law

Bill read second time, and ordered to third reading

Assembly Bill No. 1109—An act to amend Section 1944 of the Labor Code, relating to the employment of alien students as assistants and interns in state and county public social services training programs

Bill read second time, and ordered engrossed

Assembly Bill No. 1124—An act to repeal Section 6101 of the Education Code, relating to persons seeking citizenship

Bill read second time, and ordered engrossed

Assembly Bill No. 1126—An act to amend Section 25480 of the Government Code, relating to county purchases

Bill read second time, and ordered engrossed.

Assembly Bill No. 1208—An act to amend Section 50262 of the Government Code, relating to human relations commissions

Bill read second time, and ordered engrossed

Assembly Bill No. 256—An act to add Article 5 (commencing with Section 760) to Chapter 5 of Division 3 of the Harbors and Navigation Code, relating to the licensing of for-hire vessel operators.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted:

Amendment No. 1

On page 2, of the printed bill, as amended in the Assembly on March 7, 1963, between lines 16 and 17, insert

"If an applicant presents a valid operator's license issued pursuant to the provisions of the federal Motorboat Act of 1940 (Title 46, U S C, Sec. 526f), the division may issue an operator's license without requiring an examination"

Amendment No. 2

On page 2, strike out lines 5 to 10, inclusive.

Bill ordered reprinted, and re-engrossed.

Assembly Bill No. 905—An act to amend Section 11010 of the Government Code, relating to proration of costs of services provided by the State.

Bill read second time, and ordered engrossed

Assembly Bill No. 257—An act to amend Section 681 of the Harbors and Navigation Code, relating to vessels.

Bill read second time, and ordered to third reading.

Assembly Bill No. 258—An act to amend Section 5829.2 of the Public Resources Code, relating to lease of small craft harbor facilities

Bill read second time, and ordered to third reading

Assembly Bill No. 260—An act to add Sections 670 and 671 to the Harbors and Navigation Code, relating to records of Division of Small Craft Harbors

Bill read second time, and ordered engrossed.

Assembly Bill No. 389—An act to amend Sections 745.1, 745 2, and 745 6 of, and to add Sections 746 21, 746.22, 746 23, and 746 24 to the Agricultural Code, relating to the Dairy Council of California, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 981—An act to amend Section 19623 of, and to repeal Section 19631 of, the Business and Professions Code, relating to fairs and expositions

Bill read second time, and ordered engrossed.

Assembly Bill No. 1020—An act to amend Section 79 05 of the Civil Code, to amend Sections 3226 and 10379 and to repeal Section 3225 of the Health and Safety Code, relating to reports and records.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Public Health, were read, and adopted

Amendment No. 1

On page 1, line 21, and on page 2, line 1, of the printed bill, as amended in the Assembly on March 12, 1963, strike out ", and with the consent of the governing body of the jurisdiction for which the health officer acts,".

Amendment No. 2

On page 2, lines 27 and 28, strike out ", and with the consent of the governing body of the jurisdiction for which the health officer acts,"

Amendment No. 3

On page 2, lines 38 and 39, strike out ", and with the consent of the governing body of the jurisdiction for which the local registrar acts,"

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 282—An act to amend Sections 10433 and 10435 of, and to add Section 10009 to, the Health and Safety Code, relating to birth certificates

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Public Health, were read, and adopted:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 10433 and 10435", and insert "Section 10433"

Amendment No. 2

In line 2 of the title, strike out "Section 10009", and insert "Sections 10575.1 and 10575.2".

Amendment No. 3

On page 1, strike out lines 9 through 17, inclusive, and on page 2, strike out lines 1 through 23, inclusive, and insert "The specific name and address of the hospital or other facility where the birth occurred shall not be omitted from the new birth certificate unless requested by one of the adopting parents

SEC. 2. Section 10575.1 is added to said code, to read

10575.1. Certified copies of certificates of birth for records amended under provisions of Articles 4, 5, 6 and 7 of Chapter 8, Division 9, of this code shall be issued only when the applicant for the certified copy is able to furnish information, exclusive of file numbers, adequate for identification and location of the amended record

SEC. 3. Section 10575.2 is added to said code, to read

10575.2. Upon application of a parent, the local registrar or county recorder may request copy of a new birth certificate amended under the provisions of Articles 4, 5, 6 and 7 of Chapter 8, Division 9, of this code, from the State Registrar. When such a request is received, the State Registrar shall send a copy of such new certificate to the local registrar or county recorder who may then issue certified copies from such document. The copy of the new certificate returned to the local registrar or county recorder under this procedure shall be filed in the same manner as the copies of other certificates representing births which occurred during the same time period."

Bill ordered reprinted, and engrossed

Assembly Bill No. 393—An act to amend Section 79.01 of the Civil Code, relating to premarital blood tests

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 947—An act to amend Section 25750 of the Health and Safety Code, relating to atomic energy

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 948—An act to amend Sections 2601 and 2660 of the Business and Professions Code, relating to physical therapy

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 979—An act to amend Sections 4475 and 4476 of the Health and Safety Code, relating to garbage disposal

Bill read second time, and ordered engrossed

Assembly Bill No. 851—An act to amend Section 17255 of the Revenue and Taxation Code, relating to personal income tax deductions.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "17402", and insert "18402"

Amendment No. 2

On page 2, line 11, strike out "subsection (c)", and insert "subsections (a) and (b)"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 874—An act to amend Section 1510 of the Probate Code, relating to investment of funds belonging to minors without a guardian

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 875—An act to amend Section 1660 of the Probate Code, relating to the investment of surplus funds of a ward's estate by the guardian

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 876—An act to amend Sections 1147 and 1147.5 of the Probate Code, relating to duties of public administrators

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1028—An act to amend Section 717.1 of the Code of Civil Procedure, relating to proceedings supplemental to execution

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1029—An act to add Section 11580.3 to the Insurance Code, relating to the recovery of minors under uninsured motorist coverage

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1102—An act to amend Section 224 of the Civil Code, relating to custody of children

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1228—An act to amend Section 634 of the Code of Civil Procedure, relating to trials by court in civil actions

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1232—An act to amend Section 69903 of the Government Code, relating to superior court employees

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1137—An act to amend Section 710 of the Probate Code, relating to claims against estates

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Judiciary, was read, and adopted:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "endorse", and insert "indorse"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 940—An act to amend Section 258 of the Probate Code, relating to inheritance

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Judiciary, was read, and adopted:

Amendment No. 1

On page 1, line 8, of the printed bill, after the period, insert 'A conviction or *acquittal on a charge of murder or voluntary manslaughter shall be a conclusive* determination of the unlawfulness or lawfulness of a causing of death, for the purposes of this section"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1106—An act to amend Sections 5183 and 5186 of the Welfare and Institutions Code, relating to the public guardian

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Judiciary, were read, and adopted:

Amendment No. 1

On page 1, line 6, of the printed bill, after "banks", insert "or insured savings and loans associations".

Amendment No. 2

On page 1, line 11, after "are", insert "so".

Amendment No. 3

On page 1, line 11, strike out "in one or more banks"

Bill ordered reprinted, and engrossed

SECOND READING OF SENATE BILLS

Senate Bill No. 29—An act to amend Section 5715.1 of the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately.

Bill read second time, and, on request of Mr. Bee, ordered placed upon the inactive file.

Senate Bill No. 115—An act to add Article 15 (commencing with Section 6450) to Chapter 6 of Division 6 of the Education Code, relating to special educational programs for culturally disadvantaged children, and declaring the urgency thereof, to take effect immediately.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Education, were read, and adopted

Amendment No. 1

On page 2, lines 29, 30, and 31, of the printed bill, as amended in the Senate on March 8, 1963, strike out "or any program otherwise coming within the provisions of this article which was established prior to the effective date of this article"

Amendment No. 2

On page 4, line 2, strike out "his duties under", and insert "duties assigned to the department under the provisions of"

Amendment No. 3

On page 5, strike out lines 41 to 49, inclusive, and insert "members Eleven of the members shall be appointed by and serve at the pleasure of the Governor, and shall be selected by him on the basis of their demonstrated interest in the problems of culturally disadvantaged minors Six of the members appointed by the Governor shall be selected from among persons in administrative and teaching or academic positions in the public school system or in public higher education, and five shall be selected from the public generally

6460 1 The other four members shall consist of two Members of the Assembly appointed by the Assembly Committee on Rules, and two Members of the Senate appointed by the Senate Committee on Rules

The Members of the Legislature appointed to the committee shall participate in the activities of the committee to the extent that such participation is not incompatible with their respective positions as Members of the Legislature For the purposes of this act, such Members of the Legislature shall constitute a joint interim investigating committee on the subject of this act and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly

6460 2 The chairman and vice chairman of the committee shall be designated by the Governor from among the 15 members"

Amendment No. 4

On page 6, line 1, before "The members", insert "6460 3"

Amendment No. 5

On page 6, line 5, before "The committee", insert "6460 4"

Bill ordered reprinted, and to be re-referred to the Committee on Ways and Means

Senate Bill No. 158—An act to amend Section 28117 of the Government Code, relating to salaries of county officers

Bill read second time, and ordered to third reading.

Senate Bill No. 294—An act to amend Section 28126 of the Government Code, relating to compensation for public service in counties of the 26th class

Bill read second time, and ordered to third reading

Senate Bill No. 187—An act to amend Section 2418 of the Vehicle Code, relating to operation and equipment of ambulances.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Public Health, were read, and adopted

Amendment No. 1

On page 1, after line 19, of the printed bill, as amended in the Senate on February 27, 1963, insert

"SEC 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are

Presently, noncommercial ambulance service is inadequate in many rural areas of this State because of inability to meet the regulations of the Department of California Highway Patrol In order that exemptions may be made to enable more noncommercial ambulances to operate, it is necessary that this act go into immediate effect"

Amendment No 2

On page 1, line 15, after "request", insert "The State Department of Public Health shall be notified by the county boards of supervisors of any such exemptions"

Bill ordered reprinted, and returned to the second reading file

Senate Bill No. 56—An act to amend Section 1435 9 of the Probate Code, relating to transactions involving community and other property where spouse is incompetent

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 101—An act to amend Section 537 of the Code of Civil Procedure, relating to attachment

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 111—An act to amend Section 844 of the Probate Code, relating to authority of executor and administrator to lease without a court order

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 134—An act to amend Section 36 of the Civil Code, relating to contracts of minors

Bill read second time, and ordered to the Consent Calendar

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 19, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to

Senate Bill No 20
Senate Joint Resolution No 4

J A BEEK, Secretary of the Senate
By R W LYONS, Chief Assistant Secretary

SENATE CHAMBER, March 19, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 63
Assembly Bill No 120

J A BEEK, Secretary of the Senate
By GORDON ENGLISH, Assistant Secretary

Above bills ordered enrolled

SENATE CHAMBER, March 19, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No 151

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GORDON ENGLISH, Assistant Secretary

Above bill ordered to unfinished business file

SENATE CHAMBER, March 19, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 203
Senate Bill No 339
Senate Bill No 365
Senate Bill No 426
Senate Bill No 470
Senate Bill No 498

J A BEEK, Secretary of the Senate
By GORDON ENGLISH, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time

Senate Bill No. 203—An act to repeal Sections 813, 814, 1883, and 2097 of, and to amend Section 1682 of, the Education Code, relating to school districts

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 339—An act to add Section 6901 to the Public Resources Code, relating to tide and submerged lands

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 365—An act to amend Sections 1803 and 1804 of the Vehicle Code, relating to report of convictions

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 426—An act to add Section 3113 6 to the Education code, relating to school district organization

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 470—An act to amend Section 65020 2 of the Government Code, relating to the Planning Advisory Committee

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 498—An act to amend Section 2985 1 of the Civil Code, relating to transferability of real property sales contract

Held at desk by order of the Speaker pro Tempore

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 20, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Senate Concurrent Resolution No 39

J A BEEK, Secretary of the Senate
By R W LYONS, Chief Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 39—Relative to the Henry Ford Centennial

Referred by the Speaker pro Tempore to the Committee on Rules.

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means

Assembly Bills Nos. 721 and **117.**

Assembly Bills Nos. 59, 61, 783, and **786,** subsequent to engrossment.

Senate Bill No. 29.

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to committees as follows

Assembly Bill No	*Committee*
1942	Revenue and Taxation
1943	Municipal and County Government
1944 through **1950**	Revenue and Taxation
1951	Judiciary
1952	Public Health
1953	Finance and Insurance
1954	Municipal and County Government
1955	Revenue and Taxation
1956	Criminal Procedure
1957 and **1958**	Transportation and Commerce
1959	Finance and Insurance
1960	Social Welfare
1961	Transportation and Commerce
1962	Agriculture
1963 through **1965**	Governmental Efficiency and Economy
1966	Agriculture
1967	Rules
1968	Transportation and Commerce
1969 through **1971**	Governmental Efficiency and Economy
1972	Revenue and Taxation
1973	Water
1974	Finance and Insurance
1975	Rules
1976	Industrial Relations
1977	Fish and Game
1978	Public Utilities and Corporations

Assembly Constitutional Amendment No.	
33	**Revenue and Taxation**

Senate Bill No.	*Committee*
69	Education
113	Municipal and County Government
120	Revenue and Taxation
123	Judiciary
165	Water
177	Judiciary
191	Elections and Reapportionment
242	Public Health
250	Education
279	Transportation and Commerce
283	Transportation and Commerce
397 and 398	Education
401	Livestock and Dairies
414	Education
453	Municipal and County Government
494	Agriculture
507	Finance and Insurance
523	Social Welfare
527	Transportation and Commerce
569	Manufacturing, Oil, and Mining Industry
Senate Joint Resolution No.	
8	Manufacturing, Oil, and Mining Industry

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 217—An act to amend Section 22150 of the Government Code, relating to public retirement systems, declaring the urgency thereof, to take effect immediately

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, Milias, Mills, Monagan, Moreno, Mulford, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Versey, Waite, Waldie, Warren, Whetmore, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—65

NOES—None

The question being on the passage of the bill

Bill passed by the following vote

AYES—Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Johnson, Kennick, Knox,

Lanterman, Lunardi, Marks, Mihas, Mills, Monagan, Moreno, Mulford, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 574—An act to add Section 10020 to the Elections Code, relating to absentee voting.

Bill read third time, and passed by the following vote·

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Willson, Winton, Young, Zenovich, and Mr Speaker—69
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 576—An act to add Section 10020 to the Elections Code, relating to absentee voting

Bill read third time, and passed by the following vote·

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson Holmes, Johnson, Kennick Knox, Lanterman, Lunardi, Marks, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 383—An act to amend Section 15400 of the Elections Code, relating to vote-tabulating devices

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 395—An act to amend Section 172a of the Penal Code, relating to alcoholic beverages

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Donovan, Dymally, Elliott, Ferrell, Flournoy, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes,

Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—70

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1091—An act to add Section 5207 1 to the Education Code, relating to Saturday educational activities

Bill read third time

Motion to Amend

Mr Bee moved the adoption of the following amendment·

Amendment No. 1

On page 1, line 8, of the printed bill, after "attendance", insert "Such classes shall not be held unless necessary and if such Saturday classes are held, similar, or makeup classes shall be made available on other days where possible"

Amendment read, and adopted

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 841—An act to add Section 19 1 to the Welfare and Institutions Code, relating to public social services

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74.

NOES—None

Bill ordered transmitted to the Senate

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 942—An act to amend Section 9313 of the Public Resources Code, relating to soil conservation

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton Carrell, Casey, Chapel, Collier, Cologne Conrad, Crown, Cusanovich, Danielson Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene Henson, Holmes, Johnson, Kennick, Knox Lanterman Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris Porter Powers, Quimby, Rumford, Ryan, Song, Soto Stanton, Stevens Thelin Thomas Veneman, Veysey, Waite Waldie, Warren, Whetmore, Williamson, Willson Young, Z'berg Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 966—An act to amend Section 14806 of the Financial Code and to add Section 14804.2 to said code, relating to credit unions

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Fertell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 866—An act to amend Section 11501 of the Government Code, relating to administrative adjudication.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Fertell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 887—An act to amend Section 15854 of the Government Code, relating to the acquisition of real property

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Fertell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 863—An act to amend Sections 11506 and 11520 of the Government Code, relating to administrative adjudication

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Fertell, Flournoy Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 643—An act to amend Sections 10405, 10406, 10502 and 10503 of the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 716—An act to amend Section 11809 of, and to add Section 11810 to, the Vehicle Code, relating to vehicle salesman's license

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills Monagan, Moreno, Mulford, Pattee, Petris Porter Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 849—An act to amend Section 35752 of the Vehicle Code, relating to bridge signs

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 890—An act to amend Sections 11800, 11802 and 11803 of the Vehicle Code, relating to vehicle salesmen licenses

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 902—An act to amend Section 21402 of the Vehicle Code, relating to yield right-of-way signs

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Zberg, Zenovich, and Mr Speaker—76
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 799—An act to amend Section 3076 of the Labor Code, relating to apprenticeship

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Zberg, Zenovich, and Mr Speaker—76
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 575—An act to add Article 7 (commencing with Section 31900) to Chapter 5 of Division 22 of the Education Code, relating to school district elections

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Zberg, Zenovich, and Mr Speaker—76
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 532—An act to amend Sections 44030, 44031, 45900, 46175, 46355, 47800, 47801, 47805, 47807, 47808, 47809, and 47810 of, to add Sections 43006, 44032 to, and to add Article 10 (commencing with Section 46375) to Chapter 2 of Part 9 of Division 14 of, the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 973—An act to amend Section 39440 of the Water Code, relating to California water storage districts

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens Thelin, Thomas, Veneman, Veysey, Waite Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1114—An act to amend Sections 42700, 42701 and 42726 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Allen, Alquist Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

The question being on the passage of the bill
Bill passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 465—An act to amend Section 1716 of the Revenue and Taxation Code, relating to equalization of property assessments

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 468—An act to add Section 268 7 to the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76
NOES—None

The question being on the passage of the bill
Bill passed by the following vote.

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76
NOES—None

Bill ordered transmitted to the Senate.

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 181—An act to amend Section 268 of the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote·

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Puttee, Petris, Porter, Powers, Quimby, Rumford Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76
NOES—None

The question being on the passage of the bill.

Bill passed by the following vote·

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Puttee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76
NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 37—An act to amend Section 17765 of, and add Section 17750 1 to the Business and Professions Code, relating to trading stamps.

Bill passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Puttee, Petris, Porter, Powers, Quimby, Rumford, Ryan Song, Soto, Stanton, Stevens Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76
NOES—None

Bill ordered transmitted to the Senate

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 934—An act to amend Section 19140 of the Government Code, relating to reinstatement after resignation from the state civil service.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott,

Ferrell, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 519—An act to amend Sections 1121 and 1128 of the Penal Code, relating to juries in criminal cases.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—76

NOES—Thelin—1

Bill ordered transmitted to the Senate

Assembly Bill No. 209—An act to add Section 8408 5 to the Elections Code, relating to county central committees

Bill read third time

Hon. Robert W. Crown Presiding

At 10 49 a m , Hon Robert W Crown, Member of the Assembly from the 14th District, presiding

Speaker pro Tempore Presiding

At 10 51 a m , Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Ashcraft, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dills, Donovan, Foran, Gonsalves, Greene, Hinckley, Holmes, Johnson, Kennick, Knox, McMillan, Mihas, Mills, Porter, Powers, Quimby, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Williamson, Young, Zenovich, and Mr Speaker—48

NOES—Alquist, Badham, Chapel, Dannemeyer, Davis, Deukmejian, Elliott, Ferrell, Flournoy, Frew, Gaffney, Henson, Lanterman, Marks, Monagan, Moreno, Mulford, Pattee, Petris, Rumford, Stanton, Veysey, Whetmore, Willson, Winton, and Zberg—26

Bill ordered transmitted to the Senate

ASSEMBLY BILL NO. 652 PLACED ON INACTIVE FILE

Mr Cologne was granted unanimous consent that Assembly Bill No 652, which had been set as a special order of business for 10 30 a m this morning, be placed upon the inactive file

INTRODUCTION OF GUESTS

Mr Holmes introduced his wife, Ruth Holmes, and her friend Mrs John S Kendrick of Santa Barbara, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

Mr Deukmejian introduced his wife, Mrs Gloria Deukmejian, to the Members of the Assembly, who joined in welcoming her on her first visit to the Assembly Chamber

ANNOUNCEMENT

Mr Britschgi announced that today is the birthday of Assemblyman Edwin L Z'berg, whereupon the Members of the Assembly joined in extending best wishes and birthday greetings to Mr Z'berg

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 538—An act to amend Sections 5823, 5823.5 5824, 5827, 5829 1, 5829 2, 5833, 5861, and 5882 of the Public Resources Code, relating to small craft harbors

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Millas, Mills, Monagan, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford Ryan, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vasset, Waite, Waldie Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 315—An act to amend Sections 43500 and 43531 of, and to add Sections 43532 and 43533 to, and to add Article 3 (commencing with Section 43555) to Chapter 4 of Part 6 of Division 14 of, the Water Code, relating to condemnation proceedings, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read

The roll was called

Call of the Assembly

Pending the announcement of the vote, Mr Williamson moved a call of the Assembly

Mr Rumford seconded the motion

Motion carried Time, 11 16 a m

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent members

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 113

Mr. Waldie was granted unanimous consent that Assembly Rule No 113 be temporarily suspended for the purpose of placing a call of the Assembly on any matter before the House

NAME PLACED UPON ROLL CALL ON ASSEMBLY BILL NO. 209

Mr Dills was granted unanimous consent that he be recorded as voting "Aye" on Assembly Bill No 209

ANNOUNCEMENT

Mr Waldie announced that Mr Beilenson is the proud father of a baby boy, born last night in Los Angeles

INTRODUCTION OF GUESTS

Mr Alquist introduced his son, Rusty Alquist, and a group of his fellow students from the Hillbrook Schools of Los Gatos and their chaperones, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 1986: By Mr Elliott—An act to add Section 13329 1 to, and to amend Sections 14001 and 14601 of, the Education Code, relating to specially credentialled teachers

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1987: By Mr Bagley—An act to amend Section 8729 of the Business and Professions Code, relating to land surveyors

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1988: By Mr Bagley—An act to amend Section 7042 of the Business and Professions Code, relating to contractors

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1989: By Messrs Knox, Rumford, and Marks—An act to add Sections 25722, 25730, 25740, amend the heading of Article 4 (commencing with Section 25730) of Chapter 7 5 of Division 20 of, to amend Sections 25750, 25751, 25760, 25761, 25763, 25771, 25781, and 25810 of, and to repeal Section 25730 of, the Health and Safety Code, relating to atomic energy development and radiation protection

Held at desk by order of the Speaker Pro Tempore

Assembly Bill No. 1990: By Mr Knox—An act to amend Sections 2370 and 2375 of the Welfare and Institutions Code, and to amend Section 12803 of the Government Code, relating to the Citizens' Advisory Committee on Aging

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1991: By Messrs Knox and Marks—An act to add Article 8 (commencing with Section 19220) to Chapter 6, Part 2, Division 5, Title 2 of, to add Sections 18546 and 18547 to, and to amend Section 19142 of, the Government Code, relating to state civil service.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1992: By Messrs Knox and Marks—An act to add Article 7 (commencing with Section 12070) to Chapter 1, Part 2, Division 3, Title 2 of the Government Code, relating to executive reorganization

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1993: By Messrs Ashcraft, Barnes, and Burgener—An act to add Article 6 (commencing with Section 1590) to Chapter 1 of Part 2 of Division 2 of the Welfare and Institutions Code, relating to aid to needy children

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 1994: By Messrs Ashcraft, Barnes, and Burgener—An act to amend Section 118 of the Welfare and Institutions Code, relating to public assistance

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1995: By Mr Z'berg—An act to amend Section 1812 86 of, and to add Section 1812 96 to, the Civil Code, relating to health and dance studios

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1996: By Messrs Mihas, Barnes, Mulford, Conrad, Badham, and Burgener—An act to add Section 1012 to the Education Code, relating to the public school system

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1997: By Mr Cologne—An act to amend Section 4003 of the Vehicle Code, relating to the operation of vehicles exempt under permit

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1998: By Mr. Crown—An act to amend Section 723 of the Code of Civil Procedure, relating to superior court referees

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 1999: By Mr Winton—An act to add Section 28689 to the Health and Safety Code, relating to restaurant employees

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2000: By Messrs Garrigus, Carrell, Elliott, Bane, Alquist, Beilenson, Belotti, Frew, Gaffney, and Meyers—An act to add Section 23126 to the Vehicle Code, relating to public offenses

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2001: By Mr Stevens (Senator Rees, coauthor)—An act to convey an easement in state lands to the City of Santa Monica for public roadway purposes

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2002: By Mr Chapel—An act conveying in trust certain tidelands and submerged lands lying under the waters of the Pacific Ocean to the City of Palos Verdes Estates in furtherance of navigation and commerce and the fisheries and providing for the government, management and control thereof and reserving rights to the State

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2003: By Mr Petris—An act to amend Section 318 of the Agricultural Code, relating to animal fats

Held at desk by order of the Speaker pro Tempore

Assembly Constitutional Amendment No. 34: By Messrs Knox and Marks—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 7 5 to Article V thereof, relating to executive reorganization

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolutions were offered

By Mr Holmes

House Resolution No. 158

Relative to congratulating Mr Caspar Schenk on his 85th birthday

WHEREAS, It has come to the attention of the Assembly that Mr Caspar Schenk will observe his 85th birthday on April 19, 1963, and

WHEREAS, He was born, the seventh of nine children, to Joseph and Mary Schenk on April 19, 1878, at Mount Hope Farm, Black Hawk County, Iowa, and his parents were born in Sondelfingen, Southern Germany, and

WHEREAS, He graduated in 1899 from Iowa State Teacher's College in Cedar Falls, was Principal of Schools in Little Rock, Iowa, received a Ph D degree from the State University of Iowa in 1903, and received an LL B degree from Harvard Law School in 1906, and

WHEREAS, He was admitted to the Iowa State Bar with the highest marks of his class and practiced law in Des Moines for 30 years, being admitted to practice before the Supreme Court of the United States in 1928 and being awarded a Certificate of Appreciation by the Iowa State Bar Association in 1953, and

WHEREAS, Mr Schenk has always been active in civic and professional organizations, such as being Chairman of the Board of Directors of the Iowa Methodist Hospital, being a member of the Bar Association of Des Moines and the American Bar Association, being a charter member of the Des Moines branch of the National Association for the Advancement of Colored People, a member of the Masonic Blue Lodge, and judge advocate of the American Legion, devoting many years to furthering the aims of this latter organization and participating in the successful conclusion of a highly contested bonus bill for Iowa State veterans of World War I, and

WHEREAS, He maintains a keen interest in politics on all levels of government, still participating actively when possible and was once a candidate for the United States Senate under the urging of Theodore Roosevelt, and

WHEREAS, Mr Schenk served with the rank of Captain in the Infantry in France during World War I, later being promoted to Lieutenant Colonel, and was appointed Associate Production Supervisor of the United States Army Air Force at Douglas Aircraft Company during World War II, and

WHEREAS, Even though he is now retired and has lived at the Samarkand Retirement Home in Santa Barbara since 1958, he continues his lively interest in political and local affairs as he approaches his 85th birthday, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly commend Mr Schenk for his contributions of many years to the civic betterment of the nation and congratulate him on his 85th birthday, and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mr Caspar Schenk

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Messrs Z'berg and Powers

House Resolution No. 159

In memory of Highway Patrol Officer Charles Sorenson

WHEREAS, Charles Sorenson, an exemplary 32-year-old highway patrol officer, was shot and killed while attempting to take into custody two teenagers on a senseless crime spree, and

WHEREAS Officer Sorenson received a radio alert that the youths had shot a bystander and stolen a car, when he sighted them he gave immediate pursuit, when they lost control of the stolen car and fled on foot Officer Sorenson didn't hesitate to alight from his car and go after one of the youths, then two shots were heard and this gallant officer, struck twice was dead, and

WHEREAS, Charles Sorenson was born in Petaluma, attended Sacramento Junior College, studied criminology at Sacramento State College, and he leaves behind a wife and son, and

WHEREAS, This man displayed courage determination and restraint to a degree that leaves a proud memorial for his family, and, while it cannot assuage their grief, it will serve as a standard for the rest of us to measure our actions by, now, therefore, be it

Resolved by the Assembly of the State of California That the members thereof, in this way mark the death of a splendid highway patrol officer who left his community and his State with a debt that cannot be repaid, but which will be remembered, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to his widow, Melinda Sorenson

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 144	Assembly Bill No 979
Assembly Bill No 237	Assembly Bill No 984
Assembly Bill No 260	Assembly Bill No 1109
Assembly Bill No 388	Assembly Bill No 1124
Assembly Bill No 527	Assembly Bill No 1126
Assembly Bill No 745	Assembly Bill No 1208
Assembly Bill No 905	

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 393	Assembly Bill No 948
Assembly Bill No 501	Assembly Bill No 1003
Assembly Bill No 695	Assembly Bill No 1005
Assembly Bill No 713	Assembly Bill No 1028
Assembly Bill No 782	Assembly Bill No 1029
Assembly Bill No 874	Assembly Bill No 1088
Assembly Bill No 875	Assembly Bill No 1102
Assembly Bill No 876	Assembly Bill No 1122
Assembly Bill No. 908	Assembly Bill No 1228
Assembly Bill No 947	Assembly Bill No 1232

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar.

Committee on Fish and Game

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Fish and Game reports

Assembly Bill No 760

With amendments with the recommendation Amend, and re-refer to the Committee on Fish and Game

DAVIS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 18, 1963

MR SPEAKER Your Committee on Fish and Game reports

Assembly Bill No 761

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

DAVIS, Chairman

Above bill ordered to second reading

Committee on Criminal Procedure

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Criminal Procedure reports

Assembly Bill No 1012
Assembly Bill No 791

With amendments with the recommendation Amend, and re-refer to the Committee on Criminal Procedure

WINTON, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Criminal Procedure reports

Assembly Bill No 95
Assembly Bill No 880
Assembly Bill No 1040

With amendments with the recommendation. Amend, and do pass, as amended

WINTON, Chairman

Above bills ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 20, 1963

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 274
Assembly Bill No. 879

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to the Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 160
Assembly Bill No 226
Assembly Bill No. 790
Assembly Bill No 1155

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 783
Assembly Bill No 786

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 59
Assembly Bill No 61
And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to the Committee on Ways and Means.

Committee on Criminal Procedure

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Criminal Procedure reports
Assembly Bill No 307
With the recommendation · Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar.

WINTON, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Criminal Procedure reports
Assembly Bill No 831
With the recommendation: Do pass

WINTON, Chairman

Above bill ordered to second reading.

Committee on Municipal and County Government

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER The Chairman of your Committee on Municipal and County Government reports
Assembly Bill No 962
With author's amendments with the recommendation Amend, and re-refer to the Committee on Municipal and County Government

KNOX, Chairman

SECOND READING OF ASSEMBLY BILL NO. 962 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 962—An act to add Section 53733 5 to the Government Code, relating to capital outlay funds of local agencies.

Bill read second time

Motion to Amend

Mr. Greene moved the adoption of the following amendments

Amendment No. 1

On page 1, line 5, of the printed bill, after "body", insert "of any county or any special district of which the board of supervisors is the governing body,".

Amendment No. 2

On page 1, line 5, strike out the first "the", and insert "its".

Amendment No. 3

On page 1, line 7, strike out "three", and insert "five"

Amendment No. 4

On page 1, line 8, strike out "If the appropriation contains the term", and strike out lines 9 and 10, and insert "If an appropriation is made pursuant to this section the legislative body shall

(a) include the appropriation's period of availability in the legislative body's proposed and final budgets,

(b) prepare annually a capital project report showing.

(1) a breakdown of the estimated cost of each project,

(2) the means of financing each project, and

(3) the project schedule of annual appropriation of local funds to be used in the project; and

(c) include the capital project report in its proposed budget or reproduce it as a separate document and make it available to any taxpayer desiring a copy at the same time that the budget document is available for distribution."

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government

ANNOUNCEMENT BY SPEAKER

Speaker pro Tempore Bee read the following announcement by Speaker Unruh.

Beginning next Thursday, I intend to publish in the Journal the names of those members who have missed three or more committee meetings on Thursdays, unless they have a conflict or have been personally excused by the chairman

Parliamentary Inquiry

Mr Chapel arose to the following parliamentary inquiry: Will the Speaker pro Tempore please explain the announcement?

Reply by Speaker pro Tempore

Speaker pro Tempore Bee again read the announcement by Speaker Unruh to the Members of the Assembly

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER The Chairman of your Committee on Social Welfare reports:

Assembly Bill No 347

With author's amendments with the recommendation Amend, and re-refer to the Committee on Social Welfare

BURTON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 347 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 347—An act to amend Sections 3005, 3040, 3083, 3084, 3084 01, 3084 1, 3084 3, 3430, 3471, 3472, 3472 01, and 3472 1 of, to repeal Sections 3041, 3043, 3431, 3431 1, and 3432 of, and to add Sections 3084 2, 3086, 3472 5, and 3472 6 of, the Welfare and Institutions Code, relating to aid to the blind, and making an appropriation therefor

Bill read second time

Motion to Amend

Mr Burton moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "3083,"

Amendment No. 2

Strike out line 2 of the title, and insert "3084 3, 3430, 3447, 3472, and 3472 01 of, to"

Amendment No. 3

On page 1, line 3, strike out "needy"

Amendment No. 4

On page 2, strike out lines 25 to 52, inclusive, and on page 3, strike out lines 1 to 20, inclusive.

Amendment No. 5

On page 3, strike out lines 24 and 25, and insert "other sources, equals one hundred twenty dollars ($120) per month plus any adjustment reflecting cost of living changes subsequent to January 1, 1960"

Amendment No 6

On page 4, line 22, strike out "seventy-four dollars ($174)", and insert "seventy dollars ($170)"

Amendment No. 7

On page 4, strike out lines 46 to 52, and on page 5, strike out lines 1 to 12, inclusive

Amendment No. 8

On page 6, between lines 21 and 22, insert

"SEC 15 5 Section 3447 of said code is amended to read·

3447 Aid shall not be received under the provisions of this chapter by any person who owns personal or real property, or both, the county-assessed valuation of which, less all encumbrances thereon of record, is in excess of five thousand dollars ($5,000) Aid shall not be denied under the provisions of this chapter to any blind person with a plan for achieving self-support on the ground that he owns additional real or personal property, provided, that such additional property is necessary to implement his plan for achieving self-support, and provided, that the county-assessed valuation of such additional real or personal property does not exceed five thousand dollars ($5,000)

The term "personal property" shall not include a policy or policies of life insurance on the life of the applicant or recipient which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars ($1,000)

No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefore shall be made from the amount of aid granted to the recipient

Funds for readers, or an educational scholarship, or both, which have been awarded ~~by a high school, college, or university~~ to any recipient of aid under this chapter ~~while he is regularly attending any public school in this State, the University of California, or any other institution of higher learning in this State,~~ shall not be deemed property, income or resource of the recipient for any purpose and no deduction therefor shall be made from the recipient's amount of aid "

Amendment No. 9

On page 6, strike out lines 22 to 51, inclusive, and on page 7, strike out lines 1 to 3, inclusive

Amendment No. 10

On page 7, strike out line 8, and insert "hundred twenty dollars ($120) per month plus any adjustment reflecting cost of living changes subsequent to January 1, 1960"

Amendment No. 11

On page 8, line 31, strike out "seventy-four dollars ($174)", and insert "seventy dollars ($170)".

Amendment No. 12

On page 9, strike out lines 9 to 26, inclusive.

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Social Welfare

Rush Order Placed Upon Printing of Assembly Bill No. 347

Mr Burton was granted unanimous consent that a rush order be placed upon the printing of Assembly Bill No 347

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received.

STATEMENT OF GOVERNOR EDMUND G. BROWN ON TAX REFORM AND REVENUE RECOMMENDATIONS

Transmitted to the California Legislature Tuesday, March 19, 1963

To the Senate and Assembly of the Legislature of California

With this message I am submitting a two-year, two-phase series of tax reforms which should enable us to finance the services of state government through the 1964-65 fiscal year without new or higher taxes

My Budget Message, sent to you February 4, contained a general summary both of the proposals and the reasons for presenting them at this session of the Legislature In the intervening weeks you have had an opportunity to weigh my recommendations in the light of your own fiscal philosophies and to consider the comments of your Legislative Analyst

I address you today to present further evidence in support of tax reform and to correct misstatements which have given rise to an unfortunate degree of confusion

Let it be clear at the outset that I am *not* proposing new or higher taxes I propose only that tax payments become more current with the essential state services they finance

There is in the 1963-64 Budget now before you a gap between revenues and expenditures *But we can close that gap with reforms I list below, exclusive of withholding of personal income taxes* My recommendations for withholding affect not this budget but the budget for the 1964-65 fiscal year And I can tell you quite frankly that unless the withholding system is adopted this year the alternatives before us in the Budget Session of 1964 will be withholding or a tax increase

I have made a pledge that I will neither propose nor support new or higher taxes in the 1963-64 fiscal year and there is nothing in my tax reform recommendations that contradicts or evades that pledge

It is most unfortunate that partisan attempts have been made to confuse my recommendations for next year with my commitment of this year

Even a cursory reading of my Budget Message shows that we do not need withholding to balance this year's budget, but that we will need it, or a tax increase, to balance next year's budget

It is true that I could present to the current session of the Legislature only my recommendations for balancing the 1963-64 Budget and remove all possible cause of confusion But I have chosen to submit the withholding feature to you in this session, instead of in the Budget Session next year, because it will give us a longer time to prepare for the changeover and to consider possible amendments adequately in advance of enforcement

If it is your decision to enact the two-year reforms over two sessions instead of one, that is your privilege But, I repeat The necessity for enactment of withholding will be even more urgent next year and the narrow time span between enactment and compliance would create difficulties both for the State and for the taxpayer.

Admittedly, the tax reforms I recommend over the next two years will produce one-time revenue windfalls in those years But we must consider them not merely as methods of balancing our budgets over the next two years but as long-range benefits that will place this State in a much stronger fiscal position into the long future

What I propose is not new or experimental Pay-as-you-go is the policy of the federal government and of 26 of the 32 states with a general personal income tax. All have found it equitable to the employer and to the wage-earner All have found it sound public policy Governors Rockefeller of New York and Hatfield of Oregon both assure me that the sound-and-fury *precedes* the enactment of withholding. But once it is in effect both employers and wage-earners regard it as a tremendous improvement over former collection procedures

I re-emphasize that withholding must stand on its own merits. We should adopt it not as a temporary means of holding the tax line but as a wise and prudent long-range policy

The present system is grossly unfair to the taxpayer who must pick up the tab for the tax-dodger or the new family that comes to California but does not pay its first penny of income taxes until a year or more later

The present system forces the State to borrow from itself during lean revenue months and the interest cost is borne by the taxpayer

The present system is obsolete by all sound fiscal standards

I urge you to replace it with a system which will insure an orderly cash flow into our treasury, which will close loopholes now costing us many millions a year, and which will distribute the tax responsibility fairly among all our citizens.

But my immediate concern, of course, is with the first phase of my recommendations—action that must be taken to balance the 1963-64 Budget now before you.

First, however, let me summarize the essentials of our financial position My budget calls for General Fund expenditures in the coming fiscal year of $2 11 billion —an increase of $157 million over the current fiscal year Of this increase—

$85 million represents additional state support for local public schools and higher costs relating to school operation This includes $30 million in new state apportionments, approximately one-third of the amount sought by local school representatives

$18 million represents additional operating expenses at centers of higher education, approximately one-half the amount sought by those responsible for the direction of our State Colleges and University

$51 million is to be found in payments for public assistance, traceable not to new programs but to the increase in number of needy children and needy disabled and to the fact that this year we are using the surplus in our premium deposit fund before calling upon current tax revenue for adequate medical care of our senior citizens

$22 million represents General Fund salary increases ($8 9 million more will come from special funds) in sectors where present pay schedules are most seriously out of line with comparable positions in other public agencies and industry This, again, is approximately one-half the amount sought by the State Personnel Board and less than one-half the adjustment sought by the California State Employees' Association

The above requirements, together with a heavier workload in the field of corrections and moderate improvements in the field of mental hygiene, account for the increase in General Fund requirements in 1963-64

There is, of course, a multitude of minor adjustments resulting from population growth, but the four basic appropriations—none of which satisfies those most directly involved—are the determinants of our rising outgo

Tax collections and other revenues available to the General Fund in 1963-64 from existing sources are estimated at $1 94 billion This leaves a gap of $165 3 million between revenue resources and expenditure requirements.

THE FIRST PHASE—1963-64

I propose we close our revenue gap this year by using surplus oil and gas revenue for support of education and by taking the first step toward a current payment system for taxes on personal and corporation incomes and insurance premiums. This more current collection system, together with surplus oil and gas revenue and the closing of tax loopholes, will balance our budget Elimination of the features in our present law which allow postponed tax payment will alone produce $139 million in additional revenue

Let me re-emphasize that I am recommending neither an increase in the tax rate nor a broadening of the tax base, and that this first phase involves no elements of the withholding system proposed to take effect next year Rates will remain at exactly their present levels, and I propose to cancel income tax liability of less than $5 in the case of a single person and less than $10 for a couple or head of household This also would become effective in the 1963-64 fiscal year and would relieve 850,000 persons of income tax liability at a cost of only $2 5 million to the State

I do not have to spell out for you the vital statistics of our continuing population growth We are expanding at the rate of 660,000 new residents a year More than half come to us from other states and the remainder represent births within the State The dramatic element of our growth is that each year we become a younger state Our median age in 1950 was 32 1 years It was 30 years in 1960 and will fall to 27 3 in 1970 and 27 in 1975

Earl Warren once said our population growth is a bargain in terms of its eventual return to the State, and I agree It is not, however, free of immediate costs to government—costs which are not repaid in the same year we must furnish essential services This lag in revenue collections must continue to plague us unless we act to phase income more closely with outgo

Roughly half of our General Fund tax revenue is fully paid when due There is no installment option to be exercised at the discretion of the taxpayer Horse racing fees are paid daily during a racing meet Excises on cigarettes and alcoholic beverages are paid monthly The sales tax for one quarter is due the first month of the next quarter

Except for gift and inheritance taxes, the income tax and levies on insurance companies, banks and corporations—which amount to 40 percent of all General Fund taxes—are the only levies we do not collect on a reasonably current basis Instead, we must wait up to two years for payment of revenues we are spending today for today's needs It is here that I propose we take corrective action for the 1963-64 fiscal year

I recommend, therefore, that the installment privilege for the bank and corporation tax and the personal income tax be eliminated after January 1, 1964 This will have the effect of bringing 95 percent of all General Fund levies into greater phase with cost requirements

Here are my specific recommendations as they will affect banks, corporations, insurance companies and individuals

Banks and Corporations

1 Elimination of the franchise tax installment option after January 1, 1964

2 Closing of tax loopholes to bring our procedures into greater conformity with federal law affecting entertainment expenses, gifts, club dues and similar deductions This also will affect individual income taxpayers

The franchise tax is levied for the privilege of operating in California as a corporation It is measured by the net profits from California operations in the previous year and is payable in two installments—one accompanying the tax return the other six months later In the case of a corporation operating on a calendar year basis, the return and half the tax are due March 15, the remainder September 15

As the first step toward a current payment plan, the revenue program would require full payment by corporations when the return is filed Because banks and financial corporations pay taxes at a rate nearly double that of general corporations, the new schedule will allow banks and other financial firms two years in which to accomplish this first step This feature will add $82 5 million in General Fund revenue during 1963-64

Insurance Companies

The insurance tax is one of our oldest state levies It is paid for the privilege of doing business in the year in which the premiums are received In this respect it is much like the retail sales tax which is levied for the privilege of selling tangible personal property However, the retailers must remit their sales tax after each quarter, whereas insurance companies have until June of the following year to make payment

I propose to place the insurance tax and the sales tax on equal footing with regard to collections—both due in the quarter following the taxable transaction

In this respect we shall be following the lead taken some years ago by New York and in 1961 by Pennsylvania with respect to life insurance companies

Quarterly remittance of this tax after January 1964 will add $22 million to available revenue in the coming fiscal year and will provide a continuing source of $1 5 million additional General Fund revenue in future years

You will hear complaints that any change in California's insurance tax laws will invoke retaliation by other states against California companies This is possible but by no means likely

By sponsoring and securing enactment of retaliatory statutes in nearly all states, the insurance industry has insulated itself against tax increases In many cases, a state which raises its insurance tax rate risks subjecting its insurance companies to higher rates on business done in other states For this reason there have been few changes in the state levies on insurance business during recent years The share of government support contributed by insurance companies has remained stable In 1939-40 insurance companies accounted for 2 5 percent of tax revenue in all states Last year their share was 2 9 percent

In sharp contrast, 22 years ago corporate income taxes accounted for 3 0 percent of revenue in all states, last year their share was 6 3 percent

The situation is the same for California Where two decades ago the insurance industry accounted for 2 9 percent of state tax receipts, they contributed only 3 1 percent last year Bank and corporation taxes have moved from 7 7 percent of the total in 1939-40 to 12 6 percent last year

It may be alleged that quarterly payments of the insurance tax will also result in retaliation which will require similar payments elsewhere Again, I say this is possible but unlikely There was no retaliation against Pennsylvania when it placed life insurance companies on a quarterly payment basis two years ago If California joins Pennsylvania and New York in requiring quarterly remittance of this tax, other states are likely to follow and the issue of retaliation on this point will be short lived

Let me make it clear that I have no desire to injure California insurance companies, even though they may be caught in tax webs of the industry's own weaving But I do not believe that the insurance companies should either write our tax laws or circumscribe those whose responsibility it is to write these laws The mere possibility of retaliation by some states should not prevent us from adopting desirable changes in our insurance tax laws If having made these changes, there are instances of retaliation, I shall be glad to consider measures of relief at the 1965 legislative session

Individuals

I propose we eliminate, after January 1, 1964, the option of paying the personal income tax in three installments This change will have absolutely no effect on the 92 of every 100 taxpayers who already follow the practice of paying in full at the time they file their return Those with substantial tax obligations who now use the installment feature will be placed in the same position as those in the lowest brackets who must pay in full if the tax is $50 or less

The present law gives these people eight extra months in which to discharge their obligations Cancellation of this privilege as the first step in the current payment program will result in prompter collection of $35 million during the coming fiscal year

SECOND PHASE—1964-65

As the second step in an orderly transition to current payment procedures, I recommend the enactment of legislation providing for a withholding tax on personal income, effective July 1, 1964, and estimated tax payments by California banks and corporations, beginning in 1965

These changes in our state tax system will require careful advance planning both by the state administrative office and the business firms involved Adoption of the program at the current legislative session, rather than during the Budget Session of 1964, will not only provide time for this planning, but will afford opportunity for perfecting amendments, if needed, before the new procedure is actually placed in operation

Individuals

Essentials of the proposal regarding the personal income tax include

1 Payment by means of relatively minor payroll deductions starting in July 1964, supplemented by quarterly remittances by those with substantial income not subject to withholding
2 Forgiveness of one-quarter of the tax on 1964 income when the return is filed in 1965

I want to emphasize three important facts in connection with this proposal I am not proposing new or higher taxes I am not imposing the income tax on any person who does not already have a liability to pay this tax I am not asking individuals or employers to do anything they are not already doing under provisions of the federal income tax In fact, millions of individuals who are subject to the federal tax will not be affected by this part of the state tax program

On the contrary, in addition to the cancellation of tax obligations for those in the lowest tax brackets beginning next year, forgiveness of one-quarter of the tax in 1965 will reduce the amount to be paid by a great many retired persons, farmers, small business operators and others who will be in no way affected by this legislation

Because the withholding tax is probably the most important and far-reaching part of the recommended program, I want to discuss it in some detail

First, we will conform with federal laws exempting agricultural and domestic workers from withholding.

Withholding procedures will apply to only about half of those persons who are regularly employed as wage or salary workers The remainder are not subject to the income tax because of our relatively high exemptions and the various credits allowed in determining taxable income Of course, those who enter the labor force on a temporary or seasonal basis will be subject to withholding, if their pay rates exceed the minimums In all instances, refunds of any amounts overwithheld will be promptly made

Withholding provisions will apply to single persons whose annual compensation for personal services exceeds a $2,340 annual rate and to married couples whose wage and salary rate exceeds $4,680 a year The point at which withholding starts will rise approximately $600 for each dependent For a family of four with salary income of $10,000 a year, the payroll deduction will amount to $1 a week and there will be a refund of at least $4 after the annual income tax return is filed

Employers will begin deducting state income tax in July 1964 Larger firms will send this money to the Franchise Tax Board each month, with a formal tax return once each quarter. Small firms, withholding less than $100 a month, will remit quarterly

Individuals who receive income from sources other than wages and salaries will file an estimated tax declaration and remit quarterly, if the tax on such income exceeds $40 In this respect, state practice will follow that of the federal government, except that the state law will allow for a much larger income from these sources before there is an obligation to make a tax declaration and pay currently

The transition from present income tax procedures will be substantially eased by the provision forgiving one-quarter of the tax due on 1964 incomes when the tax return is filed in 1965 In making this allowance, California will be the first state to adopt a forgiveness feature without at the same time raising tax rates or reducing exemptions New York, Minnesota and Wisconsin, the only other states granting forgiveness, all increased the amount of their levies before canceling tax obligations

I do not claim this transition can be made without an overlap in tax payments During the period which begins July 1, 1964, and ends June 30, 1965 many of our people will pay one and one-fourth year's tax However, hundreds of thousands whose tax payments are not changed by the transition—those living on moderate retirement incomes, many small businessmen and farmers—will actually pay only three-quarters of their normal tax

So let me quiet once and for all the specious claim that this is double taxation or two-years' tax in one, or any of the other false statements concerning this period of transition

From the taxpayer's viewpoint the principal advantages of the proposed current payment plan are convenience and ease of payment The great majority of taxpayers will find their state income tax obligation fully paid through the paycheck deduction

There will be no more need to meet last year's tax debt from this year's reduced income, as now occurs in the year after retirement or after a reduction in current earnings Similarly, there will be far less likelihood that the lump-sum tax payment, or an installment, will coincide with the unforeseen expense of an illness or an accident

A more equitable distribution of the taxload is a third advantage of current payments In a state such as California, even with outstanding tax administration and enforcement, many escape taxation entirely Some leave the State Others manage to keep one step ahead of the tax collector until collection expense becomes costly and the tax is written off by the State as a bad debt Still others evade the tax until one or another feature of the present enforcement program uncovers their delinquency

Under withholding tax procedures, these types of evasion and avoidance will become far more difficult, if not impossible, and these people will start to pay their share of the cost of state governmental activities currently for the first time

On adopting the withholding system, New York collected $40 million more than it expected to receive on the basis of experience This represented 5 percent of its total collections Maryland raised its collections 11 5 percent, Kentucky 9 percent and Utah 6 5 percent It is entirely reasonable to expect that California, despite excellent present administration, will uncover some evasion and the revenue estimate, therefore, contains an allowance of $10 million—an amount equal to roughly 3 percent of the present receipts—to cover this aspect of the improved tax program

The cost of compliance should also be placed in proper perspective. All employers are currently deducting federal withholding tax This plan will involve merely an extension of existing procedures In all instances the cost should be nominal

Similarly, there will be additional expense to the State The initial cost is estimated at $2 5 million, but this expense will be reduced as present administrative practices are discontinued and the full economies of modern tax machinery and methods are realized

Of the 32 income tax states, 26 now use the current payment plan in one form or another The list includes such major industrial states as New York and Massachusetts, such progressive states as Minnesota and Wisconsin, such conservative states as Vermont and Virginia, and the new States of Alaska and Hawaii Nine of the 18 western states use this collection procedure Approximately 85 percent of all state income tax nationally is now collected in this way.

I am, therefore, not proposing an innovation nor imposing burdens not generally carried by the citizens and the employers of more than half of our sister states

Current payment of the income tax through withholding and tax declarations will produce an estimated $96 2 million for the State General Fund This, coupled with the loophole closing and other revisions recommended for the coming fiscal year, will total $99 1 million in receipts from this source during 1964-65

Banks and Corporations

The essential points of my recommendations regarding the bank and corporation tax to be made effective in 1964-65 are

1 Provision for an estimated tax return by larger banks and corporations beginning in 1965

2 Credit for the double tax paid in the past by most of our corporations.

The franchise tax is levied for the privilege of operating in California as a corporation It is now measured by the net profits from California operations in the previous year and is payable in two installments—one accompanying the tax return, the other six months later In the case of a corporation operating on a calendar-year basis, the return and half the tax are due March 15, the remainder September 15

The essence of my proposal with regard to this tax is that the measure of the tax for the privilege of operating in a current year shall be the profits of that year This will involve an estimate of earnings, partial payments as the year progresses and a final settlement after the year-end Calendar year corporations and banks would estimate their earnings for 1965 and pay half the tax in June of that year The remainder would be paid in December and a final tax return would be made in March 1966

In order to limit the application of this procedure and avoid possible hardship upon small corporations, I recommend that estimates and current payments should be required only when annual taxable earnings exceed $25,000

Under present law, newly organized corporations and those extending their operations to California pay a double tax in their second year Both taxes are measured by their first-year profits One is for the privilege of having operated in that first year and the other is for the privilege of operating in year two In lieu of partial tax forgiveness for all corporations, I recommend that those which have paid a double tax under this feature of the present law be given a credit against the tax on 1964 profits—payable in 1965—in the amount of this double tax, a sum estimated at $85 million

This plan will also close one of the major loopholes in our corporation tax law. The provision making one year's profit the measure of the next year's tax is a standing invitation for fly-by-night operators and single project corporations to concentrate tax-free income in the last year of operation Under my recommendations this channel of evasion will be closed

The tax payment by banks and corporations, less the credit offset, will produce $32 million additional General Fund revenue in the 1964-65 fiscal year This, together with the final installment payment of the 1964 bank tax and the loophole closing amendments recommended for the coming fiscal year, will provide a total of $44 million additional revenue from the bank and corporation tax in 1964-65 An estimated $40 million will be added in the following fiscal year as the accelerated payment program is fully achieved

The estimated tax procedure and current payment plan recommended for banks and corporations is neither new nor costly of administration The federal government now requires that such an estimate and tax payment from the larger corporations be made in September and the revenue bill now before Congress advances this date to March Oklahoma has followed this plan since 1961 and Georgia has just recently adopted such a program

In all, less than 20,000 corporate taxpayers will be required to file an estimate of current earnings, thus, the cost of compliance and state expense will be a minute fraction of the revenue involved

Insurance Companies

I also urge you to take action at this session towards elimination of the so-called principal office deduction currently given insurance companies It would not take effect until the 1964-65 fiscal year—and would have no effect on the budget now

before you But action should be taken this session if this proposal is to appear as a constitutional amendment on the 1964 ballot

The insurance tax is levied in lieu of all other taxes upon the insurance industry, except real estate taxes and motor vehicle fees This blanket exemption includes not only state taxes but local privilege taxes as well, both on the insurance companies and on their salesmen

If the insurance company owns a principal office in this State, the local property taxes paid on such holdings may be offset against the state insurance tax. Last year this offset amounted to $4,291,000 and it is increasing at approximately $500,000 a year

Curiously, only one out of every seven insurance companies has taken advantage of this deduction In many instances the home office is principally an insurance company office But in many other instances it is a commercial structure, housing stores, offices, garages and other business tenants in direct competition with other commercial building operators who receive no offset against their state tax obligations

A constitutional amendment and the necessary statutory changes would eliminate this subsidy to one-seventh of the insurance companies If this is done, the 2 35 percent tax rate will apply equally to all insurers, except those engaged in ocean marine business who pay 5 percent of their underwriting profits It will end the state subsidy for one commercial structure in competition with another, and it will return $5 3 million to the State Treasury in 1964-65

I recommend, also, that revenue from the surplus line brokers' tax be deposited in the State General Fund rather than the Insurance Fund

The surplus line brokers' tax applies to insurance placed by a broker with a company which has not been admitted to sell insurance in this State. Except that the rate is 3 percent and collections go to support the Insurance Commissioner s office, it is exactly like the gross premiums tax collected for support of general government

In total, elimination of the principal office deduction, estimated to be $5 3 million in 1964-65, earlier realization of the growth in the insurance tax base, and this broader use of the surplus line tax will produce $7 5 million for the State General Fund in 1964-65 and even larger amounts in subsequent years

* * *

The General Fund revenue effect of this co-ordinated program is estimated to be $151 million in 1964-65 This, however, is by no means its total dimension It will provide at least $96 million in 1965-66 and a minimum of $62 5 million a year on a continuing basis as long as California maintains its recent growth rate Part of this will come through better tax enforcement, part through the closing of loopholes in the present law, part as the result of our inevitable growth Make no mistake, I am not asking you merely to harvest a tax windfall but to adopt the modern methods of tax administration now employed by many other states

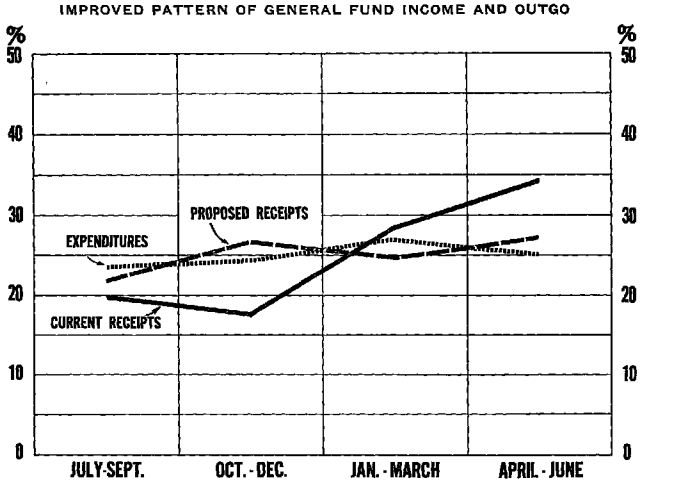
Another important result of the recommended program will be the marked improvement in the flow of General Fund revenue and a better relationship between income and outgo, as shown in the accompanying chart The trough now experienced in the October-December quarter under the present system will be eliminated and peak flow of the April-June period will be materially reduced This will eliminate the necessity of borrowing from special funds

There are those who would postpone action on the withholding tax program and the current payment plan for corporations These people are not facing the problem of providing this year's services for this year's population out of last year's income I can assure them that the problem will not vanish and it will not diminish in size As long as our public school enrollments continue to grow by more than 220,000 a year, we must provide for increases of more than $44 million in apportionments for school support As long as we have 12,500 more students each year seeking an education at our State Colleges and University, we must provide additional millions for support of these centers So long as we gain 600,000 new citizens each year, we must provide the governmental services these persons require

Despite our tremendous population growth, California in the last four years has established one of the most outstanding tax records of any of the 50 states Over the four years from 1958 through 1962, the per-capita tax increase here—19 percent—has been half the increase shown in the nine other major industrial states and less than half that experienced in New York

The record is even more enviable when expressed in terms of our growing volume of personal income California's 10 percent increase in state tax burden per $100 of personal income compares with 16 7 percent in other states combined, 22 percent in the other industrial states and 31 5 percent in New York.

IMPROVED PATTERN OF GENERAL FUND INCOME AND OUTGO



This chart shows the improvement in the flow of State General Fund revenue which will result from income tax withholding and current tax payments by banks, general corporations and insurance companies. The revenue slough experienced in the October-December quarter under the present system will be eliminated, and the peak flow of the April-June quarter will be materially reduced by the proposed plan. At the same time revenue receipts in every quarter will more closely align with expenditure requirements of that quarter.

Adoption of the revenue program I have here recommended will make it possible to continue this outstanding record for another two years, when the economic growth resulting from the reduction in federal taxes will drastically cut, if not actually eliminate, the present gap between General Fund resources and expenditure requirements.

Temporary and Permanent Revenue Effect Under Current Payment Program

Personal Income	*1963-64*	*(In millions) 1964-65*	*1965-66*	*1966-67*
Eliminate installments privilege	$350			
Eliminate tax liability below $5 singles and $10 married or head of family	—25	—$25	—$25	—$25
Adopt conformity in expense accounts, etc	05	07	05	05
Adopt withholding				
Growth and windfall		1639	224	250
Compliance		170	170	100
Awaiting refunds		50	100	100
Forgiveness		—850	--	--
Total	$330	$991	$474	$430

Bank and Corporation	*1963-64*	*(In millions) 1964-65*	*1965-66*	*1966-67*
Eliminate installment privilege	$82 5	$8 0		
Adopt conformity in expense accounts, etc	1 0	1 2	$1 4	$1 5
Adopt current payment program				
Growth and windfall		89 8	60 0	12 0
Elimination of double tax on new corporations		—6.0	—6 5	—3 0
Credit for double tax paid in the past by most corporations		—49 0	—14 7	
Total	$83 5	$44 0	$40 2	$10 5
Insurance				
Quarterly payments—growth and windfall	$22 0	$1 5	$1 5	$1.5
Eliminate principal office deductions		5 3	5 8	6 3
Transfer surplus line brokers		0 7	0 7	0 7
Total	$22 0	$7 5	$8 0	$8 5
Gift				
Conform to federal law on annual exemptions	$0 5	$0 5	$0 5	$0 5
Total Revenues	$139 0	$151 1	$96 1	$62 5
One time	139 5	100 2	42 3	
Permanent	—0 5	50 9	53 8	62 5

These projections assume continuing growth in California's economy stimulated in part by adoption of the federal tax reduction program now before Congress

THE NEED FOR TAX STUDY

Our present structure of taxation at the city, county and state levels is an anachronism, based on realities that existed decades ago, but exist no longer

History and California's spectacular growth have demolished many of the tax relationships among the various levels of government

Some of the basic questions needing answers are

What are the fiscal requirements of the tasks of government in California?

Which of these should be carried by cities, which by counties, and which by the State?

What are the fiscal relationships between and among these levels of government?

Who should collect the needed tax revenues to perform these tasks?

Should the State continue to finance or collect the taxes for functions which are clearly identified as local responsibilities?

Or should new tax authority be made available to local governments?

What is the impact of the tax burden on the various segments of our economy and society?

Is the burden equitably distributed or does it need to be repackaged so we all carry our fair share of the load?

What is the impact of federal taxation on our economy and how does it relate to our tax system?

Are we earmarking too large a share of revenues for specific purposes, and is this done on a sound basis?

Do we have a structure which easily permits adjustments necessary to meet changing conditions and needs?

Is the system such that the taxpayer can readily identify what his money is used for and by whom?

We need the answers, and in order to obtain them, legislation will be introduced shortly to appropriate the necessary funds to conduct the survey

I am recommending that a nationally recognized taxation expert from outside California with the highest credentials in the field be retained to direct the study

He should be jointly responsible to the Governor, acting through the Director of Finance, and the Legislature, acting through whatever committee or representatives the Legislature selects

I propose that a Tax Advisory Commission, composed of leading representatives of the business community and state and local government, be created to advise on the scope and direction of the survey

In addition, I urge the formation of a technical advisory committee of tax experts representing various segments of the economy and state and local government. Such a committee would assist and advise the Tax Research Director and serve as a technical link between him and the Tax Advisory Commission

If these steps are taken now, California will be in a position to proceed realistically on tax problems at the beginning of the next regular legislative session.

If they are not taken, the State, in my judgment, will be faced with ever-mounting tax inequities that injure both the citizen taxpayer and California

* * *

I recommend the two-year program before you without reservation. But I also recognize that it does not fully answer all the questions of the future

The program would see us through until 1965, and it would favorably influence the situation which will then be before us, but the fact remains that there will be many intervening and now unknown economic events both nationally and in California

I am therefore proposing that we act now to authorize a comprehensive tax study which will provide the facts for any necessary legislative action in 1965

EDMUND G. BROWN, Governor

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER The Chairman of your Committee on Finance and Insurance reports

Assembly Bill No 560

With author's amendments with the recommendation Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 560 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 560—An act to add Section 2944 to the Civil Code, relating to statements

Bill read second time

Motion to Amend

Mr Ryan moved the adoption of the following amendments·

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 2944", and insert "Sections 2944 and 2985 2".

Amendment No. 2

On page 1, line 6, strike out "and deliver to", and insert ", at the request of, and deliver to,"

Amendment No 3

On page 1, after line 12, insert

"Every person who violates this section is guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200)

SEC 2 Section 2985 2 is added to said code, to read

2985 2 Each time a periodic payment is made under a real property sales contract, the vendor, or his assignee or authorized agent, shall prepare, at the request of, and deliver to, the vendee, or his authorized agent, or successor in interest, a written statement showing the amount of the unpaid balance of the obligation and the interest rate, the amount of periodic payments which have been made, the amount paid for taxes and interest, and the date on which the obligation is due in whole or in part

Every person who violates this section is guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) "

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance.

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER: Your Committee on Transportation and Commerce reports

Senate Bill No 28

With amendments with the recommendation Amend, and re-refer to the Committee on Transportation and Commerce.

CARRELL, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports.

Assembly Bill No 267
Assembly Bill No 340
Assembly Bill No 883
Assembly Bill No 1168

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

CARRELL, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No. 569
Assembly Bill No 924
Assembly Bill No 1185

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

CARRELL, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 904
Assembly Bill No 906
Assembly Bill No 946

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

CARRELL, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 19, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Concurrent Resolution No 38

With the recommendation Be adopted, as amended

Pursuant to the provisions of Joint Rules Nos. 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

CARRELL, Chairman

Above resolution ordered on file

ANNOUNCEMENT

Speaker pro Tempore Bee announced that the present plan of procedure is that the Assembly will be in session on Friday, March 22, 1963, and that the House will convene at 10 a.m. tomorrow morning, instead of at 9 30 a m

CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO 315

At 11 35 a.m., on motion of Mr. Waldie, seconded by Mr. Williamson, further proceedings under the call of the Assembly were dispensed with.

Request for Unanimous Consent to Expunge Record, and Rescind Action on Urgency Clause to Assembly Bill No. 315

Mr. Williamson was granted unanimous consent to expunge the record, and rescind the action whereby the Assembly, on this day, refused adoption to the urgency clause to Assembly Bill No 315

Further consideration of Assembly Bill No 315 ordered passed on file

APPROVAL OF JOURNALS

On motion of Mr Waldie, the Assembly Daily Journals for Monday, March 11, 1963; Tuesday, March 12, 1963; Wednesday, March 13, 1963, and Thursday, March 14, 1963, were approved, as corrected by the Minute Clerk

ADJOURNMENT

At 11 38 a m, on motion of Mr Waldie, the Speaker pro Tempore declared the Assembly adjourned until 10 a m, Thursday, March 21, 1963.

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FORTY-FOURTH LEGISLATIVE DAY

FIFTY-FOURTH CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Thursday, March 21, 1963

The Assembly met at 10 a m
Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk
Assistant Clerk William Greene reading.

ROLL CALL

The roll was called, and the following answered to their names

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brutsche, Burgener, Burton, Cartell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Denkmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Partee, Petris, Potter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vesey, Waite, Waldie, Warren, Wheatmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev Robert R Ferguson.

Eternal God, We confess that we need that inner quality of life which the early Christians called "Joy" We've increased in our scientific knowledge and are skilled in the art of putting certain ingredients together so that we have a momentary lift and the illusion of happiness, but our songs soon become blurred

We pray for an inner quality of life not dependent upon external happenings May our lives not be mere weathervanes turning with the current winds, tides, and stimuli

May we find steadfastness through Thy gift of joy and peace which qualities of life are so deep, no external happenings can upset our ability to do our work and destroy the quality of inner integrity

In our Master's name—AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr. Badham then led the Assembly in the pledge of allegiance to the Flag

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Burgener, seconded by Mr. Mihas.

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of legislative business elsewhere·

Mr. Ferrell, on motion of Mr Waldie.

COMMUNICATIONS

The following communication was presented by the Chief Clerk from

Joseph L. Kaulick of Sylman, relative to Sunday closing Referred by the Speaker pro Tempore to the Committee on Governmental Efficiency and Economy.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time.

Assembly Bill No. 2004: By Messrs Ferrell, Danielson, Waldie, and Zenovich—An act to add Article 17 (commencing with Section 2500) to Chapter 5, Division 2 of the Business and Professions Code and to amend Section 23701d of the Revenue and Taxation Code, relating to use of lysurgic acid diethylamide.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2005: By Mr Foran—An act to amend Sections 8687 and 8693 of the Fish and Game Code, relating to gill nets

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2006: By Messrs. Marks and Knox (Senator Miller, coauthor)—An act to add Part 2 8 (commencing with Section 12900) to Division 3 of Title 2 of the Government Code; to amend Sections 157, 8871, 8874, and 19411 of the Education Code; to add Section 1190.2 to, and to amend Section 1191 1 of, the Code of Civil Procedure; to amend the heading of Chapter 11 (commencing with Section 13875) of Part 3 of Division 3 of Title 2, Sections 7 8, 4210, 11005, 11200, 11270, 11370 2, 12040, 13325, 13572, 13722, 13730, 13751, 13752, 13877, 13878, 13879, 13880, 13881, 14000, 14005, 14006, 14030, 14031, 14033, 14100, 14105, 14150, 14155, 14251, 14254 5, 14255, 14256, 15770, 15792, 15807, 15817, 15848, 54153, 54155, 54157, 54158, 54159, 54163, and 54164, and to repeal Section 11092, Article 6 (commencing with Section 12260) of Chapter 3, Part 2, Division 3, Title 2 of, Sections 13006, 13008, 13009, 13408, the headings of Article 1 (commencing with Section 13720), Article 2 (commencing with Section 13730),

and Article 3 (commencing with Section 13750), of Chapter 7, Part 3, Division 3, Title 2 of, and Sections 13720, 13721, 13750, 13800, 13875, 13876, and 20985 of, and to add Sections 13079 and 13080 to, the Government Code; to amend Sections 13100, 13143 and 19151 of, to add Sections 13100 01 and 13100 02 to, and to repeal Sections 13110, 13111, and 13111 2 of, the Health and Safety Code; to amend Sections 1773 6 and 1773 7 of the Labor Code, to amend Section 1203 03 of the Penal Code; to repeal Sections 6219 and 6219 1 of the Public Resources Code; to amend Section 3125 of the Unemployment Insurance Code; and to amend Sections 1752 1 and 1760 5 of the Welfare and Institutions Code, relating to the reorganization of the Department of Finance and for that purpose creating a Department of General Services

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2007: By Mr Cologne—An act to amend Section 17255 of the Revenue and Taxation Code, relating to personal income taxes

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolution was offered:

By Mr Foran

House Resolution No. 160

Relative to apprenticeship training

WHEREAS, There is in this State a great, steadily increasing need for skilled labor which is not being fulfilled by the present labor force, and

WHEREAS, This presents a serious problem which demands immediate attention, and

WHEREAS, This problem can, in part, be met by effective, well-planned apprenticeship type and other training programs designed to meet present needs and to anticipate needs which will arise in the future, and

WHEREAS, Such a program should be designed to induce maximum participation and co-operation of management and labor; and

WHEREAS, There is need for expansion of the State's present apprenticeship training program in this regard, now, therefore, be it

Resolved by the Assembly of the State of California, That it is appropriate at this time that a study be undertaken of the operation, administration, and effectiveness of the State's present apprenticeship training program, and be it further

Resolved, That the Assembly Rules Committee is directed to assign the subject matter of this resolution to an appropriate interim committee for study and to direct the interim committee to report its findings thereon, together with its suggestions for proposed legislation, to the Assembly not later than the fifth legislative day of the 1965 Regular Session of the Legislature

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER: The Chairman of your Committee on Ways and Means reports Assembly Bill No 112

With author's amendments with the recommendation. Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 112 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 112—An act to add Sections 20962.5, 21405, 27229.1, 27266.1, 30321.5, 30586, 32226.5, 32475, 34503, 34808, 37658, 40104, 40659, 55187, 55309, 55917, 55930.5, 55950.5, 55959.5, 55967.5, 60122.5, 60156, and 71312 to, to add Chapter 2.5 (commencing with Section 27050) to Part 11 of Division 11, Chapter 6 (commencing with Section 28000) to Part 11 of Division 11, Chapter 2.5 (commencing with Section 37600) to Part 8 of Division 13, Chapter 2.5 (commencing with Section 48300) to Part 10 of Division 14, and Chapter 2.6 (commencing with Section 55905) to Part 5 of Division 16 of, and to amend Sections 30321, 30322, 60122, 60123, and 60124 of the Water Code, to amend Sections 71191 and 71192 of the Water Code, as added by Senate Bill No. 15; to amend Section 3 of, and to add Section 14.1 to, the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), to add Sections 8.5, 20.5, 40.5, and 41.5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), to add Sections 4.5 and 7.1 to Chapter 641 of the Statutes of 1931; to add Sections 8.5, 19.5, 47.5, 49.6, 50.5, and 57.5 to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), and to add Section 12171 to the Government Code, relating to information regarding the formation, change of boundaries, merger, consolidation, and dissolution of water districts

Bill read second time

Motion to Amend

Mr. Porter moved the adoption of the following amendments.

Amendment No. 1

In line 7 of the title of the printed bill, as amended in the Assembly on March 11, 1963, strike out "2.5", and insert "2.4"

Amendment No. 2

In line 8 of the title, strike out "37600", and insert "37590".

Amendment No. 3

On page 2, line 3, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 4

On page 2, line 14, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate".

Amendment No. 5

On page 2, line 30, after "land", insert ", or reference to a map showing the boundaries of such excluded or included land, which map shall be attached to the certificate"

Amendment No. 6

On page 2, line 43, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 7

On page 3, line 9, after "land", insert ", or reference to a map showing the boundaries of the annexing district as enlarged by the annexed land, which map shall be attached to the certificate"

Amendment No. 8

On page 3, line 41, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate".

Amendment No. 9

On page 4, line 11, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 10

On page 4, line 25, after "land", insert ", or reference to a map showing the boundaries of the excluded land, which map shall be attached to the certificate"

Amendment No. 11

On page 4, line 38, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate".

Amendment No. 12

On page 4, line 49, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 13

On page 5, line 1, after "Chapter", strike out "2 5", and insert "2 4".

Amendment No. 14

On page 5, line 1, after "with", strike out "37600", and insert "Section 37590"

Amendment No. 15

On page 5, line 4, strike out "2 5", and insert "2 4".

Amendment No. 16

On page 5, line 7, strike out "37600", and insert "37590"

Amendment No. 17

On page 5, line 13, after "land", insert ", or reference to a map showing the boundaries of such excluded or included land, which map shall be attached to the certificate"

Amendment No. 18

On page 5, line 33, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 19

On page 5, line 44, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 20

On page 6, line 13, after "land", insert ", or reference to a map showing the boundaries of such excluded or included land, which map shall be attached to the certificate"

Amendment No. 21

On page 6, line 24, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 22

On page 6, line 35, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 23

On page 6, line 51, after "land", insert ", or reference to a map showing the boundaries of such included land, which map shall be attached to the certificate"

Amendment No. 24

On page 7, line 44, after "withdrawn", insert ", or reference to a map showing the boundaries of the land withdrawn, which map shall be attached to the certificate"

Amendment No. 25

On page 8, line 3, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 26

On page 8, line 27, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 27

On page 9, line 2, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 28

On page 11, line 33, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 29

On page 12, line 15, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 30

On page 12, line 30, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 31

On page 12, line 42, after "district", insert ", or refence to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 32

On page 13, line 3, after "land", insert ", or reference to a map showing the boundaries of such excluded or included land, which map shall be attached to the certificate"

Amendment No. 33

On page 13, line 25, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No 34

On page 13, line 37, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 35

On page 13, line 48, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 36

On page 14, line 9, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendment No. 37

On page 14, line 21, after "land", insert ", or reference to a map showing the boundaries of such included land, which map shall be attached to the certificate"

Amendment No. 38

On page 14, line 36, after "land", insert ", or reference to a map showing the boundaries of such annexed land, which map shall be attached to the certificate"

Amendment No. 39

On page 15, line 9, after "excluded", insert ", or reference to a map showing the boundaries of such excluded land, which map shall be attached to the certificate"

Amendment No. 40

On page 15, line 17, after "orders", insert ", ordinances or resolutions"

Amendment No. 41

On page 15, strike out lines 18 to 20, inclusive, and insert "filed"

Amendment No. 42

On page 15, line 24, after "certificates", insert ", maps,"

Amendment No. 43

On page 15, line 24, after "orders", insert ", ordinances or resolutions".

Amendment No. 44

On page 15, line 40, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate".

Amendment No. 45

On page 16, line 8, after "district", insert ", or reference to a map showing such boundaries, which map shall be attached to the certificate"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER The Chairman of your Committee on Transportation and Commerce reports

Assembly Bill No 66

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Transportation and Commerce.

CARRELL, Chairman

SECOND READING OF ASSEMBLY BILL NO. 66 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 66—An act to amend Sections 405 and 21960 of the Vehicle Code, relating to motor-driven cycles

Bill read second time

Motion to Amend

Mr Carrell moved the adoption of the following amendments

Amendment No. 1

On page 1, line 4, of the printed bill, after "scooter," insert "with a motor which produces not less than 10 horsepower and"

Amendment No. 2

On page 1, line 17, after "hour", insert "and having not less than 10 horsepower".

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Transportation and Commerce.

REPORTS OF STANDING COMMITTEES

Committee on Manufacturing, Oil, and Mining Industry

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER: Your Committee on Manufacturing, Oil, and Mining Industry reports

Assembly Bill No 1151

With the recommendation: Do pass

KENNICK, Chairman

Above bill ordered to second reading

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER: Your Committee on Elections and Reapportionment reports

Assembly Constitutional Amendment No 4

With the recommendation That the resolution be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study.

ALLEN, Chairman

Subject matter of the above resolution referred to the Committee on Rules.

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports

Assembly Bill No 659

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ALLEN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports

Senate Bill No 58

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ALLEN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports

Assembly Bill No 182

With amendments with the recommendation Amend, and do pass, as amended

ALLEN, Chairman

Above bill ordered to second reading

Committee on Rules

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Rules reports

Senate Concurrent Resolution No 17

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

BANE, Chairman

Above resolution ordered on file

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Rules reports

Assembly Joint Resolution No 24

With the recommendation. That the resolution be re-referred to the Committee on Criminal Procedure

BANE, Chairman

Above resolution re-referred to the Committee on Criminal Procedure

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 1091

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered to third reading

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Constitutional Amendment No 5

And reports the same correctly engrossed

POWERS, Chairman

Above resolution re-referred to the Committee on Constitutional Amendments

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 347
And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Social Welfare

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Concurrent Resolution No 29—Relative to issuing additional sets of motor vehicle license plates and tabs to each Member of the Congress from the State of California,
And reports the same correctly enrolled, and presented to the Secretary of State on the 21st day of March, 1963, at 9 30 a m

POWERS, Chairman

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 52—An act to amend the heading of Article 12 of Chapter 6 of Division 5 of, and to amend Section 2451 of, the Education Code, relating to school district organization,
Assembly Bill No 89—An act to amend Section 26101 of the Water Code, relating to irrigation districts,
Assembly Bill No 301—An act to amend Section 24386 of, and to add Section 24381 to, the Health and Safety Code, relating to motor vehicle air pollution;
Assembly Bill No 337—An act to amend Section 4148 of the Agricultural Code, relating to the marketing of dairy products;
Assembly Bill No. 416—An act to amend Section 637 5 of, and to add Section 637 6 to, the Agricultural Code, relating to yogurt,
And reports the same correctly enrolled, and presented to the Governor at 9 30 a m, March 21, 1963

POWERS, Chairman

Committee on Rules

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Rules reports
Senate Joint Resolution No 5
With the recommendation That the resolution be re-referred to the Committee on Finance and Insurance

BANE, Chairman

Above resolution re-referred to the Committee on Finance and Insurance

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file

Assembly Bills Nos. 1188, 784, 785, 46, 318, 611, 256, 1020, 282, 851, 1137, 940, and 1106.

Senate Bill No. 187.

Assembly Bills Nos 1188, 46, 318, 611, 282, 940, and 1106 ordered to third reading, subsequent to engrossment

Assembly Bill No 256 ordered to third reading, subsequent to re-engrossment

Assembly Bills Nos 784, 785, 851, and 1137 ordered to the Consent Calendar, subsequent to engrossment

Assembly Bill No 1020 ordered to the Consent Calendar, subsequent to re-engrossment

Senate Bill No 187 ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 891—An act to amend Sections 15010 5, 15031, 15041 and 15042 of, and to add Section 15010 6 to, and to repeal Section 15029 of the Corporations Code, relating to the dissolution of partnerships

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Public Utilities and Corporations, were read, and adopted.

Amendment No. 1

In line 1 of the title of the printed bill, strike out ", 15031, 15041 and 15042", and insert "and 15031"

Amendment No. 2

In lines 2 and 3 of the title, strike out "and to repeal Section 15029 of"

Amendment No. 3

On page 1, line 15, strike out "15031(4) of this code", and insert "subdivision (4) of Section 15031"

Amendment No. 4

On page 2, line 23, strike out "of the Corporations Code is added", and insert is added to the Corporations Code"

Amendment No. 5

On page 2, strike out lines 38 to 43, inclusive

Amendment No. 6

On page 2, line 44, strike out "SEC 4", and insert "SEC 3"

Amendment No. 7

On page 3, line 2, strike out *the period, and insert a comma*

Amendment No. 8

On page 3, between lines 28 and 29, insert
"None of the provisions of any other section of this chapter shall prevent, or impair the effect or enforceability of, any agreement in writing that a partnership will not be dissolved as provided for in subdivision (4) or (7) of this section"

Amendment No. 9

On page 3, strike out lines 29 to 52, inclusive, and strike out all of pages 4 and 5

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Utilities and Corporations

Assembly Bill No. 1148—An act to add Chapter 4 5 (commencing with Section 25550) to Division 1, Title 4 of the Corporations Code, relating to corporations.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Public Utilities and Corporations, were read, and adopted

Amendment No. 1

In line 2 of the title of the printed bill, after "of", insert ", and to amend Sections 2200, 2204, 2210, 2230, and 3006 of,"

Amendment No. 2

On page 1, line 6, strike out " "Publicly", and insert "For the purpose of this chapter, "publicly"

Amendment No. 3

On page 1, line 7, after "record", insert "on the last day of its preceding fiscal year"

Amendment No. 4

On page 2, line 17, strike out "protections", and insert "protection"

Amendment No. 5

On page 2, line 24, after "California", strike out the period, and insert "on the last day of its preceding fiscal year "

Amendment No. 6

On page 2, line 42, strike out "corporation", and insert "company".

Amendment No. 7

On page 2, line 43, strike out "legal", and insert "not less than 10 days".

Amendment No. 8

On page 2, line 51, after "and", insert "not later than the date of such mailing to such shareholders, shall mail or deliver"

Amendment No. 9

On page 3, lines 13 and 14, strike out "are filed with and not disapproved by the commissioner,"

Amendment No. 10

On page 3, line 17, strike out "issuer", and insert "company".

Amendment No. 11

On page 3, lines 20 to 24, strike out "If such proxies and proxy statements are tendered in time to be mailed in the same envelope with the proxy statement by the management of the company, they shall be mailed in the same envelope and the mailing costs shared ratably."

Amendment No. 12

On page 3, line 32, strike out "circmstances", and insert "circumstances".

Amendment No. 13

On page 3, after line 36, insert

"SEC. 2. Section 2200 of said code is amended to read:

2200. An annual meeting of shareholders shall be held at 11 o'clock in the morning on the first Tuesday of April in each year at the principal office of the corporation, unless a different time or place is provided in the bylaws *or is required by Section 25553*.

SEC. 3. Section 2204 of said code is amended to read

2204. Except in the case of annual meetings *which are required to be noticed by Section 25553* or regular or special meetings not required to be noticed by Section 25553, notice of which has been dispensed with by the bylaws, notice of all meetings of shareholders shall be given in writing to shareholders entitled to vote by the secretary or an assistant secretary or other person charged with that duty, or, in case of his neglect or refusal, or if there is no person charged with the duty of giving notice, by any director or shareholder

SEC. 4. Section 2210 of said code is amended to read

2210. *Unless a different place is required by Section 25553*, meetings of shareholders shall be held at any place within or without the State designated by the bylaws, by written consent of all the persons entitled to vote thereat, or by the board of directors pursuant to authority granted in the bylaws *Unless a different*

place is required by Section 25553 and in the absence of any such designation shareholders' meetings shall be held at the principal office of the corporation

Any meeting is valid wherever held if held by written consent of all the persons entitled to vote thereat, given either *before* or after the meeting and filed with the secretary of the corporation

SEC 5 Section 2239 of said code is amended to read

2239 Any action which, under any provision of this division, may be taken at a meeting of the shareholders, except approval of an agreement for merger or consolidation of the corporation with other corporations *and except the election of directors at the annual meeting of shareholders required by Section 25553*, may be taken without a meeting if authorized by a writing signed by all of the persons who would be entitled to vote upon such action at a meeting, and filed with the secretary of the corporation

SEC 6 Section 3006 of said code is amended to read

3006 The board of directors of every stock corporation shall cause an annual report to be sent to the shareholders not later than 120 days after the close of the fiscal or calendar year, unless the bylaws expressly dispense with such report *The provisions of this section and of Sections 3007, 3008, 3009 and 3010 shall not apply to corporations required by Section 25552 to cause annual reports to be sent to shareholders*"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Utilities and Corporations

Assembly Bill No. 1130—An act to repeal Section 7853 of, to amend Sections 7753, 7754, 7758, 7851, 7852, 8105, and 8251 of, to repeal Article 3 (commencing with Section 7951) of Chapter 3 of Division 7 of, and to add Article 6 (commencing with Section 8425) to Chapter 4 of Division 7 of, the Education Code, relating to the Public School System

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Education, were read, and adopted

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "high"

Amendment No. 2

On page 3, line 15, after "transfer", insert ", but the governing board shall provide a driver education course which meets all State Board of Education rules and regulations for all transfer students who request to be enrolled in such course"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1077—An act to repeal Section 1192.2 and 1192.3 of, and to add Section 1192.2 to, the Insurance Code, relating to leasehold interests as security for loans

Bill read second time, and ordered engrossed

Assembly Bill No. 115—An act to amend Sections 2020 and 2025 of the Welfare and Institutions Code, relating to old age assistance

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Social Welfare, were read, and adopted.

Amendment No 1

In line 1 of the title of the printed bill, strike out "and 2025", and insert ", 2025, 3084, and 3472".

Amendment No. 2

On page 2, after line 39, insert

"SEC 3 Section 3084 of said code is amended to read:

3084 Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals ~~one hundred fifteen dollars ($115) per month~~ *one hundred twenty dollars ($120) per month plus any adjustment reflecting cost of living changes subsequent to January 1, 1960*

The amount of the grant as set forth in this section and Section 3084 01 shall be adjusted annually by the State Social Welfare Board to reflect any increases in the cost of living occurring after January 1, 1960 The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living Whenever the cost of living increases by a percentage which when multiplied by ~~one hundred fifteen dollars ($115)~~ *the amount of the maximum grant payable under this section* results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to ~~one hundred fifteen dollars ($115)~~ *the maximum grant payable under this section* and to the maximum grant payable under Section 3084 01 The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 3084 01, respectively In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living since January 1, 1960 The same month shall be used annually thereafter. The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used resources shall be included but the value of earned income which is exempt pursuant to Section 3084 3 and the value of casual income and inconsequential resources shall be excluded

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 3084 01 of this code

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances

SEC 4 Section 3472 of said code is amended to read

3472 Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals

~~one hundred fifteen dollars ($115) per month~~ *one hundred twenty dollars ($120) per month plus any adjustment reflecting cost of living changes subsequent to January 1, 1960.*

The amount of the grant as set forth in this section and Section 3472.01 shall be adjusted annually by the State Social Welfare Board to reflect any increases in the cost of living occurring after January 1, 1960. The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases by a percentage which when multiplied by ~~one hundred fifteen dollars ($115)~~ *the amount of the maximum grant payable under this section* results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to ~~one hundred fifteen dollars ($115)~~ *the amount of the maximum grant payable under this section* and to the maximum grant payable under Section 3472.01. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 3472.01, respectively. In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living since January 1, 1960. The same month shall be used annually thereafter. The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used resources shall be included but the value of earned income which is exempt pursuant to this section and the value of casual income and inconsequential resources shall be excluded.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 3472.01 of this code.

Annual net income from any of the following sources of a combined total value not exceeding one thousand two hundred dollars ($1,200) increased by one-half of that part of the recipient's annual income which is in excess of one thousand two hundred dollars ($1,200) shall not be considered for any purpose:

(a) Income from applicant's labor or services;

(b) The value of foodstuffs produced by the applicant or his family for his use or that of his family,

(c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use,

(d) The value of gifts;

(e) The value of the use and occupancy of premises owned and occupied by the applicant;

(f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income For the purpose of enabling and encouraging a greater number of recipients of aid under this chapter to become self-supporting, all expenditures incurred by an applicant for or a recipient of aid under this chapter in effecting his plan to become self-supporting, including payments made for the purchase of material for fixtures and equipment needed by him in effecting such plan, shall be deducted from gross income in computing his net income for purposes of this chapter, provided, such payments shall not be more than one hundred dollars ($100) per month."

Bill ordered reprinted, and engrossed.

Assembly Bill No. 381—An act to add Section 1126 to the Fish and Game Code, relating to planting fish

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Fish and Game, was read, and adopted·

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "fisherman", and insert "fishermen"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Fish and Game

Assembly Bill No. 583—An act to amend Sections 8057 and 13004 of the Fish and Game Code, relating to refunds

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 272—An act to amend Section 8151 of the Fish and Game Code, relating to sardines

Bill read second time, and ordered engrossed

Assembly Bill No. 762—An act to amend Section 3950 of the Fish and Game Code, relating to game mammals

Bill read second time, and ordered engrossed

Assembly Bill No. 760—An act to amend Section 2271 of the Fish and Game Code, relating to the importation of live fish, amphibia, and aquatic plants.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Fish and Game, was read, and adopted·

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "received", and insert "receives".

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Fish and Game.

Assembly Bill No. 761—An act to amend Section 1125 of the Fish and Game Code, relating to research by the federal government

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Fish and Game, was read, and adopted

Amendment No. 1

On page 1, line 6, of the printed bill, after the first "and", insert "in"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1012—An act to add Section 327 to the Penal Code, relating to gift enterprises

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, after "Code", insert "and Chapter 6 (commencing with Section 51100) to Part 1 of Division 1 of Title 5 of the Government Code"

Amendment No. 2

On page 1, strike out lines 5 to 8, inclusive, and insert "gift enterprise which is conducted pursuant to Chapter 6 (commencing with Section 51100) of Part 1 of Division 1 of Title 5 of the Government Code for the benefit of a bona fide organization of veterans of any war in which the United States has been engaged, a church or religious organization, or a charitable, educational or fraternal organization and when the entire net proceeds of such bingo game, lottery or other gift enterprises are to be devoted to educational, charitable, patriotic or public-spirited uses."

Amendment No. 3

On page 1, strike out line 9, and insert

"SEC. 2. Chapter 6 (commencing with Section 51100) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read

CHAPTER 6. BINGO LICENSING LAW

51100. This chapter shall be known as and may be cited as the "Bingo Licensing Law."

51101. It shall be lawful for the governing body of any county, city or city and county, at any time after this chapter shall become applicable within the county, city or city and county as the case may be and except when prohibited by this chapter, to license bona fide organizations of veterans of any war in which the United States has been engaged, churches or religious organizations, or charitable, educational and fraternal organizations, to hold and operate games of chance of, and restricted to, the specific kind of game of chance commonly known as bingo played for prizes with cards bearing numbers of other designations, five or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement or numbers on such a card, by selling shares or tickets or rights to participate in such games and by conducting the games accordingly, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses. Any such organization, when so licensed, may hold, operate and conduct such games of chance exclusively by its active members pursuant to this chapter and such license, and under such conditions and regulations for the supervision and conduct thereof as shall be prescribed by rules and regulations duly adopted from time to time by the governing body issuing the license, not inconsistent with the provisions of this chapter.

51102 Each applicant for such a license shall file with the clerk of the county, city or city and county a written application therefor in the form prescribed in said rules and regulations, duly executed and verified, in which shall be stated the name and address of the applicant together with sufficient facts relating to its incorporation and organization as to enable the governing body to determine whether or not it is entitled to a license under this act, the names and addresses of its officers, the specific kind of games of chance intended to be held, operated and conducted by the applicant, and the place or places where, the date or dates and the time or times when, such games of chance are intended to be conducted, by the applicant, under the license applied for, the items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such games of chance and the names and addresses of the persons to whom, and the purposes for which, they are to be paid, the specific purposes to which the entire net proceeds of such games of chance are to be devoted and in what manner, that no commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting or assisting in the holding, operation or conduct of, such game of chance, and that no prize or aggregate of prizes will be offered and given under said license of a value in excess of the sum or value authorized to be offered and given by this chapter and a description of all prizes to be offered and given in all such games of chance to be held, operated and conducted under such license and such other information as shall be prescribed by such rules and regulations.

In each application there shall be designated an active member or members of the applicant organization under whom the game or games of chance described in the application are to be held, operated and conducted and to the application shall be appended a statement executed by the applicant and by the member or members, so designated, that he or they will be responsible for the holding, operation and conduct of such games of chance in accordance with the terms of the license and the provisions of the rules and regulations governing the holding, operation and conduct of such games of chance and of this chapter, if such license is granted.

51103. The governing body shall make an investigation of the qualifications of each applicant and the merits of each application, with due expedition after the filing of the application. If it shall determine that the applicant is duly qualified to hold, operate and conduct games of chance under the provisions of this chapter governing the issuance of licenses to hold, operate and conduct games of chance and the rules and regulations governing the holding, operation and conduct thereof in the municipality, that the member or members of the applicant designated in the application to hold, operate or conduct or assist in holding, operating or conducting the games of chance, to hold, operate and conduct which the license is applied for, are bona fide active members of the applicant and are persons of good moral character and have never been convicted of crime; that such games of chance are to be held, operated and conducted in accordance with the provisions of this chapter and in accordance with the rules and regulations governing the holding, operation and conduct thereof and the proceeds thereof are to be disposed of as provided by this act, and if the governing body is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation or conduct of any such game of chance, and that no prize will be offered and given in excess of the sum or value of two hundred fifty dollars ($250) in any single game of chance, and that the aggregate of all prizes offered and given in all of such games of chance, held, operated and conducted on a single occasion, under said license shall not exceed the sum or value of one thousand dollars ($1,000), it shall issue a license to the applicant for the holding, operation and conduct of the specific kind of games of chance applied for, accordingly, upon payment of a license fee or fees of five dollars ($5) for each occasion upon which any game or games are to be conducted under such license.

No license for the holding, operation and conduct of any game or games of chance shall be issued under this chapter which shall be effective for a period of more than one year.

51104 No application for the issuance of a license shall be refused by the governing body until after a hearing is held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

Any license issued under this chapter may be amended, upon application made to the governing body of the municipality which issued it, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of such additional license fee, if any, as would have been payable, if it had been so included.

51105 Each license shall be in such forms as shall be prescribed in the rules and regulations promulgated by the governing body and shall contain a description of the kind of games of chance authorized to be held, operated and conducted

thereunder, a statement of the name and address of the licensee, of the names and addresses of the member or members of the licensee under whom such games of chance will be held, operated and conducted, of the number of times, or the hours during which, such games of chance are authorized to be conducted and the place or places where and the date or dates and time or times when, such games of chance are to be conducted and of the specific purposes to which the entire net proceeds of such games of chance are to be devoted, if any prize or prizes are to be offered and given in cash, a statement of the amounts of the prizes authorized so to be offered and given; and any other information which may be required by said rules and regulations to be contained therein Each license issued for the conduct of any game or games of chance shall be conspicuously displayed at the place where the same is to be conducted at all times during the conduct thereof

51106 The governing body issuing any license under this chapter shall have and exercise control and supervision over all games of chance held, operated or conducted under such license, to the end that the same are fairly held, operated and conducted in accordance with the provisions of such license, the rules and regulations promulgated by it and the provisions of this chapter governing the holding, operation and conduct of the same Such governing body shall have power and authority to suspend any license issued by such governing body and to revoke the same, after hearing, for any violation of any such provision, and shall have the right of entry, by its officers and agents at all times into any premises where any such game of chance is being held, operated and conducted or where it is intended that any such game of chance shall be held, operated and conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same

51107 No games of chance shall be conducted under any license issued under this chapter on Sunday, unless it shall be otherwise provided in the license issued for the holding, operating and conducting thereof, pursuant to the provisions of an ordinance duly adopted by the governing body issuing the license, authorizing the conduct of such games of chance under this chapter on said day.

51108 No person under the age of 18 years shall be permitted to participate in any game or games of chance held, operated or conducted pursuant to any license issued under this chapter

51109 No game or games of chance shall be held, operated or conducted under any license issued under this chapter oftener than on six days in any one calendar month, or in any room or outdoor area where alcoholic beverages are sold or served during the progress of the game or games

51110 No person shall hold, operate or conduct or assist in holding, operating or conducting of any game or games of chance under any license issued under this chapter except an active member of the organization to which the license is issued. No such game of chance shall be conducted with any equipment except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance, held, operated or conducted pursuant to any license issued under this chapter, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof No commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of, any game of chance so held, operated or conducted

51111 No more than one dollar ($1) shall be charged by any licensee for admission to any room or place in which any game or games of chance are to be held, operated and conducted under any license issued under this chapter, which admission fee, upon payment thereof, shall entitle the person paying the same to a card entitling him to participate without additional charge in all regular games of chance to be played under such license on such occasion No charge in excess of one dollar ($1) shall be made for a single opportunity to participate in all special games to be played under such license on such occasion No prize greater in amount or value than two hundred fifty dollars ($250) shall be offered or given in any single game conducted under any such license and the aggregate amount or value of all prizes offered and given in all games played on a single occasion shall not exceed one thousand dollars ($1,000) All winners shall be determined and all prizes shall be awarded in any game played on any occasion within the same calendar day as that upon which the game is played

51112 No game of chance to be conducted under any license issued under this chapter shall be advertised as to its location, the time when it is to be or has been played, or the prizes awarded or to be awarded, by means of newspapers, radio, television or sound truck, or by means of billboards, posters or handbills or any other means addressed to the general public, except that one sign not exceeding 12 square feet in area may be displayed on the premises where the game will be played.

51113 Within 15 days after the conclusion of the holding, operating and conducting of any such game of chance, the organization which held, operated or conducted the same, and its members who were in charge thereof, shall furnish to the clerk of the county, city or city and county a duly verified statement showing the amount of the gross receipts derived from each game of chance, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participation in said game or the right to participate therein, each item of expense incurred, or paid, and each item of expenditure made or to be made, name and address of each person to whom each such item has been, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net profit derived from each such game of chance, and the uses to which such net profit has been or is to be applied and a list of prizes offered and given, with the respective values thereof It shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such report

51114 The governing body issuing the license shall have power to examine or cause to be examined the books and records of any organization to which any such license is issued so far as they may relate to any transactions connected with the holding and conducting of any game of chance thereunder and to examine any manager, officer, director, agent or employee thereof under oath in relation to the conduct of any such game of chance under any such license No information so received shall be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this chapter

51115 The immunity granted by Section 327 of the Penal Code shall not extend to any person or corporation knowingly conducting or participating in the conduct of any game of chance under any license obtained by any false pretense or statement made in any application for such license or otherwise, or possessing, selling or disposing of shares, tickets or rights to participate in, or permitting the conduct upon any premises owned by him or it of, any game of chance conducted under any license known to him, or it to have been obtained by any such false or fraudulent pretense or statement

51116 Any person, association or corporation who or which shall make any false statement in any application for such license or shall fail to keep such books and records as shall fully and truly record all transactions connected with the holding, operating or conducting of games of chance under any such license or shall falsify or make any false entry in any books or records so far as they relate to any transaction connected with the holding, operating and conducting of any game of chance under any such license or shall violate any of the provisions of this chapter or of any term of such license shall upon conviction for any such violation, in addition to suffering any other penalties which may be imposed, forfeit any license issued to it under this chapter and shall be ineligible to apply for a license under this chapter for one year thereafter

51117 The provisions of this chapter shall not be applicable in any county, city or city and county until the registered voters within such area, upon the submission by the governing body of the issue, elect to have this chapter made applicable in such area

51118 The governing body of any county, city or city and county may submit to the registered voters of the county, city or city and county the question whether this chapter shall be applicable in such area

51119 If the voters of any county, city or city and county reject a proposal to make this chapter applicable, the governing body of such area may not resubmit such proposal to the voters until a period of not less than two years has elapsed since the preceding rejection

51120 If the voters of any county, city or city and county approve a proposal to make this chapter applicable, the governing body of such area may not submit a proposal to the voters to rescind such approval until a period of not less than two years has elapsed since the preceding election at which the issue of the application of this chapter was decided Subject to the same two-year limitation, the governing body shall submit to the voters a proposal to rescind the application of this chapter within six months after it receives a petition requesting such submission signed by at least 15 percent of the registered voters in the county, city or city and county

51121 If a proposal to make this chapter applicable has been adopted in any city prior to the adoption of such a proposal in the county in which such city is located, or if the voters of any city have, within a period of two years prior to such adoption, either rejected or rescinded the application of this chapter to that city, the governing body of the county shall have no authority to issue licenses for the conduct of games of chance authorized by this chapter in such city, and the registered voters in such city shall be ineligible to vote on a proposal to make this chapter applicable in the county

51122 If a proposal to make this chapter applicable has been adopted in any county, the governing body of any city located in such county may submit to the voters a proposal to make this chapter inapplicable in such city and if it receives a petition signed by at least 15 percent of the registered voters in the city, it shall submit, within six months after such receipt, such a proposal to the voters It such a proposal is adopted by the voters of the city all licenses issued by the county for the conduct of games of chance authorized by this chapter in such city shall become void

SEC 3 This act shall become operative only if Assembly"

Amendment No. 4

On page 1, line 10, strike out "_____", and insert "14"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Criminal Procedure.

Assembly Bill No. 791—An act to amend Section 273a of the Penal Code, relating to mistreatment of children

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Criminal Procedure, was read, and adopted

Amendment No. 1

On page 1 of the printed bill, strike out lines 11 to 13, inclusive, and insert "guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more than one year

If such person has been previously once convicted of a violation of this section or has been previously once convicted of an offense under the laws of any other state or the United States which if committed in this State would be punishable as an offense described in this section, the previous conviction shall be charged in the indictment or information and if found to be true by the jury upon a jury trial or if found to be true by the court upon a court trial or is admitted by the defendant he shall be imprisoned in the state prison for not less than 1 year nor more than 10 years"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Criminal Procedure

Assembly Bill No. 95—An act to add Section 6724 to Article 7 of Chapter 1 of Part 4 of Division 6 of the Welfare and Institutions Code, relating to apprehension of persons who have escaped from mental institutions in other jurisdictions

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in the Assembly on March 6, 1963, after "custody", insert "within five years after the escape"

Amendment No. 2

On page 2, line 6, after "state", insert "within five years prior to his apprehension"

Amendment No. 3

On page 2, line 9, after "hospital", insert "within five years prior to his apprehension"

Amendment No 4

On page 2, line 11, after "state", insert "within five years prior to his apprehension"

Amendment No. 5

On page 2, line 23, after "state", insert "within five years prior to his apprehension"

Amendment No. 6

On page 2, line 7, strike out "seven", and insert "three"

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 880—An act to repeal Article 3 (commencing with Section 11200) of Chapter 1 of Part 2 of Division 4 of the Business and Professions Code, and to add Sections 2985 2, 2985 3, 2985 4, and 2985 5 to, the Civil Code, relating to real estate sales contracts

Bill read second time, and ordered passed on file temporarily

Assembly Bill No. 1040—An act to add Section 480 to the Penal Code, relating to forgery of letters

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted

Amendment No. 1

On page 1, lines 2 and 3, of the printed bill, strike out "the editor of"

Amendment No. 2

On page 1, line 4, strike out "editor", and insert "newspaper"

Amendment No 3

On page 1, line 5, strike out "such editor", and insert "such newspaper"

Amendment No. 4

On page 1, line 5, strike out "the editor", and insert "the newspaper"

Bill ordered reprinted, and engrossed

Assembly Bill No. 307—An act to amend Section 23102 of the Vehicle Code, relating to driving a vehicle while under the influence of intoxicating liquor

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 831—An act to amend Section 1425 of the Penal Code, relating to jurisdiction of justice courts

Bill read second time, and ordered engrossed

Assembly Bill No. 267—An act to add Section 596 to the Streets and Highways Code, relating to state highways

Bill read second time

Request for Unanimous Consent to Temporarily Suspend Rule No 101

Mr Belotti was granted unanimous consent that Rule No 101 be temporarily suspended for the purpose of permitting an amendment which adds coauthors to the bill

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted:

Amendment No. 1

In line 1 of the heading of the printed bill, strike out "Mr. Belotti", and insert "Messrs. Belotti, Bagley, and Booth".

Amendment No. 2

In line 1 of the title, after the comma, insert "and to amend Sections 332 and 462 of the Streets and Highways Code as proposed by Senate Bill No. 64,"

Amendment No. 3

On page 1, strike out lines 1 to 8, inclusive, and insert

"SECTION 1 Section 332 of the Streets and Highways Code, as proposed by Senate Bill No. 64, is amended to read:

332 Route 32 is from.

(a) Route 162 near the eastern boundary of the Mendocino National Forest to Route 5 near Orland.

~~(a)~~ *(b)* Route 5 near Orland to Chico

~~(b)~~ *(c)* Route 99 near Chico to Route 36 near Deer Creek Meadows.

SEC 2 Section 462 of the Streets and Highways Code, as proposed by Senate Bill No 64, is amended to read:

462 Route 162 is from:

(a) Route 1 near Dehaven to Route 5 near Willows via Branscomb, Laytonville, Dos Rios, and Covelo.

~~(a)~~ *(b)* Route 5 near Willows to Route 45

~~(b)~~ *(c)* Route 45 to Route 99 near Biggs

~~(c)~~ *(d)* Route 99 near Richvale to Route 70 near Oroville

SEC 3 Section 596 is added to the Streets and Highways Code, to read:

596 Route 296 is from.

(a) Route 56 (Sign Route 1) near Dehaven to Route 1 (U.S. 101) near Laytonville via Branscomb

(b) Route 1 (U.S. 101) near Longvale to Route 7 (U.S. 99W) near Willows via Dos Rios and Covelo.

(c) A point on the route described in subdivision (b) near the eastern boundary of the Mendocino National Forest to Route 7 (U.S. 99W) near Orland

SEC 4 Sections 1 and 2 of this act shall become operative only if Senate Bill No 64 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No 64 takes effect, at which time Section 596 of the Streets and Highways Code as added by Section 3 of this act is repealed"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means.

Assembly Bill No. 340—An act to add Section 593 to the Streets and Highway Code, relating to state highway routes

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 553 and"

Amendment No 2

On page 1, line 1, strike out "593", and insert "553"

Amendment No. 3

On page 1, between lines 2 and 3, insert
"553 Route 253 is from Route 128 near Boonville to Route 101 near Ukiah
SEC 2 Section 593 is added to said code, to read "

Amendment No. 4

On page 1, after line 4, insert
"SEC 3 Section 1 of this act shall become operative only if Senate Bill No 64 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No 64 takes effect, at which time Section 593 of the Streets and Highways Code as added by Section 2 of this act is repealed "

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 883—An act to add Section 597 to the Streets and Highways Code, relating to state highways

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted

Amendment No 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 554 and"

Amendment No. 2

On page 1, line 1, strike out "597", and insert "554"

Amendment No. 3

On page 1, between lines 2 and 3, insert
"554 Route 254 is the Avenue of the Giants, comprising a portion of the former Redwood Highway through and connecting a number of state parks, from Route 101 near the Sylvandale interchange to Route 101 near the Redcrest interchange
SEC 2 Section 597 is added to said code, to read "

Amendment No. 4

On page 1, after line 6, insert
"SEC 3 Section 1 of this act shall become operative only if Senate Bill No 64 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No 64 takes effect, at which time Section 597 of the Streets and Highways Code as added by Section 2 of this act is repealed "

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 1168—An act to add Section 520 to the Streets and Highways Code, relating to state highway routes

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 520", and insert "Sections 520 and 555".

Amendment No. 2

On page 1, line 3, strike out "536", and insert "520"

Amendment No. 3

On page 1, after line 5 insert

'SEC. 2. Section 555 is added to said code, to read

555. Route 275 is from Route 1 to Route 14 at a point northerly of Sunset Boulevard via Temescal Drive in the City of Los Angeles.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 64 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 64 takes effect, at which time Section 520 of the Streets and Highways Code as added by Section 1 of this act is repealed."

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 569—An act to amend the title of Article 16 (commencing with Section 26100) of Chapter 2 of Division 12, and Sections 26100, 26101, 26102, 26103, 26106, 26107, 26108, 26109, 26110, 26111, 26112, 26113, 26114, 26115, 26116, 26117, 26118, and 26119 of the Vehicle Code, relating to approval procedure for equipment

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted

Amendment No. 1

On page 1, line 12, of the printed bill, as amended in the Assembly on March 12, 1963, after "approval", insert "by this code"

Amendment No. 2

On page 1, line 21, after "approval", insert "by this code"

Amendment No. 3

On page 2, line 11, after "approval", insert "by this code"

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 924—An act to amend Sections 2807 and 22112 of the Vehicle Code, relating to inspection and operation of school buses

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 2807 and 22112", and insert "Section 2807"

Amendment No. 2

On page 1, strike out lines 17 to 21, inclusive, and strike out all of page 2

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1185—An act to amend Section 22406 of the Vehicle Code, relating to speed limits.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 22406", and insert "Sections 22406 and 22408"

Amendment No. 2

On page 1, after line 10, insert

"SEC 2. Section 22408 of said code is amended to read.

22408 Whenever a passenger vehicle ~~regardless of weight or commercial motor vehicle weighing less than 4,000 pounds~~ *or a bus* is drawing any vehicle the maximum speed shall not at any time exceed 50 miles per hour subject to other and more restrictive limits set forth in this code."

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 904—An act to amend Sections 25350 and 25351 of the Vehicle Code, relating to display of lights on commercial and common carrier vehicles

Bill read second time, and ordered to be placed on the Consent Calendar

Assembly Bill No. 906—An act to amend Section 22111 of the Vehicle Code, relating to the giving of hand signals

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 946—An act to amend Sections 13551 and 14250 of the Vehicle Code, relating to drivers' licenses

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Concurrent Resolution No. 38—Relative to a study relating to glass breakage in vehicle accidents

Resolution read

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce, was read, and adopted

Amendment No. 1

On page 1, line 4, of the printed measure, after "of", insert "side window"

Resolution ordered reprinted, engrossed, and to be placed on the Consent Calendar

SECOND READING OF SENATE BILLS

Senate Bill No. 320—An act to amend Section 8341 of the Fish and Game Code, relating to importation of clams.

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 253—An act to amend Section 12880 of the Water Code, relating to state financial assistance for local water projects, declaring the urgency thereof, to take effect immediately.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Water, was read, and adopted.

Amendment No. 1

On page 5, line 3, of the printed bill, as amended in the Senate on February 26, 1963, after "agency", insert "or where a county board of supervisors acts as the governing body of the agency"

Bill ordered reprinted, and returned to the second reading file.

Senate Bill No. 28—An act to repeal Section 26310 of, and to add Section 26508 to, the Vehicle Code, relating to air brake safety devices.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in the Senate on February 27, 1963, after "system", insert ' as follows :"

Amendment No. 2

On page 2, preceding line 1, insert

"(c) Motor vehicles manufactured prior to 1964 shall be deemed to be in compliance with subdivisions (e) and (f) when equipped with axle-by-axle protected air brakes using a separate air tank system for each of at least two axles, provided that each system independently meets all other requirements of this section Each system shall be capable of being manually applied, released, and reapplied from the driver's seat but shall not be capable of being released from the driver's seat after any reapplication unless there is available a means which can be applied from the driver's seat to stop and hold the vehicle or combination of vehicles."

Amendment No. 3

On page 2, line 1, strike out "(c)", and insert "(d)"

Amendment No. 4

On page 2, line 13, after "divisions", strike out "(h) and (i)", and insert "(k) and (l)"

Amendment No. 5

On page 2, line 14, strike out "(d)", and insert "(e)"

Amendment No. 6

On page 2, line 18, strike out "basic"

Amendment No. 7

On page 2, line 21, strike out "(e)", and insert (f)".

Amendment No. 8

On page 2, lines 25 and 26, strike out "there is available a means which can be applied", and insert "immediate further application can be made"

Amendment No. 9

On page 2, line 29, strike out "(f)", and insert "(g)".

Amendment No. 10

On page 2, between lines 32 and 33, insert

"(h) No vehicle or combination of vehicles shall be equipped with an emergency stopping system that creates a hazard on the highway, or increases the service brake stopping distance of a vehicle or combination of vehicles, or interferes in any way with the application of the service brakes on any vehicle or combination of vehicles."

Amendment No. 11

On page 2, line 33, strike out "(g)", and insert "(i)"

Amendment No 12

On page 2, line 34, after "be", insert "designed so that it is"

Amendment No. 13

On page 2, between lines 39 and 40, insert

"(j) Any vehicle manufactured on or after January 1, 1964, which uses axle-by-axle protected air brakes as the emergency stopping system shall use a separate air tank system for each axle."

Amendment No. 14

On page 2, line 40, strike out "(h)", and insert "(k)"

Amendment No. 15

On page 3, line 8, strike out "5 4", and insert "5 5"

Amendment No. 16

On page 3, line 10, strike out "6 1", and insert "6 0".

Amendment No. 17

On page 3, between lines 10 and 11, insert

"C Single motor vehicles with 3 or more axles manufactured prior to 1964	12 1	4 0	120".

Amendment No. 18

On page 3, line 12, strike out "(i)", and insert "(l)".

Amendment No. 19

On page 3, line 18, strike out "(j)", and insert "(m)"

Amendment No. 20

On page 3, line 23, strike out "(k)", and insert "(n)"

Amendment No. 21

On page 3, line 26, strike out "(l)", and insert "(o)"

Amendment No. 22

On page 3, line 27, strike out "January", and insert "May".

Committee Amendments Withdrawn

Mr Carrell was granted unanimous consent to withdraw the above committee amendments, and to offer substitute amendments therefor

Motion to Amend

Mr Carrell moved the adoption of the following substitute amendments

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in the Senate on February 27, 1963, strike out the period and insert "as follows"

Amendment No. 2

On page 2, preceding line 1, insert

"(c) *Motor vehicles manufactured prior to 1964* shall be deemed to be in compliance with subdivisions (e) and (f) when equipped with axle-by-axle protected air brakes using a separate air tank system for each of at least two axles, provided that each system independently meets all other requirements of this section Each system shall be capable of being manually applied, released, and reapplied from the driver's seat but shall not be capable of being released from the driver's seat after any reapplication unless there is available a means which can be applied from the driver's seat to stop and hold the vehicle or combination of vehicles"

Amendment No. 3

On page 2, line 1, strike out "(c)", and insert "(d)"

Amendment No. 4

On page 2, line 13, after "divisions", strike out "(b) and (i)", and insert "(k) and (l)"

Amendment No. 5

On page 2, line 14, strike out "(d)", and insert "(e)".

Amendment No. 6

On page 2, line 18, strike out "basic"

Amendment No. 7

On page 2, line 21, strike out "(e)", and insert "(f)"

Amendment No. 8

On page 2, lines 25 and 26 strike out "there is available a means which can be applied", and insert "immediate further application can be made".

Amendment No. 9

On page 2, line 29, strike out "(f)", and insert "(g)"

Amendment No. 10

On page 2, between lines 32 and 33, insert

"(h) No vehicle or combination of vehicles shall be equipped with an emergency stopping system that creates a hazard on the highway, or increases the service brake stopping distance of a vehicle or combination of vehicles, or interferes in any way with the application of the service brakes on any vehicle or combination of vehicles"

Amendment No. 11

On page 2, line 33, strike out "(g)", and insert "(i)"

Amendment No. 12

On page 2, line 34, after "be", insert "designed so that it is"

Amendment No. 13

On page 2, between lines 39 and 40, insert

"(j) Any vehicle manufactured on or after January 1, 1964, which uses axle-by-axle protected air brakes as the emergency stopping system shall use a separate air tank system for each axle"

Amendment No. 14

On page 2, line 40, strike out "(h)", and insert "(k)"

Amendment No. 15

On page 3, line 8, strike out "5 4", and insert "5 5"

Amendment No. 16

On page 3, line 10, strike out "6 1", and insert "6 0"

Amendment No. 17

On page 3, between lines 10 and 11, insert

"C Single motor vehicles with 3 or more axles manufactured prior to 1964	12 1	4 0	120"

Amendment No. 18

On page 3, line 12, strike out "(i)", and insert "(l)"

Amendment No. 19

On page 3, line 18, strike out "(j)", and insert "(m)".

Amendment No. 20

On page 3, line 23, strike out "(k)", and insert "(n)"

Amendment No 21

On page 3, line 26, strike out "(l)", and insert "(o)"

Amendment No. 22

On page 3, line 27, strike out "January", and insert "May".

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Transportation and Commerce.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received, and read.

STATEMENT OF GOVERNOR EDMUND G. BROWN ON GOVERNMENT REORGANIZATION

Transmitted to the California Legislature, Wednesday, March 20, 1963

To the Senate and Assembly of the Legislature of California

Two years ago, when I put before this Legislature the first proposals for reorganization of state government in California, I told you that 'proper reorganization can best be accomplished over a period of several years Too drastic an upheaval can thus be avoided and the benefits of experience in the early stages can be applied as further steps are taken"

Today I ask that you consider measures which will constitute a second major stage in the modernization of the executive branch of government The proposals now before you will, in my judgment, result in more economical and efficient government not only during the life of this administration but for all administrations to come

Until 1961, when we took the first steps toward streamlining state government, there had been no improvement in the structure of the executive branch in almost 30 years The trend was toward proliferation rather than reduction of the many elements of government directly responsible to the Governor As a result, the number of departments, bureaus, agencies and commissions reporting directly to the Governor had grown to more than 350 On the face of it, no Governor could find the time to consult effectively with 350 advisors, and the inevitable result was a diminution of government's responsiveness to the requirements of our 17½ million citizens.

Certainly no modern corporation would tolerate a management structure of such awkwardness and complexity, and I determined to apply to state government the now proven techniques of modern corporate management

When I became Governor four years ago, I appointed a committee to study the organization of the executive branch Out of that study came the Agency Plan—a proposal for grouping existing departments, bureaus, divisions and commissions into agencies each with an administrator directly responsible to the Governor The logical effect of this was the formation of the first Governor's Cabinet in the modern history of our State—a cabinet similar to the President's on the federal level

With your enactment of the first stage of reorganization in 1961, and my appointment of the Cabinet, the immediate result was a simplification of the structure of state government, economies in its operation and a higher degree of responsiveness.

I can tell you, without reservation, that the partial Agency Plan now in operation is fulfilling the high hopes we held for it two years ago. At the time of its enactment, the Legislature, with my support, also established a permanent Commission on California State Government Organization and Economy (The Little Hoover Commission) to appraise the preliminary steps taken and to recommend further improvements.

The commission worked diligently on its assignment. Hearings were held in all sections of the State and testimony from more than 90 expert witnesses was evaluated.

The prime objects of the commission's study were the four agencies to which you gave statutory recognition—Health and Welfare, Youth and Adult Corrections, Resources, and Highway Transportation. But it also gave much attention to four ex-officio agencies created by executive order—Business and Commerce, Revenue and Management, Public Safety and Employment Relations.

After examining the four statutory agencies, the commission agreed unanimously that they

"—had made the Governor's responsibility as Chief Executive more manageable and more effective."

"—had filled a needed, but previously missing, level of political administrative leadership created by the size and complexity of California state government."

"—had provided a potentially greater opportunity for more effective legislative review and improved communication with the executive branch."

"—had produced specific and tangible benefits of program coordination among related departments, the elimination of overlapping services, and more effective utilization of manpower, space and financial resources."

To this I add my own observation. Reorganization leads to the logical question. "Is it saving the taxpayers money?" I can tell you that it is.

When the first reorganizational steps were taken in 1961, I had such confidence in ultimate savings that no appropriation was made available in that year's budget for the salary of the administrators. I said they would have to meet their own payroll out of economies within the departments they were administering. This was done, and both the savings and the salaries are now reflected in the budget document.

But the salaries of the administrators are but a fraction of the total savings under the Agency Plan. I will give you but one example of large-scale economy. One department proposed a budget of $475,000 for the first year's operation of a program to establish motor vehicle emission standards. The agency administrator recommended contracting with another jurisdiction for the services at a savings of $115,800.

Over the past two years, administrators have given you other examples of meaningful savings, and I refer you to them for specific instances in which elimination of overlapping services and more effective management have led to economies for the taxpayer.

The Little Hoover Commission believes that what we have done is sound and so do I. But only the first step has been taken. If we are to reach our goal, other advances are now in order.

I

High in priority is the Governor's need for prompt and effective executive staff services which marshal all the pertinent information vital to policy formulation and administration.

Staff advice now comes to me through two channels—my personal staff and the Department of Finance. Each makes an important contribution. My staff has the resources for determining public requirements. The Department of Finance has the resources to develop data quickly and to propose alternatives for meeting those requirements within our fiscal limitations.

But under our present system of government, the Director of Finance has a dual role. His primary responsibility is to serve as my adviser on policy, management and fiscal affairs. But he also has other major assignments, many of them unrelated to his principal duty. The demands upon him have become so heavy that it has become increasingly difficult to carry out his basic responsibility. In addition to preparing and administering the budget, the department now must provide office space, printing, communications, purchasing, automotive management and a host of other general services to state agencies.

He must also represent the State on 31 boards and commissions and provide a link between the administration and the Legislature on major fiscal issues.

Because of his many areas of responsibility, the director has had to strike a balance in the allocation of his time between the competing demands of fiscal management and general services

A Director of Finance relieved of responsibility for administering general services functions involving more than 3,000 employees would be able to undertake more basic program analysis within departments than has been possible in the past. This is essential if significant economies are to be achieved

Thus, my first proposal to you calls for a reorganization of the Department of Finance To accomplish this, I support a proposal now before you to create a new Department of General Services, to include the Division of Architecture

I also propose that activities of the Department of Finance which do not have a direct relationship to the department's primary mission, and which are not general service and supply functions, be transferred elsewhere in state government As an example, the Division of Fairs and Expositions should become a part of the Department of Agriculture

My purpose in asking for a Department of General Services is not merely to reshape the responsibilities of the Director of Finance An independently strong and conclusive case has been made for giving departmental status to the service and supply functions The proposed Department of General Services would have approximately 4,000 employees, a budget of $10,000,000, and would be concerned with the expenditure of over $300,000,000

To illustrate, the Purchasing Division alone is responsible for annual expenditures approximating $100,000,000. Service and supply functions require specialized professional attention which can be achieved only through departmental status

I asked the Little Hoover Commission to study this proposal before I presented it to you. It has produced a cogent report which reads, in part

> "In summary, the commission concurs that a basic reorganization of the Department of Finance is both necessary and desirable if the executive branch of the state government is to meet effectively the present and future needs of the state government and in turn the needs of the people of California. It is recommended, for the reasons stated herein, that steps be taken by the Legislature and the Governor to establish a Department of General Services separate from the Department of Finance Such a proposal has been regularly and responsibly put forward for the past 25 years In the commission's view, *it is time to act* This action, in the judgment of the commission, will not only facilitate an improved level of general services administration but will permit the Director of Finance to devote his energy and talent to his principal assignment—that of being the Governor's chief fiscal, planning and program adviser"

The commission also suggested that the Office of the State Fire Marshal be removed from the Public Safety Agency and be placed in the new Department of General Services, thereby aligning it organizationally with other central services I concur.

As you know, I also have considered reshaping the program, management, fiscal and planning activities of the Department of Finance into an Executive Office I asked the Little Hoover Commission to make an extensive, impartial analysis and present its views to you and to me. The commission does not favor such a move at this time Its special report reads in part

> " . . the commission endorses the basic objective of strengthening the program, fiscal management and policy advisory services to the Governor. It is believed, however, that these objectives can be attained, at this time, through the continued existence of a reoriented Department of Finance as a separately identified department After sufficient experience with the operation of a General Services Department and the new agencies, together with related internal reorganization and changed emphasis in the Department of Finance and the Governor's office, judgments concerning the need for further major reorganization of the central executive offices can then be reached on the basis of much more additional evidence than is now available"

This is a reasonable approach I accept the commission's judgment that we should move cautiously and will not propose an Executive Office at this time Rather, I suggest that we proceed as the commission suggests by establishing a Department of General Services, removing certain other activities from the Department of Finance, and working within this framework to achieve better coordination between my personal staff and Finance

Through this reorganization of the Department of Finance, it is my intention to (1) provide for more vigorous administration in the area of essential service and supply, (2) to provide for a more effective attack on fiscal, program, management and planning problems, and (3) to work for more direct coordination between my office and those units remaining in the Department of Finance

II

Next, I propose statutory status for the Business and Commerce Agency

Experience to date has shown, to my satisfaction, that this agency is an effective combination of activities which are of great service both in improving the economic climate of California and providing necessary regulation to protect the public interest

The Little Hoover Commission similarly approves statutory recognition of this agency

The agency would have the following components

1. The Departments of Professional and Vocational Standards and Alcoholic Beverage Control, with related boards and commissions
2. The Departments of Insurance and Banking, the Divisions of Corporations Savings and Loan and Real Estate, and the Districts Securities Commission
3. The three Boards of Pilot Commissioners, the Board of Osteopathic Examiners, the Horse Racing Board and the Athletic Commission
4. A new Office of California Development, consisting of the functions now performed by the Economic Development Agency and the World Trade Center Authority. I also contemplate that the Director of California Development will have available for consultation a California Development Advisory Board
5. A new Department of Housing will be proposed to the Legislature in a separate message, with the recommendation that it be included in the Business and Commerce Agency
6. The Office of Consumer Counsel, an office created by the Legislature in 1959 which has served as a watchdog of the consumer's pocketbook, and has clearly established its value

Before you is a separate proposal for establishment of a new Office of Tourism and Visitor Services. I give this proposal my full endorsement and if it is adopted by the Legislature, I will propose that it be incorporated into the new Office of California Development

I believe inclusion of tourism, the World Trade Center Authority and the Economic Development Agency within the Business and Commerce Agency is a logical grouping. State regulation of major financial institutions within the State has a direct bearing on what is being done in other sectors to develop a stronger foundation for our economy

III

I also propose that we consolidate gains already made in existing statutory agencies

Health and Welfare Agency

California has long had a reputation for excellence in its vocational rehabilitation service. However, there is a clear need for re-emphasis of this service in an age of swift technological change

I therefore propose that we establish a Rehabilitation Department within our Health and Welfare Agency

It has become apparent that present placement of the service within a department having the vast responsibility of educating our children has made it difficult for vocational rehabilitation to secure the attention and status it must have. Thus, it seems appropriate to recommend moving this function from the State Department of Education to the Welfare Agency, where it can co-ordinate its functions with the Departments of Mental Hygiene, Public Health and Social Welfare

The success or failure of the rehabilitation effort has a direct impact on the health and welfare programs administered by this agency. Experience has shown that the person not successfully rehabilitated will almost without exception, become a recipient of one or more of the programs under jurisdiction of the Health and Welfare Agency. Certainly, this would give the agency the greatest incentive to develop an increasingly effective program

The department I propose would consist of a number of organizational units now in the Department of Education. Included would be Vocational Rehabilitation Service, Field Rehabilitation Services for the Blind, the Orientation Center for the Blind, the Opportunity Center for the Blind and California Industries for the Blind

In developing this proposal, consultations have been held with the Superintendent of Public Instruction and his executive staff. They have been most co-operative

and their views have been considered in developing this more appropriate separation of functions which are primarily vocational rehabilitation from those which are primarily educational

As a further step to improve our rehabilitation services, I have included in the budget of the Department of Industrial Relations a screening unit to review the cases of industrially injured workers This unit's purpose would be to alert the injured worker to the opportunities and services available to him

This is a function now undertaken by many other states, but one to which too little attention has been paid in California The proposal is consistent with the recommendations of the Council of State Governments for 1963

When we took the first steps toward reorganization two years ago, we recognized there were many boards and commissions that should be assigned ultimately to the most appropriate agency An example is the Citizens' Advisory Committee on Aging While this committee concerns itself with many other interests of our senior citizens, its major activities are related to, and require co-ordination with, programs that come under the jurisdiction of the Health and Welfare Agency

I therefore propose that you enact legislation to place the Citizens' Advisory Committee on Aging in the Health and Welfare Agency

When you approved my recommendation in 1959 for creation of the Office of Co-ordinator of Atomic Energy Development and Radiation Protection, the newness of the program, the degree of public concern, and the importance of assuring co-operation of all departments of state government, made it advisable to place this responsibility directly under me

The program we have since developed places California in a position of leadership in both atomic energy development and protection The United States Atomic Energy Commission in recognition of this, has transferred certain of its regulatory prerogatives to California.

I believe the program is now sufficiently established to integrate it with comparable public protection functions

I therefore recommend that you place this office within the Department of Public Health

IV

Highway Transportation

If, as I suggest, you transfer the Division of Architecture from the Department of Public Works into the proposed Department of General Services, the name "Public Works" would no longer be descriptive of that department and the name should be changed to Department of Highways

I also believe the Division of Aeronautics and the Aeronautics Board do not belong in the Department of Public Works and should be placed in the Highway Transportation Agency but not within a specific department of that agency

The original name of the agency, Highway Transportation, suggests it concerns itself only with highways Actually, the agency is involved with the relationship of highways to other forms of transportation and with the broad, comprehensive planning and development of all transportation

I therefore propose legislation that (1) re-names the agency Highways and Transportation; (2) changes the name of the Department of Public Works to the Department of Highways, and (3) places the State Aeronautics Board and the Division of Aeronautics as an integral part of the agency rather than as a part of Public Works

V

Youth and Adult Corrections Agency

At the present time we have an inconsistency within the Youth and Adult Corrections Agency in that the Board of Corrections is a part of the Department of Corrections I believe it should be given separate status This board has agency-wide scope The agency administrator is its chairman by law and its membership includes the director of the Youth Authority, the vice chairman of the Youth Authority Board and the Director of Corrections

I therefore recommend to the Legislature that we give the Board of Corrections separate status within the Youth and Adult Corrections Agency

VI

Once more I propose to you legislation and an accompanying constitutional amendment granting the Governor the reorganization powers now given the President and governors of certain other states

It would give the Governor authority to develop reorganization plans along the following lines

1 Transfer of any unit of government, or its functions, to the jurisdiction and control of another
2 Consolidation or integration of the functions within a unit
3 Consolidation or integration of the functions of various units
4 Abolition of part or all of the functions of any jurisdiction
5 Abolition of any unit whose functions have been found obsolete
6 Authorization for an officer to delegate any of his functions

Under this proposal, the Governor would develop reorganization plans and present them to the Legislature for consideration. The plans would become law 91 days after final adjournment of the Legislature, unless either the Senate or Assembly passed a resolution disapproving them

This would increase flexibility in the organization of the executive branch The Governor would be responsible for determining necessary changes, but the Legislature would have veto power.

In 1922, the federal government gave the President broad powers to reorganize administrative agencies by executive order. This largely was a reaction to an economic crisis. In 1939, however, the President was given more permanent authority

Today, the President's responsibility and authority to organize his administration is universally accepted The President annually submits his plans for reorganization to Congress These plans become law if not disapproved by Congress. Thus, the President has the power to initiate structural and functional changes, while Congress retains review and veto powers

Several states have followed the federal example In 1955, Pennsylvania's General Assembly passed a reorganization act modeled after the federal law, and the Alaska Constitution authorizes the Governor to make changes in the executive organization, retaining for the Legislature the power to review and approve or disapprove

VII

Finally, while we all accept the fact that structure is important, it is skilled and dedicated personnel which ultimately determines the effectiveness of government

I therefore support legislation favored by the State Personnel Board which will make it more certain that managerial talent is used to its fullest potential

This measure would permit the State Personnel Board to establish, within the civil service framework, as provided by Article XXIV (24) of the State Constitution, a special merit system of selection, tenure and personnel management for the higher civil service positions in state government

It would be a different and entirely separate system from that which is applicable to the regular civil service and the statutes which regulate and control the operation of the regular civil service would not apply to it It would be applicable only to employees who are now in the highest levels of the present civil service structure, the relatively small number of employees who are at the level of Division Chief or higher It would meet the special problems encountered in the selection, placement and retention of top-level administrative employees No incumbent in an existing high-level classification would lose any of his rights.

I believe the affected personnel should have a closer identity with the programs of their departments Their advice on departmental plans and policies is often critical

A departmental director may well want to redeploy his managerial staff to meet shifting program needs He also may wish to place in key positions persons in whom he has complete confidence He also may wish to assign responsibilities to those who have developed outstanding managerial capacity

Regular civil service processes do not always make possible such flexible use of top civil service executives Further, the selection of men for top executive positions often calls for development of information and use of appraisal processes beyond the limitations that govern regular civil service tests Similarly, the legal guarantees that accompany permanent civil service status in a position—with removal for cause being a matter of serious personal incompetence or turpitude—are at variance with the need for a flexible assignment of top managerial talent

The purpose of the proposed legislation is to enable the Personnel Board to meet this problem by authorizing it to create a merit system specifically tailored to the personnel management needs of top administrative posts

In the large body of the civil service where the popularity and proven worth of traditional civil service practices and safeguards are well established, there need be no change beyond the continued effort at improvement that already characterizes the administration of this system

The proposed legislation does not attempt to create, full-blown, an untried system Rather it provides the machinery whereby the board can, with care and deliberation, develop and adjust a merit system which remains continually responsive to the particular needs of the State for top managerial talent

Separate legislation dealing with water quality control in California will soon be presented to the Legislature While it deals mainly with quality control of one of our most precious natural resources, it also has major organizational implications within the Resources Agency. I urge you give this serious consideration when it reaches you

VIII

My recommendations for this second stage reorganization of the executive branch are extensive but cautious They envision major changes in the present executive structure but in every case are conservative and logical extensions of first stage reforms already in effect

I have no doubt they will arouse controversy It is, unfortunately, the nature of government to multiply, rather than simplify its functions Interests within and without government will resist changes in a system—however unwieldly—which they believe presently affords them special protections or services

But controversy must not divert us from answering positively the question that confronts government at all levels today *How can we serve the people more efficiently, more responsively, and more economically?*

This message contains my answer, I submit it to you in the confidence that we share a common concern for the increasing demands on state government and a common determination to prepare government for even greater demands in the future

Respectfully submitted,

EDMUND G BROWN, Governor

March 20, 1963

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 20, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Senate Joint Resolution No 9

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read.

Senate Joint Resolution No. 9—Relative to memorializing Congress to aid the Bay Area Rapid Transit District.

Held at desk by order of the Speaker pro Tempore.

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 20, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 197
Senate Bill No 252
Senate Bill No 259
Senate Bill No 469

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were read the first time

Senate Bill No. 197—An act to amend Section 583 of, and add Section 854 to, the Probate Code, relating to options to purchase given in a will

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 252—An act to amend Section 8207 of the Government Code, relating to seals of notaries public

Held at desk by order of the Speaker pro Tempore.

Senate Bill No 259—An act to amend Section 31753 of the Education Code, relating to school district insurance, and declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 469—An act to add Sections 4 2, 4 3, and 31.5 to, and to amend Section 3 1 of, the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957), relating to the Tehama County Flood Control and Water Conservation District

Held at desk by order of the Speaker pro Tempore

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 20, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 94
Assembly Bill No 156

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bills ordered enrolled

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees:

Assembly Bill No.	*Committee*
1979 through 1981	Education
1982	Criminal Procedure
1983	Education
1984	Judiciary
1985	Criminal Procedure
1986	Education
1987	Governmental Efficiency and Economy
1988	Public Utilities and Corporations
1989 through 1992	Government Organization
1993 through 1994	Social Welfare
1995	Judiciary
1996	Education
1997	Transportation and Commerce
1998	Judiciary
1999	Public Health
2000	Criminal Procedure
2001	Natural Resources, Planning, and Public Works
2002	Manufacturing, Oil, and Mining Industry
2003	Agriculture

Assembly Constitutional Amendment No	*Committee*
34	Government Organization

Senate Bill No	
203	Education
339	Manufacturing, Oil, and Mining Industry
365	Criminal Procedure
426	Education
470	Natural Resources, Planning, and Public Works
498	Finance and Insurance

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No. 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means

Assembly Bills Nos. 318 and **583,** subsequent to engrossment

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1091—An act to add Section 5207 1 to the Education Code, relating to Saturday educational activities

Bill read third time

Majority Floor Leader Presiding

At 10 23 a m , Hon Jerome R Waldie, Majority Floor Leader of the Assembly, presiding

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson Booth, Britschgi, Burgener, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusano vich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Foran Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson Hinckley, Holmes, Johnson Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Miias, Mills, Monagan, Moreno, Mulford, Pattee, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Zberg, and Zenovich—67

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1046—An act to add Section 20953 to the Education Code, relating to funds received by school districts

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Carrell, Casey, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes,

Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—70.
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 144—An act to amend Section 8358 of the Education Code, relating to school district as employer.

Bill read third time.

Speaker pro Tempore Presiding

At 10 27 a m , Hon. Carlos Bee, Speaker pro Tempore of the Assembly, presiding.

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—70.
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 235—An act to amend Section 13402 of the Education Code, relating to re-employment of permanent certificated employees.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Carrell, Casey, Collier, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—70.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 388—An act to amend Section 15958 of the Education Code, relating to purchase and lease of school property and equipment

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—72
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 527—An act to add Section 15955 5 to the Education Code, relating to contracts by school districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—72
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 745—An act to add Section 8202 to the Education Code, relating to the public schools

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Booth, Britschgi, Burgener, Carrell, Casey, Collier, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Lanterman, Lunardi, Marks, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 855—An act to amend Sections 33230, 33231 5 and 33232 of the Health and Safety Code, relating to community redevelopment law

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Young, Z'berg, Zenovich, and Mr. Speaker—70
NOES—Burton 1

Bill ordered transmitted to the Senate

Assembly Bill No. 1109—An act to amend Section 1944 of the Labor Code, relating to the employment of alien students as assistants and interns in state and county public social services training programs

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—72
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1124—An act to repeal Section 6101 of the Education Code, relating to persons seeking citizenship

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mobas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1208—An act to amend Section 50262 of the Government Code, relating to human relations commissions

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Kennick, Lunardi, Marks, McMillan, Meyers, Mobas, Mills, Monagan, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—61

NOES—Ashcraft and Badham—2.

Bill ordered transmitted to the Senate

Assembly Bill No. 905—An act to amend Section 11010 of the Government Code, relating to proration of costs of services provided by the State

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Lanterman, Lunardi, Marks, McMillan, Meyers, Mobas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr. Speaker—71

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 257—An act to amend Section 681 of the Harbors and Navigation Code, relating to vessels

Bill read third time

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the consideration of Assembly Bill No 257:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 5, 1963

To the Honorable Members of the Assembly and Senate

Assembly Bill No. 257, "An act to amend Section 681 of the Harbors and Navigation Code, relating to vessels,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill

I, therefore, recommend consideration of Assembly Bill No 257 as an emergency measure

Respectfully submitted,

EDMUND G BROWN, Governor

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 258—An act to amend Section 5829 2 of the Public Resources Code, relating to lease of small craft harbor facilities

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 260—An act to add Sections 670 and 671 to the Harbors and Navigation Code, relating to records of Division of Small Craft Harbors

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Burgener, Burton Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby Rumford, Ryan, Song, Soto, Stanton, Stevens, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—71

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 389—An act to amend Sections 745 1, 745.2, and 745 6 of, and to add Sections 746 21, 746 22, 746 23, and 746 24 to the Agricultural Code, relating to the Dairy Council of California, and declaring the urgency thereof, to take effect immediately

Bill read third time

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the consideration of Assembly Bill No 389

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 6, 1963

To the Honorable Members of the Assembly and Senate

Assembly Bill No. 389, "An act to amend Sections 745 1, 745 2, and 745 6 of, and to add Sections 746 21, 746 22, 746 23, and 746 24 to the Agricultural Code, relating to the Dairy Council of California, and declaring the urgency thereof, to take effect immediately,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill

I, therefore, recommend consideration of Assembly Bill No. 389 as an emergency measure

Respectfully submitted,

EDMUND G BROWN, Governor

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Berlenson, Booth, Britschgi, Burgener, Button, Carrell, Casey, Collier, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None

The question being on the passage of the bill

Bill passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Berlenson, Booth, Britschgi, Burgener, Button, Carrell, Casey, Collier, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None

Bill ordered transmitted to the Senate

THIRD READING OF SENATE BILLS

Senate Bill No. 158—An act to amend Section 28117 of the Government Code, relating to salaries of county officers

Bill read third time, and presented by Mr Pattee.

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—72.

NOES—Dymally—1

Bill ordered transmitted to the Senate

Senate Bill No. 294—An act to amend Section 28126 of the Government Code, relating to compensation for public service in counties of the 26th class

Bill read third time, and presented by Mr Booth

Bill passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Frew, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zenovich, and Mr Speaker—70

NOES—Dymally—1

Bill ordered transmitted to the Senate

ANNOUNCEMENTS

Mr Warren announced that Mr Beilenson is the proud father of a six-pound, two-ounce baby boy born Tuesday night, whereupon the Members of the Assembly joined in extending best wishes and congratulations to Mr Beilenson and to his wife, Dolores

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar.

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 684—An act to amend Section 17159 of the Vehicle Code, relating to liability of personal representatives for motor vehicles

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 850—An act to amend Sections 2213 and 2214 of the Streets and Highways Code, relating to federal-aid secondary highways

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Cartell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 852—An act to amend Section 5204 of the Vehicle Code, relating to display of tab, sticker or other suitable device

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth Britschgi, Burgener, Burton, Cartell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 798—An act to amend Section 3078 of the Labor Code, relating to apprenticeship

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Cartell, Casey Chapel, Collier, Cologne, Conrad, Crown Cusanovich, Danielson Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 736—An act to amend Sections 1822, 1823 and 1824 of, and to add Section 1822.5 to, the Revenue and Taxation Code, relating to property taxation

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Cartell, Casey Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris,

Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 701—An act to amend Sections 11566 and 11592 of the Business and Professions Code, relating to subdivision maps

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 794—An act to amend Section 11535 of the Business and Professions Code, relating to subdivision maps

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 396—An act to add Section 172 9 to the Penal Code, relating to alcoholic beverages.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 398—An act to amend Section 25662 of the Business and Professions Code, relating to alcoholic beverages

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills,

Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 722—An act to add Section 23986.1 to the Business and Professions Code, relating to alcoholic beverages.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79.
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 758—An act to amend Section 23091 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 803—An act to amend Section 23985 of the Business and Professions Code, relating to alcoholic beverages

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 553—An act to amend Section 322 of the Agricultural Code, relating to reports of sales of cold storage meat

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills,

Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 511—An act to amend Section 9006 of the Welfare and Institutions Code, relating to community mental health services.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Concurrent Resolution No. 46—Relative to "American Heritage Day"

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Resolution ordered transmitted to the Senate

Assembly Concurrent Resolution No. 47—Relative to the preparation of the Summary Digest

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Resolution ordered transmitted to the Senate.

Consideration of House Resolution No. 145

By Mr Monagan:

House Resolution No. 145—Relative to commending Linden, California, on its 100th Anniversary

NOTE The full text of House Resolution No 145 appears at page 1015 of the Assembly Daily Journal for March 13, 1963.

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vessey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79.
NOES—None

Consideration of House Resolution No. 147

By Messrs Dymally, Rumford, and Ferrell:

House Resolution No. 147—Relative to the Centennial Anniversary of the Emancipation Proclamation

NOTE The full text of House Resolution No 147 appears at page 1050 of the Assembly Daily Journal for March 13, 1963.

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vessey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79.
NOES—None

Consideration of House Resolution No. 137

By Mr Pattee:

House Resolution No. 137—Relative to agricultural chemicals.

NOTE The full text of House Resolution No 137 appears at page 962 of the Assembly Daily Journal for March 11, 1963.

Resolution read, and adopted by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vessey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Consideration of House Resolution No. 138

By Mr Pattee·

House Resolution No. 138—Relating to proclaiming April 22, 1963, as Dental Assistants Day.

NOTE The full text of House Resolution No. 138 appears at page 963 of the Assembly Daily Journal for March 11, 1963

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z berg, Zenovich, and Mr Speaker—79
NOES—None

Consideration of House Resolution No. 139

By Messrs Rumford, Dills, McMillan, Elliott, Conrad, Allen, Gaffney, and Thomas.

House Resolution No. 139—Relative to memorializing Harry O. Johnson

NOTE The full text of House Resolution No 139 appears at page 963 of the Assembly Daily Journal for March 11, 1963.

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

RECESS

At 11 05 a m , on motion of Mr. Britschgi, the Assembly recessed until 11 13 a m for the presentation to Speaker Unruh of a bouquet of chrysanthemums from the Redwood City Chamber of Commerce Presentation of the bouquet was made by Mayor and Mrs John Rosselli and Mrs Paul Proctor of Redwood City

REASSEMBLED

At 11 13 a m , the Assembly reconvened
Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk.
Assistant Clerk William Greene reading

ANNOUNCEMENTS BY SPEAKER PRO TEMPORE

Speaker pro Tempore Bee announced that the Assembly will be in session tomorrow, and that the House will convene at 10 a.m.

Speaker pro Tempore Bee announced that, starting Monday, all guests will be introduced from the Assembly rostrum

CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 151—An act to add Section 2557 to the Welfare and Institutions Code, relating to residence requirements of indigent persons

The question being Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 151?

Amendment No. 1

In the heading of the printed bill, immediately above "January 14, 1963", insert "(Coauthor: Senator Donnelly)"

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No 151 by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Assembly Bill No 151 ordered enrolled

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 315—An act to amend Sections 43500 and 43531 of, and to add Sections 43532 and 43533 to, and to add Article 3 (commencing with Section 43555) to Chapter 4 of Part 6 of Division 14 of, the Water Code, relating to condemnation proceedings, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Britschgi, Burgener, Carrell, Casey, Chapel, Collier, Cusanovich, Danielson, Dills, Dymally, Elliott, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Moreno, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Young, Z'berg, Zenovich, and Mr Speaker—57

NOES—Bagley, Burton, Conrad, Dannemeyer, Davis, Deukmejian, Flournoy, Hinckley, Lanterman, Monagan, Mulford, Quimby, Stevens, Thelin, Willson, and Winton—16

The question being on the passage of the bill

Bill passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Britschgi, Burgener, Carrell, Casey, Chapel, Collier, Cusanovich, Danielson, Dills, Dymally, Elliott, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Moreno, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Young, Z'berg, Zenovich, and Mr Speaker—57

NOES—Bagley, Burton, Conrad, Dannemeyer, Davis, Deukmejian, Flournoy, Hinckley, Lanterman, Monagan, Mulford, Quimby, Stevens, Thelin, Willson, and Winton—16

Bill ordered transmitted to the Senate

Assembly Bill No. 981—An act to amend Section 19623 of, and to repeal Section 19631 of, the Business and Professions Code, relating to fairs and expositions

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 880

Assembly Bill No. 880—An act to repeal Article 3 (commencing with Section 11200) of Chapter 1 of Part 2 of Division 4 of the Business and Professions Code, and to add Sections 2985.2, 2985.3, 2985.4, and 2985.5 to, the Civil Code, relating to real estate sales contracts

Bill read second time.

Request for Unanimous Consent

Mr Young announced that there were two sets of committee amendments to Assembly Bill No. 880; and he was granted unanimous consent that the second set of the committee amendments be withdrawn

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted

Set No. 1

Amendment No. 1

In line 4 of the title of the printed bill, strike out "the Civil Code," and insert "and to amend Section 2985 of, the Civil Code, and to add Section 506b to the Penal Code,".

Amendment No. 2

On page 2, line 7, strike out "a single family dwelling", and insert "improved or unimproved real property"

Amendment No. 3

On page 2, line 8, strike out "of", and insert "or".

Amendment No. 4

On page 2, line 10, after "is", insert "then"

Amendment No. 5

On page 2, line 15, after "amount", insert "then"

Amendment No 6

On page 2, line 19, strike out "a single family dwelling", and insert "improved or unimproved real property".

Amendment No. 7

On page 2, after line 25, insert

'This section shall not apply to a state supervised assignee of a seller who as agent for the seller receives and disburses payments

SEC 6 Section 2985 of said code is amended to read

2985 A real property sales contract is an agreement wherein one party agrees to convey title to real property to another party upon the satisfaction of specified conditions set forth in the contract *and which does not require conveyance of title within one year from the date of formation of the contract*

SEC 7 Section 506b is added to the Penal Code, to read

506b Any person who violates Sections 2985 3 or 2985 4 of the Civil Code, relating to real property sales contracts, is guilty of a felony"

Bill ordered reprinted, and engrossed

NAME PLACED UPON ROLL CALL ON ASSEMBLY BILL NO. 981

Mr Kennick was granted unanimous consent that he be recorded as voting "Aye" on Assembly Bill No. 981.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 2008: By Mr Thomas—An act to repeal Section 912 of the Welfare and Institutions Code, relating to persons committed to the Youth Authority

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2009: By Messrs Kennick, Song, Casey, Frew, Garrigus, and Williamson—An act to amend Sections 1582 and 1583 of the Labor Code, relating to private employment agencies

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2010: By Mr Henson—An act to amend Section 13059 of the Education Code, relating to school district employees.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2011: By Mr. Dymally—An act to amend Section 9356 of the Government Code, relating to the Legislators' Retirement System

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2012: By Messrs Hinckley and Quimby—An act to amend Section 27 2 of the Municipal Water District Act of 1911

(Chapter 671 of the Statutes of 1911), relating to municipal water districts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2013: By Mr Willson—An act to add Section 5504 5 to the Labor Code, relating to workmen's compensation

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2014: By Mr Willson—An act to amend Section 5804 of the Labor Code, relating to workmen's compensation

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2015: By Messrs Knox, Quimby, Zenovich, Soto, Beilenson, Moreno, Ryan, Song, and Warren—An act to amend Sections 35115 and 35121 5 of, and to add Section 35116 5 to, the Government Code, relating to the annexation of territory to cities

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2016: By Mr Knox—An act to add Article 11 (commencing with Section 58400) to Chapter 1 of Division 1 of Title 6 of the Government Code, and to amend Section 20002 of, and to add Section 20108 to, the Water Code, relating to financial supervision of districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2017: By Messrs Knox, Quimby, Zenovich, Soto, Beilenson, Ryan, Song, and Warren—An act to add Article 6 (commencing with Section 35400) to Chapter 1, Part 2, Division 2, Title 4, of the Government Code, relating to the annexation of territory to cities

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2018: By Messrs Knox, Quimby, Zenovich, Soto, Beilenson, Ryan, Song, and Warren—An act to add Section 35013 to the Government Code, relating to cities

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2019: By Mr. Casey—An act to amend Sections 4658 and 4659 of the Labor Code, relating to workmen's compensation

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2020: By Mr Belotti—An act to amend Sections 3132 and 3133 of, and to add Section 3133.5 to, the Education Code, relating to school districts.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2021: By Mr Petris—An act to amend Section 2193 5 of the Business and Professions Code, relating to the practice of medicine

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2022: By Mr Belotti—An act to add Chapter 3 (commencing with Section 29800) to Division 13, and to repeal Chapter 3 (commencing with Section 29800) of Division 13, of the Vehicle Code, relating to the transportation of lumber and lumber products.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2023: By Mr Waldie—An act to add Section 4717 to the Revenue and Taxation Code, relating to property taxation

Held at desk by order of the Speaker pro Tempore.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER: Your Committee on Rules reports:

Assembly Bill No 840

With amendments with the recommendation Amend, and re-refer to the Committee on Rules

BANE, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 21, 1963

MR. SPEAKER: Your Committee on Rules reports:

House Resolution No 136
House Resolution No 152

With the recommendation That the resolutions be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

BANE, Chairman

Subject matter of the above resolutions referred to the Committee on Rules

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 150
House Resolution No 155

With the recommendation Be adopted

BANE, Chairman

Above resolutions ordered on file

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 151
House Resolution No 153

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar

BANE, Chairman

Above resolutions ordered on file

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 146
House Resolution No 148
House Resolution No 149

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar

BANE, Chairman

Above resolutions ordered on file

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER The Chairman of your Committee on Governmental Efficiency and Economy reports:

Assembly Bill No. 57
Assembly Bill No. 554

With author's amendments with the recommendation Amend, and re-refer to the Committee on Governmental Efficiency and Economy

McMILLAN, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 57 AND 554 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 57—An act to add Section 25 to the Business and Professions Code, relating to disciplinary action against licentiates.

Bill read second time

Motion to Amend

Mr. Carrell moved the adoption of the following amendment

Amendment No. 1

On page 1, after line 11, of the printed bill, insert

"This section does not apply to any person licensed under Chapter 4 (commencing with Section 6000) of Division 3 of this code"

Amendment read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy

Assembly Bill No. 554—An act to amend Section 12510 of the Business and Professions Code, relating to weights and measures

Read second time

Motion to Amend

Mr Zenovich moved the adoption of the following amendment·

Amendment No. 1

On page 1, lines 16 and 17, of the printed bill, strike out "after one year from the date it was sealed," and insert "which does not bear a current or previous year's seal and which, upon test by the sealer is found to be incorrect,".

Amendment read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER. Your Committee on Governmental Efficiency and Economy reports:

Assembly Bill No. 336
Assembly Bill No 977

With the recommendation. Do pass.

McMILLAN, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER: Your Committee on Governmental Efficiency and Economy reports:

Assembly Bill No. 666
Assembly Bill No. 871
Assembly Bill No 1221

With amendments with the recommendation: Amend, and do pass, as amended.

McMILLAN, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 21, 1963

MR. SPEAKER Your Committee on Governmental Efficiency and Economy reports.

Assembly Bill No 504
Assembly Bill No 562
Assembly Bill No. 746
Assembly Bill.No 925
Assembly Bill No 953

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar.

McMILLAN, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports.

Assembly Bill No 986
Assembly Bill No 987
Assembly Bill No 988

With the recommendation Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

McMILLAN, Chairman

Above bills ordered to second reading.

Committee on Water

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER The Chairman of your Committee on Water reports

Assembly Joint Resolution No 27

With author's amendments with the recommendation Amend, and re-refer to the Committee on Water

PORTER, Chairman

SECOND READING OF ASSEMBLY JOINT RESOLUTION NO. 27 (PURSUANT TO RULE NO. 59 5)

Assembly Joint Resolution No. 27—Relative to pollution of New River

Resolution read.

Motion to Amend

Mr Meyers moved the adoption of the following amendment.

Amendment No. 1

On page 1, line 22, of the printed measure, strike out "into", and insert "in".

Amendment read, and adopted.

Resolution ordered reprinted, engrossed, and to be re-referred to the Committee on Water

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Water reports

Assembly Bill No 531

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PORTER, Chairman

Above bill ordered to second reading

Committee on Industrial Relations

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER The Chairman of your Committee on Industrial Relations reports. Assembly Bill No 619

With author's amendments with the recommendation Amend, and re-refer to the Committee on Industrial Relations

ELLIOTT, Chairman

SECOND READING OF ASSEMBLY BILL NO. 619 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 619—An act to amend Section 1775 of the Labor Code, relating to wages.

Bill read second time.

Motion to Amend

Mr. Elliott moved the adoption of the following amendments

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in the Assembly on March 14, 1963, strike out " and", and insert a period.

Amendment No. 2

On page 1, line 9, strike out "in addition the", and insert "The".

Amendment No. 3

On page 1, line 11, after "thereof", insert "for which".

Amendment No. 4

On page 1, line 12, strike out "which amount"

Amendment No. 5

On page 1, line 13, strike out "by the contractor".

Amendment No. 6

On page 1, line 13, after "paid", insert "to"

Amendment No. 7

On page 1, line 14, after "workman", insert "by the contractor".

Amendment No. 8

On page 1, line 15, strike out "to this effect", and insert "that the provisions of this section will be complied with"

Amendment No. 9

On page 1, line 17, after "forfeited", insert "and amounts due"

Amendment No. 10

On page 1, line 24, strike out " has", and insert "have"

Amendment No. 11

On page 2, line 2, after "penalties", insert "and the amounts due".

Amendment No. 12

On page 2, line 9, after "forfeited", insert "and amounts due".

Amendment No. 13

On page 2, line 11, after "penalties", insert "and amounts"

Amendment No. 14

On page 2, line 14, after "withheld", insert "or recovered"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Industrial Relations

REPORTS OF STANDING COMMITTEES

Committee on Industrial Relations

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Industrial Relations reports
Assembly Bill No 821
With amendments with the recommendation · Amend, and do pass, as amended

ELLIOTT, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER Your Committee on Industrial Relations reports
Assembly Bill No 927
With amendments with the recommendation Amend, and re-refer to the Committee on Criminal Procedure

ELLIOTT, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER. Your Committee on Industrial Relations reports
Assembly Bill No 718
With the recommendation Do pass.
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ELLIOTT, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 20, 1963

MR SPEAKER The Chairman of your Committee on Industrial Relations reports.
Assembly Bill No 1407
With author's amendments with the recommendation · Amend, and re-refer to the Committee on Industrial Relations

ELLIOTT, Chairman

Assembly Bill No. 1407 Re-referred to Committee

Speaker pro Tempore Bee raised the point of order that 30 calendar days after the introduction of Assembly Bill No 1407 have not elapsed; and, therefore, ordered the bill and the author's amendments thereto re-referred to the Committee on Industrial Relations

REPORTS OF STANDING COMMITTEES

Committee on Industrial Relations

ASSEMBLY CHAMBER, March 20, 1963

MR. SPEAKER. The Chairman of your Committee on Industrial Relations reports·
Assembly Bill No 1616
With author's amendments with the recommendation Amend, and re-refer to the Committee on Industrial Relations.

ELLIOTT, Chairman

Assembly Bill No. 1616 Re-referred to Committee

Speaker pro Tempore Bee raised the point of order that 30 calendar days after the introduction of Assembly Bill No 1616 have not elapsed; and, therefore, ordered the bill and the author's amendments thereto re-referred to the Committee on Industrial Relations

REPORTS OF STANDING COMMITTEES

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER. Your Committee on Revenue and Taxation reports.

Assembly Bill No 236

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PETRIS, Chairman

Above bill ordered to second reading

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER: The Chairman of your Committee on Finance and Insurance reports

Assembly Bill No. 463

With author's amendments with the recommendation Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 463 (PURSUANT TO RULE NO 59.5)

Assembly Bill No. 463—An act to amend Sections 7150, 7154, and 7154 5 of, and to add Sections 7152 5 and 7154 6 to, the Financial Code, and to add Section 783 to the Civil Code, relating to savings and loan associations, and declaring the urgency thereof, to take effect immediately

Bill read second time

Motion to Amend

Mr Waldie moved the adoption of the following amendments·

Amendment No. 1

In line 1 of the title of the printed bill, following "An act to", strike out "amend Sections 7150, 7154, and 7154 5 of, and to add Sections 7152 5 and 7154 6 to,", and insert "add Sections 5074, 7151, 7153 2, 7153 3 and 7153 4 to, and amend Sections 7150, 7152, 7153 and 7154 of, and repeal Sections 7151, 7154 5, 7160 and 7170 of,"

Amendment No. 2

On page 1, lines 1 and 2, strike out "7150 of the Financial Code is amended to read:", and insert "5074 is added to the Financial Code, to read

5074 An amortized loan is a loan which provides for payments to be made of interest and on the principal in monthly installments. The installments as to the combined principal and interest shall be at least of a sufficient amount so that the smallest installment provided in the note evidencing the loan, other than the last installment, if continued at such monthly intervals would result in paying the entire principal within the maximum legal term for the particular loan The first installment which includes principal on each amortized loan must fall due within the time limits specified in Section 7151 of this code

SEC. 2 Section 7150 of said code is amended to read

7150 An association may make amortized loans, as defined in Section 5074, upon the security of improved real property for the following terms, from the due date of the first principal installment.

a. Loans secured by real property on which the principal improvement consists of a single family dwelling for a term of not more than 30 years

b Loans secured by other residential property, for a term of not more than 25 years

c Loans secured by other improved real property, for a term of not more than 20 years

d. Loans made pursuant to Article 3 of this chapter, for the maximum term applicable to such loan pursuant to the provisions of the National Housing Act or any act of Congress supplementary or amendatory thereof or of the Servicemen's Readjustment Act of 1944 or any act of Congress supplementary or amendatory thereof or of the Veterans' Readjustment Act of 1952 or any act of Congress supplementary or amendatory thereof, which maximum term shall not exceed 25 years in the case of a loan guaranteed by the Administrator of Veterans' Affairs unless at least 30 percent of such loan is so guaranteed

SEC 3 Section 7151 of said code is repealed

~~7151 Amortized loans may provide for payment of interest or principal or both, in addition to regular installments and if such regular installments are not sufficient to pay the entire principal within the term thereof, such loans shall provide that the entire amount unpaid is due and payable within six months after the due date of the last regular installment The commissioner may by rule prescribe a longer maximum term within which such unpaid amount is due and payable with respect to amortized loans upon particular classes of securities.~~

SEC 4 Section 7151 is added to said code, to read

7151 The first monthly installment which includes principal on an amortized loan must fall due within the following periods after the date of such loan·

a Eighteen months in the case of loans made to finance the construction of residential real property

b Six months in the case of a loan to a borrower who acquired the property securing such loan as full or partial consideration for the sale of a one- to four-family residential property

c Three months in the cases of all other loans

SEC 5 Section 7152 of said code is amended to read

7152 An association may make ~~unamortized~~ *amortized* loans upon the security of improved real property in an amount not in excess of ~~60~~ *70* percent of the appraised value of such real property ~~if the terms of such loans do not exceed three years or if the notes or other obligations representing such loans provide for payments which will make such loans, after an initial term not exceeding three years, amortized loans for the purpose of Section 7170~~

SEC 6 Section 7153 of said code is amended to read

7153 An association may make amortized loans upon the security of ~~improved~~ *residential* real property*, the principal improvements on which consist of a dwelling or dwellings,* in an amount not in excess of ~~70~~ *80* percent of the appraised value of such real property ~~if the~~

appraised value does not exceed forty thousand dollars ($40,000), or not in excess of 80 percent of the the first forty thousand dollars ($40,000) of such appraised value if it exceeds forty thousand dollars ($40,000) plus 70 percent of the remainder of such appraised value

SEC 7 Section 7153 2 is added to said code, to read·

7153 2. An association may make amortized loans upon the security of real property upon which there is located a structure designed for residential use of one family and upon which there is not located any other structure designed or used in whole or in part for use as a dwelling or any structure designed or used in whole or in part for any business use or for any use not ancillary to the residential use aforesaid in an amount not in excess of (a) twenty-six thousand five hundred dollars ($26,500), or (b) ninety percent (90%) of the value of the real property up to and including twenty-five thousand dollars ($25,000) plus eighty percent (80%) of so much of such value as exceeds twenty-five thousand dollars ($25,000), or (c) ninety percent (90%) of the purchase price up to and including twenty-five thousand dollars ($25,000) plus eighty percent (80%) of so much of the purchase price as exceeds twenty-five thousand dollars ($25,000), whichever is lowest The borrower shall make a certification in writing that he intends to occupy the property as his home and that no lien or charge upon the property other than the lien of the association has been given or executed by him The loan shall require repayment in monthly payments Each such payment shall include the monthly proration of annual taxes and hazard insurance premiums in advance until the unpaid balance of such loan shall have been reduced to eighty percent (80%) of the original appraised value of such property

No association shall have such investments under this section aggregating at any one time more than 5 percent of its total assets Whenever the unpaid balance of any such loan made under this section shall have been reduced to 80 percent of the original appraised value of such property, such loan may be removed from the above imposed limitation of assets

SEC 8 Section 7153 3 is added to said code, to read

7153 3. An association may make amortized loans upon the security of real property in an amount not in excess of 75 percent of the appraised value of such real property if such real property is improved by housing accommodations, individual or multiple, designed for the purpose of providing accommodations for occupancy by aging persons over 55 years of age, or of providing rest homes or nursing homes, so constructed or altered as to be suitable primarily for the occupancy of aging persons over 55 years of age and limited principally to the occupancy of such persons The borrower shall make a certification in writing that the security property has been or, as a result of such loan, will be constructed or altered to provide housing accommodations suitable primarily for aging persons over 55 years of age or to provide a rest home or a nursing home for such persons and certifying that, as

long as such loan is outstanding, occupancy of such property will be limited principally to occupancy by aging persons over 55 years of age.

No association shall have such investments under this section aggregating at any one time more than 5 percent of its total assets. Whenever the unpaid balance of such loans made under this section shall have been reduced to 70 percent of the original appraised value of such property, such loan may be removed from the above imposed limitation of assets

SEC 9 Section 7153 4 is added to said code, to read:

7153 4 An association may make amortized loans upon the security of real property, the principal improvements on which consist of one or more structures designed primarily for residential use of 16 or more families, in an amount not in excess of 75 percent of the appraised value of such real property.

SEC. 10 Section 7154 of said code is amended to read:

7154 An association may make unamortized loans upon the security of improved real property on the following terms·

a. In an amount not exceeding 60 percent of the appraised value of such property if the terms of such loans do not exceed three years, after which the loan may not be extended and may be refinanced only with an amortized loan in accordance with the provisions of Section 7151(c).

b In an amount not exceeding 70 percent of the appraised value of such property if the terms of such loans do not exceed two years, after which the loan may not be extended and may be refinanced only with an amortized loan in accordance with the provisions of Section 7151(c).

SEC 11. Section 7154 5 of said code is repealed.

~~7154 5. An association may make amortized loans upon the security of real property upon which there is located a structure designed for residential use of one family and upon which there is not located any other structure designed or used in whole or in part for use as a dwelling or any structure designed or used in whole or in part for any business use or for any use not ancillary to the residential use aforesaid in an amount not in excess of (a) twenty-two thousand dollars ($22,000), (b) ninety percent (90%) of the value of the real property up to and including twenty thousand dollars ($20,000) plus eighty percent (80%) of so much of the value as exceeds twenty thousand dollars ($20,000) but does not exceed twenty-five thousand dollars ($25,000), or (c) ninety percent (90%) of so much of the purchase price as does not exceed twenty thousand dollars ($20,000) plus eighty percent (80%) of so much of the purchase price as exceeds twenty thousand dollars ($20,000) but does not exceed twenty-five thousand dollars ($25,000), whichever is lowest. The borrower shall make a certification in writing that he intends to occupy the property as his home and that no lien or charge upon the property other than the lien of the association has been given or executed by him. The loan shall provide for repayment in monthly payments which payments shall include the monthly proration of annual taxes and hazard insurance premiums in advance.~~

~~No association shall have such investments under this section aggregating at any one time more than 5 percent of its total assets. Whenever the unpaid balance of such loans made under this section shall have reduced to 80 percent of the original appraised value of such property, such loan may be removed from the above imposed limitation of assets.~~

SEC 12 Section 7169 of said code is repealed

~~7169. For the purpose of Section 7170, any loan held by an association may be classified as an amortized loan during any period within which payments are being made, or within which the note or obligation representing such loan provides for payments to be made, of installments either of principal alone or combined principal and interest at a rate not less than that provided for an amortized loan, regardless of whether or not the loan requires payment to commence later than one year from the date of the loan.~~

SEC 13. Section 7170 of said code is repealed.

~~7170. An association shall not make any loan other than an amortized loan unless at least 90 percent of the unpaid principal of all its loans then in force are amortized loans, and no association shall make any loan other than an amortized loan payable in monthly installments unless at least 80 percent of the unpaid principal of all its loans then in force are amortized loans in which the note or obligation provides for monthly installment payments on the principal.~~"

Amendment No. 3

On page 1, strike out lines 3 to 25, inclusive; strike out page 2; on page 3, strike out lines 1 to 49, inclusive; and in line 50, strike out "6", and insert "14"

Amendment No. 4

On page 4, line 10, strike out "7", and insert "15"

Amendments read, and adopted.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Finance and Insurance.

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Finance and Insurance reports

Assembly Bill No 20

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

MILLS, Chairman

Above bill ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 272
Assembly Bill No 762
Assembly Bill No 831
Assembly Bill No 1077

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading.

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 307 Assembly Bill No 906
Assembly Bill No 583 Assembly Bill No 946
And reports the same correctly engrossed

POWERS, Chairman

Above bills, with the exception of Assembly Bill No 583, ordered to the Consent Calendar

Assembly Bill No 583 re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 784
Assembly Bill No 785
Assembly Bill No 851
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1020
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered to the Consent Calendar.

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No 256
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered to third reading

ASSEMBLY CHAMBER, March 21, 1963

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined.
Assembly Bill No 46 Assembly Bill No. 1106
Assembly Bill No 611 Assembly Bill No 1188
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading.

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No 1137
And reports the same correctly engrossed.

POWERS, Chairman

Above bill ordered to the Consent Calendar

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 282
Assembly Bill No 318
Assembly Bill No. 940
And reports the same correctly engrossed.

POWERS, Chairman

Assembly Bills Nos 282 and 940 ordered to third reading

Assembly Bill No. 318 re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 560	Assembly Bill No 962
Assembly Bill No 801	Assembly Bill No 1008
Assembly Bill No. 802	Assembly Bill No 1186

And reports the same correctly engrossed.

POWERS, Chairman

Above bills re-referred to committee.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Mr Britschgi asked for unanimous consent that a communication from Ira C and Gladys E Bechtold be ordered printed in the Journal

Mr Elliott withheld unanimous consent, pending the reading of the communication

Mr Britschgi then read the communication to the members

Objections Withdrawn

Mr. Elliott then withdrew his objections, and unanimous consent was granted that the following communication be ordered printed in the Journal

COMMUNICATION FROM IRA C. AND GLADYS E. BECHTOLD

LA HABRA, CALIFORNIA, February 22, 1963

Hon Carl A Britschgi, Chairman
Assembly Committee on Legislative Representation
State Capitol, Sacramento

DEAR MR BRITSCHGI: Many times in the past and up to the present time, we have noted that various individuals and organizations have appeared in the State Capitol in Sacramento and elsewhere, as well as in the National Capitol at Washington, D C, claiming to represent our church, which is known as "The Religious Society of Friends" or merely as "Friends" and sometimes by the colloquial name of "Quakers"

We are members of the East Whittier Friends Church which in turn is a monthly meeting of the California yearly meeting of Friends Church This is the oldest Friends or Quaker organization in the State of California and the West. California yearly meeting consists of 34 monthly meetings distributed throughout the State, having a total of 7,964 active and associate members as of April 1, 1962

After extensive investigation and to the best of our knowledge and belief, neither of the above organizations have any duly appointed representatives or organizations which are delegated to speak for them or their members before government bodies in either Sacramento or Washington, D C

Certainly we, as individuals, have no duly appointed representatives having this authority

To the best of our knowledge and belief, no members of the above cited organizations are listed in "List of Legislative Advocates and Organizations, 1961" or in "Final Report of the Assembly Interim Committee on Legislative Representation, Volume 11, Number 3, 1961-1963" of the Assembly Committee on Legislative Representation of the State of California

We are writing to you stating our position in this matter for the reason that, in the past, we have not been in agreement with many, if

not most, of the positions taken in legislative matters by those whom our legislators may have believed represented "The Religious Society of Friends," "Friends," or "Quakers"

It would be appreciated if you would make our position known to your associates.

Thank you for your kind consideration of this request.

Sincerely,

IRA C. BECHTOLD
GLADYS E BECHTOLD

COMMUNICATION FROM CHIEF CLERK

The following communication from the Chief Clerk was received:

March 21, 1963

Hon. Jesse M. Unruh
Speaker of the Assembly

DEAR MR. SPEAKER.

The following corrections should be made in the amendments to Assembly Bill No. 619:

Amendment No 2 to the bill should read, "Strike out "in addition (the)", and insert "The"".

In the same bill, Amendment No 8 has a superfluous period which should be deleted

With your permission these corrections have been made so the amendments will fit the bill

ARTHUR A OHNIMUS, Chief Clerk

ANNOUNCEMENTS

Mr. Crown announced that the Committee on Ways and Means would meet at 1 30 p m. today in Room 4202

Mr. Crown announced that Ways and Means Subcommittee 2A (Petris, Chairman), would meet at 3 45 p m this afternoon in Room 4164.

EXPLANATIONS OF ABSENCES

March 21, 1963

Our absence from the Assembly Chamber this morning was due to our attendance at a Wildlife Conservation Board hearing at the State Capitol Any rollcalls which we may have missed were due to our being present at the Wildlife hearing

CHARLES EDWARD CHAPEL
PAULINE L DAVIS
FRANK P. BELOTTI

I was attending a legislative meeting for a short period in the Capitol on Thursday morning, March 21. This explains my reason for missing roll calls.

CHARLES W. MEYERS

ADJOURNMENT

At 11 46 a m, on motion of Mr. Waldie, the Speaker pro Tempore declared the Assembly adjourned until 10 a m, Friday, March 22, 1963

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FORTY-FIFTH LEGISLATIVE DAY

FIFTY-FIFTH CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Friday, March 22, 1963

The Assembly met at 10 a m

Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding

Chief Clerk Arthur A Ohnimus at the desk.

Assistant Clerk Ronald Collins reading

ROLL CALL

The roll was called, and the following answered to their names·

Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills. Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—68

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev. Robert R. Ferguson:

We pray, O God Our Father, For the Assemblymen, the clerks, Sergeant at Arms, secretaries, and all connected with this Assembly A law of life is that our output is commensurate with our intake Give to each spiritual and mental refreshment so their tasks become not heavy burdens to bear but opportunities to meet May they not become weary with well-doing. They cannot draw new and creative ideas from dry minds As spring is taking over from winter and new evidence of life is appearing in nature, so may there be a renewed vitality and productivity among each of us here this morning

We pray to Thee who art the author of all life —AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr. Mihas then led the Assembly in the pledge of allegiance to the Flag

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr. Mills, seconded by Mr Dills

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of legislative business elsewhere

Mr. Mulford, on motion of Mr Britschgi
Mr Conrad, on motion of Mr Britschgi
Mr Cusanovich, on motion of Mr. Britschgi
Mr. Waite, on motion of Mr Waldie.
Mr Porter, on motion of Mr. Waldie
Mr. Kennick, on motion of Mr Waldie
Mr. Knox, on motion of Mr. Waldie
Mr Allen, on motion of Mr Dannemeyer
Mr Burgener, on motion of Mr Mihas
Mr. Lanterman, on motion of Mr Stevens
Mr Ferrell, on motion of Mr Waldie.

The following member was granted leave of absence for the day, and desired to waive his per diem

Mr Stanton, on motion of Mr Waldie

REQUEST TO CONSIDER AND ACT ON BILL WITHIN 30 CALENDAR DAYS

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER *Pursuant to Joint Rule No 10 8, I request permission to introduce a resolution providing that the following bill may be heard in committee, and acted upon by the Assembly before 30 calendar days have elapsed*

Assembly Bill No. 2025—An act to add Section 16410 to the Education Code, relating to school property, declaring the urgency thereof, to take effect immediately.

ROBERT E BADHAM

Above request ordered transmitted to the Committee on Rules

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time.

Assembly Bill No. 2024: By Mr Winton—An act to amend Sections 4900, 4903, and 4904 of the Penal Code, relating to persons erroneously convicted of felonies

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2025: By Mr Badham—An act to add Section 16410 to the Education Code, relating to school property, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2026: By Mr Monagan—An act to amend Section 1801 of the Military and Veterans Code, relating to solicitation for veterans' benefit

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2027: By Messrs Monagan and Winton—An act to amend Sections 12820, 12821, 12822, and 12824 of the Education Code, relating to the public school system

Held at desk by order of the Speaker pro Tempore.

Assembly Concurrent Resolution No. 48: By Messrs Garrigus, Willson, Ryan, Knox, and Alquist—Relative to participation by junior college classroom teachers in the formulation of education policy

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolution was offered·

By Mr Flournoy·

House Resolution No. 161

Relating to an interim study of the subject of local taxation for public school support

WHEREAS The statutory law of this State prescribes maximum tax rates to govern the levy and collection of school district taxes at the local level, but authorizes these maximums to be exceeded by the individual districts through "override tax" election procedures; and

WHEREAS, The statutory law itself increases such maximum tax rates by force of various separate provisions directed to insuring that sufficient moneys will be provided for a variety of purposes ranging from breakfasts and lunches for needy pupils, child care centers, and public school care centers, to installation of fire prevention facilities and payment of administrative expense contributions for social security coverage purposes, and

WHEREAS, There have been introduced at the current session of the Legislature, as in past sessions, a considerable number of proposals which would add provisions to the law to further increase the maximum tax rates for different purposes, and

WHEREAS, The great majority of the school districts in the State are being supported at the local level by district taxes levied and collected at rates so substantially in excess of the general statutory "maximums" that the latter clearly no longer closely reflect the present day realities of public school administration and finance, and

WHEREAS, Many of the most desirable programs prescribed for the public schools in recent enactments of the Legislature, such as the poliomyelitis immunization, foreign language instruction, and others, have been placed into operation by the districts without the aid of special financial support from the State, with the result that the added financial burdens make it imperative that means for enhancing the efficiency of fiscal operations at the local level be immediately devised, now, therefore, be it

Resolved by the Assembly of the State of California That the Committee on Rules is directed to assign to an appropriate interim committee for study the subject of local taxation for support of the public school system, the committee to study all facts and circumstances relating to this subject and to report its findings and recommendations thereon to the Legislature by the fifth calendar day of the 1965 Regular Session

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 66
Assembly Bill No 883
And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 22, 1963

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No. 95

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered returned to second reading file.

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 21, 1963

MR. SPEAKER: The Chairman of your Committee on Finance and Insurance reports.

Assembly Bill No. 270

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Finance and Insurance.

MILLS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 270 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 270—An act to amend Section 2984 of the Civil Code, relating to automobile sales financing.

Bill read second time.

Motion to Amend

Mr. Carrell moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "(a)"

Amendment No. 2

On page 2, line 6, strike out the period, and insert "or returned to the buyer A violation corrected as provided in this section shall not be the basis of any recovery by the buyer or affect the enforceability of the contract by the holder and shall not be deemed to be a substantive change in the agreement of the parties"

Amendment No. 3

On page 2, strike out lines 11 to 29, inclusive

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance.

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER: The Chairman of your Committee on Agriculture reports

Assembly Bill No. 1278

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Agriculture.

PATTEE, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1278 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1278—An act to add Section 954 1 to the Agricultural Code, relating to one-variety cotton districts

Bill read second time.

Motion to Amend

Mr Winton moved the adoption of the following amendments·

Amendment No. 1

On page 1, line 3, of the printed bill, after "apply", insert "in district number three"

Amendment No. 2

On page 1, line 4, strike out "not exceeding 20 acres in"; strike out line 5; and in line 6, strike out "of" and insert "under a permit issued by the commissioner and pursuant to such regulations of the director as he finds are necessary to isolate"

Amendment No. 3

On page 1, between lines 8 and 9, insert
"Such a permit may authorize such planting on not more than one 20-acre plot and five 10-acre plots for each permittee Each permittee shall execute a five thousand dollar ($5,000) bond conditioned on compliance with the requirements of the permit and all regulations of the director issued pursuant to this section"

Amendment No. 4

On page 1, line 12, after "seeds" insert "All cotton so ginned shall be clearly marked or labeled, in the manner prescribed by the regulations of the director, to indicate its variety and to avoid its being mistaken for acala cotton"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Agriculture

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER· Your Committee on Agriculture reports·

Senate Bill No 261

With the recommendation Do pass

PATTEE, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Agriculture reports:

Assembly Bill No 1033

With amendments with the recommendation Amend, and do pass, as amended.

PATTEE, Chairman

Above bill ordered to second reading.

Committee on Government Organization

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Government Organization reports:

Assembly Bill No 351
Assembly Bill No 400
Assembly Bill No 861
Assembly Bill No 1193
Assembly Bill No. 1241

With amendments with the recommendation. Amend, and re-refer to the Committee on Government Organization

MARKS, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Government Organization reports:

Assembly Bill No 141
Assembly Bill No 945

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar.

MARKS, Chairman

Above bills ordered to second reading.

Committee on Education

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 767
Assembly Bill No 769
Assembly Bill No 1175
Assembly Bill No. 1286

With the recommendation Do pass.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

GARRIGUS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 1050

With the recommendation That the bill be re-referred to the Committee on Ways and Means

GARRIGUS, Chairman

Above bill re-referred to the Committee on Ways and Means

Committee on Ways and Means

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Ways and Means reports

Assembly Bill No 628
Assembly Bill No 803

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

CROWN, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Ways and Means reports

Assembly Bill No 586

With the recommendation Do pass as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CROWN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Ways and Means reports

Assembly Bill No 630

With amendments with the recommendation Amend, and do pass, as amended

CROWN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Ways and Means reports

Senate Bill No 59

With the recommendation Do pass

CROWN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Ways and Means reports

Assembly Bill No 213
Assembly Bill No 635
Assembly Bill No 937
Assembly Bill No 954
Assembly Bill No 955

With the recommendation Do pass

CROWN, Chairman

Above bills ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Concurrent Resolution No 38

And reports the same correctly engrossed

POWERS, Chairman

Above resolution ordered to the Consent Calendar

Committee on Ways and Means

ASSEMBLY CHAMBER, March 21, 1963

MR. SPEAKER: The Chairman of your Committee on Ways and Means reports Assembly Bill No 68

With author's amendments with the recommendation Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 68 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 68—An act to add Article 7 (commencing with Section 218) to Chapter 1 of Division 1 of the Streets and Highways Code, relating to roadside safety rest areas

Bill read second time

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr Carrell was granted unanimous consent that Rule No 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor to the bill

Motion to Amend

Mr Carrell moved the adoption of the following amendments:

Amendment No 1

In the heading of the printed bill, as amended in the Assembly on March 18, 1963, after "Carrell", insert "and Mrs Davis"

Amendment No. 2

On page 3, line 1, strike out "763", and insert "42002".

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER: The Chairman of your Committee on Transportation and Commerce reports.

Assembly Bill No 91

With author's amendments with the recommendation Amend, and re-refer to the Committee on Transportation and Commerce.

CARRELL, Chairman

SECOND READING OF ASSEMBLY BILL NO. 91 (PURSUANT TO RULE NO 59 5)

Assembly Bill No. 91—An act to amend Sections 12507, 12509, 12512, 12513, and 12514 of the Vehicle Code, relating to age limits for drivers' licenses.

Bill read second time.

Motion to Amend

Mr Pattee moved the adoption of the following amendments

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 12, inclusive, and insert

"12507. The department may issue to any person ~~16~~ *18* or more years of age, but under 21 years of age, a temporary operator's license if he has:

(a) Satisfactorily completed a course in automobile driver training approved by the Division of Drivers' Licenses in any secondary school of California maintained under Article 6 (commencing with Section 8101) of Chapter 3 of Division 7 of the Education Code

(b) Complied with Chapter 2 (commencing with Section 17700) of Division 9 of this code."

Amendment No. 2

On page 1, lines 14 and 15, strike out "17 and 6 months", and insert "16"

Amendment No. 3

On page 1, line 21, strike out ", a licensed driver 18 years of age or over, but the", and insert "a driving training instructor licensed under this code or a person instructing a driving training course in a public school or other educational institution, or a parent or guardian holding a valid California driver's license, except that any permittee over the age of 17 years and 6 months need be accompanied only by a person over 21 years having a valid California driver's license The"

Amendment No. 4

On page 2, line 3, after "permittee", insert "Permits may be renewed if the department determines that circumstances justify their renewal; except that in any event no permit shall be valid on or after the 18th birthday of the permittee"

Amendment No. 5

On page 2, line 16, before "School", insert "(1)"

Amendment No. 6

On page 2, line 23, before "Reasonable", insert "(2)".

Amendment No. 7

On page 2, strike out lines 29 to 38, inclusive, and insert

"(3) Transportation facilities are inadequate, and the operation of a motor vehicle is necessary in transportation of the applicant to and from employment, or in the normal course of employment, or where the applicant's operation of a motor vehicle is essential to a family enterprise from which an appreciable amount of income is realized

The application shall be accompanied by a signed statement from the employer stating the necessity for granting such a permit, and the conditions under which the applicant will operate a motor vehicle Such application also shall be signed by a parent or guardian certifying that the facts set forth in the application are, to his knowledge, correct

The conditions under which such permit is granted shall be stated on the permit, including the name and address of the employer and the circumstances under which the permittee may operate a motor vehicle

Where such employment is agricultural, the department may issue a permit to any person 14 years or over and the application for a permit may be signed only by the applicant's parent or guardian"

Amendment No. 8

On page 2, line 49, after "necessary", insert "or for a period of six months, whichever is shorter Permits may be renewed if the department determines that circumstances justify their renewal".

Amendment No. 9

On page 3, line 9, strike out "shall", and insert "may".

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Rules, were read, and adopted

Amendment No. 1

On page 2, line 5, of the printed bill, before "As", insert "13663"

Amendment No. 2

On page 2, line 15, before "The", insert "13664"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Rules

Assembly Bill No. 336—An act to amend Sections 11010, 11018, and 11019 of, to add Sections 11007, 11018.2, 11018.3, 11022, and 11023 to, and to repeal Sections 11000.5 and 11020 of, the Business and Professions Code, relating to subdivided lands

Bill read second time, and ordered to third reading

Assembly Bill No. 977—An act to amend Sections 15458 and 15460 of the Education Code, relating to approval of public school plans by the Division of Architecture and the State Fire Marshal

Bill read second time, and ordered engrossed

Assembly Bill No. 666—An act to amend Section 25350 of the Business and Professions Code, relating to alcoholic beverages

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Governmental Efficiency and Economy, were read, and adopted

Amendment No. 1

On page 1, line 12, of the printed bill, as amended in the Assembly on March 11, 1963, after "of", insert "the"

Amendment No. 2

On page 2, line 5, after "package", insert "or case".

Amendment No. 3

On page 2, line 7, after the period, insert "Any seizure under this subdivision shall not exceed one hundred dollars ($100) of alcoholic beverages at retail price"

Amendment No. 4

On page 1, lines 26 and 27, strike out "offered for sale,"

Amendment No. 5

On page 2, line 6, strike out "offered for sale,"

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 871—An act to amend Sections 1724 and 1725 of the Business and Professions Code, relating to the practice of dentistry.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Governmental Efficiency and Economy, was read, and adopted:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "twenty dollars ($20)", and insert "twenty-four dollars ($24)"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1221—An act to amend Sections 12006 and 12200 of the Business and Professions Code, relating to weights and measures.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Governmental Efficiency and Economy, were read, and adopted·

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 12006 and 12200", and insert "Section 12006".

Amendment No. 2

On page 1, strike out lines 6 to 25, inclusive

Bill ordered reprinted, and engrossed

Assembly Bill No. 504—An act to amend Section 20708 of, and to repeal Section 12406 of, the Business and Professions Code, relating to weights and measures

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 582—An act to amend Section 12106 of the Business and Professions Code, relating to weight and scale reports

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 746—An act to amend Sections 12700, 12704, 12705, and 12707 5 of, and to add Sections 12704 2 and 12707 4 to, the Business and Professions Code, relating to private and public weighmasters.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 925—An act to amend and renumber Section 10239 4 of, to add Article 6 5 (commencing with Section 10269) to Chapter 3 of Part 1 of Division 4 of, and to repeal Sections 10238.7, 10238 8, 10238 9, 10239, 10239 1, 10239 2, and 10239 3 of, the Business and Professions Code, relating to real estate transactions.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 953—An act to amend Section 12710 of the Business and Professions Code, relating to public weighmasters.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 986—An act to amend Sections 6545 and 6546 of the Business and Professions Code, relating to the practice of barbering.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Governmental Efficiency and Economy, were read, and adopted:

Amendment No. 1

On page 2, line 2, of the printed bill, after the first "examination", insert ", except that the board may extend the 12-month period upon showing of good cause, which shall include but not be limited to delays in applying for and taking the examination caused by any illness of or accident to the apprentice or service in the Armed Forces of the United States".

Amendment No. 2

On page 2, line 31, after "barber", insert ", except that the board may extend the two-year period upon showing of good cause, which shall include but not be limited to delays in applying for and taking the examination caused by illness of or accident to the apprentice or service in the Armed Forces of the United States"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 987—An act to amend Section 6545 of the Business and Professions Code, relating to barbers.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Governmental Efficiency and Economy, was read, and adopted:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out "12 months of which shall"; and strike out lines 15 to 19, inclusive, and insert "except that a registered apprentice who completes a 12-months' apprenticeship program approved by the board and established under the provisions of Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code shall be required to serve as a registered apprentice for a period of only 15 months."

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 988—An act to add Section 6567 to the Business and Professions Code, relating to the practice of barbering.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Governmental Efficiency and Economy, was read, and adopted:

Amendment No. 1

On page 1, line 5 of the printed bill, strike out "shall", and insert "may".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 531—An act to add Section 24 5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), relating to water conservation districts.

Bill read second time, and ordered to the Consent Calendar.

Assembly Bill No. 821—An act to add Section 432 5 to the Labor Code, relating to employment

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Industrial Relations, was read, and adopted·

Amendment No. 1

On page 1, lines 5 and 6, of the printed bill, strike out "execute any document containing any term or condition prohibited by law", and insert "agree, in writing or otherwise, to any term or condition prohibited by law".

Bill ordered reprinted, and engrossed

Assembly Bill No. 927—An act to add Section 407.1 to the Labor Code, relating to polygraph tests

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Industrial Relations, were read, and adopted·

Amendment No. 1

In line 1 of the title of the printed bill, strike out "407 1", and insert "432 5".

Amendment No. 2

On page 1, line 1, strike out "407 1", and insert "432 5".

Amendment No. 3

On page 1, line 3, strike out "407 1", and insert "432 5".

Amendment No. 4

On page 1, lines 3 and 4, strike out ", require, request or permit", and insert "or require"

Amendment No. 5

On page 1, line 8, strike out "the state or federal government", and insert "the federal government or any agency thereof or the state government or any agency or local subdivision thereof, including state and local law enforcement agencies".

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Criminal Procedure

Assembly Bill No. 718—An act to amend Section 1695 of the Labor Code, relating to farm labor contractors

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 236—An act to amend Section 23361 of the Revenue and Taxation Code, relating to the filing of consolidated tax returns for corporate tax purposes

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 20—An act to add Sections 17200 8, 17213 1, and 17421 to, and to amend Sections 17209, 17209 1, and 17209 2 of, the Financial Code, relating to escrow agents

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Finance and Insurance, were read, and adopted

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Assembly on March 18, 1963, strike out and 17209 2", and insert ", 17209 2 and 17209 3"

Amendment No. 2

On page 1, line 5, strike out "five (5)", and insert "three (3)"

Amendment No. 3

On page 1, line 7, strike out "full time"

Amendment No. 4

On page 1, line 8, after "division", insert "during the time the location is open for business"

Amendment No. 5

On page 2, line 34, strike out ", owners, officers and managers," and insert "and owners,"

Amendment No. 6

On page 2, line 36, after "proposal", insert "The name and address of the proposed person or persons meeting the requirements of Section 17200 8 shall be held confidential until the license has been granted The approval of an application or the issuance of a license by the commissioner shall be contingent upon the employment of a qualified person or persons as may be required by Section 17200 8"

Amendment No. 7

On page 2, after line 49, insert

"SEC. 7. Section 17209 3 of said code is amended to read·

17209 3 The commissioner may refuse to issue any license being applied for, and shall refuse to issue any license being applied for if upon his examination and investigation, and after appropriate hearing, he finds any of the following

(a) That the corporation is to be formed for any business other than legitimate escrow agent services, or proposes to use a name that is misleading or in conflict with the name of an existing licensee

(b) That the incorporators or directors lack the character, experience, or general fitness to engage in such business

(c) That there is no officer or manager possessing a minimum of ~~five (5)~~ *three (3)* years of responsible escrow experience to be stationed in the proposed business location

(d) That the proposed licensee's financial program is unsound "

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

Senate Bill No. 58—An act to amend Sections 19593, 20804.3, and 21701.5 of the Education Code, and Section 23313 of the Elections Code, relating to school district elections.

Bill read second time, and ordered to the Consent Calendar.

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees:

Assembly Bill No	*Committee*
2004	Revenue and Taxation
2005	Fish and Game
2006	Government Organization
2007	Revenue and Taxation
2008	Ways and Means
2009	Governmental Efficiency and Economy
2010	Education
2011	Rules
2012	Water
2013 and 2014	Finance and Insurance
2015 through 2018	Municipal and County Government
2019	Finance and Insurance
2020	Education
2021	Governmental Efficiency and Economy
2022	Transportation and Commerce
2023	Revenue and Taxation

Senate Bill No.	
197	Judiciary
252	Judiciary
259	Education
469	Water

Senate Joint Resolution No.	
9	Rules

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No. 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means:

Assembly Bills Nos. 95 and **336.**

Assembly Bills Nos. 1151, 977, and **925,** subsequent to engrossment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 21, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No 15
Assembly Concurrent Resolution No. 16
Assembly Concurrent Resolution No. 39

J A BEEK, Secretary of the Senate
By GRANT MILLER, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, March 21, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No. 76
Assembly Bill No. 177

J A BEEK, Secretary of the Senate
By GRANT MILLER, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, March 21, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No 10

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GRANT MILLER, Assistant Secretary

Above bill ordered to unfinished business file.

SENATE CHAMBER, March 21, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Senate Concurrent Resolution No 40

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 40—Approving a certain amendment to the Charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at an election held therein on the 6th day of November, 1962

Referred by the Speaker pro Tempore to the Committee on Rules

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

Speaker pro Tempore Bee directed the attention of the Members of the Assembly to his announcement relative to the introduction of guests which appears at page 1306 of the Assembly Daily Journal for March 21, 1963.

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 21, 1963

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 4
Senate Bill No 166
Senate Bill No 194
Senate Bill No 204
Senate Bill No 276
Senate Bill No 277
Senate Bill No 278
Senate Bill No 317
Senate Bill No 331
Senate Bill No 444
Senate Bill No 455
Senate Bill No 460
Senate Bill No 462
Senate Bill No 467
Senate Bill No 613
Senate Bill No. 622

J A BEEK, Secretary of the Senate
By GRANT MILLER, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were read the first time:

Senate Bill No. 4—An act to add Chapter 9 (commencing with Section 60300) to Division 1 of Title 6 of the Government Code, relating to districts

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 166—An act to amend Sections 406 and 408 of the Code of Civil Procedure, relating to process in civil cases

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 194—An act to amend Section 10500 of the Water Code, relating to the appropriation of water by the Department of Water Resources

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 204—An act to add Section 21114 to the Vehicle Code, relating to traffic regulations

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 276—An act to add Article 4 (commencing with Section 26520) to Chapter 3 of Division 12 of the Vehicle Code, relating to vacuum brakes on vehicles

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 277—An act to add Sections 108 and 26458 to, and to amend Section 26503 of, and repeal Section 26500 of, the Vehicle Code, relating to air brakes

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 278—An act to amend Sections 26304, 26450 and 26451 of, and to add Section 26311 to, the Vehicle Code, relating to brakes on vehicles

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 317—An act to amend Sections 4501, 4501.5, 4502, and 4503 of, and to add Section 4504 to, the Penal Code, relating to offenses of prisoners

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 331—An act to repeal Section 3 of Chapter 1347, Statutes of 1961, relating to unfair trade practices

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 444—An act to amend Section 6652 of the Fish and Game Code, relating to kelp

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 455—An act to amend Section 22659 of the Vehicle Code, relating to removal of vehicles

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 460—An act to amend Sections 161 and 163 of the Business and Professions Code, relating to records of the Department of Professional and Vocational Standards

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 462—An act to amend Section 2137.1 of the Business and Professions Code, relating to state institutions

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 467—An act to amend Section 13560 of the Education Code, relating to abuse of teachers

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 613—An act to amend Section 33481 of the Health and Safety Code, relating to community redevelopment

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 622—An act to amend Section 2030 of the Code of Civil Procedure, relating to discovery in civil cases

Held at desk by order of the Speaker pro Tempore

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 579—An act to add Sections 23058 and 23758.3 to the Education Code, relating to public higher education

Bill read third time

Parliamentary Inquiry

Mr. Unruh arose to the following parliamentary inquiry: Has Assembly Bill No. 579 been re-referred to, and considered by, the Committee on Ways and Means?

Reply by Speaker pro Tempore

Speaker pro Tempore Bee replied that the bill had not been re-referred to the Committee on Ways and Means.

The question being on the passage of the bill

The roll was called

Request for Unanimous Consent to Expunge Record, and Rescind Action on Assembly Bill No. 579

Mr. Flournoy was granted unanimous consent to expunge the record, and rescind the action whereby the Assembly, on this day, refused passage to Assembly Bill No 579.

The question being on the passage of the bill

On request of Mr. Flournoy, the bill was ordered passed on file, and to retain its place on file

Assembly Bill No. 717—An act to amend Section 40000 of the Vehicle Code, relating to the time period for commencing criminal actions for Vehicle Code violations involving false or counterfeit documents.

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr. Speaker—61.
NOES—Burton—1.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1126—An act to amend Section 25480 of the Government Code, relating to county purchases.

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Flournoy, Foran, Frew, Gaffney, Garrigus, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr. Speaker—61.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 979—An act to amend Sections 4475 and 4476 of the Health and Safety Code, relating to garbage disposal.

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Flournoy, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Marks, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—60
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1188—An act to amend Section 925 of the Penal Code, relating to the grand jury.

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Flournoy, Gaffney,

Garrigus, Gonsalves, Greene, Hinckley, Holmes, Johnson, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Pattee, Petris, Powers, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—58

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 46—An act to amend Section 933 of the Penal Code, relating to grand juries.

Bill read third time, and passed by the following vote·

AYES—Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Flournoy, Foran, Frew, Gaffney, Garrigus, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Pattee, Petris, Powers, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr. Speaker—60

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 611—An act to amend Section 29610 of the Government Code, relating to the convention expenses of county officers

Bill read third time, and passed by the following vote.

AYES—Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Pattee, Petris, Powers, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—61

NOES—Beilenson and Waldie—2

Bill ordered transmitted to the Senate

Assembly Bill No. 256—An act to add Article 5 (commencing with Section 760) to Chapter 5 of Division 3 of the Harbors and Navigation Code, relating to licensing of for-hire vessel operators

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the consideration of Assembly Bill No 256·

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 12, 1963

To the Honorable Members of the Assembly and Senate.

Assembly Bill No. 256, "An act to add Article 5 (commencing with Section 760) to Chapter 5 of Division 3 of the Harbors and Navigation Code, relating to the licensing of for-hire vessel operators,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill

I, therefore, recommend consideration of Assembly Bill No. 256 as an emergency measure

Respectfully submitted,

EDMUND G BROWN, Governor

The question being on the passage of the bill.

Bill passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—67

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 282—An act to amend Section 10433 of, and to add Sections 10575 1 and 10575 2 to, the Health and Safety Code, relating to birth certificates

Bill read third time, and passed by the following vote

AYES—Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 940—An act to amend Section 258 of the Probate Code, relating to inheritance

Bill read third time, and passed by the following vote

AYES—Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1077—An act to repeal Section 1192 2 and 1192 3 of, and to add Section 1192 2 to, the Insurance Code, relating to leasehold interests as security for loans

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman,

Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—67
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 272—An act to amend Section 8151 of the Fish and Game Code, relating to sardines

Bill read third time, and passed by the following vote.

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Soto, Stevens, Thelin, Thomas, Veneman, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 831—An act to amend Section 1425 of the Penal Code, relating to jurisdiction of justice courts

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burton, Casey, Collier, Cologne, Crown, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Rumford, Ryan, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—60
NOES—Beilenson, Danielson, and Warren—3

Bill ordered transmitted to the Senate

Consideration of House Resolution No. 150

By Mr Holmes

House Resolution No. 150—Relating to Mr John E Gooding

NOTE. The full text of House Resolution No. 150 apears at pages 1107 and 1108 of the Assembly Daily Journal for March 18, 1963

Resolution read

Members Made Coauthors of House Resolution No. 150

Mr Holmes was granted unanimous consent that all members so desiring be placed upon House Resolution No 150 as coauthors.

Roll Call

The following members indicated a desire to become coauthors

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

The question being on the adoption of House Resolution No. 150, as amended

Resolution adopted unanimously

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 1128—An act to amend Section 11053 of the Agricultural Code, and Section 28150 of the Health and Safety Code, relating to eggs

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 703—An act to amend Sections 1401 and 2648 of the Education Code, relating to junior college districts

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—66
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 704—An act to amend Section 2571 of the Education Code, relating to a junior college remaining a separate district upon formation of coterminous unified district.

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—66
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 782—An act to amend Section 250 of the Military and Veterans Code, relating to enlistment in the California National Guard

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran,

Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 695—An act to amend Section 14001 of the Education Code, relating to state teachers' retirement

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—66.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 713—An act to amend Sections 14105 and 14157 of, and to repeal Section 14106 of, the Education Code, relating to state teachers' retirement

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 908—An act to amend Sections 20101, 20104, and 22810 of the Government Code, relating to medical and hospital care for state officers and employees

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1003—An act to amend Section 22793 of the Government Code, relating to medical and hospital care for state officers and employees

Bill read third time, and passed by the following vote·

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1005—An act to amend Sections 22826 and 22840 of the Government Code, relating to medical and hospital care for state officers and employees.

Bill read third time, and passed by the following vote·

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 501—An act to amend Section 13729 of the Education Code, relating to emergency appointments of classified employees

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1088—An act to add Article 2 6 (commencing with Section 4729) to Chapter 3, Part 3, Division 5 of, and to amend Section 4830 of, the Health and Safety Code, relating to sanitation districts

Bill read third time, and passed by the following vote·

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley Holmes Johnson, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Pattee, Petris,

Powers Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1122—An act to amend Sections 6860 and 6938 of the Harbors and Navigation Code, relating to river port districts

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brutschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 393—An act to amend Section 79 01 of the Civil Code, relating to premarital blood tests

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brutschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally Elliott, Flournoy Foran Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 947—An act to amend Section 25750 of the Health and Safety Code, relating to atomic energy

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brutschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally Elliott, Flournoy Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 948—An act to amend Sections 2601 and 2660 of the Business and Professions Code, relating to physical therapy

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brutschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally Elliott, Flournoy Foran Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Pattee, Petris,

Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 874—An act to amend Section 1510 of the Probate Code, relating to investment of funds belonging to minors without a guardian

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—66.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 875—An act to amend Section 1660 of the Probate Code, relating to the investment of surplus funds of a ward's estate by the guardian.

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 876—An act to amend Sections 1147 and 1147.5 of the Probate Code, relating to duties of public administrators.

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—66.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1028—An act to amend Section 717 1 of the Code of Civil Procedure, relating to proceedings supplemental to execution.

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran,

Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1029—An act to add Section 11580 3 to the Insurance Code, relating to the recovery of minors under uninsured motorist coverage.

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Banc, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1102—An act to amend Section 224 of the Civil Code, relating to custody of children

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—66

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1228—An act to amend Section 634 of the Code of Civil Procedure, relating to trials by court in civil actions

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1232—An act to amend Section 69903 of the Government Code, relating to superior court employees.

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson,

Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—None

Bill ordered transmitted to the Senate

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 56—An act to amend Section 1435 9 of the Probate Code, relating to transactions involving community and other property where spouse is incompetent.

Bill read third time, and passed by the following vote.

AYES—Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66.

NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 101—An act to amend Section 537 of the Code of Civil Procedure, relating to attachment

Bill read third time, and passed by the following vote:

AYES—Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—66

NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 111—An act to amend Section 844 of the Probate Code, relating to authority of executor and administrator to lease without a court order

Bill read third time, and passed by the following vote:

AYES—Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 134—An act to amend Section 36 of the Civil Code, relating to contracts of minors

Bill read third time, and passed by the following vote:

AYES—Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran,

Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, McMillan, Meyers, Miias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Vasey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—None

Bill ordered transmitted to the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Speaker pro Tempore Bee announced that Article IV, Section 2(a) of the Constitution precludes the reporting of bills out of committee with author's amendments until the 30-day constitutional restriction has been complied with.

Speaker pro Tempore Bee further announced that all committee secretaries have been instructed not to accept author's amendments to bills unless the 30-day constitutional restriction has been complied with

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 2028: By Mr. Carrell—An act to amend Section 5092 of the Public Resources Code, relating to roadside rests

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2029: By Mr Beilenson—An act to amend Section 4200 of the Government Code, relating to bonds

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2030: By Messrs Z'berg and Young—An act to add Section 18850 1 to the Government Code, relating to compensation of personnel engaged in building and construction work

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2031: By Mr Petris—An act to add Chapter 2.2 (commencing with Section 1423) to Division 2 of the Health and Safety Code, relating to fair hospital practices

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2032: By Mr Petris—An act to add Article 3 5 (commencing with Section 11610) to Chapter 1 of Part 3 of Division 2 of the Insurance Code, relating to Malpractice Insurance Assigned Risk Plan

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2033: By Mr Petris—An act to add Section 2412 to the Business and Professions Code, relating to the prescription of investigational drugs

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2034: By Mr. Mills—An act to amend Sections 12205, 12223, 12301.1, 12305 and 12400 of, repeal Section 12300.3 of, and add Sections 12200 3, 12300 1, 12300.3, 12300 4, 12300 5, 12300.6, 12301 4, 12301.5, 12307 3, 12307.4 and 12312 to, the Financial Code, relating to check sellers and cashers

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2035: By Mr. Marks—An act to add Section 227q and 227r to the Civil Code, relating to adoptions.

Held at desk by order of the Speaker pro Tempore

Assembly Concurrent Resolution No. 49: By Messrs. Cologne, Veysey, Mills, and Meyers—Relative to the contamination of the Salton Sea

Held at desk by order of the Speaker pro Tempore.

REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW ASSEMBLY BILL NO. 1650 FROM COMMITTEE

Mr Foran was granted unanimous consent that Assembly Bill No 1650 be withdrawn from the Committee on Finance and Insurance, and placed upon the file

ASSEMBLY BILL NO. 1650 STRICKEN FROM FILE

Mr Foran was granted unanimous consent that Assembly Bill No. 1650 be stricken from the file pursuant to the provisions of Rule No. 55, stating that his name should not appear as the author of the bill, since he had not offered the bill for introduction

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined Assembly Bill No 267

And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined Assembly Bill No. 925

And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No. 63—An act to amend Sections 1613 and 1616 of the Elections Code, relating to precinct boards,

Assembly Bill No. 120—An act to amend Sections 16626 and 16645 19 of the Education Code, relating to child care centers;

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., March 22, 1963

POWERS, Chairman

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 977
Assembly Bill No. 1151
And reports the same correctly engrossed.

POWERS, Chairman

Above bills re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 504
Assembly Bill No 582
Assembly Bill No 659
Assembly Bill No 718
Assembly Bill No 746
Assembly Bill No 953
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar.

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 112
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER: The Chairman of your Committee on Finance and Insurance reports
Assembly Bill No 448
With author's amendments with the recommendation: Amend, and re-refer to the Committee on Finance and Insurance.

MILLS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 448 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 448—An act to add Division 4.75 (commencing with Section 6200) to the Labor Code, relating to workmen's compensation

Bill read second time

Motion to Amend

Mr. Rumford moved the adoption of the following amendments

Amendment No. 1

On page 2, line 47, of the printed bill, after "care", insert "upon the recommendation of the Medical Director of the Industrial Accident Commission"

Amendment No. 2

On page 3, strike out lines 5 through 14, inclusive, and insert
"(c) To provide information to victims of work injuries"

Amendment No. 3

On page 3, line 21, after "administrator", insert ", upon the recommendation of the Medical Director of the Industrial Accident Commission,"

Amendment No. 4

On page 3, strike out lines 28 to 51, inclusive

Amendment No. 5

On page 4, line 1, strike out "5", and insert "4".

Amendment No. 6

On page 4, line 16, strike out "day, and hour", and insert "and day".

Amendment No. 7

On page 4, line 30, after the period, insert "The reports required to be filed with the Division of Labor Statistics and Research under Section 6407 and following shall continue to be required and shall continue to be confidential as provided in Section 6413."

Amendment No. 8

On page 4, strike out lines 37 to 51, inclusive; and on page 5, strike out lines 1 to 10, inclusive

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance

RESOLUTIONS

The following resolution was offered:

By Mr Zenovich.

House Resolution No. 162

Relative to comparative negligence

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to assign to the appropriate interim committee for study the subject of adoption in this State of the rule of comparative negligence, i.e., that contributory negligence not bar recovery by plaintiff in a negligence action but that damages awarded to him be reduced in proportion to his fault, the committee to study all facts and circumstances relating to this matter and to report its findings and recommendations to the Assembly by the fifth calendar day of the 1965 Regular Session.

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 696—An act to amend Sections 19030 and 19037 of the Streets and Highways Code, relating to establishment of highway lighting districts

Bill read third time, and passed by the following vote:

AYES—Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Chapel, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Soto, Stevens, Thelin, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—60

NOES—None

Bill ordered transmitted to the Senate

ANNOUNCEMENT

Mr. Waldie announced a Democratic Caucus for Monday, March 25, 1963, at 10 a m

ADJOURNMENT

At 11 11 a m , on motion of Mr Waldie, the Speaker pro Tempore declared the Assembly adjourned until 11 a m Monday, March 25, 1963

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FORTY-SIXTH LEGISLATIVE DAY

FIFTY-SIXTH CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Monday, March 25, 1963

The Assembly met at 11 a.m.

Hon. Carlos Bee, Speaker pro Tempore of the Assembly, presiding

Chief Clerk Arthur A Ohnimus at the desk.

Assistant Clerk William Greene reading

ROLL CALL

The roll was called.

Call of the Assembly

Mr. Conrad moved a call of the Assembly

Mr. Willson seconded the motion.

Motion carried Time, 11.07 a m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent members

Call of the Assembly Dispensed With

At 11 11 a m , on motion of Mr. Conrad, further proceedings under the call of the Assembly were dispensed with.

The roll was called, and the following answered to their names

Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78

Quorum present

PRAYER

The following prayer was offered by the chaplain, Rev. Robert R. Ferguson.

O Lord, Our God, In these times which try our souls, give us that faith which is an inescapable optimism and the midst of an irresistible pessimism May we have the grace to resist fatigue, depression, and the weight of our inadequacy and have the vision of the Apostle who said, "All things work together for good to them that love God" We know this is not empirically evident but may it be verified by a long look at Thee, our ultimate concern

We pray in our Lord's name—AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr. Veneman then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Johnson, seconded by Mr Soto.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leave of absence for the day, because of legislative business elsewhere:

Mr. Bagley, on motion of Mr. Conrad

Mr Thomas, on motion of Mr. Waldie.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 2036: By Mr Bee—An act to add Sections 6592, 7657, 8877, 9952, and 32255 to the Revenue and Taxation Code, relating to state taxes

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2037: By Mr Winton—An act to amend Section 4100 and to amend and renumber Sections 4101, 4102, 4103, 4104, 4105, 4106, 4106 5, 4107 and 4108 of, and to add Sections 4101, 4102, 4105, 4108 and 4110 to, the Government Code, relating to public works and purchases

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2038: By Mr Veneman—An act to add Section 1258 to the Water Code, relating to protests to applications to appropriate water

Held at desk by order of the Speaker pro Tempore.

Assembly Constitutional Amendment No. 35: By Messrs Britschgi and Pattee—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 25 7 of Article IV thereof, relating to boxing and wrestling

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2039: By Mr Burgener—An act to add Section 32108 2 to the Health and Safety Code, relating to officers of hospital districts.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2040: By Mr Burgener—An act to add Section 32108 3 to the Health and Safety Code, relating to officers of hospital districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2041: By Mr Burgener—An act to amend Section 32100 5 of the Health and Safety Code, relating to hospital districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2042: By Mr Burgener—An act to add Section 32108 1 to the Health and Safety Code, relating to hospital districts.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2043: By Mr Burgener—An act to add Section 32111 to the Health and Safety Code, relating to hospital district directors

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2044: By Mr Williamson—An act to add Section 34157 to the Water Code, relating to the formation of California water districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2045: By Mr Willson—An act to amend Section 1267 of the Civil Code, relating to homesteads

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2046: By Mr Willson—An act to amend Section 1265 of the Civil Code, and Sections 600, 660, 661, and 667 of the Probate Code, and to repeal Sections 663, 664, 665, 666, and 668 of the Probate Code, relating to homesteads

Held at desk by order of the Speaker pro Tempore

Assembly Concurrent Resolution No. 50: By Messrs Garrigus and Monagan—Relative to the Civil War Centennial Commission

Referred by the Speaker pro Tempore to Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 340
Assembly Bill No 381
Assembly Bill No 554
Assembly Bill No 760
Assembly Bill No 791

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Joint Resolution No 27
And reports the same correctly engrossed

POWERS, Chairman

Above resolution re-referred to the Committee on Water.

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 463
Assembly Bill No 619
And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 115
Assembly Bill No 880
Assembly Bill No 1040
Assembly Bill No 1130
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 569
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered to the Consent Calendar

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 761
Assembly Bill No 924
Assembly Bill No 1185
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No 891
Assembly Bill No 1148
Assembly Bill No 1168
And reports the same correctly engrossed.

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 927
And reports the same correctly engrossed.

POWERS, Chairman

Above bill re-referred to the Committee on Criminal Procedure

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No 20
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered returned to second reading file.

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No 57
And reports the same correctly engrossed.

POWERS, Chairman

Above bill re-referred to the Committee on Governmental Efficiency and Economy

Committee on Ways and Means

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER The Chairman of your Committee on Ways and Means reports
Assembly Bill No 318
With author's amendments with the recommendation: Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 318 (PURSUANT TO RULE NO. 59 5)

Assembly Bill No. 318—An act to add Sections 21251.6, 20750.13, 20750 23, 20750 33, and 20750 43 to the Government Code, relating to the State Employees' Retirement System

Bill read second time.

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr. Z'berg was granted unanimous consent that Rule No. 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor to the bill.

Motion to Amend

Mr Z'berg moved the adoption of the following amendment:

Amendment No 1

In the heading of the printed bill, as amended in the Assembly on March 20, 1963, strike out "Mr Z'berg", and insert "Messrs Z'berg and Meyers"

Amendment read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, March 22, 1963

MR SPEAKER Your Committee on Ways and Means reports:
Assembly Bill No 49
With amendments with the recommendation Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

Above bill ordered to second reading

Committee on Municipal and County Government

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER The Chairman of your Committee on Municipal and County Government reports
Assembly Bill No 1082
Assembly Bill No 1236
Assembly Bill No. 1351
With author's amendments with the recommendation: Amend, and re-refer to the Committee on Municipal and County Government

KNOX, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 1082 AND 1236 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1082—An act to add Section 35002 2 to the Government Code, relating to municipal corporations

Bill read second time

Motion to Amend

Mr Song moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 11 to 13, inclusive, and insert "could not have been included when the original proposal was filed"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government

Assembly Bill No. 1236—An act to add Article 4 5 (commencing with Section 913 5) to Chapter 2, Title 4, Part 2 of the Penal Code, relating to grand juries

Bill read second time

Motion to Amend

Mr Henson moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "add Article 4 5 (commencing with Section 913 5) to Chapter 2, Title 4, Part 2", and insert "amend Sections 904 and 908"

Amendment No. 2

On page 1, strike out line 1, and insert

"SECTION 1 Section 904 of the Penal Code is amended to read

904 Every superior court, whenever in its opinion the public interest so requires, shall make and file with the county clerk an order directing a grand jury to be drawn Such order shall designate the number of grand jurors to be drawn which shall not be less than 25 nor more than 30 *In counties with supervisorial districts, the superior court may order that the grand jury list shall contain an equal number of grand jurors from each supervisorial district*

SEC 2 Section 908 of said code is amended to read

908 If 19 of the persons summoned as grand jurors are present and not excused, such 19 shall constitute the grand jury If more than 19 of such persons are present, the clerk shall write their names on separate ballots, which he shall fold so that the names cannot be seen, place them in a box, and draw out 19 of them The persons whose names are on the ballots so drawn shall constitute the grand jury If less than 19 of such persons are present, the panel may be filled as provided in Section 220 of the Code of Civil Procedure If more of the persons summoned to complete a grand jury attend than are required, the requisite number shall be obtained by writing the names of those summoned and not excused on ballots, depositing them in a box, and drawing as above provided

When the superior court has ordered the grand jury list to contain an equal number of grand jurors from each supervisorial district, and if more than 19 of the persons summoned as grand jurors are present, the superior court may further order that the drawing of names shall be by supervisorial district, in which case the clerk shall determine the quotient of 19 divided by the number of supervisorial districts If such number or any lesser number of persons are present from any district, all such persons shall be members of the grand jury When there are present from any district more persons than such number, the names of all persons present from the district shall be placed in a separate box Names equal to the number determined as above shall be drawn from such box, and the persons whose names are so drawn shall be members of the grand jury The names of persons present who are not yet determined to be members of the grand jury shall all be placed in one box and a sufficient number of names shall be drawn therefrom which, when added to the number of persons already determined to be grand jurors, shall equal 19 The persons whose names are so drawn shall be members of the grand jury"

Amendment No 3

On page 1, strike out lines 2 to 23, inclusive, and strike out all of page 2

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government

RE-REFERENCE OF ASSEMBLY BILL NO. 1351 TO COMMITTEE POINT OF ORDER

Speaker pro Tempore Bee raised the point of order that the amendments to Assembly Bill No 1351 do not comply with Rule No 76, and, therefore, ordered the bill and the amendments re-referred to the Committee on Municipal and County Government

REPORTS OF STANDING COMMITTEES

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER The Chairman of your Committee on Elections and Reapportionment reports

Assembly Bill No 1350

With author's amendments with the recommendation Amend, and re-refer to the Committee on Elections and Reapportionment

ALLEN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1350 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1350—An act to add Section 222 to the Elections Code, relating to the registration of voters.

Bill read second time

Motion to Amend

Mr Veysey moved the adoption of the following amendments:

Amendment No 1

In line 1 of the title of the printed bill, strike out "Section 222", and insert Sections 222 and 222 5"

Amendment No. 2

On page 1, after line 13, insert

"SEC 2 Section 222 5 is added to said code, to read

222 5 Any registration clerk or deputy registrar of voters who, in administering the test required by Section 222, willfully or knowingly discriminates against any person applying to register, or who refuses to register such person on account of his race, color, religion, ancestry or national origin, shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail not exceeding 6 months, or by both"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Elections and Reapportionment

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER The Chairman of your Committee on Governmental Efficiency and Economy reports

Assembly Bill No 57

With author's amendments with the recommendation Amend, and re-refer to the Committee on Governmental Efficiency and Economy

McMILLAN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 57 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 57—An act to add Section 25 to the Business and Professions Code, relating to disciplinary action against licentiates

Bill read second time

Motion to Amend

Mr. Carrell moved the adoption of the following amendment.

Amendment No. 1

On page 1, lines 4 and 5, of the printed bill, strike out "or when the charge is dismissed on motion of the prosecutor,"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 25, 1963

MR. SPEAKER: The Chairman of your Committee on Finance and Insurance reports:

Assembly Bill No. 1324

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

SECOND READING OF ASSEMBLY BILL NO 1324 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1324—An act to amend Sections 6407, 6408 and 6410 of the Financial Code and to add Sections 956 and 1182 to, and amend Sections 11715 and 12485 of, the Insurance Code, relating to savings and loan association.

Bill read second time

Motion to Amend

Mr Casey moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 29, of the printed bill, after "commissioner", insert ", provided that such investment is in an amount not to exceed the limit insured by the Federal Savings and Loan Insurance Corporation".

Amendment No. 2

On page 2, line 29, strike out the second "The", and strike out lines 30 through 33, inclusive.

Amendment No. 3

On page 2, line 36, after "associations", insert ", provided that such investment is in an amount not to exceed the limit insured by the Federal Savings and Loan Insurance Corporation"

Amendment No. 4

On page 2, line 36, strike out "The term", and strike out lines 37 through 39, inclusive

Amendment No. 5

On page 2, line 46, after "associations", insert ", provided that such investment is in an amount not to exceed the limit insured by the Federal Savings and Loan Insurance Corporation"

Amendment No. 6

On page 3, line 4, strike out "The term "account or accounts in one", and strike out lines 5 through 7, inclusive.

Amendment No. 7

On page 3, line 11, after "associations", insert ", provided that such investment is in an amount not to exceed the limit insured by the Federal Savings and Loan Insurance Corporation".

Amendment No. 8

On page 3, line 13, strike out "The term "account or ac-", and strike out lines 14 through 16, inclusive

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file·

Assembly Bills Nos. 182, 666, 871, 1221, 986, 987, 988, 821, and 20.

Assembly Bills Nos 182, 666, 871, 1221, and 821 ordered to third reading, subsequent to re-engrossment

Assembly Bills Nos 986, 987, and 988 ordered to the Consent Calendar, subsequent to engrossment

Assembly Bill No 20 ordered to the Consent Calendar

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1033—An act to amend Sections 5053, 5076, 5077, 5078, 5080, 5100, 5102, 5125, and 5200 of, and to add Section 5107 to, the Agricultural Code, relating to the California Beef Council

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Agriculture were read, and adopted

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "slaughtering,"

Amendment No. 2

On page 1, line 11, strike out "five", and insert "six"

Amendment No. 3

On page 1, strike out line 12, and insert "range cattlemen, six cattle feeders, and seven dairymen"

Amendment No. 4

On page 1, line 13, strike out "slaughterers"

Amendment No. 5

On page 1, line 15, strike out the period, and insert ", but this requirement shall not operate to remove from office any member of the council As soon as feasible after the effective date of this section, as amended, the director shall classify the present members of the council and shall adopt a schedule for new appointments to the council so that, as present terms of office of members expire, the vacancies will be filled with producers in the classifications and numbers specified in this section Subject to the provisions of this section and of Section 5077, present members of the council shall be eligible for reappointment"

Amendment No. 6

On page 2, line 12, after "director", insert "who was"

Amendment No. 7

On page 5, line 33, strike out "effected", and insert "affected"

Amendment No. 8

On page 5, strike out lines 37 to 49, inclusive, and insert

"5200. The provisions of this chapter shall continue to be operative permanently except as provided in this section. A referendum among the State's producers shall be conducted by the director (a) whenever the director, on his own motion or at the request of the council, determines that it is no longer in the best interest of the State to continue the existence of the council and the programs established and maintained pursuant to the provisions of this chapter, or (b) upon the receipt by the director of a petition for such a referendum signed by 3,000 of the State's producers who signed the petition not more than six months prior to its presentation to the director. No one who holds a current exemption certification may petition to terminate or participate in the referendum. In either such event, the director shall thereupon prepare and mail to each producer as shown in the records of the department a ballot form and self-addressed envelope."

Amendment No. 9

On page 6, line 20, strike out "directors'", and insert "director's"

Bill ordered reprinted, and engrossed

Assembly Bill No. 351—An act to add Section 1240.1 to the Code of Civil Procedure, relating to eminent domain.

Bill read second time.

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr. Carrell was granted unanimous consent that Rule No. 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor to the bill.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Government Organization, were read, and adopted.

Amendment No. 1

In the heading of the printed bill, after "Cusanovich," insert "Stevens,"

Amendment No. 2

On page 1, line 4, after "purposes", insert "and irrevocably dedicated to such use".

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Government Organization.

Assembly Bill No. 400—An act to amend Section 1091.5 of the Government Code, relating to public officers' interest in contracts.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Government Organization, were read, and adopted.

Amendment No. 1

In line 1 on the title of the printed bill, after "Sections", insert "1091 and"

Amendment No. 2

On page 1, line 1, strike out "1091.5", and insert "1091".

Amendment No 3

On page 1, between lines 2 and 3, insert

"1091 (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest

(b) As used in this article "remote interest" means

(1) That of a nonsalaried officer of a nonprofit corporation,

(2) That of an employee of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee of said contracting party for at least three years prior to his initially accepting his office

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party, or

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products

(7) That of a supplier of goods or services when such goods or services had been supplied to the body or board by the officer for at least five years prior to his election or appointment to office

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract

(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed

SEC 2. Section 1091.5 of said code is amended to read ".

Amendment No. 4

On page 1, strike out lines 5 to 11, inclusive, and insert

"(a) The ownership of less than 3 percent of the shares of a corporation for profit, provided the total annual income to him from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of his total annual income, and any other payments made to him by the corporation do not exceed 5 percent of his total annual income,"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Government Organization

Assembly Bill No. 861—An act to repeal Section 172a of the Penal Code, relating to alcoholic beverages

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Government Organization, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 172 and".

Amendment No 2

On page 1, strike out line 1, and insert

"SECTION 1 Section 172 of the Penal Code is repealed

~~172 1 Every person who, within one-half mile of the land belonging to this State upon which any state prison, or within 1,900 feet of the land belonging to this State upon which any reformatory, is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within one mile of the grounds belonging to the University of California at Santa Barbara, as such grounds existed as~~

~~of January 1, 1961, or within one and one-half miles of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa County, California, or within three miles of the University Farm at Davis, or within one and one-half miles of any building actually occupied as a home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United States, established or to be established by this State, or by the United States within this State, or within the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells, gives away, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment, in the discretion of the court.~~

~~2. The possession by a person, within the distances mentioned in paragraph 1 of this section of any state prison, reformatory, grounds belonging to the University of California at Berkeley, University Farm at Davis, or of the land on which is located the Veterans' Home at Yountville, Napa County, California, or any building actually used as a home, retreat or asylum for ex-soldiers or sailors, and marines of the Army and Navy of the United States, within the State Capitol, or within the grounds adjacent and belonging thereto, of a license for the sale of intoxicating liquor issued under and by the authority of the Government of the United States shall, in any prosecution under paragraph 1 of this section, be deemed to be prima facie evidence of the violation of the provisions of paragraph 1 of this section.~~

~~3. Except within the State Capitol or the limits of the grounds adjacent and belonging thereto, as mentioned in subdivision 1 of this section, the provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing or offering for sale of beer.~~

~~4. Distances provided in this section shall be measured not by airline but by following the shortest road or roads connecting the points in question. In measuring distances from the Folsom State Prison, the measurement shall start at the entrance gate of the prison.~~

SEC. 2. Section 172a of said code is repealed."

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Government Organization.

Assembly Bill No. 1193—An act to add Part 6 (commencing with Section 7600) to Division 6 of the Welfare and Institutions Code, relating to the Governor's Advisory Commission on Mental Retardation.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Government Organization, were read, and adopted:

Amendment No. 1

Strike out line 3 of the title of the printed bill, and insert "Study Commission on Mental Retardation, and making an appropriation therefor."

Amendment No. 2

On page 1, line 5, strike out "GOVERNOR'S ADVISORY", and insert "STUDY"

Amendment No. 3

On page 1, lines 8 and 9, strike out "Governor's Advisory", and insert "Study"

Amendment No. 4

On page 1, lines 14, 15 and 16, strike out ", and parent organizations serving the mentally retarded directly or indirectly At least one member shall be selected from each", and insert " The commission shall be composed of the Directors"

Amendment No. 5

On page 2, lines 2, 3 and 4, strike out " At least three but not more than six members shall be parents of mentally retarded children ", and insert ", and six persons representing the general public"

Amendment No. 6

On page 2, strike out lines 7 to 11, inclusive

Amendment No. 7

On page 2, line 12, strike out "7602", and insert "7601"

Amendment No. 8

On page 2, line 24, strike out "7603", and insert "7602"

Amendment No. 9

On page 2, strike out lines 27 and 28, and insert
"7603 The Department of Mental Hygiene shall employ staff to assist the commission"

Amendment No. 10

On page 2, line 29, strike out "7605", and insert "7604"

Amendment No. 11

On page 2, lines 30, 31, 32, and 33, strike out "Additional meetings may be scheduled or called by the chairman The commission may conduct such hearings as are recommended by the chairman and approved by the Governor"

Amendment No. 12

On page 2, line 35, strike out "7606", and insert "7605".

Amendment No. 13

On page 2, line 38, strike out "7607", and insert "7606"

Amendment No. 14

On page 2, line 42, strike out "7608", and insert "7607".

Amendment No. 15

On page 2, line 44, strike out "the".

Amendment No. 16

On page 2, line 45, strike out ", activities, and other matters", and insert "and activities"

Amendment No. 17

On page 2, line 46, strike out "research,".

Amendment No. 18

On page 2, line 47, after "persons", insert "and research in the field of mental retardation"

Amendment No. 19

On page 3, strike out lines 1 to 17, inclusive, and insert
"(c) Statutory revisions necessary to carry out the recommendations of the commission
7608 No administrative authority or responsibility shall be delegated to the commission other than that necessary to plan and execute a thorough inquiry into all aspects of mental retardation"

Amendment No. 20

On page 3, after line 23, insert

"SEC 2 There is hereby appropriated from the General Fund the sum of twenty five thousand dollars ($25,000) in augmentation of Item 146, Department of Mental Hygiene, of the Budget Act of 1963, provided that any federal funds received for the purposes provided for in Part 6 of Division 6 of the Welfare and Institutions Code shall be deposited in the General Fund to the credit of Item 146, Budget Act of 1963, provided further, a sum equal to the amount of federal funds deposited, not to exceed twenty-five thousand dollars ($25,000), shall revert to the unappropriated balance of the General Fund."

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Government Organization

Assembly Bill No. 1241—An act to add Section 23053 5 to the Business and Professions Code, relating to alcoholic beverages

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Government Organization, were read, and adopted

Amendment No. 1

In line 2 of the title of the printed bill, after "beverages", insert ", declaring the urgency thereof, to take effect immediately"

Amendment No. 2

On page 1, line 14, strike out "$15", and insert "$24"

Amendment No 3

On page 1, line 15, strike out "$50", and insert "$52"

Amendment No. 4

On page 1, line 16, strike out "$50", and insert "$52".

Amendment No. 5

On page 1, between lines 16 and 17, insert

"(d) Distilled spirits manufacturer's agent's license.....$52 per year
(e) Distilled spirits manufacturer's license.....$52 per year
(f) Distilled spirits importer's general license.....$52 per year

Payment of such amounts shall be made upon issuance or transfer of said types of licenses, and shall be made by the holders of said types of licenses at the time specified in this division for payment of annual renewal fees therefor"

Amendment No. 6

On page 1, after line 21, insert

"SEC 2 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are

It is the established policy of this State that the manufacture, sale and distribution of alcoholic beverages be controlled to promote temperance and respect for law Such established policy recognizes that price wars unduly stimulate the sale and consumption of alcoholic beverages and disrupt the orderly sale and distribution thereof

Numerous offsale general licensees conduct their business in intentional violation of such established policy of the State The Department of Alcoholic Beverage Control has insufficient investigative personnel at present to detect and discipline all such licensees

Payment of the annual amounts for the licenses set out in Section 1 of this act are payable on or before June 30 of each year Unless this act takes effect immediately such amounts would not be payable until June 30, 1964, and the establishment of the Division of Business Practices and the enforcement program of such division could not commence until after June 30, 1964"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Government Organization

Assembly Bill No. 141—An act to add Section 23428 11 to the Business and Professions Code, relating to alcoholic beverages

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 945—An act to add Section 9810 of the Vehicle Code, relating to unclaimed property

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 767—An act to amend Sections 14129 and 14130 of, and to add Section 14130 1 to, the Education Code, relating to state teachers' retirement

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 769—An act to amend Sections 13859, 13901 and 14306, and to repeal Section 13902 of the Education Code, relating to state teachers' retirement

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1175—An act to add Section 2469 to the Education Code, relating to school districts

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1286—An act to amend Section 14359 of the Education Code, relating to the State Teachers' Retirement System

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 628—An act to amend Section 16473 5 of the Government Code, relating to the Pooled Money Investment Board

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 893—An act to amend Section 1557 of the Penal Code, relating to expense of returning prisoners

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 586—An act to amend Section 11270 of the Government Code, relating to administrative costs of state agencies.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Ways and Means, was read, and adopted

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "of", and insert "or".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 630—An act authorizing the Director of Finance to dispose of property belonging to the State

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Ways and Means, was read, and adopted

Amendment No. 1

On page 1 of the printed bill, between lines 20 and 21, insert

"Parcel 4 Approximately 1 76 acres in the City of Santa Rosa, being the northerly 210 feet of the existing Division of Forestry District Headquarters Provided that the purchaser agrees to construct improvements thereon and to lease the land and improvements to the State, acting by and through the Director of Finance, with an option in favor of the State to purchase the land and improvements and/or providing that the same shall vest in the State upon expiration of the lease and otherwise upon such terms and conditions as the Director of Finance deems to be in the best interests of the State"

Bill ordered reprinted, and engrossed.

Assembly Bill No. 213—An act to amend Sections 206, 207, 209, 212, 213, and 217 of the Fish and Game Code, relating to the Fish and Game Commission

Bill read second time, and ordered to third reading.

Assembly Bill No. 635—An act to amend Section 20004 of the Education Code, relating to the Junior College Tax Relief Act, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading

Assembly Bill No. 937—An act to add Section 13397 to the Government Code, relating to state purchases

Bill read second time, and ordered engrossed.

Assembly Bill No. 954—An act to amend Section 88 of the Agricultural Code, and to amend Section 25903 of the Government Code, relating to fairs and expositions

Bill read second time, and ordered engrossed

Assembly Bill No. 955—An act to amend Section 86 of the Agricultural Code, relating to fairs and expositions

Bill read second time

Motion to Amend

Mr Williamson moved the adoption of the following amendment·

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to 23, inclusive; and on page 2, strike out lines 1 to 14, inclusive, and insert

"SECTION 1 Section 86 of the Agricultural Code is amended to read:

86 Each district agricultural association is a state institution Each association by its name has perpetual succession, may have a seal, *and may* be sued, provided, however, that claims against district agricultural associations shall be presented to the State Board of Control in accordance with Section 16041 of the Government Code, and, with the approval of the Department of Finance, may

(a) Contract, and sue

(b) Purchase, acquire, hold, sell, exchange or convey any interest in real or personal property and beautify or improve such property *Any acquisition of land*

or other real property shall be subject to the provisions of the Property Acquisition Law (Part 11, commencing with Section 15850, Division 3, Title 2, of the Government Code)

(c) Lease, let or grant licenses for the use of its real estate or personal property or any portion thereof to any person or public body for whatever purpose may be approved by the board of directors and the Department of Finance

(d) Use or manage its real estate or personal property or any part thereof for any or all of the foregoing purposes jointly with any lessee, sublessee or licensee, or otherwise use or manage said property in connection with such lease, sublease or license heretofore or hereinafter made or granted

(e) Lease or let its real property for public park, recreational, or playground purposes

(f) Rent or permit the use of its premises for purposes beneficial to the agricultural industry, including but not limited to the holding of sales or auctions of cattle or other livestock

(g) Contract with any county or county fair association for holding a fair jointly with the same Such joint fair shall constitute a district fair of the association

(h) Do any and all things necessary to carry out the above powers and the objects and purposes for which the association is formed"

Amendment read, and adopted

Bill ordered reprinted, and engrossed.

SECOND READING OF SENATE BILLS

Senate Bill No. 261—An act to amend Section 807 of the Agricultural Code, relating to pomegranates

Bill read second time, and ordered to third reading.

Senate Bill No. 59—An act to amend Section 12816 of the Vehicle Code, relating to drivers' licenses, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to third reading

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means

Assembly Bills Nos. 871, 945, and **1286,** subsequent to engrossment

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees

Assembly Bill No	*Committee*
2024	Judiciary
2025	Agriculture
2026	Military and Veterans Affairs
2027	Education
2028	Transportation and Commerce
2029	Governmental Efficiency and Economy
2030	Civil Service and State Personnel
2031	Public Health
2032	Finance and Insurance
2033	Public Health
2034	Finance and Insurance
2035	Judiciary

Assembly Concurrent Resolution No	*Committee*
48	Rules
49	Rules

Senate Bill No	
4	Municipal and County Government
166	Judiciary
194	Water
204	Transportation and Commerce
276	Transportation and Commerce
277 and 278	Transportation and Commerce
317	Criminal Procedure
331	Governmental Efficiency and Economy
444	Fish and Game
455	Transportation and Commerce
460	Governmental Efficiency and Economy
462	Public Health
467	Judiciary
613	Municipal and County Government
622	Judiciary

CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 10—An act to amend Section 50731 of, to add Section 50731 5 to, and to add Article 1 5 (commencing with Section 50749) to Chapter 2 of Part 4 of Division 15 of, the Water Code, relating to reclamation districts

The question being Shall the Assembly concur in the following Senate amendment to Assembly Bill No 10?

Amendment No. 1

On page 1, line 14, of the printed bill, as amended in the Assembly on March 6, 1961, strike out "director", and insert "trustee"

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No. 10 by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brtitschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Fenell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Potter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Assembly Bill No 10 ordered enrolled

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1106—An act to amend Sections 5183 and 5186 of the Welfare and Institutions Code, relating to the public guardian.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Marks, McMillan, Miias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None

Bill ordered transmitted to the Senate

Consideration of House Resolution No. 155

By Messrs Porter, Kennick, and Willson

House Resolution No. 155—Memorializing Congressman Clyde Doyle

NOTE The full text of House Resolution No 155 appears at pages 1154 and 1155 of the Assembly Journal for March 18, 1963

Resolution read

Members Made Coauthors of House Resolution No. 155

Mr Porter was granted unanimous consent that all members so desiring be placed upon House Resolution No 155 as coauthors

Roll Call

The following members indicated a desire to become coauthors.

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Miias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

The question being on the adoption of House Resolution No 155, as amended

Resolution unanimously adopted by a standing vote of the Members of the Assembly

Assembly Bill No. 1130—An act to repeal Section 7853 of, to amend Sections 7753, 7754, 7758, 7851, 7852, 8105, and 8251 of, to repeal Article 3 (commencing with Section 7951) of Chapter 3 of Division 7 of, and to add Article 6 (commencing with Section 8425) to Chapter 4 of Division 7 of, the Education Code, relating to the Public School System

Bill read third time, and passed by the following vote:

AYES—Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad,

Crown, Cusanovich, Danielson, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—Allen and Dannemeyer—2

Bill ordered transmitted to the Senate

Assembly Bill No. 115—An act to amend Sections 2020, 2025, 3084, and 3472 of the Welfare and Institutions Code, relating to old age assistance

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Lanterman, Lunardi, Marks, McMillan, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Soto, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—69

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 880—An act to repeal Article 3 (commencing with Section 11200) of Chapter 1 of Part 2 of Division 4 of the Business and Professions Code, and to add Sections 2985.2, 2985.3, 2985.4, and 2985.5 to, and to amend Section 2985 of, the Civil Code, and to add Section 506b to the Penal Code, relating to real estate sales contracts

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1040—An act to add Section 480 to the Penal Code, relating to forgery of letters

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS

Senate Bill No. 187—An act to amend Section 2418 of the Vehicle Code, relating to operation and equipment of ambulances

Bill read third time, and presented by Mr Kennick

Urgency Clause

Urgency clause read

Request for Unanimous Consent to Expunge Record, and Rescind Action on Urgency Clause to Senate Bill No. 187

Mr Kennick was granted unanimous consent to expunge the record, and rescind the action whereby the Assembly, on this day, refused adoption to the urgency clause to Senate Bill No 187

Senate Bill No 187 ordered passed on file, and to retain its place on file

Senate Bill No. 253—An act to amend Section 12880 of the Water Code, relating to state financial assistance for local water projects, declaring the urgency thereof, to take effect immediately

Bill read third time, and presented by Mr Belotti

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Hinckley, Holmes, Johnson, Knox, Lanterman, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Zenovich, and Mr Speaker—70
NOES—None

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemever, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Hinckley, Holmes, Johnson, Knox, Lanterman, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Zenovich, and Mr Speaker—70
NOES—None

Bill ordered transmitted to the Senate

NAME PLACED UPON ROLL CALL ON HOUSE RESOLUTION NO. 155

Mr Meyers was granted unanimous consent that he be recorded as voting "Aye" on the roll call of members desiring to become coauthors of House Resolution No 155

INTRODUCTION OF GUESTS

Mr. Waldie introduced his daughter, Jill Waldie, a group of her fellow students from the Belshaw Elementary School of Antioch, and their accompanying chaperones to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar.

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 784—An act to amend Section 161 of the Military and Veterans Code, relating to qualifications and appointment of the Assistant Adjutant General

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mobas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 785—An act to amend Section 162 of the Military and Veterans Code, relating to qualifications and appointment of the Adjutant General

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mobas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1020—An act to amend Section 79.05 of the Civil Code, to amend Sections 3226 and 10379 and to repeal Section 3225 of the Health and Safety Code, relating to reports and records

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mobas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 851—An act to amend Section 17255 of the Revenue and Taxation Code, relating to personal income tax deductions

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1137—An act to amend Section 710 of the Probate Code, relating to claims against estates

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 307—An act to amend Section 23102 of the Vehicle Code, relating to driving a vehicle while under the influence of intoxicating liquor

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 904—An act to amend Sections 25350 and 25351 of the Vehicle Code, relating to display of lights on commercial and common carrier vehicles

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 906—An act to amend Section 22111 of the Vehicle Code, relating to the giving of hand signals

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78.
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 946—An act to amend Sections 13551 and 14250 of the Vehicle Code, relating to drivers' licenses.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78.
NOES—None

Bill ordered transmitted to the Senate

Assembly Concurrent Resolution No. 38—Relative to a study relating to glass breakage in vehicle accidents.

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Resolution ordered transmitted to the Senate

Consideration of House Resolution No. 151

By Mr Powers:

House Resolution No. 151—Relative to the observance of Secretaries' Week

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NOTE. The full text of House Resolution No 151 appears at page 1109 of the Assembly Daily Journal for March 18, 1963

Resolution read, and adopted by the following vote.

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad,

Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Consideration of House Resolution No. 153

By Messrs Williamson and Casey.

House Resolution No. 153—Relative to the death of Judge Gordon L. Howden

NOTE The full text of House Resolution No. 153 appears at page 1154 of the Assembly Daily Journal for March 18, 1963

Resolution read, and adopted by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78

NOES—None

Consideration of House Resolution No. 146

By Mr. Powers

House Resolution No. 146—Relating to commending the National Ski Patrol System on its 25th Anniversary

NOTE The full text of House Resolution No 146 appears at pages 1015 and 1016 of the Assembly Daily Journal for March 13, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Consideration of House Resolution No. 148

By Messrs Mulford, Bee, Petris, Rumford, and Crown

House Resolution No. 148—Retirement of Clarence Severin

NOTE The full text of House Resolution No 148 appears at page 1088 of the Assembly Daily Journal for March 14, 1963.

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi,

Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78.
NOES—None

Consideration of House Resolution No. 149

By Mr Conrad.

House Resolution No. 149—Relative to the retirement of Postmaster Otto K Olesen

NOTE The full text of House Resolution No 149 appears at pages 1104 and 1105 of the Assembly Daily Journal for March 18, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 320—An act to amend Section 8341 of the Fish and Game Code, relating to importation of clams

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate

Senate Concurrent Resolution No. 17—Relative to the economic growth of California

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78.
NOES—None

Resolution ordered transmitted to the Senate

LEAVE OF ABSENCE FOR BALANCE OF DAY

At 12 01 p m, Mr Collier was granted leave of absence for the balance of the legislative day, because of legislative business elsewhere

Speaker Presiding

At 12 02 p m , Hon Jesse M Unruh, Speaker of the Assembly, presiding.

RECESS

At 12 03 p m , on motion of Mr Bee, the Assembly recessed until 12 20 p m to hear the Yale Russian Chorus, which was invited to the Assembly Chamber by Speaker Unruh The Chorus, composed of 25 male singers, is directed by Dennis Mitskevitch, and is now on its third West Coast Tour It has visited the Soviet Union four times, and has given concerts in the major capitals of Western Europe On one of its visits abroad, the Chorus won first place in an international competition held in France

REASSEMBLED

At 12 20 p m , the Assembly reconvened
Hon Jesse M Unruh, Speaker of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk
Assistant Clerk William Greene reading

Speaker pro Tempore Presiding

At 12 21 p m , Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding.

NAME PLACED UPON ROLL CALL ON ASSEMBLY BILL NO. 784

Messrs Pattee and Holmes were granted unanimous consent that they be recorded as voting "Aye" on Assembly Bill No 784

ANNOUNCEMENTS

Mr Meyers announced that the Committee on Civil Service and State Personnel would meet at 2 p m this afternoon, instead of at 1 30 p.m., in Room 2117

Mr Crown announced that the Committee on Ways and Means would meet at 2 p m this afternoon, instead of at 1 30 p m , in Room 4202

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time·

Assembly Concurrent Resolution No. 51: By Messrs Britschgi and Pattee—Relative to professional boxing

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2047: By Messrs. Stanton and Burton—An act to amend Section 2223 of the Welfare and Institutions Code, relating to old age assistance

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2048: By Mr Flournoy—An act to amend Section 4660 of the Labor Code, relating to workmen's compensation

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2049: By Messrs. Barnes, Burgener, Asheraft, Garrigus, and Veysey—An act to amend Section 10703 of the Education Code, relating to investment of student funds.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2050: By Mr Frew—An act to add Article 5 5 (commencing with Section 380) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to nursing education scholarships.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2051: By Mr Powers—An act to amend Section 26854 of the Government Code, relating to county clerks' fees for searching records

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2052: By Messrs Garrigus and Casey—An act to repeal Chapter 3 (commencing with Section 30051) of Division 21 of the Education Code, relating to foreign language schools

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2053: By Messrs Chapel and Dills—An act to add Section 23601 7 to the Education Code, relating to state colleges and making an appropriation therefor.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2054: By Messrs Chapel and Dills —An act to add Section 23601 8 to the Education Code, relating to state colleges

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2055: By Mr Carrell—An act to amend Section 23083 of, and to add Section 23084 1 to, the Business and Professions Code, relating to alcoholic beverages

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2056: By Messrs Lanterman and Burgener—An act to add Section 7008 5 to, to amend Sections 7012 and 7060 of, and to repeal Sections 7009, 7011, 7015, 7062, and 7064 of, the Welfare and Institutions Code, relating to mentally deficient and defective persons

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2057: By Mr. Belotti—An act to add Sections 3040 and 4342 to the Fish and Game Code, relating to hunting licenses and tags.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2058: By Mr Burton—An act to amend Section 4000 of, to repeal Sections 4001 and 4002 of, and to add Sections 4001 and 4012 to, the Welfare and Institutions Code, relating to aid to the totally disabled

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2059: By Mr. Ashcraft—An act to amend the heading of Article 6 5 (commencing with Section 73950) of Chapter 10 of Title 8 of, to amend Sections 73952, 73954, 73955 and 73958 of, to add Sections 73951, 73951 1, 73953, 73953 1 and 73955 1 to, and to repeal Sections 73951, 73953, 73953 1, 73957, 73960, 73960 1, 73961, 74743 2 and 74751 of, the Government Code, relating to municipal courts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2060: By Mr. Petris—An act to amend Section 7056 of the Revenue and Taxation Code, relating to disclosure of sales and use tax information

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2061: By Mr. Beilenson—An act to amend Section 1080 of the Probate Code, relating to determination of heirship.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2062: By Messrs Greene and Casey—An act to add Section 16504 5 to the Education Code, relating to school supplies and equipment

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2063: By Messrs Burton and Stanton—An act to amend Section 4654 of the Labor Code, relating to workmen's compensation

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2064: By Mr Rumford—An act to add Section 30775 5 to the Streets and Highways Code, relating to the San Francisco-Oakland Rapid Transit Tube

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2065: By Mr Rumford—An act to amend Section 18250 of, and to repeal Section 18253 of, the Health and Safety Code, relating to mobilehomes and mobilehome parks.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2066: By Mr. Gonsalves—An act to add Chapter 5 (commencing with Section 11900) to Division 5 of the Vehicle Code, relating to the sale of automobile parts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2067: By Mr Stanton—An act to add Sections 6910, 6911, 6912, 6913 and 6914 to the Government Code, relating to vending stands for blind operators

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2068: By Mr Winton—An act to add Section 4101 7 to, and to amend Section 4102 of, the Government Code, relating to public works and purchases.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2069: By Mr. Waldie—An act to amend Section 10237.1 of the Business and Professions Code, relating to real property securities.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2070: By Messrs. Kennick and Deukmejian—An act to amend Section 6401 of the Education Code, relating to attendance at junior colleges of 12th grade students.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2071: By Messrs. Kennick and Deukmejian—An act to amend Section 635 of the Vehicle Code, relating to trailer coaches.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2072: By Messrs. Frew, Whetmore, and Donovan—An act to amend Sections 139 and 209 of the Civil Code, and to amend Section 1508 of the Welfare and Institutions Code, relating to support of children.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2073: By Messrs. Burton, Song, Moreno, Dymally, Burgener, Elliott, Powers, Stanton, and Waldie—An act to amend Section 6650 of the Welfare and Institutions Code, relating to property and support of mental patients.

Held at desk by order of the Speaker pro Tempore.

RESOLUTIONS

The following resolutions were offered:

By Mr. Gonsalves.

House Resolution No. 163

Relative to vacancies in public offices.

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to refer to an appropriate interim committee for study the subject of vacancies in local public offices and to determine the need for, and problems relating to, the holding of special elections to fill such vacancies, including, but not limited to, vacancies in the office of county supervisor, city councilman, school trustee, and member of the governing body of a park district. Such interim committee shall report its findings to the Assembly not later than the fifth calendar day of the 1965 Regular Session.

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

By Messrs. Meyers, Casey, Porter, and Belotti.

House Resolution No. 164

Relative to continuing the investigation of the pollution of waters of this State.

WHEREAS, The Assembly Interim Committee on Conservation, Planning, and Public Works and the Assembly Interim Committee on Natural Resources, Planning, and Public Works, through their subcommittees on Bay and Water Pollution conducted extensive surveys and studies of the water pollution problems in this State and were instrumental in the adoption of remedial legislation; and

WHEREAS, These problems are of a continuing nature and subject to constant change by reason of the ever-increasing population and continued expansion of industry in this State, particularly in view of the proposed industrial uses of the Sacramento River and extensive development of the State's water resources; and

WHEREAS, In order to properly meet the problems of water pollution and to insure an equitable solution of such problems there is a necessity for constant surveillance and study of the situation; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is requested to refer to an appropriate interim committee the study and analysis of all facts relative to the pollution of waters in this State, the causes thereof, the effectiveness of recent legislation, and the desirability of or necessity for additional legislation controlling such pollution and to do such other things as are necessary to effectuate the purposes of this resolution, and to report thereon to the Assembly, including in its report any recommendations for further legislation, by the fifth calendar day of the 1965 Regular Session

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

By Messrs Meyers, Belotti, Kennick, and Z'berg

House Resolution No. 165

Relative to a study of health insurance for state employees

WHEREAS, Extensive studies made by previous interim committees of the Legislature in respect to the matter of devising and providing programs of health benefits insurance coverage for state employees with financial participation by the State as an employer, indicate that this matter is one of the most pressing concern and necessity if the State is to attract and retain in employment competent and qualified personnel in competition with private business and industry where participation in such programs by employers is widespread, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to assign to the appropriate interim committee for study and report to the Legislature at its 1965 Regular Session the subject of medical and hospital care insurance for state employees and state participation in a program to provide such insurance The committee shall study all facts and circumstances relating to the subject of this resolution including the effect and operation of laws, if any, pertaining to this subject, shall make appropriate recommendations as to the advisability or necessity for new or additional legislation in this area, and shall report its findings and recommendations to the Legislature by the fifth calendar day of the 1965 Regular Session

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Messrs Meyers, Belotti, Kennick, and Z'berg

House Resolution No. 166

Relative to an interim study of polygraph and similar tests

Resolved by the Assembly of the State of California, That the Assembly Rules Committee is hereby directed to assign to the appropriate interim committee for study the subject matter of Assembly Bill 3128 of the 1961 Regular Session, relating to polygraph and similar tests, and that such interim committee shall report its findings and recommendations to the Assembly no later than the fifth calendar day of the 1965 Regular Session of the Legislature

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No 68

And reports the same correctly re-engrossed.

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 945
Assembly Bill No. 1286
And reports the same correctly engrossed.

POWERS, Chairman

Above bills re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 141
Assembly Bill No 628
Assembly Bill No. 767
Assembly Bill No 769
Assembly Bill No 893
Assembly Bill No. 1175
And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered to the Consent Calendar.

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 937
Assembly Bill No 954
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, March 25, 1963

MR. SPEAKER. Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 182
Assembly Bill No 821
Assembly Bill No 871
Assembly Bill No 1221
And reports the same correctly engrossed.

POWERS, Chairman

Assembly Bills Nos 182, 821, and 1221 ordered to third reading
Assembly Bill No 871 re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, March 25, 1963

MR. SPEAKER. Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1012
And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Criminal Procedure.

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 986
Assembly Bill No 987
Assembly Bill No. 988
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar.

ASSEMBLY CHAMBER, March 25, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 666
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered to third reading

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 91	Assembly Bill No. 836
Assembly Bill No 270	Assembly Bill No. 840
Assembly Bill No 448	Assembly Bill No. 1278

And reports the same correctly engrossed.

POWERS, Chairman

Above bills re-referred to committee

Committee on Water

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER The Chairman of your Committee on Water reports:

Assembly Bill No 1169

With author's amendments with the recommendation Amend, and re-refer to the Committee on Water

PORTER, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1169 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1169—An act to add Section 60328 to, to repeal Section 60338 of, and to amend Section 60350 of, the Water Code, relating to water replenishment districts.

Bill read second time

Motion to Amend

Mr Porter moved the adoption of the following amendment:

Amendment No. 1

On page 2, after line 51, of the printed bill, insert

"Upon such final adjudication, the board may, and within 90 days after receipt of a written notice from a producer shall, by resolution make a determination whether the adjudication will invoke the provisions of this section as of the beginning of the third fiscal year Such determination is subject at any time to review de novo by any court of competent jurisdiction in any action for declaratory relief, or other appropriate action"

Amendment read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Water

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER The Chairman of your Committee on Water reports.

Assembly Bill No 498

With author's amendments with the recommendation Amend, and re-refer to the Committee on Water

PORTER, Chairman

SECOND READING OF ASSEMBLY BILL NO. 498 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 498—An act to amend and renumber the heading of Chapter 5 (commencing with Section 12880) of Part 6 of Division 6 of the Water Code that was added by Chapter 2052 of the Statutes of 1957, and to repeal the Division 19 (commencing with Section 65000) of the Water Code that was added by Chapter 2019 of the Statutes of 1959, and to add Part 7 (commencing with Section 12950) to Division 6 of the Water Code, relating to water development.

Bill read second time.

Motion to Amend

Mr Porter moved the adoption of the following amendments

Amendment No. 1

In line 2 of the title of the printed bill, strike out "12880", and insert "12878"

Amendment No. 2

In line 3 of the title, strike out "2052", and insert "1800"

Amendment No. 3

In line 7 of the title, after the comma insert "and to amend and renumber the heading of Chapter 6 (commencing with Section 12880) of Part 6 of Division 6 of the Water Code as proposed by Assembly Bill No 1054,"

Amendment No. 4

On page 1, strike out lines 2 to 7 inclusive, and insert "with Section 12878) of Part 6 of Division 6 of the Water Code that was added by Chapter 1800 of the Statutes of 1957 is amended and renumbered to read.

Chapter ~~5~~ 4.5 Maintenance Areas".

Amendment No. 5

On page 3, line 46, strike out "65,000", and insert "12950"

Amendment No. 6

On page 4, after line 31, insert

"SEC 4 The heading of Chapter 6 (commencing with Section 12880) of Part 6 of Division 6 of the Water Code as proposed by Assembly Bill No 1054 is amended and renumbered to read

Chapter ~~6~~ 5. State Financial Assistance for Local Projects

SEC 5 Section 4 of this act shall become operative only if Assembly Bill No 1054 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Assembly Bill No 1054 takes effect "

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Water.

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER The Chairman of your Committee on Water reports Assembly Bill No 113

With author's amendments with the recommendation Amend, and re-refer to the Committee on Water

PORTER, Chairman

SECOND READING OF ASSEMBLY BILL NO. 113 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 113—An act to amend Section 50 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, commencing with Section 49, of the Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency, declaring the urgency thereof, to take effect immediately

Bill read second time

Motion to Amend

Mr Porter moved the adoption of the following amendment

Amendment No. 1

On page 4 of the printed bill, as amended in the Assembly on February 25, 1963, between lines 22 and 23, insert

'The property in the territory excluded from the agency shall not be subject to annexation to the agency for a period of one year from the effective date of this act.'

Amendment read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Water

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Social Welfare reports

Assembly Bill No 262
Assembly Bill No 175

With amendments with the recommendation Amend, and do pass, as amended

BURTON, Chairman

Above bills ordered to second reading

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports

Assembly Bill No 1252

With amendments with the recommendation Amend, and do pass, as amended

PETRIS, Chairman

Above bill ordered to second reading

Committee on Social Welfare

ASSEMBLY CHAMBER, March 21, 1963

MR SPEAKER The Chairman of your Committee on Social Welfare reports

Assembly Bill No 366
Assembly Bill No 266
Assembly Bill No 578

With author's amendments with the recommendation Amend, and re-refer to the Committee on Social Welfare.

BURTON, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 366, 266, AND 578 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 366—An act to add Section 1579 to the Welfare and Institutions Code, relating to aid to needy children

Bill read second time

Motion to Amend

Mr Crown moved the adoption of the following amendment

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "9 p m and 6 a m," and insert "10 p m and 7 a m, or at any time when the home is dark."

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Social Welfare

Assembly Bill No. 266—An act to amend Sections 4000, 4020, and 4160 of, and to add Section 4162 to, the Welfare and Institutions Code, relating to aid to the disabled

Bill read second time.

Motion to Amend

Mr. Burton moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 4, 1963, after "of," insert "to repeal Sections 4001 and 4002 of,".

Amendment No. 2

In line 2 of the title, strike out "Section 4162", and insert "Sections 4001 and 4012"

Amendment No. 3

On page 1, strike out lines 3 to 10, inclusive, and insert

"4000. When used in this chapter, the following words shall have the meanings ascribed to them in this section:

(a) "Needy disabled person" means a person who meets the eligibility requirements set forth in this chapter and who is both permanently impaired and totally disabled.

(b) "Permanently impaired" means that the individual has a major physical or a major mental impairment or a combination of both which is verified by medical findings and appears reasonably certain to continue throughout the lifetime of the individual without substantial improvement.

(c) "Totally disabled" means that the impairment substantially precludes the individual from engaging in useful occupations within his competence, such as holding a job or homemaking. Employment in a sheltered workshop or under an approved vocational rehabilitation plan shall not be considered a "useful occupation" for purposes of this chapter.

SEC. 1 1. Section 4001 of said code is repealed.

~~4001. It is the object and purpose of this chapter to provide persons whose dependency results from disability defined by Section 4000 with assistance and services which will encourage them to make greater efforts to achieve self care and to enlarge their opportunities for independence.~~

SEC. 1 2. Section 4001 is added to said code, to read:

4001. It is the object and purpose of this chapter to provide persons whose dependency results from disability defined by Section 4000 with assistance and services which will encourage them to make greater efforts to achieve self-care and self-support and to enlarge their opportunities for independence.

In supervising the administration of this chapter the department shall encourage the rehabilitation or employment of the recipient if it appears that with proper care and training such person may become more self-sufficient.

The department and the State Department of Education shall jointly develop plans for the orderly processing of cases referred to the Bureau of Vocational Rehabilitation for a determination of feasibility and planning for vocational rehabilitation.

The department and the State Department of Employment shall jointly develop plans for the orderly processing of cases referred to the Department of Employment for a determination of employability and job referral.

The policy shall be followed of granting aid to the recipient in his own home or in some other suitable home of his own choosing, in preference to placing him in an institution.

SEC 1 3 Section 4002 of said code is repealed

~~4002. In administering this chapter the Department of Social Welfare shall encourage the rehabilitation or employment of the recipient if it appears that with proper care and training such person may become more self-sufficient. The policy shall be followed of granting the aid to the recipient in his own home or in some other suitable home of his own choosing, in preference to placing him in an institution.~~

SEC 1.4 Section 4012 is added to said code, to read:

4012 The provision of useful work experience and constructive vocational training for disabled recipients is a matter of statewide concern. Insofar as practical each county department shall establish a community work experience and vocational training program for disabled persons for whom such experience and training is deemed desirable as part of a plan to help them become self-supporting

Such programs shall be conducted in accordance with standards and regulations established by the Department of Social Welfare as desirable and necessary to qualify for such federal funds as are available

The cost of materials, equipment and supervision provided by agencies co-operating with the county department in community work experience and training programs shall not be charged as an administrative expense under this chapter or with respect to other public assistance programs

Projects developed under this section shall be confined to projects which serve a useful public purpose, do not result either in displacement of regular workers or in the performance of work that would otherwise be performed by employees of public or private agencies, institutions, or organizations, and (except in cases of projects which involve emergencies or which are generally of a nonrecurring nature) are of a type which has not normally been undertaken in the past by the State or community, as the case may be

Amendment No. 4

On page 2, strike out lines 22 to 26, inclusive.

Amendment No. 5

On page 4, strike out lines 4 to 8, inclusive

Amendment No. 6

On page 4, line 9, strike out "5", and insert "4".

Amendments read, and adopted.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Social Welfare

Assembly Bill No. 578—An act to amend Sections 4000 and 4020 of, and to add Section 4162 to the Welfare and Institutions Code, relating to aid to the disabled

Bill read second time

Motion to Amend

Mr Burton moved the adoption of the following amendments

Amendment No 1

In line 1 of the title of the printed bill, after the comma, insert "to repeal Sections 4001 and 4002 of,"

Amendment No. 2

In lines 1 and 2 of the title, strike out "Section 4162", and insert "Sections 4001 and 4012".

Amendment No. 3

On page 1, strike out lines 3 to 11, inclusive, and insert

"4000 When used in this chapter, the following words shall have the meanings ascribed to them in this section

(a) "Needy disabled person" means a person who meets the eligibility requirements set forth in this chapter and who is both permanently impaired and totally disabled

(b) "Permanently impaired" means that the individual has a major physical or a major mental impairment or a combination of both which is verified by medical findings and appears reasonably certain to continue throughout the lifetime of the individual without substantial improvement

(c) "Totally disabled" means that the impairment substantially precludes the individual from engaging in useful occupations within his competence, such as holding a job or homemaking Employment in a sheltered workshop or under an approved vocational rehabilitation plan shall not be considered a "useful occupation" for purposes of this chapter

SEC 1 1 Section 4001 of said code is repealed

~~4001 It is the object and purpose of this chapter to provide persons whose dependency results from disability defined by Section 4000 with assistance and services which will encourage them to make greater efforts to achieve self-care and to enlarge their opportunities for independence~~

SEC 1 2 Section 4001 is added to said code, to read.

4001 It is the object and purpose of this chapter to provide persons whose dependency results from disability defined by Section 4000 with assistance and services which will encourage them to make greater efforts to achieve self-care and self-support and to enlarge their opportunities for independence

In supervising the administration of this chapter the department shall encourage the rehabilitation or employment of the recipient if it appears that with proper care and training such person may become more self-sufficient

The department and the State Department of Education shall jointly develop plans for the orderly processing of cases referred to the Bureau of Vocational Rehabilitation for a determination of feasibility and planning for vocational rehabilitation

The department and the State Department of Employment shall jointly develop plans for the orderly processing of cases referred to the Department of Employment for a determination of employability and job referral

The policy shall be followed of granting aid to the recipient in his own home or in some other suitable home of his own choosing, in preference to placing him in an institution.

SEC. 1 3 Section 4002 of said code is repealed

~~4002. In administering this chapter the Department of Social Welfare shall encourage the rehabilitation or employment of the recipient if it appears that with proper care and training such person may become more self-sufficient. The policy shall be followed of granting the aid to the recipient in his own home or in some other suitable home of his own choosing, in preference to placing him in an institution.~~

SEC. 1 4 Section 4012 is added to said code, to read:

4012 The provision of useful work experience and constructive vocational training for disabled recipients is a matter of statewide concern Insofar as practical each county department shall establish a community work experience and vocational training program for disabled persons for whom such experience and training is deemed desirable as part of a plan to help them become self-supporting

Such programs shall be conducted in accordance with standards and regulations established by the Department of Social Welfare as desirable and necessary to qualify for such federal funds as are available

The cost of materials, equipment and supervision provided by agencies co-operating with the county department in community work experience and training programs shall not be charged as an administrative expense under this chapter or with respect to other public assistance programs

Projects developed under this section shall be confined to projects which serve a useful public purpose, do not result either in displacement of regular workers or in the performance of work that would otherwise be performed by employees of public or private agencies, institutions, or organizations, and (except in cases of projects which involve emergencies or which are generally of a nonrecurring nature) are of a type which has not normally been undertaken in the past by the State or community, as the case may be ''

Amendment No. 4

On page 2, strike out lines 51 and 52, and on page 3, strike out lines 1 to 9, inclusive

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Social Welfare

COMMUNICATION FROM CHIEF CLERK

The following communication from the Chief Clerk was received:

March 25, 1963

Hon Jesse M. Unruh
Speaker of the Assembly

DEAR MR. SPEAKER.

Amendment No. 1 to Assembly Bill No 366 failed to delete the comma on line 7, which would cause the bill to show two commas in succession With your permission one of the commas has been deleted

ARTHUR A OHNIMUS, Chief Clerk

EXPLANATION OF ABSENCE

March 25, 1963

It was necessary for me to be off the floor today on legislative business elsewhere. This explains my reason for missing some roll calls.

CHARLES W MEYERS

ADJOURNMENT

At 12 33 p m , on motion of Mr. Alquist, seconded by Mr Meyers, the Speaker pro Tempore declared the Assembly adjourned until 10 a m , Tuesday, March 26, 1963.

JESSE M. UNRUH, Speaker

ELEANOR K. DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FORTY-SEVENTH LEGISLATIVE DAY

FIFTY-SEVENTH CALENDAR DAY
(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Tuesday, March 26, 1963

The Assembly met at 10 a.m.

Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

Assistant Clerk Timothy Lemucchi reading.

ROLL CALL

The roll was called, and the following answered to their names.

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. Robert R. Ferguson.

O God, Our Loving Father, Stretch our minds to the clear realization that our highest concern should be to recognize that we are individually accountable to Thee Thou art not visible to our physical eyes, Thy thoughts are not our thoughts, and Thy ways are beyond our keenest probings. Yet Thou hast breathed something of Thy life into each of us; Thou hast given us minds forever seeking Thee, Thou hast given us an eternal restlessness, until we make our peace with Thee May we see the folly of clinging to little prides which can keep us from Thy eternal fellowship and the joy of abundant living. May we be conscious throughout this day that Thou art nearer than breathing, closer than hands or feet

We pray in our Master's name.—AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr Dymally then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr. Zenovich, seconded by Mr Badham.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of legislative business elsewhere·

Mr. Collier, on motion of Mr. Conrad

Mr. Waite, on motion of Mr. Waldie.

COMMUNICATIONS

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D C, March 21, 1963

Mr Arthur A Ohnimus, Chief Clerk
California State Assembly
Sacramento, California

DEAR MR OHNIMUS Thank you for your letter of March 11th, sending along copies of Assembly Joint Resolutions Nos 3 and 19

With respect to Assembly Joint Resolution No 3, I am enclosing a copy of the bill I introduced in the 87th Congress which would give the Department of the Army authority to secure a site in Southern California for a national cemetery I intend to again introduce this bill in the very near future and will continue to work for its enactment into law

Sincerely,

BOB WILSON, Member of Congress

Above transmitted bill by Congressman Wilson referred by the Speaker pro Tempore to the Committee on Military and Veterans Affairs

The following communications were presented by the Chief Clerk from

Louis Silverfield of San Francisco, relative to proposed motor vehicle legislation Referred by the Speaker pro Tempore to the Committee on Transportation and Commerce

Ethel M Hilleary of Los Angeles, relative to government reorganization Referred by the Speaker pro Tempore to the Committee on Government Organization

Evelyn Custis, Secretary, enclosing a resolution by the Alaskan Camper Club International, relative to camper vehicle registration Referred by the Speaker pro Tempore to the Committee on Transportation and Commerce

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time.

Assembly Bill No. 2074: By Mr Bee—An act to amend Section 27902 of the Vehicle Code, relating to vehicle equipment

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2075: By Mr Dannemeyer—An act to amend Sections 74002, 74003, 74004, 74005 and 74006 of the Government Code, relating to salaries of municipal court attachés

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2076: By Mr Monagan (Senator Short, coauthor)—An act to amend Section 31214 2 of the Education Code, relating to the state competitive scholarship program

Held at desk by order of the Speaker pro Tempore

Assembly Concurrent Resolution No. 52: By Mr Conrad (Senator Rees, coauthor)—Relative to commending Y Frank Freeman

Referred by the Speaker pro Tempore to Committee on Rules

Assembly Joint Resolution No. 32: By Messrs Donovan, Burgener, Barnes, Mills, and Asheraft (Senator Schrade, coauthor)—Relative to establishment of a federal veterans' hospital in the San Diego area

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2077: By Mr Willson—An act to amend Section 1423 of the Labor Code, relating to fair employment practices

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2078: By Mr. Willson—An act to amend Section 18667 of the Financial Code, relating to industrial loan companies.

Held at desk by order of the Speaker pro Tempore

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 861
Assembly Bill No 1169
Assembly Bill No 1241
And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 57
Assembly Bill No 113
And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to committee.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 630
And reports the same correctly engrossed

POWERS, Chairman

Above bill ordered returned to second reading file

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 94—An act to amend Section 6401 of the Elections Code, relating to declarations of candidacy;

Assembly Bill No. 151—An act to add Section 2557 to the Welfare and Institutions Code, relating to residence requirements of indigent persons;

Assembly Bill No. 156—An act to amend Section 10305 of the Elections Code, relating to forms of ballots,

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., March 26th, 1963

POWERS, Chairman

Committee on Military and Veterans Affairs

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Military and Veterans Affairs reports.

Senate Bill No. 454

With the recommendation: Do pass

Pursuant to the provisions of Joint Rules Nos. 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

LUNARDI, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER Your Committee on Military and Veterans Affairs reports:

Assembly Bill No 1090

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos. 22.1, 22 2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

LUNARDI, Chairman

Above bill ordered to second reading

Committee on Ways and Means

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER The Chairman of your Committee on Ways and Means reports: Assembly Bill No 790

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 790 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 790—An act to amend Section 15853 of the Government Code, relating to state public works.

Bill read second time

Motion to Amend

Mr Crown moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 17, 18, and 19, of the printed bill, as amended in the Assembly on March 19, 1963, strike out "For purposes of this part, furnishings contained within improvements acquired by the board are real property.", and insert "The board may acquire furnishings which the owner thereof agrees to sell and which are contained within improvements acquired by the board. Cost of acquisition of such furnishings shall be charged to the appropriation available for acquisition of the real property"

Amendment read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, March 25, 1963

MR. SPEAKER. Your Committee on Ways and Means reports

Senate Bill No. 115

With amendments with the recommendation: Amend, and do pass, as amended.

CROWN, Chairman

Above bill ordered to second reading

Committee on Education

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No. 1245

With amendments with the recommendation Amend, and do pass, as amended

GARRIGUS, Chairman

Above bill ordered to second reading

Committee on Ways and Means

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER: Your Committee on Ways and Means reports.

Assembly Bill No. 457

Assembly Bill No. 776

With the recommendation: Do pass.

CROWN, Chairman

Above bills ordered to second reading

Committee on Education

ASSEMBLY CHAMBER, March 26, 1963

MR. SPEAKER: Your Committee on Education reports

Assembly Bill No 146

With the recommendation: Do pass, and be re-referred to the Committee on Ways and Means

GARRIGUS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 153

Assembly Bill No. 1365

With the recommendation · Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

GARRIGUS, Chairman

Above bills ordered to second reading.

Committee on Civil Service and State Personnel

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER. Your Committee on Civil Service and State Personnel reports:

Assembly Concurrent Resolution No. 45

With amendments with the recommendation: Amend, and be adopted, as amended.

MEYERS, Chairman

Above resolution ordered on file.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Civil Service and State Personnel reports
Assembly Bill No. 686
Assembly Bill No 1352
Assembly Bill No 1354
With the recommendation Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

MEYERS, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER. Your Committee on Civil Service and State Personnel reports·
Assembly Bill No 1353
With the recommendation · Do pass

MEYERS, Chairman

Above bill ordered to second reading

Committee on Education

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Education reports.
Assembly Bill No 1269
With the recommendation Do pass

GARRIGUS, Chairman

Above bill ordered to second reading.

Committee on Industrial Relations

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER The Chairman of your Committee on Industrial Relations reports:
Assembly Bill No 1338
With author's amendments with the recommendation: Amend, and re-refer to the Committee on Industrial Relations

ELLIOTT, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1338 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1338—An act to amend Section 6411 of the Labor Code, relating to filing of employee injury reports

Bill read second time

Motion to Amend

Mr Waite moved the adoption of the following amendments

Amendment No. 1

In line 1 of the title of the printed bill, strike out "6411 of the Labor", and insert "25826 of the Health and Safety"

Amendment No. 2

On page 1, strike out lines 1 to 8, inclusive, and insert

"SECTION 1 Section 25826 of the Health and Safety Code is amended to read

25826 The department shall require each person who possesses or uses a source of ionizing radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules and regulations of the department Copies of these records and those required to be kept in accordance with Section 25825 shall be submitted to the department upon request

The department shall adopt reasonable regulations, compatible with those of the United States Atomic Energy Commission, pertaining to reports of exposure of personnel Such regulations shall require that reports of excessive exposure be made to the individual exposed and to the department, and shall make provision for periodic and terminal reports to individuals for whom personnel monitoring is

required *The provisions of Section 6311 of the Labor Code shall not be construed as exempting any person from making any report required by this section.*"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Industrial Relations

REPORTS OF STANDING COMMITTEES

Committee on Public Health

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER: Your Committee on Public Health reports:

Assembly Bill No. 160

With the recommendation: That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

RUMFORD, Chairman

Subject matter of the above bill referred to the Committee on Rules.

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER: Your Committee on Public Health reports:

Assembly Bill No. 1271

With the recommendation: Do pass.

RUMFORD, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER: Your Committee on Public Health reports:

Assembly Bill No. 823

With the recommendation: Do pass

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar

RUMFORD, Chairman

Above bill ordered to second reading.

COMMUNICATIONS

The following communication from the Chief Clerk was received:

March 25, 1963

Hon. Jesse M. Unruh
Speaker of the Assembly

DEAR MR. SPEAKER: On page 4, line 29, of Assembly Bill No. 49, as amended March 5, 1963, Amendment No. 2 inserts an additional period, which would cause two periods to appear in succession in the bill. With your permission one of the periods has been deleted.

ARTHUR A. OHNIMUS, Chief Clerk

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No. 76, the following bills were this day on the second reading file:

Assembly Bills Nos. 1033, 586, 630, and 955.

Assembly Bill No. 630 ordered to third reading.

Assembly Bills Nos. 1033 and 955 ordered to third reading, subsequent to engrossment

Assembly Bill No. 586 ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 49—An act to add Division 1 5 (commencing with Section 160) to the Labor Code, relating to automation and technological developments, creating the California Commission on Manpower, Automation and Technology, prescribing its powers and duties, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted·

Amendment No. 1

In lines 5 and 6 of the title of the printed bill, as amended in the Assembly on March 5, 1963, strike out ", and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 4, line 29, after 'Employment", insert "and the State Director of Industrial Relations"

Amendment No. 3

On page 5, strike out lines 4 to 45, inclusive

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means.

Assembly Bill No. 262—An act to amend Sections 3009 and 3408 of the Welfare and Institutions Code, relating to aid to the blind

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Social Welfare, were read, and adopted:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Sections 3009 and 3408 of", and insert "add Section 3012 to"

Amendment No. 2

On page 1, strike out lines 1 to 13, inclusive, and insert

"SECTION 1 Section 3012 is added to the Welfare and Institutions Code, to read

3012 The cost of hospitalization furnished by a county to a recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part shall not constitute a lien upon any real property of the recipient, and no lien shall be taken therefor "

Bill ordered reprinted, and engrossed

Assembly Bill No. 175—An act to add Section 2601 5 to the Welfare and Institutions Code, relating to indigent aid

Bill read second time.

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr. Burton was granted unanimous consent that Rule No 101 be temporarily suspended for the purpose of permitting an amendment which adds coauthors to the bill.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Social Welfare, were read, and adopted·

Amendment No. 1

In the caption of the printed bill, strike out "and Veysey", and insert "Veysey, Burton, Stanton, and Deukmejian".

Amendment No. 2

On page 1, line 5, strike out "property", and insert "home"

Amendment No. 3

On page 1, line 5 after "person", insert "(1)".

Amendment No. 4

On page 1, line 6, after "spouse", insert ", or (2) during the minority of his children if they reside in the home, or (3) during the lifetime of any dependent adult child who resides in the home and who is incapable of self-support because of mental or physical disability".

Amendment No. 5

On page 1, after line 6, insert

"Any lien taken by a county for county hospital care shall be released immediately when the amount owing the county for that care is paid No interest or carrying charge shall be charged in connection with any debt incurred for county hospital care

If a person against whose home a lien has been imposed for county hospital care desires to sell his home, the county shall release its lien against the original home and transfer it to the new home, provided that it finds that its security will not be impaired If the person desires to borrow money for the purpose of making improvements to his home, using his home for security, the county shall subordinate its lien to the mortgage or other security interest given for the loan, if the county finds that its security will not be impaired

No lien shall be taken pursuant to Section 2601 against the home of a person for care provided him in a county hospital if he was confined to the county hospital as the result of a diagnosis of tuberculosis

No lien shall be taken pursuant to this chapter against the home or other property of any relative liable for the support of a person confined in a county hospital or otherwise receiving aid under this chapter

In no way do the authorizations and limitations expressed in this section enlarge upon the power of counties to take or impose liens under existing law Nothing contained in this section shall be construed to permit a county to impose a lien for aid or other assistance granted under any public assistance program established by this code for which federal funds are received by this State, or under the aid to the potentially self-supporting blind program established under Chapter 3 (commencing with Section 3400) of Part 1 of Division 5 of this code"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1252—An act to add Sections 6011 5, 6022, 6248, 6249, 6389, 6422 and 6454 5 to, the Revenue and Taxation Code, and to amend Sections 5600 and 5900 of, and to add Sections 4300 5 and 4750 5 to, the Vehicle Code, relating to sales and use taxes in respect to motor vehicles and to registration of motor vehicles, to take effect immediately.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted·

Amendment No. 1

On page 1, line 3, of the printed bill, before "vehicle", insert "motor"

Amendment No. 2
On page 1, line 5, before "vehicle", insert "motor"

Amendment No. 3
On page 2, line 24, strike out "vehi-", and insert "motor vehi-"

Amendment No. 4
On page 2, line 31, before "vehicle", insert "motor"

Amendment No. 5
On page 2, line 32, before "vehicle", insert "motor"

Amendment No. 6
On page 2, line 37, before "vehicle", insert "motor"

Amendment No. 7
On page 2, line 46, before "vehicle", insert "motor".

Amendment No. 8
On page 2, line 49, before "vehicle", insert "motor"

Amendment No. 9
On page 3, line 3, before "vehicle", insert "motor".

Amendment No. 10
On page 3, line 9, before "vehicle", insert "motor".

Amendment No. 11
On page 3, line 13, before "vehicle", insert "motor".

Amendment No. 12
On page 3, line 17, before "vehicle", insert "motor".

Amendment No. 13
On page 3, line 21, before "vehicle", insert "motor".

Amendment No. 14
On page 3, line 27, before "vehicle", insert "motor".

Amendment No. 15
On page 3, line 33, before "vehicle", insert "motor"

Amendment No. 16
On page 3, line 35, before "vehicle", insert "motor"

Amendment No. 17
On page 4, line 6, before "vehicles", insert "motor".

Amendment No. 18
On page 4, lines 21 and 22, strike out "of the vehicle by the transferee", and insert "by the transferee of the vehicle, if a motor vehicle".

Bill ordered reprinted, and engrossed

RE-REFERENCE OF BILL PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No 67, Speaker pro Tempore Bee ordered the following bill re-referred to the Committee on Ways and Means·

Assembly Bill No. 1033, subsequent to engrossment

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees:

Assembly Bill No	*Committee*
2036	Revenue and Taxation
2037	Natural Resources, Planning, and Public Works
2038	Water
2039 and 2040	Government Organization
2041	Elections and Reapportionment
2042 and 2043	Government Organization
2044	Water
2045 and 2046	Judiciary
2047	Social Welfare
2048	Finance and Insurance
2049	Public Utilities and Corporations
2050	Education
2051	Municipal and County Government
2052	Education
2053 and 2054	Ways and Means
2055	Governmental Efficiency and Economy
2056	Social Welfare
2057	Fish and Game
2058	Social Welfare
2059	Judiciary
2060	Revenue and Taxation
2061	Judiciary
2062	Education
2063	Finance and Insurance
2064	Transportation and Commerce
2065	Public Health
2066	Transportation and Commerce
2067	Ways and Means
2068	Natural Resources, Planning, and Public Works
2069	Finance and Insurance
2070	Education
2071	Transportation and Commerce
2072	Judiciary
2073	Social Welfare

Assembly Constitutional Amendment No.	
35	Governmental Efficiency and Economy

Assembly Concurrent Resolution No.	
51	Governmental Efficiency and Economy

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 25, 1963

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted

Assembly Concurrent Resolution No 46

J A BEEK, Secretary of the Senate
By GRANT MILLER, Assistant Secretary

Above resolution ordered enrolled

SENATE CHAMBER, March 25, 1963

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed.

Assembly Bill No. 97
Assembly Bill No. 317
Assembly Bill No. 486

J A BEEK, Secretary of the Senate
By GRANT MILLER, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, March 25, 1963

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day passed.

Senate Bill No 51
Senate Bill No. 63
Senate Bill No 122
Senate Bill No. 157
Senate Bill No 171
Senate Bill No 286
Senate Bill No 321
Senate Bill No. 380
Senate Bill No 427
Senate Bill No 428
Senate Bill No 430
Senate Bill No. 502
Senate Bill No. 539
Senate Bill No. 540
Senate Bill No. 541
Senate Bill No. 542
Senate Bill No 543
Senate Bill No 545
Senate Bill No 546
Senate Bill No. 547
Senate Bill No 631
Senate Bill No 641
Senate Bill No 704

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 51—An act to amend Section 3800 of the Fish and Game Code, relating to nonprotected birds

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 63—An act to amend Sections 1091 and 36526 of the Government Code, relating to conflicts of interests of public officers

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 122—An act to amend Section 2943 of, and to repeal Section 2954, as added by Chapter 1561 of the Statutes of 1961, of the Civil Code, relating to mortgages and deeds of trust.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 157—An act to amend Sections 375 8, 377 8, and 1118 of the Agricultural Code, relating to poultry.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 171—An act to amend Section 856 of the Education Code, relating to classification as a permanent school employee.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 286—An act to add Section 1624 to the Education Code, relating to public school districts

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 321—An act to amend Section 909 of the Streets and Highways Code, relating to highway construction

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 380—An act to amend Sections 8282 and 9002 of, and to add Section 9001 6 to, the Fish and Game Code, relating to crab, lobster, and prawn traps, and declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 427—An act to amend Section 29007 3 of the Education Code, relating to education

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 428—An act to amend Section 29007 of the Education Code, relating to education

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 430—An act to amend Sections 8000 and 9260 of the Vehicle Code, relating to reciprocity permits

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 502—An act to amend Section 355 of the Fish and Game Code, relating to migratory game birds

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 539—An act to amend Section 5600 of the Financial Code, relating to savings and loan associations

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 540—An act to amend Section 5653 of the Financial Code, relating to savings and loan associations

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 541—An act to amend Section 6456 of the Financial Code, relating to savings and loan associations

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 542—An act to amend Section 6457 of the Financial Code, relating to savings and loan associations

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 543—An act to amend Section 7409 of the Financial Code, relating to savings and loan associations

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 545—An act to amend Section 8450 of the Financial Code, relating to savings and loan associations

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 546—An act to amend Section 8500 of the Financial Code, relating to savings and loan associations.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 547—An act to amend Section 9001 of the Financial Code, relating to savings and loan associations

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 631—An act to amend the title of Chapter 19 (commencing with Section 3500) of Division 1 of, and Sections 3500, 3501, 3504, 3506, 3507, 3508, 3509, 3513, 3515, 3522, 3524, 3525, 3526, 3531, 3533, 3536, 3537, 3538, and 3540 of, and to repeal Section 3503 of, and to add Sections 3503, 3542, 3543, 3544, 3545, 3546, 3547, 3548 and an article heading and Article 2 (commencing with Section 3560) to Chapter 19 of Division 1 of, the Financial Code, relating to international and foreign banking and financing.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 641—An act to add Section 9 to Chapter 129 of the Statutes of 1867-1868, relating to the conveyance of certain streets, alleys, and other real property to the City of Red Bluff

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 704—An act to amend Section 711 of the Unemployment Insurance Code, relating to nonprofit organizations

Held at desk by order of the Speaker pro Tempore

INTRODUCTION OF GUEST

Mr Casey introduced Miss Marianne Wilson of Kansas City, the fiancée of Assistant Clerk of the Assembly Timothy Lemucchi, to the Members of the Assembly, who joined in welcoming her on her visit to the Assembly Chamber, and extended best wishes to the newly betrothed couple

ANNOUNCEMENT BY SPEAKER UNRUH

Speaker pro Tempore Bee ordered the following announcement by Speaker Unruh printed in the Journal

Announcement by Speaker Unruh

I understand some members are not clear on the constitutional 30-day waiting period before a bill can be acted upon This restriction precludes amending a bill and sending it out for reprint, and back to committee The committee secretaries have been instructed not to accept any bills for this purpose inside the 30-day period

It would help if members would *not* try to pressure the secretaries to do this

ANNOUNCEMENT

Speaker pro Tempore Bee again directed the attention of the Members of the Assembly to page 1306 of the Assembly Journal for March 21st where an announcement relative to the introduction of guests appears

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 579—An act to add Sections 23058 and 23758 3 to the Education Code, relating to public higher education.

Bill read third time, and passed by the following vote:

AYES—Alquist, Bagley, Barnes, Bee, Beilenson, Belotti, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Crown, Cusanovich, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Whetmore, Williamson, Willson, Winton, Young, and Zenovich—64

NOES—Allen, Asheraft, Badham, Chapel, Danielson, Dannemeyer, Greene, Henson, Moreno, Ryan, Warren, and Mr. Speaker—12

Bill ordered transmitted to the Senate

Assembly Bill No. 36—An act to add Section 11541 to the Health and Safety Code, relating to peyote.

Bill read third time, and, on request of Mr Petris, ordered passed on file, and to retain its place on file

Assembly Bill No. 762—An act to amend Section 3950 of the Fish and Game Code, relating to game mammals

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Ferrell, Flournoy, Foran Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zenovich, and Mr Speaker—70

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 182—An act to amend Section 18535 of, and to add Section 20089 to, the Elections Code, relating to recount of ballots

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1221—An act to amend Section 12006 of the Business and Professions Code, relating to weights and measures.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 213—An act to amend Sections 206, 207, 209, 212, 213, and 217 of the Fish and Game Code, relating to the Fish and Game Commission.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—73

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 954—An act to amend Section 88 of the Agricultural Code, and to amend Section 25903 of the Government Code, relating to fairs and expositions

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—69

NOES—Davis and Lunardi—2.

Bill ordered transmitted to the Senate.

Assembly Bill No. 666—An act to amend Section 25350 of the Business and Professions Code, relating to alcoholic beverages

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—72.

NOES—None.

Bill ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS

Senate Bill No. 261—An act to amend Section 807 of the Agricultural Code, relating to pomegranates

Bill read third time, and presented by Mr Frew.

Bill passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77

NOES—None.

Bill ordered transmitted to the Senate

Senate Bill No. 59—An act to amend Section 12816 of the Vehicle Code, relating to drivers' licenses, declaring the urgency thereof, to take effect immediately

Bill read third time, and presented by Mr Lunardi

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75.

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—75

NOES—None

Bill ordered transmitted to the Senate

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

Speaker pro Tempore Bee announced that the Assembly will not be in session on Friday, March 29, 1963.

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar.

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 761—An act to amend Section 1125 of the Fish and Game Code, relating to research by the federal government.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mobas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 569—An act to amend the title of Article 16 (commencing with Section 26100) of Chapter 2 of Division 12, and Sections 26100, 26101, 26102, 26103, 26106, 26107, 26108, 26109, 26110, 26111, 26112, 26113, 26114, 26115, 26116, 26117, 26118, and 26119 of the Vehicle Code, relating to approval procedure for equipment.

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mobas, Mills, Monagan, Moreno, Mulford Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 924—An act to amend Section 2807 of the Vehicle Code, relating to inspection and operation of schoolbuses.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mobas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1185—An act to amend Sections 22406 and 22408 of the Vehicle Code, relating to speed limits

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves,

Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 659—An act to amend Section 18533 of the Elections Code, relating to the recount of ballots

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 504—An act to amend Section 20708 of, and to repeal Section 12406 of, the Business and Professions Code, relating to weights and measures.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 582—An act to amend Section 12106 of the Business and Professions Code, relating to weight and scale reports.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 746—An act to amend Sections 12700, 12704, 12705, and 12707 5 of, and to add Sections 12704 2 and 12707 4 to, the

Business and Professions Code, relating to private and public weighmasters.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78.
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 953—An act to amend Section 12710 of the Business and Professions Code, relating to public weighmasters.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 531—An act to add Section 24 5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), relating to water conservation districts.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby. Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78.
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 718—An act to amend Section 1695 of the Labor Code, relating to farm labor contractors

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—78
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236—An act to amend Section 23361 of the Revenue and Taxation Code, relating to the filing of consolidated tax returns for corporate tax purposes

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None.

Bill ordered transmitted to the Senate.

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 58—An act to amend Sections 19593, 20804.3, and 21701 5 of the Education Code, and Section 23313 of the Elections Code, relating to school district elections

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78
NOES—None

Bill ordered transmitted to the Senate

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time·

Assembly Bill No. 2079: By Messrs Barnes and Asheraft—An act to amend Sections 26, 2501, 8002, 8011, 8019, 8412, 10317 and 23300 of, and to repeal Section 8003 of, the Elections Code, relating to the direct primary election

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2080: By Mr Chapel—An act to amend Section 80 of, and to add Section 86 7 to, the Agricultural Code, relating to district agricultural associations

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2081: By Mr Lunardi—An act to amend Section 31481 of the Water Code, relating to the issuance of revenue bonds by a county water district

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2082: By Mr McMillan—An act to add Section 11553 5 to, and to amend Section 11559 of, the Government Code, relating to compensation of the Registrar of Contractors

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2083: By Mr Chapel—An act to add Section 23602 to the Education Code, relating to state colleges.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2084: By Messrs. Knox, Young, Powers, Zenovich, Bagley, Bee, Casey, Dymally, Monagan, Veneman, and Winton—An act to amend Sections 24872 and 24873 of the Business and Professions Code, relating to alcoholic beverages

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2085: By Messrs Knox, Young, Powers, Zenovich, Bagley, Bee, Casey, Dymally, Monagan, Veneman, and Winton—An act to add Section 23661 2 to the Business and Professions Code, relating to alcoholic beverages

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2086: By Messrs Young, Zenovich, Knox, Casey, Bagley, Bee, Booth, Monagan, Powers, Veneman, and Winton—An act to amend Section 23770 of the Business and Professions Code, relating to alcoholic beverages

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2087: By Messrs Warren and Dymally—An act to amend Section 437c of the Code of Civil Procedure, relating to summary judgments.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2088: By Mr Thelin—An act to add Sections 11723 and 11810 to the Vehicle Code, relating to vehicle dealers and salesmen.

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolution was offered

By Messrs Burton, Mills, Bane, Crown, and Stanton.

House Resolution No. 167

Relative to congratulating the International Association of Machinists on its 75th Anniversary

WHEREAS, May 5, 1963, marks the 75th Anniversary of the International Association of Machinists, and

WHEREAS, The little group of 19 machinists who met in a locomotive pit in Atlanta, Georgia, in 1888 to form a union has grown into an organization of almost 1,000,000 members, with over 22,000 local lodges representing membership in all industries, as compared to 34 lodges which were in attendance at the first international conference in 1889, and

WHEREAS, One of the association's most noted leaders was its first president, or Grand Master Machinist, as the office was then called, Thomas W Talbot, and

WHEREAS, Thomas W. Talbot was followed as president by seven successors, all of whom contributed greatly to the growth of the association and the welfare of its members and organized labor generally, including Harry W. Brown, who on July 1, 1949, retired from the responsibilities of that office by virtue of the association's age 65 retirement rule, and his outstanding successor, the present president, Al J. Hayes, and

WHEREAS, The International Association of Machinists has the distinction of having the largest union membership in the aircraft, guided missiles, airlines, automotive repair, business machines, and railroad industries, as well as among the government blue-collar worker; and

WHEREAS, In California the association represents 150,000 members in all branches of the trade in 109 local and district lodges, comprising the California Conference of Machinists; and

WHEREAS, The International Association of Machinists in the past seven decades has made enormous strides in raising the standard of living of its workers and securing for them uniform hours, higher wages, and better working conditions; and

WHEREAS, The California Conference of Machinists is also to be commended on its exceptionally effective work on behalf of its members; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby congratulate the International Association of Machinists on the occasion of its 75th Anniversary, and hope that success will continue to crown its efforts to better the condition of the working man; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Al J. Hayes, International President of the International Association of Machinists, to Elmer E. Walker Secretary-Treasurer of the International Association of Machinists, to General Vice Presidents Matthew De More Harold J. Gibson, J. C. McGlon, J. W. Ramsey, Mike Rigus P. L. Siemiller, Floyd E. Smith George Watkins, E. R. White, and to Stanley Jensen, President of the California Conference of Machinists, John Alcamo Secretary-Treasurer of the California Conference of Machinists, John Schiavenza, Business Representative of Lodge 1066 International Association of Machinists, and Frank Meagher, Directing Business Representative of Lodge 1327, International Association of Machinists

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, March 26, 1963

MR. SPEAKER, Your Committee on Rules recommends

That the request by Mr. Badham for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 2(a), of the Constitution as it pertains to Assembly Bill No. 2025 be granted

BANE, Chairman

RESOLUTIONS

The following resolution was offered:

By Mr. Badham:

Resolution to Invoke Constitutional Provision

Resolved, That, pursuant to Article IV, Section 2(a), of the Constitution, Assembly Bill No. 2025 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed

Resolution read, and adopted by the following vote:

AYES—Allen, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman,

Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—75.
NOES—None.

Article IV, Section 2(a) of the Constitution was declared dispensed with.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined Assembly Bill No. 586
And reports the same correctly engrossed.

POWERS, Chairman

Above bill ordered to the Consent Calendar.

ASSEMBLY CHAMBER, March 26, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined. Assembly Bill No 955
And reports the same correctly engrossed

POWERS, Chairman

Above bill ordered to third reading

Committee on Public Health

ASSEMBLY CHAMBER, March 25, 1963

MR SPEAKER The Chairman of your Committee on Public Health reports

Assembly Bill No 228	Assembly Bill No 723
Assembly Bill No 332	Assembly Bill No 824
Assembly Bill No. 417	Assembly Bill No 827
Assembly Bill No. 596	Assembly Bill No. 828

With author's amendments with the recommendation Amend, and re-refer to the Committee on Public Health

RUMFORD, Chairman

SECOND READING OF ASSEMBLY BILLS (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 228—An act to add Section 4037 to the Health and Safety Code, relating to detergents

Bill read second time.

Motion to Amend

Mr Allen moved the adoption of the following amendments.

Amendment No. 1

On page 1, line 3, of the printed bill, after "detergent", insert "which is".

Amendment No. 2

On page 1, line 4, after "soap", insert "and"

Amendment No. 3

On page 1, after line 5, insert
"This section shall not be operative until the 91st day after adjournment of the 1965 Regular Session"

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health.

Assembly Bill No. 332—An act to amend Section 4081 of the Business and Professions Code, relating to pharmacy.

Bill read second time.

Motion to Amend

Mr. Rumford moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, strike out lines 7 to 9, inclusive.

Amendment read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health

Assembly Bill No. 417—An act to amend Section 7113 of the Health and Safety Code, relating to autopsies.

Bill read second time.

Motion to Amend

Mr. Lanterman moved the adoption of the following amendments.

Amendment No. 1

On page 1, line 6, of the printed bill, after "custody", insert "if the decedent, prior to his death, authorizes an autopsy in his will or other written instrument,"

Amendment No. 2

On page 1, after line 18, insert "If such authorization is contained in a will, the autopsy may be performed regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date"

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health.

Assembly Bill No. 596—An act to repeal and add Chapter 6 (commencing with Section 28190), Division 21 of the Health and Safety Code, relating to bakeries and bakery products.

Bill read second time.

Motion to Amend

Mr. Rumford moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "packaging, or storing", and insert "or packaging".

Amendment No. 2

On page 1, line 11, after "which", insert "bakery products or"

Amendment No. 3

On page 1, line 14, strike out "28250", and insert "28520".

Amendment No. 4

On page 2, line 5, after "are", insert "handled or"

Amendment No. 5

On page 2, line 12, strike out "25", and insert "10"

Amendment No. 6

On page 2, line 14, strike out "10", and insert "4"

Amendment No. 7

On page 2, line 21, after "air", insert ", objectionable".

Amendment No. 8

On page 2, strike out line 27, and insert "be provided in areas of a bakery in which bakery products are prepared"

Amendment No. 9

On page 2, line 28, after "or", insert "where".

Amendment No. 10

On page 2, line 46, after "for," insert "production".

Amendment No. 11

On page 2, strike out lines 49 and 50, and insert "type faucets or outlets shall be provided which supply warm water at proper temperature while both hands are free for washing"

Amendment No 12

On page 2, line 51, strike out "single service"

Amendment No. 13

On page 3, line 3, after "baking", insert "or handling unwrapped bakery products"

Amendment No. 14

On page 3, line 4, strike out "arms thoroughly", and insert "exposed portions of arm thoroughly with soap or detergent and warm water"

Amendment No. 15

On page 4, strike out lines 29 and 30, and insert
"28207 No couch, cot,"

Amendment No 16

On page 4, line 33, strike out "All bakery products", and insert "All readily perishable bakery products including but not limited to cooked custard and cream-filled pastries"

Amendment No. 17

On page 4, line 40, after "Fahrenheit", insert a period

Amendment No. 18

On page 4, strike out line 41.

Amendment No. 19

On page 5, line 2, strike out "places", and insert "placed".

Amendment No 20

On page 5, line 9, after "restaurant", insert "or catering service or retail bakery".

Amendment No. 21

On page 5, line 10, after "style", insert ", hearth baked or hard crusted"

Amendment No. 22

On page 5, line 18, after "which", insert "pertains"

Amendment No. 23

On page 5, strike out lines 20 to 27, inclusive

Amendment No. 24

On page 5, line 28, strike out "28213", and insert "28212"

Amendment No. 25

On page 5, line 32, strike out "28214", and insert "28213"

Amendment No. 26

On page 5, line 35, after "in the", insert "city or"

Amendment No. 27

On page 5, line 38, strike out "28215", and insert "28214"

Amendment No. 28

On page 5, line 41, strike out "28216", and insert "28215"

Amendment No. 29

On page 5, line 45, strike out "28217", and insert "28216"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health.

Assembly Bill No. 723—An act to amend Sections 13160, 13162, 13163, and 13164 of, and to add Section 13163 1 to, the Health and Safety Code, relating to fire equipment

Bill read second time

Motion to Amend

Mr Powers moved the adoption of the following amendments

Amendment No. 1

In line 2 of the title of the printed bill, strike out "13163 1", and insert "13165 1"

Amendment No. 2

On page 1, line 7, strike out "and enforce"

Amendment No 3

On page 1, line 9, after "the", insert "marketing, sale,".

Amendment No. 4

On page 2, strike out lines 33 to 37, inclusive, and in line 38, strike out "SEC 5", and insert "SEC 4"

Amendment No. 5

On page 2, line 45, strike out "75", and insert "$75"

Amendment No. 6

On page 2, strike out line 47, and in line 48, strike out "(d)", and insert

"dry chemical fire extinguisher ---------- $35

(d) Hydrostatic testing or repairing, or both, of any carbon dioxide fire extinguisher ---------- $35

(e)"

Amendment No. 7

On page 2, line 49, strike out "75", and insert "$75"

Amendment No. 8

On page 3, line 4, strike out "repaired", and insert "required".

Amendment No. 9

On page 3, after line 7, insert

"SEC 5 Section 13165 1 is added to said code, to read

13165 1 The State Fire Marshal, the chief of any city or county fire department or fire protection district and their authorized representatives may enforce in their respective areas, regulations and standards adopted pursuant to this article"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health

Assembly Bill No. 824—An act to amend and renumber Sections 28784, 28785, 28786, 28787, 28788, 28789, and 28790 of, and to add Sections 28784, 28785, 28786, 28787, 28788, 28789, 28790, 28791, 28792, 28793, 28794, and 28795 to, the Health and Safety Code, relating to labeling of hazardous substances

Bill read second time.

Motion to Amend

Mr. Rumford moved the adoption of the following amendments

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 4, inclusive, and insert "An act to add Section 28791 to the Health and Safety Code."

Amendment No. 2

On page 1, strike out line 1, and insert

"SECTION 1 Section 28791 is added to said code, to read

28791 Whenever the department has reasonable cause to believe that any provision of this chapter has been violated, the responsible party or parties shall be given appropriate notice and an opportunity to be heard either orally or in writing"

Amendment No. 3

On page 1, strike out lines 2 to 7, inclusive; and strike out all of pages 2, 3, 4, and 5

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health

Assembly Bill No. 827—An act to add Article 9 (commencing with Section 25790), to Chapter 7 5, Division 20 of the Health and Safety Code, relating to radiation protection and control

Bill read second time

Motion to Amend

Mr. Rumford moved the adoption of the following amendments·

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "Registration", and insert "Reporting".

Amendment No. 2

On page 1, line 11, strike out "register with", and insert "report to"

Amendment No. 3

On page 1, line 16, strike out "registration", and insert "report This section does not apply to the practice of dentistry or veterinary medicine"

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health

Assembly Bill No. 828—An act to amend Sections 26211, 26234, 26243, 26288, 26290, 26292. and 26330 of, to repeal Sections 26289 and 26290 5 of, and to add Sections 26218, 26243.5, 26250 5, 26276, 26282 5, 26289, 26289.5, 26290 5, 26304, and 26330 5 to the Health and Safety Code, relating to drugs and devices

Bill read second time

Motion to Amend

Mr. Rumford moved the adoption of the following amendments.

Amendment No. 1

In line 3 of the title of the printed bill, strike out "26243 5", and insert "26219, 26220".

Amendment No. 2

Strike out line 4 of the title, and insert "26289, 26289 5, 26290.5, and 26304 to the"

Amendment No. 3

On page 2, line 10, of the printed bill, after "health;" insert "or".

Amendment No. 4

On page 2, line 17, after "possess", insert "The board shall promulgate such interpretative regulations as the board determines as necessary to define "current good manufacturing practice" as used in this chapter, provided, that such regulations shall conform, insofar as practicable, to those promulgated by Secretary of Health, Education, and Welfare"

Amendment No. 5

On page 2, line 34, after "therein;" strike out the quotation mark.

Amendment No. 6

On page 2, line 40, after "used)", strike out "is", and insert "shall be".

Amendment No. 7

On page 2, line 44, strike out "26243 5", and insert "26219"

Amendment No. 8

On page 2, line 45, strike out "26243 5", and insert "26219"

Amendment No. 9

On page 2, line 47, strike out ", or (2)," and insert "by the Secretary of Health, Education, and Welfare, or (2)"

Amendment No. 10

On page 3, line 11, strike out "under Sec-".

Amendment No. 11

On page 3, strike out line 12, and insert "with the Secretary of"

Amendment No. 12

On page 3, strike out lines 29 to 32, inclusive

Amendment No. 13

On page 4, line 31, strike out "section", and insert "chapter"

Amendment No. 14

On page 7, line 28, strike out "subdivision", and insert "subdivisions"

Amendment No. 15

On page 8, line 30, strike out "being", and insert "bearing"

Amendment No. 16

On page 8, strike out lines 45 to 52, inclusive

Amendment No. 17

On page 9, strike out lines 1 to 16, inclusive

Amendment No. 18

On page 9, line 19, strike out "26330 5", and insert "26220"

Amendment No. 19

On page 9, strike out line 20.

Amendment No. 20

On page 9, line 21, strike out "(a)", and insert "26220"

Amendment No. 21

On page 9, line 26, after "consumer", strike out the colon, and insert a period

Amendment No. 22

On page 9, strike out lines 27 to 49, inclusive

Amendment No. 23

On page 10, strike out lines 1 to 26, inclusive

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health.

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER: The Chairman of your Committee on Water reports

Assembly Bill No 816

With author's amendments with the recommendation Amend, and re-refer to the Committee on Water

PORTER, Chairman

SECOND READING OF ASSEMBLY BILL NO. 816 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 816—An act to amend Sections 12699 and 12700 of the Water Code, relating to the Russian River flood control project

Bill read second time

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr Belotti was granted unanimous consent that Rule No 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor to the bill

Motion to Amend

Mr. Belotti moved the adoption of the following amendments

Amendment No. 1

In the caption of the printed bill, after "Belotti", insert
(Coauthor Senator Petersen)"

Amendment No. 2

On page 1, line 2, of the title, after "project", insert ", making an appropriation therefor, and declaring the urgency thereof, to take effect immediately"

Amendment No. 3

On page 2, after line 4, insert

"SEC 3 There is hereby appropriated out of the General Fund in the State Treasury the sum of six thousand dollars ($6,000) to the Mendocino County Flood Control and Water Conservation District to reimburse it for expenditures incurred for the acquisition of lands, easements, and rights-of-way in connection with the plan of flood control adopted and authorized in Section 12698 of the Water Code

SEC 4 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are

In 1961, the Mendocino County Flood Control and Water Conservation District spent six thousand dollars ($6,000) for lands, easements and rights-of-way in connection with the plan of flood control adopted and authorized in Section 12698 of the Water Code on the understanding it would be reimbursed by the State It was subsequently discovered there were no funds available to the Department of Water Resources for such reimbursement to the district The district urgently needs the funds now to continue competent administration of the district's flood control and conservation projects It is therefore necessary that this act go into immediate effect"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Water

REPORTS OF STANDING COMMITTEES

Committee on Municipal and County Government

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Municipal and County Government reports Assembly Bill No 13

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

KNOX, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Municipal and County Government reports
Senate Bill No 103
With amendments with the recommendation Amend, and do pass, as amended

KNOX, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER. Your Committee on Municipal and County Government reports
Senate Bill No 151
With the recommendation Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

KNOX, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 26, 1963

MR. SPEAKER Your Committee on Municipal and County Government reports.
Assembly Bill No 1098
Assembly Bill No 1341
Assembly Bill No 1339
With the recommendation · Do pass.

KNOX, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER · Your Committee on Municipal and County Government reports
Assembly Bill No 1259
Assembly Bill No 1260
Assembly Bill No 1261
Assembly Bill No 1262
Assembly Bill No 1263
With the recommendation · Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

KNOX, Chairman

Above bills ordered to second reading.

Committee on Rules

ASSEMBLY CHAMBER, March 26, 1963

MR. SPEAKER Your Committee on Rules reports
Assembly Joint Resolution No 30
With the recommendation Be adopted, as amended
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

BANE, Chairman

Above resolution ordered on file

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER · Your Committee on Rules reports
Assembly Joint Resolution No. 31
With the recommendation Be adopted.
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

BANE, Chairman

Above resolution ordered engrossed

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER · Your Committee on Rules reports
Assembly Bill No 840
With amendments with the recommendation · Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means.

BANE, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 26, 1963

MR. SPEAKER. Your Committee on Rules reports:

House Resolution No. 160
House Resolution No. 161
House Resolution No. 162

With the recommendation: That the resolutions be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study.

BANE, Chairman

Subject matter of the above resolutions referred to the Committee on Rules.

ASSEMBLY CHAMBER, March 26, 1963

MR. SPEAKER: Your Committee on Rules reports:

House Resolution No. 158
House Resolution No 159

With the recommendation: Be adopted.

BANE, Chairman

Above resolutions ordered on file.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER. Your Committee on Rules reports

House Resolution No. 157

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos 22.1, 22.2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

BANE, Chairman

Above resolution ordered on file.

Committee on Ways and Means

ASSEMBLY CHAMBER, March 25, 1963

MR. SPEAKER: Your Committee on Ways and Means reports

Assembly Constitutional Amendment No. 9

With the recommendation: Be adopted.

CROWN, Chairman

Above resolution ordered engrossed.

Committee on Judiciary

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER: Your Committee on Judiciary reports.

Assembly Bill No. 994
Assembly Bill No 996

With the recommendation: Do pass.

WILLSON, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER: Your Committee on Judiciary reports:

Senate Bill No 106
Senate Bill No 121
Senate Bill No 154
Senate Bill No 155

With the recommendation: Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar.

WILLSON, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER. Your Committee on Judiciary reports
Senate Bill No 16
With the recommendation Do pass, as amended
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

WILLSON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Judiciary reports
Assembly Bill No 1377
With amendments with the recommendation Be amended, and that the bill, as amended, be returned to the committee, and the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

WILLSON, Chairman

Above bill ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Joint Resolution No 31
And reports the same correctly engrossed

POWERS, Chairman

Above resolution ordered to the Consent Calendar

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Constitutional Amendment No 9
And reports the same correctly engrossed

POWERS, Chairman

Above resolution re-referred to the Committee on Constitutional Amendments, pursuant to Rule No. 67 1

ASSEMBLY CHAMBER, March 26, 1963

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No 1324
And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Finance and Insurance.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1033
And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.
Assembly Bill No 266
Assembly Bill No. 318
And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 351	Assembly Bill No 1082
Assembly Bill No 366	Assembly Bill No 1193
Assembly Bill No 498	Assembly Bill No 1236
Assembly Bill No 578	Assembly Bill No. 1350

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

REQUEST FOR UNANIMOUS CONSENT

Mr Winton was granted unanimous consent that the Chief Clerk be authorized to correct a printer's error in the title of Assembly Bill No. 400 by adding an "s" to "Section".

REQUEST FOR UNANIMOUS CONSENT

Mr Holmes was granted unanimous consent that when the Assembly does this day adjourn, it do so out of respect to the memory of the late Myrtie Felnagle, the wife of Assistant Sergeant at Arms, James Felnagle Mrs Felnagle passed away on Friday, March 22, 1963, and funeral services were held today.

COMMUNICATION FROM THE CHIEF CLERK

The following communication from the Chief Clerk was received.

ASSEMBLY, CALIFORNIA LEGISLATURE
March 26, 1963

Hon. Jesse M Unruh
Speaker of the Assembly

DEAR MR SPEAKER:

Amendment No 3 to Assembly Bill No 827 should read "strike out "registration" " This correction will make the amendment properly fit the bill

ARTHUR A OHNIMUS, Chief Clerk

APPROVAL OF JOURNALS

On motion of Mr. Waldie, the Assembly Daily Journals for Monday, March 18, 1963; Tuesday, March 19, 1963; Wednesday, March 20, 1963; Thursday, March 21, 1963; and Friday, March 22, 1963, were approved, as corrected by the Minute Clerk.

ADJOURNMENT

At 11 02 a m , on motion of Mr Waldie, the Speaker pro Tempore declared the Assembly adjourned until 10 a m , Wednesday, March 27, 1963, out of respect to the memory of the late Myrtie Felnagle, wife of James Felnagle, Assistant Sergeant at Arms of the Assembly.

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FORTY-EIGHTH LEGISLATIVE DAY

FIFTY-EIGHTH CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Wednesday, March 27, 1963

The Assembly met at 10 a m
Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk
Assistant Clerk Charles Winner reading

ROLL CALL

The roll was called, and the following answered to their names·

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Miias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—79

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev Robert R. Ferguson

God, Our Father, Give us vision to see beyond the obvious. May we not have closed minds and then complain because we cannot see Thou dost teach that spiritual things are spiritually discerned, that if any man will do Thy will he shall know We pray for real knowledge concerning our lives, our purpose and destiny here on earth May we not settle for half-truths which so often are more dangerous than obvious falsehoods Give us, O God, insight as to what truths to stand for, where to stand, and the courage to stand, or we are apt to fall for anything

Give us Thy grace this day In our Master's name —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr. Knox then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr. Carrell, seconded by Mr Powers.

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of legislative business elsewhere:

Mr. Young, on motion of Mr Waldie

COMMUNICATIONS

The following letter of transmittal was presented by the Chief Clerk, and ordered printed in the Journal

Letter of Transmittal
Biennial Report on Artificial Insemination of Animals

STATE OF CALIFORNIA, DEPARTMENT OF AGRICULTURE
SACRAMENTO, March 25, 1963

Mr Arthur A. Ohnimus
Chief Clerk of the Assembly
State Capitol, Sacramento

DEAR MR. OHNIMUS: Enclosed herewith is a copy of the 1961-1962 Biennial Report on Artificial Insemination of Animals

This report is submitted in compliance with Section 30 6 of the Agricultural Code.

Sincerely yours,

W J KUHRT, Acting Director

Above transmitted report referred by the Speaker pro Tempore to the Committee on Livestock and Dairies

The following communications were presented by the Chief Clerk from

Emily D Rodgers of Visalia, relative to senior citizen legislation Referred by the Speaker pro Tempore to the Committee on Social Welfare

Mrs Betty M. Dixon of Los Angeles, relative to Sunday closing laws Referred by the Speaker pro Tempore to the Committee on Governmental Efficiency and Economy.

J. Magnus Johnson and Selma Johnson of San Diego, relative to legislation. Referred by the Speaker pro Tempore to the Committee on Governmental Efficiency and Economy.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time.

Assembly Constitutional Amendment No. 36: By Messrs. Conrad, Mulford, Whetmore, Ashcraft, Cusanovich, Lanterman, and Milias—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 2 2 to Article IX, relating to the Superintendent of Public Instruction.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2089: By Mr Knox (Senator Rees, coauthor)—An act to amend Section 104 of, and to add Chapter 1 5 (commencing with Section 1300) to Division 2 of, the Health and Safety Code, relating to health care plans

Held at desk by order of the Speaker pro Tempore

REPORTS OF STANDING COMMITTEES

Committee on Public Utilities and Corporations

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Public Utilities and Corporations reports.

Assembly Bill No 240

With the recommendation· Do pass

Pursuant to the provisions of Joint Rules Nos 22.1, 22 2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar

WILLIAMSON, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER The Chairman of your Committee on Public Utilities and Corporations reports:

Assembly Bill No 1148

With author's amendments with the recommendation Amend, and re-refer to the Committee on Public Utilities and Corporations

WILLIAMSON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1148 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1148—An act to add Chapter 4 5 (commencing with Section 25550) to Division 1, Title 4 of, and to amend Sections 2200, 2210, 2239, and 3006 of, the Corporations Code, relating to corporations.

Bill read second time

Motion to Amend

Mr. Garrigus moved the adoption of the following amendment:

Amendment No. 1

On page 3 of the printed bill, as amended in the Assembly on March 21, 1963, strike out lines 34 to 43, inclusive, and insert

"SEC. 3. Section 2204 of said code is amended to read

2204. Except in the case of ~~regular or~~ annual meetings, *which are required to be noticed by Section 25553 or regular or special meetings not required to be noticed by Section 25553,* notice of which has been dispensed with by the bylaws, notice of all meetings of shareholders shall be given in writing to shareholders entitled to vote by the secretary or an assistant secretary or other person charged with that duty, or, in case of his neglect or refusal, or if there is no person charged with the duty of giving notice, by any director or shareholder."

Amendment read, and adopted.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Public Utilities and Corporations

REPORTS OF STANDING COMMITTEES

Committee on Public Utilities and Corporations

ASSEMBLY CHAMBER, March 26, 1963

MR. SPEAKER. Your Committee on Public Utilities and Corporations reports

Assembly Bill No 1105

With the recommendation Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

WILLIAMSON, Chairman

Above bill ordered to second reading.

Committee on Ways and Means

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER The Chairman of your Committee on Ways and Means reports

Assembly Bill No 676

With author's amendments with the recommendation Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 676 (PURSUANT TO RULE NO. 59 5)

Assembly Bill No. 676—An act to amend Sections 8952, 10051, 10052, and 10053 of, and to add Sections 8953, 8954, 8955 and 10054 to, the Revenue and Taxation Code, relating to state taxes

Bill read second time.

Motion to Amend

Mr. Petris moved the adoption of the following amendments

Amendment No. 1

On page 1, line 19, of the printed bill, as amended in the Assembly on March 18, 1963, strike out "person", and insert "persons"

Amendment No. 2

On page 2, line 43, strike out "person", and insert "persons"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means

REPORTS OF STANDING COMMITTEES

Committee on Municipal and County Government

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Municipal and County Government reports

Assembly Bill No 1311
Assembly Bill No 1022

With amendments with the recommendation: Amend, and do pass, as amended

KNOX, Chairman

Above bills ordered to second reading

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 66
Assembly Bill No 88
Assembly Bill No 597

With amendments with the recommendation Amend, and re-refer to the Committee on Transportation and Commerce

CARRELL, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 837

With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

CARRELL, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER. Your Committee on Transportation and Commerce reports

Senate Bill No 50

With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

CARRELL, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 1083

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CARRELL, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 154
Assembly Bill No 274
Assembly Bill No 847
Assembly Bill No 1291
Assembly Bill No 1292

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

CARRELL, Chairman

Above bills ordered to second reading

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Finance and Insurance reports

Assembly Bill No 1324

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2 and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

MILLS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Finance and Insurance reports

Senate Bill No 498

With the recommendation Do pass

MILLS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Finance and Insurance reports

Assembly Bill No 270

With the recommendation : Do pass

MILLS, Chairman

Above bill ordered to second reading.

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 400
And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Government Organization

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 175
Assembly Bill No 262
Assembly Bill No 1252
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to second reading file

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No. 76, the following bills were this day on the second reading file

Assembly Bills Nos. 262, 175, and 1252.

Assembly Bills Nos 262, 175, and 1252 ordered to third reading

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1090—An act to add Section 16555.5 to the Education Code, relating to emergency public use of school property and equipment

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1245—An act to add Sections 3123 1 and 3130 1 to the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Education, were read, and adopted·

Amendment No. 1

On page 1, line 16, of the printed bill, strike out "five", and insert "10"

Amendment No. 2

On page 2, line 23, after "junior", strike out "colleges", and insert "college"

Bill ordered reprinted, and engrossed

Assembly Bill No. 457—An act to add Section 13365 to the Vehicle Code, relating to drivers' licenses

Bill read second time, and ordered to third reading

Assembly Bill No. 776—An act to amend Section 172 of the Military and Veterans Code, relating to the Adjutant General

Bill read second time, and ordered to third reading

Assembly Bill No. 153—An act to repeal Article 3 (commencing with Section 27601) of Chapter 4, Division 20 of, and to add Article 3 (commencing with Section 27601) to Chapter 4, Division 20 of, the Education Code, relating to library districts.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1365—An act to amend Section 21304 of the Education Code, relating to use of revolving cash funds.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Concurrent Resolution No. 45—Relative to salaries of municipal court attachés

Resolution read.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Civil Service and State Personnel, was read, and adopted

Amendment No. 1

On page 1 of the printed measure, between lines 11 and 12, insert

"*Resolved*, That the County of San Diego be requested to pay the expenses incurred by the State Personnel Board in making the study; and be it further".

Resolution ordered reprinted, and engrossed.

Assembly Bill No. 686—An act to add Section 13864.1 to the Education Code, relating to state teachers' retirement

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1352—An act to add Sections 5782.7.1 and 5782 7 2 to the Public Resources Code, relating to recreation and park districts

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1354—An act to amend Section 2d of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915), relating to officers and employees of the Los Angeles County Flood Control District

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1353—An act adding Section 24227.5 to the Health and Safety Code, relating to officers and employees of air pollution control districts

Bill read second time, and ordered engrossed.

Assembly Bill No. 1269—An act to add Sections 3119.1 and 3119 2 to, and to amend Sections 3124 and 3168 of, the Education Code, relating to school district organization, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered engrossed

Assembly Bill No. 1271—An act to amend Section 2210 of the Business and Professions Code, relating to physician's and surgeon's certificates

Bill read second time, and ordered engrossed

Assembly Bill No. 823—An act to add Section 24352 8 to the Health and Safety Code, relating to air pollution control districts

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 13—An act to amend Sections 31593, 31593 5, 31828, 31829, 31830, 31860, and 31867 of, and to add Sections 31569 3 and 31866 5 to, the Streets and Highways Code, relating to vehicle parking districts

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Municipal and County Government, was read, and adopted

Amendment No. 1

On page 2, line 41, of the printed bill, strike out "31554", and insert "31555".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1098—An act to amend Section 25502 5 of the Government Code, relating to purchasing agents

Bill read second time, and ordered engrossed

Assembly Bill No. 1341—An act to amend Section 28102 of the Government Code, relating to compensation for public service in San Diego County.

Bill read second time, and ordered engrossed.

Assembly Bill No. 1339—An act to amend Sections 55503 5 and 55504 of, and to add Section 55506 to, the Water Code, relating to county waterworks districts

Bill read second time, and ordered engrossed

Assembly Bill No. 1259—An act to amend Section 26883 of the Government Code, relating to audits performed by counties

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1260—An act to amend Section 29853 of the Government Code, relating to county warrants.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1261—An act to amend Section 925 of the Penal Code, relating to grand juries

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1262—An act to amend Section 29802 of the Government Code, relating to county warrants

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1263—An act to amend Section 27063 of the Government Code, relating to county treasurer's reports.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Joint Resolution No. 30—Relative to the establishment of a John Muir National Monument.

Resolution read.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Rules, was read, and adopted:

Amendment No. 1

On page 1, line 15, of the printed measure, strike out the first "of", and insert "and".

Resolution ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 840—An act to amend Sections 13661, 13663, and 13664 of the Government Code, relating to distribution of state publications

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Rules, was read, and adopted:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended in the Assembly on March 22, 1963, after "publication", insert "unless the Department of Finance with the advice of the State Librarian determines that a lesser number will meet the requirements"

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means.

Assembly Bill No. 994—An act to add Section 16750.1 to the Business and Professions Code, relating to restraint of trade.

Bill read second time, and ordered engrossed.

Assembly Bill No. 996—An act to repeal Section 16721 of the Business and Professions Code, relating to unlawful trust certificates

Bill read second time, and ordered engrossed

Assembly Bill No. 1377—An act to amend Section 164 of the Civil Code, relating to property of married persons.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Judiciary, was read, and adopted.

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to 20, inclusive, and on page 2, strike out lines 1 to 14, inclusive, and insert

"SECTION 1 Section 164 of the Civil Code is amended to read

164. All other real property situated in this State and all other personal property wherever situated acquired during the marriage by a married person while domiciled in this State is community property, but whenever any real or personal property, or any interest therein or encumbrance thereon, is acquired by a married woman by an instrument in writing, the presumption is that the same is her *separate property*, and if acquired by such *married woman and any other person* the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument, except, that when any of such property is acquired by husband and wife by an instrument in which they are described as husband and wife, *whether as tenants in common or as joint tenants or otherwise*, unless a different intention is expressed in the instrument, the presumption is that such property is the community property of said husband and wife The presumptions in this section mentioned are conclusive in favor of any person dealing in good faith and for a valuable consideration with such married woman or her legal representatives or successors in interest, and regardless of any change in her marital status after acquisition of said property *Property in joint tenancy form is conclusively presumed to be true joint tenancy in favor of any person dealing in good faith and for a valuable consideration with a surviving joint tenant*

In cases where a married woman has conveyed, or shall hereafter convey, real property which she acquired prior to May 19, 1889, the husband, or his heirs or assigns, of such married woman, shall be barred from commencing or maintaining any action to show that said real property was community property, or to recover said real property from and after one year from the filing for record in the recorder's office of such conveyances, respectively

As used in this section, personal property does not include and real property does include leasehold interests in real property "

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary, and the subject matter to be referred to the Committee on Rules for assignment to the proper interim committee for study

SECOND READING OF SENATE BILLS

Senate Bill No. 454—An act to amend Sections 51, 53, 54, 120, 213, 326, 422, 502 1, 512, 513, 515, 550, 562, 565, 612, 640, 643.2, 644, and the title of Chapter 3 (commencing with Section 550) of Part 2 of Division 2 of the Military and Veterans Code, relating to the designation of the California National Guard Reserve.

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 115—An act to add Article 15 (commencing with Section 6450) to Chapter 6 of Division 6 of the Education Code, relating to special educational programs for culturally disadvantaged children, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted:

Amendment No. 1

On page 6, between lines 29 and 30, of the printed bill, as amended in the Assembly on March 20, 1963, insert

"6460 5 All meetings of the committee shall be open and public, and all persons shall be permitted to attend any meetings of the committee"

Amendment No. 2

On page 3, lines 48 and 49, strike out "Superintendent of Public Instruction", and insert "Governor, subject to Senate confirmation,".

Amendment No. 3

On page 5, line 37, strike out "15" and insert "17".

Amendment No. 4

On page 6, line 4, strike out "four", and insert "6"

Amendment No. 5

On page 6, lines 5 and 6, strike out "Assembly Committee on Rules, and", and insert "Speaker,".

Amendment No. 6

On page 6, line 7, after "Rules", insert ", and two lay members, one each appointed by the Speaker of the Assembly and the Senate Committee on Rules".

Amendment No. 7

On page 6, line 17, strike out "15", and insert "17"

Motion to Re-refer to Committee

Mr. Conrad moved that Senate Bill No 115 be re-referred to the Committee on Education

Mr Hinckley seconded the motion

Demand for Previous Question

Messrs Marks, Holmes, Casey, Dills, and Williamson demanded the previous question Demand sustained

The question being on the motion to re-refer

Motion lost by the following vote

AYES—Ashcraft, Badham, Bagley, Barnes, Belotti, Britschgi, Burgener, Chapel, Collier, Cologne, Conrad, Cusanovich, Deukmejian, Donovan, Flournoy, Hinckley, Holmes, Lanterman, Marks, Milias, Monagan, Mulford, Pattee, Stevens, Thelin, Veneman, and Whetmore—27

NOES—Allen, Alquist, Bane, Bee, Beilenson, Booth, Burton, Carrell, Casey, Crown, Danielson, Dannemeyer, Davis, Dills, Dymally, Elliott, Ferrell, Foran, Fretw, Gaffney, Garrigus, Gonsalves, Greene, Henson, Johnson, Kennick, Knox, Lunardi, McMillan, Meyers, Mills, Moreno, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Thomas, Waite, Waldie, Warren, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—50

Bill ordered reprinted, and returned to the second reading file

Vote Changed Upon Roll Call on Motion to Re-refer

Mr Lunardi was granted unanimous consent that he be recorded as voting "No," instead of "Aye," on the motion to re-refer Senate Bill No 115 to the Committee on Education

Senate Bill No. 103—An act to amend Sections 23201, 23207, 23215 and 23216 of, and to add Section 23225 to, the Government Code, relating to alterations of boundaries of counties, and declaring the urgency thereof, to take effect immediately

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on February 27, 1963, strike out "23215 and 23216", and insert "23214, 23215, 23216, 23217 and 23218"

Amendment No. 2

On page 2, line 11, after "SEC 3 ", insert "Section 23214 of said code is amended to read

23214 At the time fixed for hearing the board of each county in which the petition has been filed shall proceed to hear the petitioners and opponents Each board may adjourn the hearing from time to time, not exceeding 14 days in all. It shall receive the proofs offered to establish or controvert the facts set forth in the petition, and on final hearing each board shall by ~~resolution~~ *ordinance* entered on its minutes determine:

(a) The proposed new boundary as set forth and shown on the map attached to the petition.

(b) Whether the proposed new boundary line passes within five (5) miles of any county seat of the counties from which territory is taken, whether or not the proposed new boundary line is moved a greater distance than five (5) miles from its existing location, and whether the territory proposed to be transferred exceeds 5 percent of the county from which it is to be taken

(c) That all of the signers of the petition are qualified electors within the county in which the petition was circulated and filed, and whether or not signers on the written statement attached to and filed with the petition own land within the territory affected by the proposed change.

SEC. 4."

Amendment No. 3

On page 2, line 30, strike out "4", and insert "5".

Amendment No. 4

On page 2, line 36, strike out "resolution", and insert "ordinance"

Amendment No. 5

On page 2, line 39, strike out "SEC. 5.", and insert

"SEC 6. Section 23217 of said code is amended to read·

23217. If the prayer of the petition is granted by each of the boards with which the petitions were filed, each board shall, by ~~a resolution~~ *an ordinance* entered upon its minutes, so declare.

SEC 7 Section 23218 of said code is amended to read:

23218 After the expiration of 30 days from the passage of the ~~resolutions~~ *ordinances*, each board shall forthwith cause a copy of its ~~resolution~~ *ordinance* duly certified, to be filed in the office of the Secretary of State From and after the date of filing of the later of the ~~resolutions~~ *ordinances* the territory is fully transferred

SEC. 8."

Amendment No. 6

On page 2, line 48, strike out "resolution", and insert "ordinance".

Bill ordered reprinted, and returned to the second reading file

Senate Bill No. 151—An act to repeal Chapter 1413 of the Statutes of 1957, relating to the Mono County Public Utility District.

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 106—An act to amend Section 646 of the Probate Code, relating to administration of estates

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 121—An act to amend Section 326 of the Probate Code, relating to probate of wills

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 154—An act to amend Section 1253 of the Code of Civil Procedure, relating to recordation of orders of condemnation

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 155—An act to amend Section 782 of the Probate Code, relating to publication of notice in private sales of real property

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 16—An act to amend Section 647 of the Code of Civil Procedure, relating to those matters that are deemed excepted to

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Judiciary, were read, and adopted:

Amendment No. 1

On page 1, line 4, of the printed bill, after "jury", strike out the comma, and insert a semicolon

Amendment No. 2

On page 1, line 5, after "ceeding", strike out the comma, and insert a semicolon

Amendment No. 3

On page 1, line 6, after "them", strike out the comma, and insert a semicolon

Amendment No. 4

On page 1, line 7, after "taken", strike out the comma, and insert a semicolon

Amendment No. 5

On page 1, line 10, after "thereof," insert "or".

Amendment No. 6

On page 1, line 11, after "tinuance", strike out the comma, and insert a semicolon

Amendment No 7

On page 1, line 13, after "instruction," insert "or"

Amendment No. 8

On page 1, line 14, after "requested", strike out the comma, and insert a semicolon

Amendment No. 9

On page 1, line 16, after "testimony", strike out the comma, and insert a semicolon

Amendment No. 10

On page 1, line 17, after "evidence", strike out the comma, and insert a semicolon

Bill ordered reprinted, and returned to the second reading file

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 27, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended.

Assembly Bill No 58

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bill ordered to unfinished business file

SENATE CHAMBER, March 26, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended:

Assembly Bill No 116
Assembly Bill No 259
Assembly Bill No 387

And respectfully requests your honorable body to concur in said amendments

J. A BEEK, Secretary of the Senate
By GORDON F. ENGLISH, Assistant Secretary

Above bills ordered to unfinished business file.

SENATE CHAMBER, March 26, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No 33
Assembly Bill No 408

J A BEEK, Secretary of the Senate
By GORDON F. ENGLISH, Assistant Secretary

Above bills ordered enrolled

SENATE CHAMBER, March 26, 1963

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to

Senate Bill No 253

J. A. BEEK, Secretary of the Senate
By GRANT MILLER, Assistant Secretary

SENATE CHAMBER, March 26, 1963

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 6
Senate Bill No 287
Senate Bill No 305
Senate Bill No 307
Senate Bill No 337
Senate Bill No 346
Senate Bill No 402
Senate Bill No 488
Senate Bill No 495
Senate Bill No. 504
Senate Bill No 505
Senate Bill No 506
Senate Bill No 519
Senate Bill No 520
Senate Bill No. 521
Senate Bill No 522
Senate Bill No 529
Senate Bill No 712
Senate Bill No 740

J. A BEEK, Secretary of the Senate
By GORDON F. ENGLISH, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time

Senate Bill No. 6—An act authorizing the Division of Beaches and Parks to exchange property belonging to the State for other property in the County of San Luis Obispo.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 287—An act to amend Section 13197 of the Education Code and Section 3 of Chapter 848 of the Statutes of 1961, relating to the certification of school personnel, declaring the urgency thereof, to take effect immediately.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 305—An act to amend Section 1263 of the Agricultural Code, relating to produce dealers, to take effect immediately.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 307—An act to amend Section 1300.1 of the Agricultural Code, relating to processors of farm products, to take effect immediately

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 337—An act to amend Section 1083 1 of the Agricultural Code, relating to commercial feeding stuffs.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 346—An act to add Article 3 (commencing with Section 6871) to Chapter 8, Division 6 of the Education Code, relating to the education of physically handicapped minors for whom no school district, county superintendent of schools or the State of California has appropriated special education facilities and services for enrolling such minors.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 402—An act to amend Sections 1227 and 1413 of the Financial Code, relating to loan limits for banks

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 488—An act to amend Sections 307 and 311 1 of, and to repeal Section 357 3 of, the Agricultural Code, relating to slaughtering of animals

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 495—An act to amend Section 7500 7 of the Welfare and Institutions Code, relating to the Department of Mental Hygiene

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 504—An act to amend Sections 3035 and 7147 of the Fish and Game Code, relating to shipping tags for game and fish.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 505—An act to add Section 314 to the Fish and Game Code, relating to hunting

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 506—An act to add Section 313 to the Fish and Game Code, relating to fishing

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 519—An act to amend Section 2462 of the Business and Professions Code, relating to physical therapy

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 520—An act to amend Section 4905 of the Business and Professions Code, relating to veterinary medicine

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 521—An act to amend Section 8031 of the Business and Professions Code, relating to certified shorthand reporters

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 522—An act to amend Section 5681 of the Business and Professions Code, relating to landscape architects

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 529—An act to amend Sections 2019 and 2020 of the Code of Civil Procedure, relating to discovery in civil cases

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 712—An act to amend Sections 911 2, 912, 913, 914, 915, 915 5, 916, 916 5, and 919 of the Agricultural Code, relating to agricultural and vegetable seeds

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 740—An act to convey certain described lands from the State of California to Mr. Robert C. Newman, declaring the urgency thereof, to take effect immediately.

Held at desk by order of the Speaker pro Tempore.

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means:

Assembly Bill No. 1252.

Assembly Bill No. 686, subsequent to engrossment.

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees:

Assembly Bill No	*Committee*
2074	Transportation and Commerce
2075	Judiciary
2076	Education
2077	Governmental Efficiency and Economy
2078	Finance and Insurance
2079	Elections and Reapportionment
2080	Municipal and County Government
2081	Water
2082	Civil Service and State Personnel
2083	Rules
2084 through **2086**	Government Organization
2087	Judiciary
2088	Transportation and Commerce

Assembly Joint Resolution No	
32	Rules

Senate Bill No	
51	Fish and Game
63	Government Organization
122	Finance and Insurance
157	Agriculture
171	Education
286	Education
321	Transportation and Commerce
380	Fish and Game
427 and **428**	Education
430	Transportation and Commerce
502	Fish and Game
539 through **543**	Finance and Insurance
545 through **547**	Finance and Insurance
631	Finance and Insurance
641	Judiciary
704	Finance and Insurance

NAME PLACED UPON ROLL CALL ON MOTION TO RE-REFER SENATE BILL NO. 115

Mr Ferrell was granted unanimous consent that he be recorded as voting "No" on the motion that Senate Bill No 115 be re-referred to the Committee on Education

REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW ASSEMBLY BILL NO. 2025 FROM COMMITTEE

Mr. Badham was granted unanimous consent that Assembly Bill No. 2025 be withdrawn from the Committee on Agriculture

Request for Unanimous Consent to Take Up Assembly Bill No. 2025

Mr. Badham was granted unanimous consent to take up Assembly Bill No 2025, at this time, without reference to file

CONSIDERATION OF ASSEMBLY BILL NO. 2025

Assembly Bill No. 2025—An act to add Section 16410 to the Education Code, relating to school property, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Resolution to Dispense With Constitutional Provision

The following resolution was offered:

By Mr Badham:

Resolved, That Assembly Bill No 2025 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be considered engrossed, read the third time, and placed upon its passage.

Resolution read

The roll was called, and the resolution adopted by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Porter, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Z'berg, Zenovich, and Mr Speaker—71

NOES—None

Article IV, Section 15 of the Constitution was declared dispensed with

Assembly Bill No. 2025—An act to add Section 16410 to the Education Code, relating to school property, declaring the urgency thereof, to take effect immediately.

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Z'berg, Zenovich, and Mr. Speaker—75

NOES—None

The question being on the passage of the bill

Bill passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW ASSEMBLY BILL NO. 1219 FROM COMMITTEE

Mr Knox was granted unanimous consent that Assembly Bill No 1219 be withdrawn from the Committee on Finance and Insurance for purpose of amendment, and that the bill be re-referred to the committee.

CONSIDERATION OF ASSEMBLY BILL NO. 1219

Assembly Bill No. 1219—An act to amend Section 11580 of the Insurance Code and to amend Sections 16057, 16450, 16451, and 16452 of the Vehicle Code, relating to motor vehicle insurance.

Bill read second time.

Motion to Amend

Mr Knox moved the adoption of the following amendments·

Amendment No. 1

In the first line of the title of the printed bill, strike out "to amend Section 11580 of", and insert "to add Section 11580 1 to"

Amendment No. 2

In the second line of the title, after "16057", strike out ", 16450, 16451, and 16452", and insert "and 16450".

Amendment No. 3

In the third line of the title, strike out the period, and insert "and the Financial Responsibility Laws"

Amendment No. 4

On page 1, strike out lines 1 through 13, inclusive

Amendment No. 5

On page 2, strike out lines 1 through 20, inclusive, and insert

"SECTION 1 Section 11580 1 is added to the Insurance Code, to read

11580 1 No policy of liability insurance covering liability arising out of the ownership, maintenance or use of any motor vehicle shall be issued or delivered in this State to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this State, upon any motor vehicle then principally garaged or principally used in this State unless it contains the following provisions

(a) Provision with coverage limits at least equal to the Financial Responsibility requirements specified in Section 16059 of the Vehicle Code

(b) Provision designating by explicit description or by appropriate reference all motor vehicles with respect to which coverage is intended to be granted

(c) Provision insuring the insured named therein and any other person using, or legally responsible for the use of, said motor vehicles provided the motor vehicles are being used by the named insured or with his permission, express or implied

(d) Notwithstanding the foregoing subdivisions, the insurer and any named insured may, by the terms of such policy or by a separate writing, agree that coverage under the policy shall not apply while said motor vehicles are being used in a specified manner or for specified purposes or by designated named individuals, or

both Such agreement by any named insured shall be binding upon every insured to whom such policy applies

(e) Such policy may contain a provision that the insurance coverage afforded a person other than the named insured or his agent or employee shall not be applicable if there is any other valid and collectible insurance applicable to the same loss covering such person as a named insured or as an agent or employee of a named insured under a policy with limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code. In the event there is such other valid and collectible insurance, the two or more policies shall not be construed as providing cumulative or concurrent coverage and only that policy which covers the liability of such person as a named insured, or as an agent or employee of a named insured, shall apply In the event there is no such other valid and collectible insurance, the coverage afforded a person other than the named insured, his agent or employee, may be limited to the financial responsibility requirements specified in Section 16059 of the Vehicle Code"

Amendment No. 6

On page 2, strike out lines 31 through 35, inclusive, and insert "operating the vehicle without permission"

Amendment No 7

On page 2, strike out lines 40 and 41, and insert "not owned by him"

Amendment No. 8

On page 2, strike out lines 45 and 46, and insert "insurance or bond.

(d) Any policy or bond referred to in this section shall comply with the requirements of Section 16059 of this code and Sections 11580, 11580 1 and 11580 2 of the Insurance Code, but need not contain provisions other than those required by said sections"

Amendment No. 9

On page 3, strike out lines 3 through 39, inclusive, and insert "person named therein as assured Any requirements set forth in said Chapters 2, 3 and 4 relating to a motor vehicle liability policy shall apply only to those policies which have been certified as proof of ability to respond in damages as provided in Section 16431"

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 36—An act to add Section 11541 to the Health and Safety Code, relating to peyote

Bill read third time

NOTE—Later this day, the record was expunged and the action was rescinded whereby two sets of amendments to Assembly Bill No 36 were offered and one set was adopted. *See* page 1455.

Assembly Bill No. 821—An act to add Section 432 5 to the Labor Code, relating to employment

Bill read third time

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Elliott moved a call of the Assembly.

Mr Burton seconded the motion

Motion carried Time, 11 17 a m

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent members

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 113

Mr Waldie was granted unanimous consent that Assembly Rule No 113 be temporarily suspended for the purpose of placing a call of the Assembly on any matter before the House.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 635—An act to amend Section 20004 of the Education Code, relating to the Junior College Tax Relief Act, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Mr Winton moved the adoption of the following amendments·

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 20001 and"

Amendment No. 2

On page 1, strike out line 1, and insert

"SECTION 1 Section 20001 of the Education Code is amended to read:

20001 As used in this chapter.

(a) "Junior college district" means any district maintaining a junior college, *or any district which is authorized to, but does not, maintain a junior college and has pupils residing within its boundaries attending junior colleges maintained by other districts.*

(b) "Junior college" means grades 13 and 14 of a two- or four-year junior college

(c) "Unit of average daily attendance" means a unit of average daily attendance during the preceding fiscal year in a graded class in grade 13 or 14 of a junior college of pupils *who are not adults as defined in Section 6352, and* who are *either (1)* residents of the district maintaining the junior college ~~and who are not adults as defined in Section 6352~~ *; or (2) residents of the district authorized to, but not maintaining a junior college, who attend such a class in another district under an agreement requiring the payment of tuition by the district of residence*

SEC 2 Section 20004 of said code is"

Amendment No 3

On page 1, line 13, strike out "2", and insert "3"

Amendments read, and adopted

Bill ordered reprinted, and re-engrossed

ASSEMBLY BILL NO. 937 PLACED UPON INACTIVE FILE

Upon motion of Mr Porter, **Assembly Bill No. 937** was ordered placed upon the inactive file

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 630—An act authorizing the Director of Finance to dispose of property belonging to the State

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Badham, Bagley, Bane, Bee, Beilenson, Belotti, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—73

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 955—An act to amend Section 86 of the Agricultural Code, relating to fairs and expositions

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Badham, Bagley, Bane, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—72

NOES—None

Bill ordered transmitted to the Senate.

Consideration of House Resolution No. 158

By Mr Holmes

House Resolution No. 158—Relative to congratulating Mr Caspar Schenk on his 85th birthday

NOTE: The full text of House Resolution No. 158 appears at pages 1238 and 1239 of the Assembly Daily Journal for March 20, 1963

Resolution read

Members Made Coauthors of House Resolution No. 158

Mr. Holmes was granted unanimous consent that all members so desiring be placed upon House Resolution No 158 as coauthors

Roll Call

The following members indicated a desire to become coauthors

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—78

NOES—None.

The question being on the adoption of House Resolution No. 158, as amended.

Resolution adopted unanimously.

Consideration of House Resolution No. 159

By Messrs Z'berg and Powers·

House Resolution No. 159—In memory of Highway Patrol Officer Charles Sorenson.

NOTE The full text of House Resolution No. 159 appears at page 1239 of the Assembly Daily Journal for March 20, 1963

Resolution read.

Members Made Coauthors of House Resolution No. 159

Mr Z'berg was granted unanimous consent that all members so desiring be placed upon House Resolution No 159 as coauthors.

Roll Call

The following members indicated a desire to become coauthors:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

The question being on the adoption of House Resolution No. 159, as amended

Resolution adopted unanimously.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION ON AMENDMENTS TO ASSEMBLY BILL NO. 36

Mr Petris moved to expunge the record, and rescind the action whereby two sets of amendments to Assembly Bill No 36 were this day presented (Assembly Journal, page 1452), and whereby one set was adopted

Motion carried by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—77.

NOES—None

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 36

Assembly Bill No. 36—An act to add Section 11541 to the Health and Safety Code, relating to peyote

Bill read third time

Motion to Amend

Mr. Petris moved the adoption of the following amendments

Amendment No. 1

On page 1, line 4, of the printed bill, as amended in the Assembly on March 13, 1963, strike out 'for a North American Indian"

Amendment No. 2

On page 1, line 5, strike out "bona fide"

Amendment No. 3

On page 1, line 6, strike out "bona fide"

Amendment No. 4

On page 1, after line 10, insert

This section is applicable only if use of peyote was a practice in the services of the religion before July 1, 1963

This section is applicable only if the religious organization involved is one that is eligible for the tax exemption authorized by Section 1c of Article XIII of the California Constitution"

Amendments read, and adopted

Bill ordered reprinted, and re-engrossed

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 187—An act to amend Section 2418 of the Vehicle Code, relating to operation and equipment of ambulances

Bill read third time, and presented by Mr. Kennick

Urgency Clause

Urgency clause read

Demand for Previous Question

Messrs Mills, Lunardi, Dills, Cologne, and Garrigus demanded the previous question Demand sustained

The question being on the adoption of the urgency clause

Urgency clause adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Danielson, Dannemeyer, Deukmejian, Dills, Dymally, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Potter, Powers, Quimby, Rumford, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Whetmore, Winton, and Zenovich—57

NOES—Badham, Bane, Chapel, Collier, Cusanovich, Donovan, Elliott, Flournoy, Holmes, Lanterman, Mills, Pattee, Ryan, Stevens, Waldie, Willson, Z'berg, and Mr Speaker—18

The question being on the passage of the bill.

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Danielson, Dannemeyer, Deukmejian, Dills, Dymally Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Potter, Powers Quimby, Rumford, Song Soto Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Whetmore, Winton, and Zenovich—57

NOES—Badham, Bane, Chapel, Collier, Cusanovich, Donovan, Elliott, Flournoy, Holmes, Lanterman, Mills, Pattee, Ryan, Stevens, Waldie, Willson, Z'berg, and Mr Speaker—18

Bill ordered transmitted to the Senate

INTRODUCTION OF GUESTS

Speaker pro Tempore Bee introduced Larry Driscoll, son of Assembly Chief Assistant Clerk James D Driscoll, and a group of his fellow members of Sacramento Cub Pack 406 and their chaperones to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 986—An act to amend Sections 6545 and 6546 of the Business and Professions Code, relating to the practice of barbering.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 987—An act to amend Section 6545 of the Business and Professions Code, relating to barbers

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 988—An act to add Section 6567 to the Business and Professions Code, relating to the practice of barbering

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 20—An act to add Sections 17200 8, 17213 1, and 17421 to, and to amend Sections 17209, 17209 1, 17209 2 and 17209 3 of, the Financial Code, relating to escrow agents

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—79.
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 141—An act to add Section 23428 11 to the Business and Professions Code, relating to alcoholic beverages

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 767—An act to amend Sections 14129 and 14130 of, and to add Section 14130 1 to, the Education Code, relating to state teachers' retirement

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 769—An act to amend Sections 13859, 13901 and 14306, and to repeal Section 13902 of the Education Code, relating to state teachers' retirement

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves,

Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z berg, Zenovich, and Mr Speaker—79.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1175—An act to add Section 2469 to the Education Code, relating to school districts

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—79.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 628—An act to amend Section 16473 5 of the Government Code, relating to the Pooled Money Investment Board

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr. Speaker—79
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 893—An act to amend Section 1557 of the Penal Code, relating to expense of returning prisoners

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr. Speaker—79
NOES—None.

Bill ordered transmitted to the Senate

REQUEST FOR UNANIMOUS CONSENT

Mr Bagley was granted unanimous consent that the following opinion of the Legislative Counsel be ordered printed in the Journal.

OPINION OF LEGISLATIVE COUNSEL

COPY

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, March 25, 1963

Hon Phillip Burton
Assembly Chamber

Public Assistance—No. 12776

DEAR MR BURTON

You ask the following question

Question

Would Assembly Bill No 175 give to a county additional power to impose liens for indigent aid or public assistance?

Opinion

In our opinion Assembly Bill No 175 would not give a county additional power to impose liens for indigent aid or public assistance

Analysis

Assembly Bill No 175 would add Section 2601 5 to the Welfare and Institutions Code That section provides that no lien taken by a county pursuant to Section 2601 of the Welfare and Institutions Code for care provided to a person in a county hospital shall be enforced against the property of that person during his lifetime or that of his spouse

At the present time a county is expressly authorized by law to require a person who enters the county hospital to give a lien on property owned by him to the county as security for money expended by the county (H & S C, Secs 1473, 1474, W & I C, Sec 2601)

Assembly Bill No 175 would prohibit the county from enforcing its lien during the lifetime of the person whose property is encumbered and that of the spouse of the person. The bill would in no way extend the authority of a county to take a lien for county hospital care, and has no application whatever to other public assistance programs The bill, in effect, is a curtailment of the county's authority, rather than an extension of that authority.

Very truly yours,

A C MORRISON
Legislative Counsel
By EDWARD K PURCELL
Deputy Legislative Counsel

Two copies to Honorable William T Bagley pursuant to Joint Rule No 34.

ANNOUNCEMENT

Mr Donovan announced that plans were under way for a visit to the Oroville Dam, and requested that those Members of the Assembly who were interested in the trip contact him for arrangements

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 843

With amendments with the recommendation: Amend, and do pass, as amended.

GARRIGUS, Chairman

Above bill ordered to second reading.

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Finance and Insurance reports:

Assembly Bill No 742

Assembly Bill No. 463

With amendments with the recommendation Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

Above bills ordered to second reading.

Committee on Fish and Game

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Fish and Game reports

Assembly Bill No 381

Assembly Bill No 801

With amendments with the recommendation: Amend, and re-refer to the Committee on Fish and Game

DAVIS, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Fish and Game reports

Assembly Bill No 741

Assembly Bill No 751

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

DAVIS, Chairman

Above bills ordered to second reading.

Committee on Natural Resources, Planning, and Public Works

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Natural Resources, Planning, and Public Works reports

Assembly Bill No 961

With amendments with the recommendation Amend, and re-refer to the Committee on Natural Resources, Planning, and Public Works

Z'BERG, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Natural Resources, Planning, and Public Works reports

Assembly Bill No 1277

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

Z'BERG, Chairman

Above bill ordered to second reading.

Committee on Criminal Procedure

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Criminal Procedure reports

Assembly Bill No. 174
Assembly Bill No. 1180

With the recommendation. Do pass

WINTON, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Criminal Procedure reports

Assembly Bill No 1131

With amendments with the recommendation · Amend, and do pass, as amended

WINTON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Criminal Procedure reports.

Assembly Bill No 410
Assembly Bill No 411
Assembly Bill No 412
Assembly Bill No. 1012
Assembly Bill No. 1290

With amendments with the recommendation · Amend, and re-refer to the Committee on Criminal Procedure

WINTON, Chairman

Above bills ordered to second reading

Committee on Social Welfare

ASSEMBLY CHAMBER, March 21, 1963

MR. SPEAKER. The Chairman of your Committee on Social Welfare reports:

Assembly Bill No 347

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Social Welfare

BURTON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 347 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 347—An act to amend Sections 3005, 3040, 3084, 3084 01, 3084 3, 3430, 3447, 3472, and 3472 01 of, to repeal Sections 3041, 3043, 3431, 3431.1, and 3432 of, and to add Sections 3084 2, 3086, 3472.5, and 3472 6 of, the Welfare and Institutions Code, relating to aid to the blind, and making an appropriation therefor

Bill read second time

Unanimous Consent to Correct Amendment

Mr Burton was granted unanimous consent that the Chief Clerk be authorized to correct Amendment No 16 to Assembly Bill No 347, by inserting a period after the word "repealed"

Motion to Amend

Mr. Burton moved the adoption of the following amendments.

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 20, 1963, strike out "3084 01,"

Amendment No. 2

In line 3 of the title, strike out "3430, 3447, 3472, and 3472.01", and insert "3447, and 3472"

Amendment No. 3

In line 4 of the title, after "3043," insert "3430,"

Amendment No. 4

In line 4 of the title, after "of," insert "to repeal Section 3084 05 as added by Assembly Bill 116 of 1963,"

Amendment No. 5

In line 5 of the title, after "Sections", insert "3013,"

Amendment No. 6

In line 5 of the title, strike out "3086, 3472 5, and 3472 6", and insert "and 3086"

Amendment No. 7

On page 1, between lines 8 and 9, insert

"SEC 1 5 Section 3013 is added to said code, to read

3013 Any recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part who is ineligible, by reason of age, for assistance under Chapter 1 (commencing with Section 4700) of Part 4 of this division shall be entitled to the same inpatient benefits as are provided for persons under Chapter 1 (commencing with Section 4700) of Part 4 of this division, which shall be provided to the recipient under the provisions of Chapter 1 (commencing with Section 4500) of Part 3 of this division"

Amendment No. 8

On page 1, line 11, after "chapter", insert "or Chapter 3 (commencing with Section 3400) of this part".

Amendment No. 9

On page 2, line 46, strike out "1963", and insert "1960"

Amendment No. 10

On page 2, line 51, strike out "the maximum grant payable under this section", and insert "one hundred fifteen dollars ($115)"

Amendment No. 11

On page 3, line 2, strike out "maximum grant payable under this section", and insert "monetary amount specified in the preceding paragraph and to the corresponding figure specified in Section 3084 01"

Amendment No. 12

On page 3, strike out lines 23 to 52, inclusive, and insert

"SEC 7 Section 3084 05 of the Welfare and Institutions Code, as added by Assembly Bill No. 116 of 1963, is repealed.

~~3084 05 When the physical or mental condition of an applicant for or a recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part is such that he requires the services of a full-time or part-time attendant to permit him to remain in his own home or requires out-of-home care in a nonmedical facility, he shall be entitled to a grant in an amount sufficient to enable him to pay for those services or that care, provided that otherwise he would apparently be eligible for assistance as provided under Chapter 1 (commencing with Section 4000) of Part 2 of Division 5 of this code and would be transferred to the program of aid to the needy disabled solely for the purpose of providing such services or care. The grant payable to an applicant or recipient under this section shall not be subject to the maximum monetary limitations set forth in Sections 3084, 3084.01, 3472, and 3472.01 of this code.~~"

Amendment No. 13

On page 4, line 19, after "chapter", insert "or Chapter 3 (commencing with Section 3400) of this part"

Amendment No. 14

On page 4, line 25, strike out "and 3084 01", and insert ", 3084 01, 3472, and 3472 01"

Amendment No. 15

On page 4, line 43, after "recipient", insert "of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part".

Amendment No. 16

On page 4, line 46, strike out "amended to read ", and insert "repealed "

Amendment No. 17

On page 4, strike out lines 47 to 50, inclusive

Amendment No. 18

On page 5, line 5, after "owns", insert ", in addition to property authorized by Chapter 6 (commencing with Section 450) of Division 1 of this code,".

Amendment No. 19

On page 5, line 10, strike out "additional real or".

Amendment No. 20

On page 5, line 11, after the first "property", insert "in addition to that authorized in Chapter 6 (commencing with Section 450) of Division 1 of this code"

Amendment No. 21

On page 5, line 14, strike out "real or"

Amendment No. 22

On page 6, line 22, strike out "1963", and insert "1960"

Amendment No. 23

On page 6, line 27, strike out "the maximum grant payable under this section", and insert "one hundred fifteen dollars ($115)"

Amendment No. 24

On page 6, lines 29 and 30, strike out "maximum grant payable under this section", and insert "monetary amount specified in the preceding paragraph and to the corresponding figure specified in Section 3472 01".

Amendment No. 25

On page 6, line 52, strike out "two thousand", and insert "one thousand five hundred"

Amendment No. 26

On page 7, line 1, strike out "($2 000)", and insert "($1,500)"

Amendment No. 27

On page 7, line 2, strike out "two thousand", and insert "one thousand five hundred"

Amendment No. 28

On page 7, line 3, strike out "($2,000)", and insert "($1,500)"

Amendment No. 29

On page 7, strike out lines 26 to 52, inclusive; and strike out all of page 8, and insert

'SEC 18 This act shall become operative January 1, 1964"

Amendments read, and adopted.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Social Welfare

Rush Order Placed Upon Printing of Assembly Bill No. 347

Mr Burton was granted unanimous consent that a rush order be placed upon the printing of Assembly Bill No. 347.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Joint Resolution No. 15—Relative to memorializing Congress to enact legislation authorizing flood control appropriations to the Yuba County Water Agency,

Assembly Concurrent Resolution No. 16—Relative to disposition of power from the State Water Project;

Assembly Concurrent Resolution No. 39—Relative to Isabella Reservoir;

And reports the same correctly enrolled, and presented to the Secretary of State on the 26th day of March, 1963, at 1 30 p m

POWERS, Chairman

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 76—An act to amend Section 9400 of the Vehicle Code, relating to registration and weight fees for commercial vehicles,

Assembly Bill No. 177—An act to amend Sections 6345 and 6348 5 of the Business and Professions Code, relating to law libraries;

And reports the same correctly enrolled, and presented to the Governor at 1 30 p m, March 26, 1963

POWERS, Chairman

Committee on Judiciary

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Judiciary reports

Assembly Bill No 1087

With amendments with the recommendation Amend, and re-refer to the Committee on Judiciary

WILLSON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER: Your Committee on Judiciary reports

Assembly Bill No 995

With amendments with the recommendation Amend, and do pass, as amended

WILLSON, Chairman

Above bill ordered to second reading

Committee on Fish and Game

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Fish and Game reports

Assembly Bill No 750

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

DAVIS, Chairman

Above bill ordered to second reading

Committee on Criminal Procedure

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER: Your Committee on Criminal Procedure reports

Assembly Bill No 1177

With amendments with the recommendation Amend, and do pass, as amended

WINTON, Chairman

Above bill ordered to second reading

On March 28, 1963, the record was expunged, and the action rescinded, whereby Assembly Bill No 1416 was reported from committee, amended, and ordered reprinted and engrossed *See* Assembly Journal, page 1495

REQUEST FOR UNANIMOUS CONSENT

Mr Bane was granted unanimous consent to offer a resolution, at this time

RESOLUTIONS

The following resolution was offered:

By Mr Bane:

House Resolution No. 168

Relative to congratulating the Foundation for the Junior Blind on its 10th Birthday

WHEREAS, It has come to the attention of the Assembly that the Foundation for the Junior Blind will celebrate its 10th Birthday on March 30, 1963, with an Anniversary Dinner Dance in the Grand Ballroom of the Beverly Hilton Hotel in Los Angeles, and

WHEREAS, The Foundation for the Junior Blind opened its doors on March 30, 1953, in an old refurbished store building on Santa Monica Boulevard in Los Angeles to provide blind children between the ages of six and twenty-one, without regard to race or creed, with a year-round recreational program to give sightless youngsters the chance to enjoy the same life experiences as "seeing" children, in order that they will grow up as normal, active individuals who are able to take their place in the "seeing" world, and

WHEREAS, Supported entirely by voluntary contributions and without fee to the children or their parents, it has grown from an organization able to serve a handful of blind children to an organization, outstanding not only in Southern California, but unique in the entire Country, in offering to 480 young blind persons an integrated program of special education and social development, with such activities and classes as arts and crafts, cooking, poise and personal grooming, ham radio, musical instrument instruction, dramatics, ballet, foreign language instruction, woodshop, science workshop, judo, boxing and wrestling, social dances and square dances, and outdoor jaunts and field trips; and

WHEREAS, In addition to the program conducted during the school year, the Foundation for the Junior Blind concurrently operates three day camping programs, one in Los Angeles, one in the San Gabriel Valley and one in the San Fernando Valley, and a resident camping program at Camp Bloomfield on land donated to the Foundation in the Malibu Mountains, which is the only summer camp in the entire Southwest with special facilities and trained personnel for blind children, permitting the conducting of all activities done at a "sighted" camp; and

WHEREAS, Mr Norman Kaplan, Founder and Executive Director of the Foundation, and his wife, Nadia, saw that help was available to preschool blind children and to blind adults, but that there was nothing available to sightless school-age children after school, and determined to fill this gap, which has caused Mr Kaplan to work 18 to 20 hours a day, seven days a week, to keep this important work going, moving Paul Coates to describe Mr. Kaplan as "an ordinary good person of the world, performing minor miracles without the benefit of headlines, klieg lights, or fanfare—performing the quiet but spectacular miracle of brightening the lives of our children who live in darkness", and

WHEREAS, The Kaplans never refuse to admit any child to the Foundation's program and the flood of youngsters anxious to take advantage of its services resulted in a constant expansion of the program, placing severe stress on the organization's resources, which reached such a crisis in 1955 that the program was threatened with extinction unless more funds and additional volunteer workers could be obtained, and

WHEREAS, The Foundation for the Junior Blind and the work of the Kaplans was featured on Mr Coate's program, "Confidential File," in May, 1955, and the results were so gratifying that the Foundation was able to meet its debts and move to larger quarters, which are now in the process of being outgrown; and

WHEREAS, The Foundation was started by a grant from a group of 24 women called the "Freelancers" and has been aided since by a loyal staff and a group of selfless volunteers, providing teaching, transportation, administrative, supervisory and other services and contributing about 50,000 hours of volunteer service per year to supplement the work of the Foundation's staff, which is exemplified by the work of Barbara Rose, Assistant Director, who has served the organization for eight and one-half years, and

WHEREAS, The contributions of the Kaplans and the Foundation's staff and volunteer workers have led to a better community, State, Nation and world, since by teaching blind youth to become more useful citizens they have shown the way to others to aid blind children to become contributing members of society, which goal of the Foundation was expressed by Mr Kaplan in the following language: "It is important that these children learn to integrate into their society, not as beggars, but as useful citizens. Blindness must not be treated as a tragedy, merely as a nuisance Almost everyone can become a useful citizen if given the opportunity The Foundation gives these children that opportunity They live and grow by the life experiences they are exposed to and if their lives include more than just sitting in front of the radio, they grow with each experience in which they are allowed to participate", now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly congratulate the Foundation for the Junior Blind on its 10th Birthday and commend Norman and Nadia Kaplan, the staff and volunteer workers for making this organization possible; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mr Norman Kaplan

Request for Unanimous Consent

Mr Bane was granted unanimous consent to take up House Resolution No 168 without reference to committee or file

Resolution read, and adopted unanimously

REPORTS OF STANDING COMMITTEES

Committee on Criminal Procedure

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER: Your Committee on Criminal Procedure reports

Assembly Bill No 534

With amendments with the recommendation: Amend, and re-refer to the Committee on Criminal Procedure.

WINTON, Chairman

Above bill ordered to second reading.

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 153	Assembly Bill No 1262
Assembly Bill No 823	Assembly Bill No 1263
Assembly Bill No 1090	Assembly Bill No. 1352
Assembly Bill No 1259	Assembly Bill No. 1354
Assembly Bill No 1260	Assembly Bill No 1365
Assembly Bill No 1261	

And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered to the Consent Calendar.

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 686

And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 994	Assembly Bill No 1271
Assembly Bill No 996	Assembly Bill No 1339
Assembly Bill No 1098	Assembly Bill No 1341
Assembly Bill No 1269	Assembly Bill No 1353

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 49
Assembly Bill No 790

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 228	Assembly Bill No 816
Assembly Bill No 332	Assembly Bill No. 824
Assembly Bill No 417	Assembly Bill No 827
Assembly Bill No 596	Assembly Bill No 828
Assembly Bill No. 723	Assembly Bill No 1338

And reports the same correctly engrossed.

POWERS, Chairman

Above bills, with the exception of Assembly Bills Nos 816 and 1338, re-referred to the Committee on Public Health

Assembly Bill No 816 re referred to the Committee on Water

Assembly Bill No 1338 re-referred to the Committee on Industrial Relations

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

Assembly Bill No. 2090: By Mr. Dymally—An act to amend Section 21114 of the Education Code, relating to employment in the public school system.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2091: By Messrs Burton and Stanton—An act to repeal Sections 124 5, 124 6, 4552, 4553, 4579, and 4750 of, to amend Sections 4578 and 4604 5 of, and to add Sections 4552, 4553, and 4750 to, the Welfare and Institutions Code, relating to medical care, and making an appropriation therefor

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2092: By Mr Pattee—An act to add Sections 73562, 73563, 73563 1, 74222, 74223 and 74223 1 to, and to repeal Sections 73562, 73563, 74222 and 74223 of the Government Code, relating to municipal court clerks and deputies.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2093: By Mr. Kennick—An act to amend Section 21460 of the Vehicle Code, relating to double lines

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2094: By Mr Kennick—An act to amend Section 16802 of the Education Code, relating to school districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2095: By Mr Kennick—An act to add Section 446 to the Welfare and Institutions Code, relating to public assistance

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2096: By Mr Powers—An act to amend Section 4332 of the Fish and Game Code, relating to deer tags

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2097: By Messrs. Z'berg, Powers, and Greene (Senator Rodda, coauthor)—An act to add Article 4 (commencing with Section 5055) to Chapter 1 of Division 5 of the Public Resources Code, relating to historic parts of the City of Sacramento

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2098: By Mr Pattee—An act to add Section 11375 to the Government Code, relating to regulations of state agencies

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2099: By Mr Allen—An act to add Section 1669 to the Civil Code, relating to unlawful contracts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2100: By Messrs Hinckley, Stevens, Porter, and Thomas—An act to add Section 25620 to the Business and Professions Code, relating to alcoholic beverages

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2101: By Mr Stanton—An act to add Section 3052 to the Welfare and Institutions Code, relating to aid to the blind, and making an appropriation therefor

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2102: By Mr. Williamson—An act to add Section 43006 to the Government Code and Section 155 9 to the Revenue and Taxation Code, relating to property taxation

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2103: By Mr Casey—An act to amend Section 20001 of, and to add Section 20003 1 to, the Education Code, relating to the Junior College Tax Relief Act, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2104: By Messrs Rumford, Henson, Foran, Holmes, Beilenson, Belotti, Booth, Casey, Cusanovich, Danielson, Dills, Dymally, Gonsalves, Kennick, Knox, Marks, Meyers, Mills, Moreno, Pattee, Petris, Song, Soto, Thomas, Warren, Williamson, and Zenovich (Senators Cameron, Donnelly, and Grunsky, coauthors)—An act to add Chapter 12 (commencing with Section 4987) to Division 4 of the Public Resources Code, relating to the California Youth Conservation and Training Program

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2105: By Messrs Moreno and Song—An act to amend Section 5851 of, and to add Sections 5855 and 5856 to, the Streets and Highways Code, relating to the Improvement Act of 1911.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2106: By Messrs. Moreno, Song, Waldie, Allen, Bane, Monagan, and Rumford—An act to add Chapter 13.5 (commencing with Section 8100) to Division 3 of the Business and Professions Code, relating to the regulation and licensing of locksmiths and key duplicators to create a State Advisory Board of Locksmiths, to prescribe its organization, powers, and duties, and to make an appropriation therefor.

Held at desk by order of the Speaker pro Tempore.

RESOLUTIONS

The following resolutions were offered:

By Mr Pattee:

House Resolution No. 169

Relative to the death of Gary L Grow

WHEREAS, The Members of the Assembly have heard with regret of the death of Highway Patrolman Gary L Grow, and

WHEREAS, Officer Grow was born on March 29, 1933, in Rupert, Idaho, and received his education in Utah and Idaho; and

WHEREAS, He served in the United States Army from 1954 to 1956 and was appointed to the California Highway Patrol on July 1, 1957, serving in the Salinas area of the State from September 30, 1957, until his death; and

WHEREAS, His untimely death was a result of injuries received in a midair collision while participating in an aircraft experiment for the California Highway Patrol, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly express their regret at the passing of Gary L Grow, and extend their sympathies to his widow, Mrs Betty Jane Grow, and his young sons, Gerri Lee Grow and William Crawford Grow; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mrs Betty Jane Glow

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

By Mr. Pattee.

House Resolution No. 170

Relative to the 22d District Agricultural Association

WHEREAS, An investigation in 1959 and 1960 disclosed highly irregular procedures and conduct in the affairs of the 22d District Agricultural Association and in the rental of its property; and

WHEREAS, Recommendations were made at that time for corrective action including administrative action which it was recommended that the Department of Finance take to assist the 22d District in accomplishing the following

"(1) Establishment of proper cost accounting

"(2) Drafting of a proper lease agreement for the rental of the track to assure the State of a fair and equitable payment for its property

"(3) Drafting of a proper lease agreement for the rental of property to the Del Mar Catering Company

"(4) Developing a policy for the rental of its property to others, to assure proper use and proper payment

"(5) Clarification of the present lease arrangement between the district and the Del Mar Turf Club either through an action to declare invalid or through an action for declaratory relief

"(6) Establishment of the 22d District race meet for the 14 days to which it is entitled to apply for a license unless adequate payment is made for the use of the track for those days by the tenant", and

WHEREAS, An inquiry should be undertaken into the affairs of the district, including, but not limited to charitable activities, corporate organization, and leasehold interests relating to the operation of the Del Mar racetrack, which is owned by the district, to determine whether the necessary corrective action has been taken or whether further corrective action is required, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Rules Committee is directed to assign the subject of the 22d District Agricultural Association, including, but not limited to, the charitable activities, corporate organization, and leasehold interests relating to the Del Mar racetrack, which is owned by the district, to an appropriate interim committee for study and to direct such interim committee to report its findings thereon, together with its recommendations for any necessary legislation, to the Assembly not later than the fifth legislative day of the 1965 legislative session

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Mr. Cologne:

House Resolution No. 171

Relative to congratulating Walter Scott Pitney on his 100th Birthday

WHEREAS, Walter Scott Pitney of Riverside County celebrated, on March 14, 1963, his 100th Birthday Anniversary, and

WHEREAS, He was born in Tehama, Tehama County, California, the son of Samuel Hersey Pitney and Mary Ann Apsey, who were married in Tehama in 1856; and

WHEREAS, He is one of Riverside County's oldest and most beloved residents, having lived there since 1900, and

WHEREAS, He has a large family, including three children, five grandchildren, and 10 great grandchildren, and one of his grandchildren is Judge Don Schroeder of Corona, California; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby congratulate Walter Scott Pitney on the occasion of his 100th Birthday Anniversary and extend to him and his family every best wish for the future, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Walter Scott Pitney

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

By Messrs Bagley and Flournoy

House Resolution No. 172

Relative to a study of election practices

Resolved by the Assembly of the State of California, That the Committee on Rules is hereby directed to assign to an appropriate interim committee for study the subject of the payment of precinct workers during the 1962 general election, including the legality thereof under existing laws and the necessity or desirability of amending such laws to protect the public in future elections, and be it further

Resolved, That the committee to which said study is assigned shall report its findings and recommendations to the Legislature not later than the fifth calendar day of the 1965 General Session

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

By Mr Waldie

House Resolution No. 173

Relative to tuberculosis patients in California

WHEREAS, It has been suggested that the treatment of many tuberculosis patients in the State is being interrupted by the application of means tests, lien laws, waivers of statutes of limitations and other methods of billing tuberculosis patients for medical care they have received; and

WHEREAS, It is in the interest of the people of this State that tuberculosis be eliminated entirely in California, and

WHEREAS, Any circumstances which operate to discourage tuberculosis patients from continuing their treatment until cured is detrimental to the effort to wipe out the disease in California, now, therefore, be it

Resolved by the Assembly of the State of California, That the Committee on Rules is directed to assign to an appropriate interim committee for study the subject of the extent to which tuberculosis patients interrupt their hospitalization or subsequent outpatient care because of the application and pressure of the above-mentioned reimbursal practices, and to direct the interim committee to report its findings and recommendations thereon to the Assembly not later than the fifth legislative day of the 1965 Regular Session of the Legislature

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

Assembly Bill No. 2107: By Messrs Meyers, Crown, Kennick, Belotti, Foran, Gaffney, Garrigus, Rumford, Ryan, and Z'berg—An act to add Chapter 3 (commencing with Section 1950) to Part 7 of Division 2 of the Labor Code, relating to wages of public employees

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2108: By Messrs Meyers, Rumford, Belotti, Crown, Foran, Gaffney, Garrigus, and Ryan—An act to amend Section 2160 of the Welfare and Institutions Code, relating to eligibility for old age aid

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2109: By Messrs Meyers, Kennick, and Belotti—An act to amend Section 22790 of the Government Code, relating to the Meyers-Geddes State Employees' Medical and Hospital Care Act

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2110: By Messrs Meyers, Z'berg, Kennick, and Crown—An act to add Section 20143 to the Government Code, relating to state contributions to health benefit plans

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2111: By Messrs Meyers, Crown, Kennick, Belotti, Foran, Gaffney, Garrigus, and Rumford—An act to repeal Section 4334 of, and to add Section 4334 to, the Government Code, relating to public works

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2112: By Messrs Johnson and Soto—An act to add Section 1741 to the Labor Code, relating to the modification of public works contracts, and declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore.

Assembly Concurrent Resolution No. 53: By Messrs Powers, Greene, and Z'berg (Senator Rodda, coauthor)—Relative to the City of Sacramento

Referred by the Speaker pro Tempore to Committee on Rules

Assembly Concurrent Resolution No. 54: By Messrs Holmes, Dymally, Dills, Chapel, and Moreno—Relative to the designation and appointment of Elenor Yorke as Poet Laureate of California

Referred by the Speaker pro Tempore to Committee on Rules

Assembly Concurrent Resolution No. 55: By Mr Unruh—Relative to Dr Lee A DuBridge.

Referred by the Speaker pro Tempore to Committee on Rules

REQUEST TO CONSIDER AND ACT ON BILL WITHIN 30 CALENDAR DAYS

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Pursuant to Joint Rule No 10 8, I request permission to introduce a resolution providing that the following bill may be heard in committee, and acted upon by the Assembly before 30 calendar days have elapsed

Assembly Bill No. 2112—An act to add Section 1741 to the Labor Code, relating to the modification of public works contracts, and declaring the urgency thereof, to take effect immediately

HARVEY JOHNSON

Above request ordered transmitted to the Committee on Rules

CALL OF THE ASSEMBLY DISPENSED WITH ON ASSEMBLY BILL NO. 821

At 12 10 p m , on motion of Mr Elliott, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called, and Assembly Bill No 821 passed by the following vote

AYES—Allen, Alquist, Bane, Bee, Beilenson, Booth, Burton, Carrell, Casey, Crown, Danielson, Dills, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Kennick, Knox, Marks, McMillan, Meyers, Mills, Moreno, Petris,

Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thomas, Waite, Waldie, Warren, Williamson, Willson, Winton, Zenovich, and Mr Speaker—46

NOES—Ashcraft, Badham, Bagley, Barnes, Belotti, Britschgi, Burgener, Chapel, Collier, Cologne, Conrad, Cusanovich, Dannemeyer, Davis, Deukmejian, Donovan, Flournoy, Henson, Hinckley, Holmes, Johnson, Lanterman, Lunardi, Milias, Monagan, Mulford, Pattee, Stevens, Thelin, Veneman, Veysey, Whetmore, and Z'berg—33

Bill ordered transmitted to the Senate.

EXPLANATION OF ABSENCE

I was off the floor from 10 05 a m. until 11.25 a m. today attending a Senate Committee hearing.

VICTOR V VEYSEY

ADJOURNMENT

At 12.14 p m., on motion of Mr. Waldie, the Speaker pro Tempore declared the Assembly adjourned until 10 a m , Thursday, March 28, 1963.

JESSE M. UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FORTY-NINTH LEGISLATIVE DAY

FIFTY-NINTH CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Thursday, March 28, 1963

The Assembly met at 10 a m
Hon. Carlos Bee, Speaker pro Tempore of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk
Assistant Clerk Ronald Collins reading

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Wilson, Winton, Young, Z'berg, and Zenovich—79

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev Robert R Ferguson·

O Merciful God, As we continue to deal with laws, may we not forget the first and second commandments That we love Thee our God with all our heart, our soul, and our mind Then we can love our neighbor as ourself

May we see clearly that if we are faithful to Thee, we cannot be false to any man

We pray in our Lord's name —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr Monagan then led the Assembly in the pledge of allegiance to the Flag

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Britschgi, seconded by Mr Winton

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, and desired to waive his per diem

Mr Unruh, on request of Speaker pro Tempore Bee.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 2113: By Messrs Marks and Knox—An act to amend Section 8522 of the Government Code, relating to governmental reorganization plans

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2114: By Mr Williamson—An act to amend Section 15135 of the Government Code, relating to the State Teletype System

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2115: By Mr Petris—An act to amend Section 70102 of, and to repeal Section 70049 of, the Government Code, relating to salaries of court reporters

Held at desk by order of the Speaker pro Tempore.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 97—An act to amend Section 8276 of the Fish and Game Code, relating to crabs,

Assembly Bill No. 317—An act to add Section 13444 5 to the Education Code, relating to school district employees,

Assembly Bill No. 486—An act to amend Section 13908 of the Health and Safety Code, relating to fire protection districts,

And reports the same correctly enrolled, and presented to the Governor at 9 30 a m, March 28, 1963

POWERS, Chairman

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Concurrent Resolution No. 46—Relative to "American Heritage Day",

And reports the same correctly enrolled, and presented to the Secretary of State on the 25th day of March, 1963, at 9 30 a m.

POWERS, Chairman

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No 347

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Social Welfare.

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 36
Assembly Bill No 635
And reports the same correctly re-engrossed.

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1245
And reports the same correctly engrossed

POWERS, Chairman

Above bill ordered returned to second reading file

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Concurrent Resolution No 45
And reports the same correctly engrossed

POWERS, Chairman

Above resolution ordered on file

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Joint Resolution No 30
And reports the same correctly engrossed

POWERS, Chairman

Above resolution ordered to the Consent Calendar

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 13
And reports the same correctly engrossed

POWERS, Chairman

Above bill ordered returned to second reading file

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 10—An act to amend Section 50731 of, to add Section 50731.5 to, and to add Article 1.5 (commencing with Section 50740) to Chapter 2 of Part 4 of Division 15 of, the Water Code, relating to reclamation districts.
And reports the same correctly enrolled, and presented to the Governor at 1 p.m., March 27, 1963

POWERS, Chairman

Committee on Ways and Means

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER The Chairman of your Committee on Ways and Means reports
Assembly Bill No 800
With author's amendments with the recommendation Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 800 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 800—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Mr. Crown moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, between the heading and line 1, insert

"An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately

The people of the State of California do enact as follows "

Amendment read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Finance and Insurance reports:

Assembly Bill No 1276

With amendments with the recommendation: Amend, and do pass, as amended.

MILLS, Chairman

Above bill ordered to second reading

Committee on Manufacturing, Oil, and Mining Industry

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Manufacturing, Oil, and Mining Industry reports:

Senate Joint Resolution No 8

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar.

KENNICK, Chairman

Above resolution ordered on file

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER. Your Committee on Manufacturing, Oil, and Mining Industry reports·

Assembly Bill No 1084

With the recommendation. Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

KENNICK, Chairman

Above bill ordered to second reading

Committee on Livestock and Dairies

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Livestock and Dairies reports·

Assembly Bill No 687

With the recommendation: Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar.

BELOTTI, Chairman

Above bill ordered to second reading

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 28, 1963

MR. SPEAKER: The Chairman of your Committee on Transportation and Commerce reports

Senate Bill No. 276

With author's amendments with the recommendation Amend, and re-refer to the Committee on Transportation and Commerce

CARRELL, Chairman

SECOND READING OF SENATE BILL NO. 276 (PURSUANT TO RULE NO. 59.5)

Senate Bill No. 276—An act to add Article 4 (commencing with Section 26520) to Chapter 3 of Division 12 of the Vehicle Code, relating to vacuum brakes on vehicles

Bill read second time

Motion to Amend

Mr. Carrell moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended in the Senate on March 18, 1963, strike out "motortruck", and insert "motor truck"

Amendment No. 2

On page 1, line 22, strike out "motortruck", and insert "motor truck"

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Transportation and Commerce.

REPORTS OF STANDING COMMITTEES

Committee on Government Organization

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER: The Chairman of your Committee on Government Organization reports

Assembly Bill No 24

With author's amendments with the recommendation Amend, and re-refer to the Committee on Government Organization.

MARKS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 24 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 24—An act creating the California Emancipation Proclamation Centennial Commission, prescribing its powers and duties, and making an appropriation therefor

Bill read second time

Motion to Amend

Mr Dymally moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 27, of the printed bill, strike out ", in accordance with civil serv-"; and in line 28, strike out "ice and other provisions of law,".

Amendment No. 2

On page 2, strike out lines 33 through 38, inclusive, and insert

"SEC 11 All meetings of the commission shall be open and public and all persons shall be permitted to attend any meetings of the commission"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Government Organization

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Water reports

Assembly Bill No 1109

With the recommendation: Do pass

PORTER, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER The Chairman of your Committee on Water reports

Assembly Bill No 219

With author's amendments with the recommendation Amend, and re-refer to the Committee on Water

PORTER, Chairman

SECOND READING OF ASSEMBLY BILL NO. 219 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 219—An act to amend Section 12884 of the Water Code, relating to the Davis-Grunsky Act

Bill read second time.

Motion to Amend

Mr Lunardi moved the adoption of the following amendments

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 12884 of", and insert "add Section 12884.5 to"

Amendment No. 2

On page 1, strike out lines 1 through 5, and insert

"SECTION 1 Section 12884.5 is added to the Water Code, to read

12884.5 Notwithstanding any other provision of this chapter to the contrary, the department shall require the payment of interest on each loan that is made pursuant to this chapter on the basis of an application filed after September 19, 1963, at a rate equal to the average, as determined by the department, of the net interest costs to the State on the sales of general obligation bonds of the State that occurred during the period from January 1, 1962, inclusive, through the calendar year immediately preceding the calendar year in which the application is filed if the application is filed prior to the year 1968 or that occurred during the period of five calendar years immediately preceding the year in which the application is filed if the application is filed after the year 1967, provided, that when the applicable average of the net interest costs to the State is not a multiple of one-tenth of 1 percent, the interest rate on the loan shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Water.

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Water reports

Assembly Bill No 212
Assembly Bill No 302
Assembly Bill No 303
Assembly Bill No 829
Assembly Bill No 1222

With amendments with the recommendation Amend, and do pass, as amended

PORTER, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Water reports

Assembly Bill No 113

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PORTER, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Water reports

Assembly Bill No 308
Assembly Bill No 1095

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

PORTER, Chairman

Above bills ordered to second reading.

CONSIDERATION OF DAILY FILE
BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file.

Assembly Bills Nos. 1245 and **13.**

Senate Bills Nos. 115, 103, and **16.**

Assembly Bill No 1245 ordered to third reading.

Assembly Bill No 13 ordered to the Consent Calendar

Senate Bills Nos 115 and 103 ordered to third reading

Senate Bill No 16 ordered to the Consent Calendar

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 240—An act to amend Section 5823 and to repeal Section 5823 5 of the Public Resources Code, relating to small craft harbors

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 1105—An act to amend Section 681 of the Harbors and Navigation Code, relating to the registration of undocumented vessels

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Public Utilities and Corporations, were read, and adopted:

Amendment No. 1

On page 3 of the printed bill, strike out line 20, and insert "vision, be refunded the amount of overpayment, such refund to be computed to the nearest dollar, upon application of the owner for such refund and upon verification of the claim by the division"

Amendment No. 2

On page 3, strike out lines 21 to 29, inclusive.

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1311—An act to amend Section 26909 of the Government Code, relating to the annual audit by county auditor.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted:

Amendment No. 1

On page 1, lines 10 and 11, of the printed bill, strike out "In each case the scope and content thereof shall be prescribed by the State Controller.", and insert "In each case the minimum standard shall be prescribed by the State Controller and shall conform to generally accepted auditing standards."

Amendment No. 2

On page 1, line 14, after the second "accountant," insert "the minimum requirements of the audit shall be prescribed by the State Controller and shall conform to generally accepted auditing standards, and".

Bill ordered reprinted, and engrossed.

Assembly Bill No. 1022—An act to amend Section 23014 of the Government Code, relating to county revolving funds.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted:

Amendment No. 1

On page 1, line 19, of the printed bill, after the period, insert "Such reimbursement from tax revenue shall not exceed in any one fiscal year an amount equal to one cent ($0.01) on the tax rate or twenty-five thousand dollars ($25,000), whichever is less"

Amendment No. 2

On page 1, lines 21 and 22, strike out "a rate of 2 percent per annum", and insert "the current rate per annum received on similar types of investments by the county as determined by the county treasurer".

Bill ordered reprinted, and engrossed.

Assembly Bill No. 66—An act to amend Sections 405 and 21960 of the Vehicle Code, relating to motor-driven cycles.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted:

Amendment No. 1

In line 1 of the title of the bill, as amended in the Assembly on March 21, 1963, strike out "Sections 405 and 21960", and insert "Section 405".

Amendment No. 2

On page 1, line 4, strike out "not".

Amendment No. 3

On page 1, line 5, after "10", insert "gross".

Amendment No. 4

On page 1, lines 5 and 6, strike out "and capable of maintaining a speed of 50 miles per hour".

Amendment No. 5

On page 1, between lines 6 and 7, insert
"The California Highway Patrol may require certification of gross horsepower from manufacturers of motor-driven cycles."

Amendment No. 6

On page 1, strike out lines 7 to 24, inclusive.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Transportation and Commerce

Assembly Bill No. 88—An act to add Section 27305 to the Vehicle Code, relating to motor vehicle equipment

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted·

Amendment No. 1

On page 1, line 3, of the printed bill, after "sell", insert "or operate"

Amendment No. 2

On page 1, line 5, strike out "safety harnesses", and insert "safety belt-shoulder harness combinations"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Transportation and Commerce

Assembly Bill No. 597—An act to add Article 6 (commencing with Section 31530) to Chapter 5 of Division 13 of the Vehicle Code, relating to transportation of empty boxes

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted

Amendment No. 1

On page 1 of the printed bill, strike out lines 9 to 11, inclusive, and insert
"(b) Violation of any provision of the regulations adopted by the department shall be a misdemeanor."

Amendment No. 2

On page 1, line 8, strike out "primarily of empty wooden boxes", and insert "of in excess of 100 empty wooden boxes not exceeding any of the following dimensions 36 inches in length, 24 inches in width and 12 inches in height".

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Transportation and Commerce.

Assembly Bill No. 1083—An act to amend Section 645 of the Vehicle Code, relating to transporters

Bill read second time

Re-reference of Assembly Bill No. 1083

Speaker pro Tempore Bee raised the point of order that the amendments to Assembly Bill No 1083 do not comply with Rule No 76, and, therefore, ordered the bill and the amendments re-referred to the Committee on Transportation and Commerce

Assembly Bill No. 154—An act to amend Section 11102 of the Vehicle Code, relating to driving schools and instructors

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 274—An act to amend Sections 4000, 9400, 24951, 25100, 29004, and 35785 of, and to add Sections 378 and 35416 to, the Vehicle Code, relating to vehicles

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 847—An act to amend Sections 351 and 12501 of the Vehicle Code, relating to implements of husbandry

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1291—An act to amend Section 40513 of the Vehicle Code, relating to giving of notice to appear

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1292—An act to amend Section 22103 of the Vehicle Code, relating to turning in a residence district

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1324—An act to amend Sections 6407, 6408 and 6410 of the Financial Code and to add Sections 956 and 1182 to, and amend Sections 11715 and 12485 of, the Insurance Code, relating to savings and loan associations.

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 270—An act to amend Section 2984 of the Civil Code, relating to automobile sales financing

Bill read second time, and ordered to third reading.

Assembly Bill No. 843—An act to add Section 16606 5 to the Education Code, relating to child care centers, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Education, was read, and adopted:

Amendment No. 1

On page 1, line 4, of the printed bill, after "county", insert ", with the approval of the county board of education,"

Bill ordered reprinted, and engrossed

Assembly Bill No. 742—An act to repeal Section 646 of the Financial Code, relating to banks and trust companies.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Finance and Insurance, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 646 to,".

Amendment No. 2

On page 1, after line 5, insert

"SEC 2 Section 646 is added to said code, to read

646 For the purpose of declaring a dividend, net profits shall be calculated on either a cash or accrual basis, depending upon the method of accounting and reporting of the bank or trust company "

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance

Assembly Bill No. 463—An act to add Sections 5074, 7151, 7153 2, 7153.3 and 7153 4 to, and amend Sections 7150, 7152, 7153 and 7154 of, and repeal Sections 7151, 7154 5, 7169 and 7170 of, the Financial Code, and to add Section 783 to the Civil Code, relating to savings and loan associations, and declaring the urgency thereof, to take effect immediately

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Finance and Insurance, were read, and adopted

Amendment No. 1

In line 3 of the title of the printed bill, as amended in the Assembly on March 21, 1963, strike out "7153 2, 7153 3 and 7153 4 to, and amend Sec-", strike out line 4, and in line 5, strike out "Sections 7151, 7154 5, 7169 and 7170", and insert "7153 1, 7153 2, 7153 3 and 7153 4 to, and amend Sections 7150, 7152, 7153, 7154 and 7170 of, and repeal Sections 7151, 7154 5 and 7169"

Amendment No. 2

On page 3, line 4, strike out "7153 2 is added to said code, to read ", and insert "7153 1 is added to said code to read

7153 1 An association may make amortized loans upon the security of improved real property in an amount not in excess of 75 percent of the appraised value of

such real property if the appraised value does not exceed forty thousand dollars ($40,000) or not in excess of 75 percent of the first forty thousand dollars ($40,000) of such appraised value if it exceeds forty thousand dollars ($40,000), plus 70 percent of the remainder of such appraised value if the following conditions are met:

(a) The real property is a condominium, as defined in Civil Code Section 783, designed for one family occupancy, and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the condominium project

(b) The real property is a community apartment within a community apartment project in which an undivided interest in land is coupled with the exclusive right of occupancy by one family of any apartment located thereon and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the community apartment project.

SEC 8 Section 7153 2 is added to said code, to read ".

Amendment No. 3

On page 3, line 36, strike out "8", and insert "9".

Amendment No. 4

On page 4, line 9, strike out "9", and insert "10"

Amendment No. 5

On page 4, line 15, strike out "10", and insert "11".

Amendment No. 6

On page 4, line 28, strike out "11", and insert "12"

Amendment No. 7

On page 5, line 9, strike out "12", and insert "13"

Amendment No. 8

On page 5, strike out line 19, and insert

"SEC 14 Section 7170 of said code is amended to read

Sec 7170. An association shall not make any loan other than an amortized loan unless at least 90 percent of the unpaid principal of all its loans then in force are amortized loans"

Amendment No. 9

On page 7, line 46, strike out "14", and insert "15".

Amendment No. 10

On page 8, line 6, strike out "15", and insert "16"

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Finance and Insurance.

Assembly Bill No. 381—An act to add Section 1126 to the Fish and Game Code, relating to planting fish

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Fish and Game, were read, and adopted

Amendment No. 1

On page 1, line 16, of the printed bill, as amended in the Assembly on March 21, 1963, strike out "post signs stating", and insert "provide for informing the public of such closure by whatever method it determines is most likely to inform the public of"

Amendment No. 2

On page 1, line 19, strike out "posted as".

Amendment No. 3

On page 1, line 21, strike out "specified on such postings", and insert "of such closure".

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Fish and Game.

Assembly Bill No. 801—An act to amend Section 5938 of the Fish and Game Code, relating to fish hatcheries.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Fish and Game, were read, and adopted:

Amendment No. 1

On page 1, line 14, of the printed bill, as amended in the Assembly on March 20, 1963, after the period, insert "For this purpose, "operation and maintenance costs" shall be limited to those costs required for the preservation of fish, and shall not include any costs incurred by the department in the enhancement of the fisheries resource."

Amendment No. 2

On page 1, line 20, after "Act", insert "or the Davis-Dolwig Act (Ch 10 (commencing with Section 11900), Pt 3, Div 6, Wat C)".

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Fish and Game

Assembly Bill No. 741—An act to amend Section 8436 of the Fish and Game Code, relating to fresh water fish

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 751—An act to amend Section 5933 of the Fish and Game Code, relating to fishways

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 961—An act to amend Section 1495 of the Streets and Highways Code, relating to trees on county highways.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Natural Resources, Planning, and Public Works, were read, and adopted:

Amendment No. 1

On page 1, line 3, of the printed bill, after "intentionally", insert ", without right or other authorization,"

Amendment No. 2

On page 2, line 2, after "trees", insert ", or the boring, trenching, and maintenance operations of underground facilities,"

Amendment No. 3

On page 2, line 3, after "to", insert "install or".

Amendment No. 4

On page 2, line 4, strike out "or wires", and insert ", wires, or substructures".

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Natural Resources, Planning, and Public Works

Assembly Bill No. 1277—An act relating to the conveyance of land to the County of San Benito for public road purposes.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Natural Resources, Planning, and Public Works, was read, and adopted:

Amendment No. 1

On page 7, line 15, of the printed bill, after "lands", insert ", reserving, however, to the State a scenic easement which herein provides that the State through its Department of Parks and Recreation, Division of Beaches and Parks, shall have the opportunity and privilege of passing upon all developments abutting the subject lands"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 174—An act to add Section 1117.5 to the Penal Code, relating to criminal procedure

Bill read second time, and ordered engrossed.

Assembly Bill No. 1180—An act to amend Section 731 of the Welfare and Institutions Code, relating to juvenile courts

Bill read second time, and ordered engrossed.

Assembly Bill No. 1131—An act to amend Sections 28801 and 28802 of the Education Code, relating to offenses against libraries.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted

Amendment No. 1

On page 1, line 9, of the printed bill, after "who", insert "willfully and maliciously"

Amendment No. 2

On page 1, line 21, after "who", insert "willfully and maliciously".

Bill ordered reprinted, and engrossed

Assembly Bill No. 410—An act to amend Section 213 of the Penal Code, relating to robbery

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out the first "or", and insert "and".

Amendment No. 2

On page 1, lines 10 and 11, strike out "or attempted to inflict"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Criminal Procedure

Assembly Bill No. 411—An act to amend Section 461 of the Penal Code, relating to burglary

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted

Amendment No. 1

On page 1, line 12, of the printed bill, strike out the first "or", and insert "and"

Amendment No. 2

On page 1, lines 12 and 13, strike out "or attempted to inflict"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Criminal Procedure

Assembly Bill No. 412—An act to amend Section 209 of the Penal Code, relating to kidnaping.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "of Section 286," and insert "by force or violence of Section 286 or Section 288a, or".

Amendment No. 2

On page 1, line 11, strike out "or a violation of Section 288a"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Criminal Procedure.

Assembly Bill No. 1012—An act to add Section 327 to the Penal Code and Chapter 6 (commencing with Section 51100) to Part 1 of Division 1 of Title 5 of the Government Code, relating to gift enterprises.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted:

Amendment No. 1

On page 2, line 10, of the printed bill, as amended in the Assembly on March 21, 1963, strike out "Bingo", and insert "bingo"

Amendment No. 2

On page 2, line 11, strike out "of", and insert "or"

Amendment No. 3

On page 2, line 11, strike out "5", and insert "five".

Amendment No. 4

On page 2, line 44, strike out "change", and insert "chance"

Amendment No. 5

On page 3, line 11, strike out "change", and insert "chance"

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Criminal Procedure

Assembly Bill No. 1290—An act to add Section 653m to the Penal Code, relating to telephone calls

Bill read second time

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr Cologne was granted unanimous consent that Rule No 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor to the bill

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted

Amendment No. 1

In line 1 of the caption of the printed bill, strike out "Mr Cologne", and insert "Messrs Cologne and Kennick"

Amendment No. 2

On page 1, after line 12, insert

"(c) Any offense committed by use of a telephone as herein set out may be deemed to have been committed at either the place at which the telephone call or calls were made or at the place where the telephone call or calls were received."

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Criminal Procedure

Assembly Bill No. 1087—An act to add Section 1201 to the Code of Civil Procedure, relating to apportionment of mechanic's lien and prior encumbrance.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Judiciary, were read, and adopted

Amendment No. 1

On page 1, line 5, of the printed bill, after "other", insert "separate, noncontiguous"

Amendment No. 2

On page 1, line 8, strike out "hearing evidence", and insert "notice to the prior lienholder and hearing at which the applicant and such lienholder may appear and present evidence".

Amendment No. 3

On page 1, after line 17, insert

"This section applies only to mortgages, deeds of trust, and other liens created after the effective date of this section"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary.

Assembly Bill No. 995—An act to repeal Section 16724 of the Business and Professions Code, relating to restraint of trade.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Judiciary, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal", and insert "amend"

Amendment No. 2

On page 1, line 2, strike out "repealed", and insert "amended to read.

16724 *Subject to the other provisions of this chapter,* it is not unlawful ~~, or within the provisions of this chapter,~~ for persons engaged in the business of selling or manufacturing commodities of a similar or like character, to employ, form, organize or own any interest in any association, firm or corporation which has as its object or purpose the transportation, marketing or delivery of such commodity."

Bill ordered reprinted, and engrossed.

Assembly Bill No. 750—An act to amend Sections 7183 and 7184 of, and to add Section 7186 to the Fish and Game Code, relating to California sport fishing licenses and Arizona and California special use stamps

Bill read second time.

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr. Knox was granted unanimous consent that Rule No. 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor to the bill.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Fish and Game, were read, and adopted.

Amendment No. 1

In the heading of the printed bill, after "Quimby" insert ", Hinckley,"

Amendment No. 2

In line 2 of the title, after "7186 to", insert a comma

Amendment No. 3

In line 4 of the title, after "stamps", insert ", declaring the urgency thereof, to take effect immediately"

Amendment No. 4

On page 2, after line 18, insert

"SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: If the benefits of this act are to be available during the 1963 season, this act must be in effect immediately."

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1177—An act to amend Section 707 of the Welfare and Institutions Code relating to crimes of minors.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted·

Amendment No. 1

On page 1, line 6, of the printed bill, after "finding", insert "that the offense alleged is punishable as a felony under the general law and"

Amendment No. 2

On page 1, line 9, after "offense", insert ", or that the offense alleged is punishable as a misdemeanor under the general law and that the minor was 18 years of age or older at the time of the alleged commission of such offense,"

Bill ordered reprinted, and engrossed

Assembly Bill No. 534—An act to add Section 11161 5 to the Penal Code, relating to reports by physicians and surgeons.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted:

Amendment No. 1

On page 1, line 11, of the printed bill, as amended in the Assembly on March 7, 1963, after "territory", insert ", or to the nearest child welfare agency offering child protective services"

Amendment No. 2

On page 1, after line 13, insert

"The physician and surgeon shall not be required to report as provided herein if in his opinion it would not be consistent with the health, care, or treatment of the minor."

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Criminal Procedure

SECOND READING OF SENATE BILLS

Senate Bill No. 498—An act to amend Section 2985 1 of the Civil Code, relating to transferability of real property sales contract

Bill read second time, and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 27, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No 1253

And respectfully requests your honorable body to concur in said amendments.

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

Above bill ordered to unfinished business file

SENATE CHAMBER, March 27, 1963

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No. 173
Assembly Bill No 543
Assembly Bill No 1114

J. A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

Above bills ordered enrolled

SENATE CHAMBER, March 27, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 62
Senate Bill No 118
Senate Bill No 360
Senate Bill No 362
Senate Bill No 403
Senate Bill No 461
Senate Bill No 486
Senate Bill No 742

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 62—An act to amend Sections 13162, 13163 and 13166 of, and to repeal Section 13164 of, the Health and Safety Code, relating to fire extinguisher sales licenses

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 118—An act to establish a Commercial Code, thereby consolidating and revising the law relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, and secured transactions, including certain sales of accounts, chattel paper, and contract rights, providing for public notice to third parties in certain circumstances; regulating procedure, evidence and damages in certain court actions involving such transactions, contracts or documents, to make uniform the law with respect thereto; amending various sections of the Civil Code, Code of Civil Procedure, Corporations Code, Financial Code and Vehicle Code, to make them consistent therewith, adding Chapter 12 5 (commencing with Section 560) to Title 13 of Part 1 of the Penal Code, relating to crimes involving bailments, and repealing legislation inconsistent therewith.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 360—An act to amend Sections 3301 and 3305 of the Penal Code, relating to the Board of Trustees of the California Institutions for Women

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 362—An act to add Section 1509 95 to the Military and Veterans Code, and to amend Section 4011 of the Penal Code, relating to removal of prisoners in the event of disaster.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 403—An act to amend Sections 11255, 17451, 17452 and 17453 of the Education Code, relating to school apportionments, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 461—An act to amend Section 12828 of the Water Code, relating to the financing of flood control projects

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 486—An act to amend Section 7668 of the Business and Professions Code, relating to apprentice embalmers.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 742—An act to add Article 6 (commencing with Section 22170) to Chapter 1 of Part 5 of Division 11 of the Water Code, relating to irrigation districts

Held at desk by order of the Speaker pro Tempore

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to committees as follows:

Assembly Bill No.	*Committee*
2089	Finance and Insurance
2090	Education
2091	Social Welfare
2092	Judiciary
2093 and **2094**	Transportation and Commerce
2095	Social Welfare
2096	Fish and Game
2097	Natural Resources, Planning, and Public Works
2098	Government Organization
2099	Public Utilities and Corporations
2100	Natural Resources, Planning, and Public Works
2101	Social Welfare
2102	Revenue and Taxation
2103	Education
2104	Natural Resources, Planning, and Public Works
2105	Municipal and County Government
2106	Governmental Efficiency and Economy
2107	Civil Service and State Personnel
2108	Social Welfare
2109 and **2110**	Civil Service and State Personnel
2111	Governmental Efficiency and Economy
2112	Municipal and County Government
Assembly Constitutional Amendment No	
36	Education

Senate Bill No.	*Committee*
6	Natural Resources, Planning, and Public Works
287	Education
305	Agriculture
307	Agriculture
337	Livestock and Dairies
346	Education
402	Finance and Insurance
488	Livestock and Dairies
495	Public Health
504 through **506**	Fish and Game
519 through **522**	Governmental Efficiency and Economy
529	Judiciary
712	Agriculture
740	Natural Resources, Planning, and Public Works

REQUEST FOR UNANIMOUS CONSENT TO EXPUNGE RECORD, AND RESCIND ACTION ON ASSEMBLY BILL NO. 1416

Mr Waldie was granted unanimous consent to expunge the record, and rescind the action whereby the Assembly, on March 27, 1963 (Assembly Journal, page 1466), adopted author's amendments to Assembly Bill No 1416 and the bill was ordered reprinted, and engrossed; and whereby, on the same day, the bill was reported from committee

Assembly Bill No 1416 ordered returned to the Committee on Municipal and County Government

CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 116—An act to add Sections 2020.001 and 3084 05 to the Welfare and Institutions Code, relating to attendant and other special services for recipients of public assistance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

The question being Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 116?

Amendment No. 1

On page 1, line 3, of the printed bill, as amended in the Assembly on February 13, 1963, strike out "condition of", and insert "or mental condition of an applicant for or"

Amendment No. 2

On page 1, line 18, strike out "a", and insert "an applicant or"

Amendment No. 3

On page 2, line 2, strike out "condition of", and insert "or mental condition of an applicant for or"

Amendment No. 4

On page 2, line 3, after "chapter", insert "or Chapter 3 (commencing with Section 3400) of this part".

Amendment No. 5

On page 2, line 17, strike out "a", and insert "an applicant or"

Amendment No. 6

On page 2, line 19, strike out "and 3084 01", and insert ", 3084 01, 3472, and 3472 01"

Amendment No. 7

On page 2, line 26, after "any", insert "applicant for or"

Amendment No. 8

On page 2, line 27, strike out "needy"

Amendment No. 9

On page 2, line 27, after "physical", insert "or mental"

Amendment No. 10

On page 2, line 32, strike out "needy"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 116 by the following vote

AYES—Alquist, Ashcraft, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veysey, Waldie, Warren, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—62

NOES—Badham, Chapel, and Whetmore—3

Assembly Bill No 116 ordered enrolled

Assembly Bill No. 259—An act to amend Section 682 of the Harbors and Navigation Code, relating to vessels.

The question being Shall the Assembly concur in the following Senate amendment to Assembly Bill No 259?

Amendment No. 1

On page 2 of the printed bill, as amended in the Assembly on February 28, 1963, strike out lines 1 to 5, inclusive, and insert "federal law An undocumented vessel propelled solely by an electric motor of one horsepower or less operated commercially by a boat livery under a franchise from a city, city and county, or county, an undocumented vessel propelled solely by oars or paddles, and an undocumented vessel eight feet or less propelled solely by sail, is exempt from the provisions of this article"

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No 259 by the following vote·

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—67

NOES—None

Assembly Bill No 259 ordered enrolled

Assembly Bill No. 387—An act to add Section 16866 to the Education Code, relating to junior college bus transportation, and declaring the urgency thereof, to take effect immediately

The question being Shall the Assembly concur in the following Senate amendment to Assembly Bill No 387?

Amendment No. 1

On page 1 of the printed bill, as amended in the Assembly on February 27, 1963, strike out lines 7 to 9, inclusive, and insert "places which are located within a 1,500-mile geographical radius of the district and which are located in this State or in any other state of the United States in connection with courses in geology or archaeology offered by the junior college"

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No 387 by the following vote:

AYES—Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich Dinnelson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veysey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—69

NOES—None

Assembly Bill No 387 ordered enrolled

Assembly Bill No. 58—An act to amend and renumber Section 143 01 of, to amend the chapter heading of Chapter 1 (commencing with Section 3000) of Part 1 of Division 5 of, to amend Sections 425, 452, 2030, 2020 002, 3002, 3003, 3004, 3005, 3005 10, 3006, 3011, 3025, 3026, 3040, 3041, 4042 10, 3045, 3046, 3049, 3051, 3078, 3081, 3083, 3083 1, 3083 3, 3084, 3084 01, 3087 5, 3088 5, 3447, 3447.1, 3460, 3472, 3472 01, 3472 1, and 3473 of, to add Sections 114 6, 433, 434, 435, 436, 437, 438, 439, 442, 441, 460, 3041 5, 3043 5, and 4162 to, and to repeal Sections 1521 6, 1553, 1554, 1555, 1556, 2025, 2181 06, as added by Chapter 1994 of the Statutes of 1961, 2186, 2186 1, 2187, 2188, 2189, 2225, 2226, 3009, 3084 1, 3087, 3087 1, 3087 2, 3087 3, 3401 5, 3404, 3405, 3408, 3411, 3421, 3430, 3431, 3433, 3445, 3446, 3447 15, 3447 2, 3447 25, 3447 3, 3448, 3449, 3451, 3461, 3462, 3462 1, 3470, 3471, 3471 5, 3473 2, 3474 5, 3475, 3480, 3481, 3482, 4163 5, 4185, and 4188 of, the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately

The question being Shall the Assembly concur in the Senate amendments to Assembly Bill No 58?

Further consideration of Senate amendments ordered passed on file, the bill to retain its place on file

INTRODUCTION OF GUESTS

Speaker pro Tempore Bee introduced Mrs Howard Way and Miss Susan Way, the wife and daughter of Senator Howard Way, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 36—An act to add Section 11541 to the Health and Safety Code, relating to peyote.

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Powers, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—60

NOES—Badham, Bagley, Bee, Chapel, Collier, Conrad, Donovan, Flournoy, Hinckley, Lanterman, Quimby, Stevens, and Veysey—13.

Bill ordered transmitted to the Senate

ANNOUNCEMENT

Mr. Barnes announced that today is the birthday of Assemblyman Hale Ashcraft, whereupon the Members of the Assembly joined in extending birthday greetings and best wishes to Mr. Ashcraft

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 635—An act to amend Sections 20001 and 20004 of the Education Code, relating to the Junior College Tax Relief Act, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, and Zenovich—76.

NOES—None.

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, and Zenovich—76.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 457—An act to add Section 13365 to the Vehicle Code, relating to drivers' licenses

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the consideration of Assembly Bill No. 457

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 21, 1963

To the Honorable Members of the Assembly and Senate

Assembly Bill No. 457, "An act to add Section 13365 to the Vehicle Code, relating to drivers' licenses,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill

I, therefore, recommend consideration of Assembly Bill No 457 as an emergency measure

Respectfully submitted,

EDMUND G BROWN, Governor

The question being on the passage of the bill

On request of Mr Lunardi, Assembly Bill No 457 was ordered passed on file, and to retain its place on file. NOTE—*See* page 1520 for further consideration of the bill

Assembly Bill No. 776—An act to amend Section 172 of the Military and Veterans Code, relating to the Adjutant General

Bill read third time

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the consideration of Assembly Bill No 776·

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 21, 1963

To the Honorable Members of the Assembly and Senate

Assembly Bill No. 776, "An act to amend Section 172 of the Military and Veterans Code, relating to the Adjutant General,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill

I, therefore, recommend consideration of Assembly Bill No 776 as an emergency measure

Respectfully submitted,

EDMUND G BROWN, Governor

The question being on the passage of the bill.

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—74

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1269—An act to add Sections 3119.1 and 3119.2 to, and to amend Sections 3124 and 3168 of, the Education Code, relating to school district organization, declaring the urgency thereof, to take effect immediately

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—75

NOES—None

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—75

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1098—An act to amend Section 25502.5 of the Government Code, relating to purchasing agents

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Hinckley, Holmes, Johnson, Lanterman, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—72

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1339—An act to amend Sections 55503.5 and 55504 of, and to add Section 55506 to, the Water Code, relating to county waterworks districts

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Hinckley, Holmes, Johnson, Lanterman, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, and Zenovich—69

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 994—An act to add Section 16750 1 to the Business and Professions Code, relating to restraint of trade

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—74.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 996—An act to repeal Section 16721 of the Business and Professions Code, relating to unlawful trust certificates

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—74

NOES—None

Bill ordered transmitted to the Senate

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 586—An act to amend Section 11270 of the Government Code, relating to administrative costs of state agencies

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—78

NOES—None

Bill ordered transmitted to the Senate

Assembly Joint Resolution No. 31—Relative to equal rights for women

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills,

Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z berg, and Zenovich—78

NOES—None

Resolution ordered transmitted to the Senate.

Consideration of House Resolution No. 157

By Mr Veneman

House Resolution No. 157—Relative to Youth Fitness Week.

NOTE: The full text of House Resolution No 157 appears at page 1205 of the Assembly Daily Journal for March 20, 1963

Resolution read, and adopted by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—78

NOES—None

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP FURTHER CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 58

Mr. Burton was granted unanimous consent to take up further consideration of Senate amendments to Assembly Bill No. 58, at this time

FURTHER CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 58

Assembly Bill No. 58—An act to amend and renumber Section 143 01 of, to amend the chapter heading of Chapter 1 (commencing with Section 3000) of Part 1 of Division 5 of, to amend Sections 425, 452, 2030, 2020 002, 3002, 3003, 3004, 3005, 3005 10, 3006, 3011, 3025, 3026, 3040, 3041, 3042 10, 3045, 3046, 3049, 3051, 3078, 3081, 3083, 3083 1, 3083.3, 3084, 3084 01, 3087 5, 3088 5, 3447, 3447 1, 3460, 3472, 3472 01, 3472 1, and 3473 of, to add Sections 114 6, 433, 434, 435, 436, 437, 438, 439, 442, 441, 460, 3041 5, 3043 5, and 4162 to, and to repeal Sections 1521 6, 1553, 1554, 1555, 1556, 2025, 2181 06, as added by Chapter 1994 of the Statutes of 1961, 2186, 2186 1, 2187, 2188, 2189, 2225, 2226, 3009, 3084 1, 3087, 3087 1, 3087 2, 3087 3, 3401 5, 3404, 3405, 3408, 3411, 3421, 3430, 3431, 3433, 3445, 3446, 3447 15, 3447 2, 3447 25, 3447 3, 3448, 3449, 3451, 3461, 3462, 3462 1, 3470, 3471, 3471 5, 3473 2, 3474 5, 3475, 3480, 3481, 3482, 4163 5, 4185, and 4188 of, the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately

The question being Shall the Assembly concur in the following Senate amendments to Assembly Bill No 58?

Amendments of February 27, 1963

Amendment No. 1

In line 7 of the title of the printed bill, as amended in the Assembly on February 19, 1963, strike out "3462,"

Amendment No. 2

In line 13 of the title, strike out "assistance," and insert "assistance"

Amendment No. 3

Strike out lines 14 and 15 of the title.

Amendment No. 4

On page 12, strike out lines 13 to 17, inclusive

Amendment No. 5

On page 13, strike out lines 30 to 42, inclusive.

Amendments of March 8, 1963—Set No. 1

Amendment No. 1

In line 3 of the title of the printed bill, as amended in the Senate on February 27, 1963, after "Sections", insert "425,".

Amendment No. 2

In line 3 of the title, after "452", insert "2020, 2020 002,"

Amendment No. 3

In line 4 of the title, strike out "3006, 3009," and insert "3005.10, 3006,"

Amendment No. 4

In line 6 of the title, strike out "3084 1, 3087, 3087 1," and insert "3084, 3084 01,".

Amendment No. 5

In line 7 of the title, after "3460," insert "3472, 3472 01,"

Amendment No. 6

In line 8 of the title, after "tions", insert "114 6, 433, 434, 435, 436, 437, 438,"

Amendment No. 7

In line 8 of the title, strike out "459," and insert "441, 460,"

Amendment No. 8

In line 8 of the title, strike out "and 3041 5", and insert "3041 5, 3043 5, and 4162".

Amendment No. 9

In line 8 of the title, after "Sections", insert "1553, 1554, 1555, 1556, 2025,".

Amendment No. 10

In line 9 of the title, after "1961," insert "2186, 2186 1, 2187, 2188, 2189, 2225, 2226, 3009, 3084 1, 3087, 3087 1, 3087 2, 3087 3,"

Amendment No. 10.5

In line 12 of the title, strike out "and", and insert "3480, 3481, 3482,"

Amendment No. 10.6

In line 12 of the title, after "4163 5", insert ", 4185, and 4188"

Amendment No. 11

In line 14 of the title, after "assistance", insert ", and declaring the urgency thereof, to take effect immediately"

Amendment No. 12

On page 1, strike out lines 1 to 6, inclusive, and insert

"SECTION 1. Section 114 6 is added to the Welfare and Institutions Code, to read

114 6 Where the Department of Social Welfare causes to be published for public distribution informational pamphlets and related materials relating to public assistance programs administered or supervised by the department, they shall be

printed in English and separately in Spanish, or at the discretion of the department, in English and Spanish, in such numbers as the department may determine

SEC 2 Section 14301 of said code is amended and renumbered to read

458 If a recipient"

Amendment No. 13

On page 2, between lines 7 and 8, insert

"SEC 12 Section 425 of said code is amended to read

425 Unless otherwise stated, the provisions of this chapter shall apply to any public assistance program established by this code for which federal funds are received by this State, and shall also apply to the aid to the potentially self-supporting blind program established under Chapter 3 (commencing with Section 3400) of Part 1 of Division 5 of this code The terms "applicant" and "recipient," as used in this chapter, refer to any person applying for or receiving aid under any such public assistance program

Sections 433 through 437 do not apply to medical assistance for the aged as provided for in Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code

SEC 13 Section 433 is added to said code, to read

433 During such time as grants-in-aid are provided or made available by the United States government for public assistance in this State, the State Treasurer shall pay to each county from the sums so granted (1) an amount which shall be used exclusively as public assistance equal to the full amount of any sums received from the United States government as public assistance in respect to recipients within the provisions of this chapter maintained or supported by the county; and (2) an additional amount equal to such county's proportionate share of any amount so granted or made available to this State by the United States government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion for each county shall bear the same proportion to the total amount made available to this State for such administrative costs that the administrative costs of that county bear to the total administrative costs of all counties and of the State The State Board of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares for such quarter to each county under the provisions of Sections 433 and 435

SEC 14 Section 434 is added to said code, to read

434 During such times as grants-in-aid are provided or made available by the United States government for the purpose of defraying any portion of the costs of administration incurred for public assistance, the State Treasurer shall pay to each county an amount equal to such county's proportionate share of the sum so granted for the cost of administration which amount shall be used exclusively for paying such administration costs The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion shall be determined pursuant to rules and regulations of the State Board of Social Welfare and shall be not less than one-half of the amount so granted or made available The State Board of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties

This section shall become operative and shall supersede Part 2 of Section 433 during such times as grants by the United States government, provided or made available to defray any portion of administration costs incurred for public assistance, are not computed as a proportion of such costs of administration Whenever this section is in effect, all other sections referring to Section 433 shall also be deemed to refer to Section 434.

SEC 15 Section 435 is added to said code, to read

435 From the sums appropriated therefor by the State of California, the State Treasurer shall pay to each county an additional amount, which shall be used exclusively for public assistance, equal to that proportion of the aid grants paid by the county under each public assistance program to which this chapter relates as is specified in the appropriation for that program contained in the law governing the program, after deducting from the sums so expended the amount paid to the county under subdivision (1) of Section 433 of this code

SEC 16 Section 436 is added to said code, to read

436 The method of computing and paying the amounts provided for in Sections 433 and 435 for each quarter shall be as follows

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county for public assistance under the provisions of Sections 433 and 435

(b) The State Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the State Department of Social Welfare for such prior quarter

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the State Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified

Upon the order of the Department of Social Welfare, the amount approved for the quarter may be paid in monthly installments and, if paid in monthly installments all necessary adjustments for the prior quarters shall be made by additions or deductions from the allowance for the first month of each new quarter or in the manner prescribed by the State Department of Social Welfare

SEC 1 7 Section 437 is added to said code, to read

437 (1) Reports of amounts paid out for public assistance shall be presented by the respective counties at times and in the form prescribed by the State Department of Social Welfare (2) Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of Section 436

SEC 1 8. Section 438 is added to said code, to read

438 Any recipient who becomes ineligible for aid under the public assistance program under which he is receiving aid, but appears to be eligible for aid under another public assistance program, shall be so informed, and his application for aid under that other program taken promptly, so that there is no interruption in warrant payments to the recipient"

Amendment No. 14

On page 2, line 8, strike out "1 2", and insert "1 9"

Amendment No. 15

On page 2, between lines 15 and 16, insert

'SEC. 1 10 Section 460 is added to said code, to read

460 If, when, and during such times as the United States government increases or decreases its contributions for any public assistance program in this State above or below the amount being paid on January 1, 1963, or above or below the amount payable as a result of any such increase or decrease, the maximum grants of aid provided in that program shall be increased or decreased by an amount equal to such increase or decrease by the United States government It is the intent of the Legislature that any change in contributions by the United States government, whether increase or decrease, shall result in a corresponding change in the amount of the maximum grants prescribed in the public assistance program to which the increase or decrease relates

In no event shall this section operate to decrease the maximum grant of aid prescribed in Section 2020 below one hundred five dollars ($105) per month, prescribed in Section 3084, below one hundred twenty-two dollars ($122) per month, or prescribed in Section 4020 below an average grant of one hundred dollars ($100) per month

It is also the intent of the Legislature that should the federal government require that any increase in assistance granted by it after May 1, 1955, be considered necessary to meet medical or health needs of the recipient, such increase shall be considered necessary to meet such medical or health needs"

Amendment No. 16

On page 2, line 16, strike out "1 3", and insert "1.11"

Amendment No. 17

On page 2, line 28, strike out "1 4 Section 459", and insert "1 12 Section 441".

Amendment No. 18

On page 2, strike out lines 29 to 31, inclusive, and insert

"441 Aid granted to a recipient shall not constitute a lien upon"

Amendment No. 19

On page 2, between lines 36 and 37, insert

"SEC. 1.14 Section 2020 of said code is amended to read:

2020 Amount of Aid Allowed Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant, equals one hundred *five dollars ($105)* ~~dollars ($100)~~ per month.

The amount of the grant as set forth in this section and Section 2020.002 shall be adjusted annually by the State Social Welfare Board to reflect any increases in cost of living occurring after January 1, 1962. The average of the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics shall be used as the basis for determining the changes in the cost of living Whenever the cost of living increases by a percentage which when multiplied by one hundred dollars ($100) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to one hundred dollars ($100) and to the maximum grant payable under Section 2020.002. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 2020.002, respectively In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living after January 1, 1962 The same month shall be used annually thereafter The ordered change in the maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used resources shall be included but the value of casual income and inconsequential resources shall be excluded

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 2020.002 of this chapter

SEC. 1.15 Section 2020.002 of said code is amended to read:

2020.002. Any recipient whose need exceeds the amount of the maximum grant payable under Section 2020 shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed ~~one hundred sixty-five dollars ($165)~~ *one hundred seventy dollars ($170)* per month.

The additional grant provided by this section is to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients and not included or adequately covered by the allowance provided by Section 2020.

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions.

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2 The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

SEC. 1 16 Section 2025 of said code is repealed

~~2025. Increase or Decrease of Federal Contributions; Change in Amount of Aid; Maximum and Minimum; Legislative Intent. If, when, and during such times as the United States government increases or decreases its contributions in assistance of the aged in this State above or below the amount being paid on January 1, 1961, or above or below the amount payable as a result of any such increase or decrease, the maximum grant of aid provided in each of Sections 2020 and 2020.002 of this chapter shall be increased or decreased by an amount equal to the nearer dollar of such increase or decrease by the United States government. It is the intent of the Legislature that any change in contributions by the United States government, whether increase or decrease, shall result in a corresponding change in the amount of the maximum grant prescribed in Section 2020.~~

~~It is also the intent of the Legislature that should the federal government require that any increase in assistance to the aged in this State granted by it after May 1, 1955 be considered necessary to meet medical or health needs of the applicant or recipient, such increase shall be considered necessary to meet such medical or health needs.~~''

Amendment No. 20

On page 2, between lines 38 and 39, insert

''SEC. 2 5. Section 2225 of said code is repealed

~~2225. Aid granted under the provisions of this chapter shall not constitute a lien upon any property of the recipient.~~

SEC 2 6 Section 2226 of said code is repealed

~~2226. The cost of hospitalization furnished by a county to a recipient of aid under this chapter shall not constitute a lien against the personal property or personal effects of such recipient, or against an interment plot as defined in Section 7022 of the Health and Safety Code.~~''

Amendment No. 21

On page 3, strike out lines 2 to 11, inclusive, and insert

"3003 The department shall adopt no rule, regulation, or order under this chapter or Chapter 3 (commencing with Section 3400) of this part"

Amendment No. 22

On page 3, between lines 26 and 27, insert

"SEC 7 5 Section 3005 10 of said code is amended to read:

3005 10 As used in this chapter *and Chapter 3 (commencing with Section 3400) of this part*, "Department of Social Welfare" means the State Department of Social Welfare"

Amendment No. 23

On page 3, strike out lines 40 to 46, inclusive, and insert

''SEC. 9. Section 3009 of said code is repealed

~~3009. The cost of hospitalization furnished by a county to a recipient of aid under this chapter shall not constitute a lien upon any personal property or personal effects of such recipient, or against an interment plot as defined in Section 7022 of the Health and Safety Code.~~''

Amendment No. 24

On page 5, between lines 14 and 15, insert

"SEC. 17. Section 3043.5 is added to said code, to read

3043.5. If the sight of a recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part is restored, and he is otherwise eligible therefor, he shall be entitled to apply for and receive aid under Chapter 1 (commencing with Section 2000) of Division 3 of this code, notwithstanding the fact that he has not resided in this State for the period prescribed in Section 2160 of this code. His application for aid under Chapter 1 (commencing with Section 2000) of Division 3 shall be taken promptly, so that there is no interruption of warrant payments to him."

Amendment No. 25

On page 5, strike out lines 23 to 27, inclusive

Amendment No. 26

On page 7, line 46, strike out "neuropsychiatry" and insert "neurology or psychiatry".

Amendment No. 27

On page 8, line 3, strike out "neuropsychiatry", and insert "neurology or psychiatry"

Amendment No. 28

On page 8, line 4, strike out "neuropsychiatry", and insert "neurology or psychiatry"

Amendment No. 29

On page 8, lines 6 and 7, strike out "neuropsychiatric", and insert "neurological or psychiatric"

Amendment No. 30

On page 8, between lines 39 and 40, insert

"SEC. 25.5. Section 3084 of said code is amended to read:

3084. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals one hundred *twenty-two dollars ($122)* ~~fifteen dollars ($115)~~ per month

The amount of the grant as set forth in this section and Section 3084.01 shall be adjusted annually by the State Social Welfare Board to reflect any increases in the cost of living occurring after January 1, 1960. The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases by a percentage which when multiplied by one hundred fifteen dollars ($115) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to one hundred fifteen dollars ($115) and to the maximum grant payable under Section 3084.01. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 3084.01, respectively. In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living since January 1, 1960. The same month shall be used annually thereafter. The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used

resources shall be included but the value of earned income which is exempt pursuant to Section 3084 3 and the value of casual income and inconsequential resources shall be excluded

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 3084 01 of this code

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances

SEC 25 6. Section 3084 01 of said code is amended to read:

3084 01 Any recipient whose need exceeds the amount of the maximum grant payable under Section 3084 of this code shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed one hundred *seventy-two dollars ($172)* ~~sixty-five dollars ($165)~~ per month

The additional amount granted by this section is intended to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients, which are not included or not adequately covered by the allowance provided by Section 3084

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions

1 The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2 The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor

SEC 26 Section 3084 1 of said code is repealed

~~3084 1 If, when, and during such times as the United States Government increases or decreases its contributions in assistance of the needy blind in this State above or below the amount payable on October 1, 1958, the maximum grant of aid provided in this chapter shall be increased or decreased by an amount equal to such increase or decrease by the United States Government, but in no event shall the maximum grant of aid under this chapter be decreased below ninety-nine dollars ($99) per month, provided, that the portion of any increase or decrease which is not a whole dollar or multiple thereof may be disregarded~~

~~It is the intent of the Legislature that should the Federal Government require that any increase in assistance to the blind in this State granted by it after November 1, 1956, be considered necessary to meet medical or health needs of the applicant or recipient, such increase shall be considered necessary to meet such medical or health needs~~ ''

Amendment No. 31

On page 8, strike out lines 40 to 51, inclusive; and on page 9, strike out lines 1 to 6, inclusive

Amendment No. 31.5

On page 9, strike out lines 7 to 41, inclusive, and insert
"SEC 27 Section 3087 of said code is repealed
SEC 28 Section 3087 1 of said code is repealed."

Amendment No. 32

On page 10, line 45, after "3447", insert "Aid shall not be received under the provisions of this chapter by any person who owns personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record, is in excess of five thousand dollars ($5,000)"

Amendment No. 33

On page 10, line 47, strike out "real or"

Amendment No. 34

On page 11, line 3, strike out "real or"

Amendment No. 35

On page 12, between lines 12 and 13, insert

"SEC 32 Section 3472 of said code is amended to read·

3472 Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals one hundred *twenty-two dollars ($122)* ~~fifteen dollars ($115)~~ per month

The amount of the grant as set forth in this section and Section 3472 01 shall be adjusted annually by the State Social Welfare Board to reflect any increases in the cost of living occurring after January 1, 1960 The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living Whenever the cost of living increases by a percentage which when multiplied by one hundred fifteen dollars ($115) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to one hundred fifteen dollars ($115) and to the maximum grant payable under Section 3472 01 The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 3472 01, respectively In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living since January 1, 1960 The same month shall be used annually thereafter The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used resources shall be included but the value of earned income which is exempt pursuant to this section and the value of casual income and inconsequential resources shall be excluded

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 3472 01 of this code

Annual net income from any of the following sources of a combined total value not exceeding one thousand two hundred dollars ($1,200) increased by one-half of that part of the recipient's annual income which is in excess of one thousand two hundred dollars ($1,200) shall not be considered for any purpose

(a) Income from applicant's labor or services,

(b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;

(c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use,

(d) The value of gifts,

(e) The value of the use and occupancy of premises owned and occupied by the applicant;

(f) The net income from real and personal property owned by the applicant

Income in addition to the above specified shall be computed on the basis of net income. For the purpose of enabling and encouraging a greater number of recipients of aid under this chapter to become self-supporting, all expenditures incurred by an applicant for or a recipient of aid under this chapter in effecting his plan to become self-supporting, including payments made for the purchase of material for fixtures and equipment needed by him in effecting such plan, shall be deducted from gross income in computing his net income for purposes of this chapter, provided, such payments shall not be more than one hundred dollars ($100) per month

SEC. 32.6. Section 3472.01 of said code is amended to read

3472.01. Any recipient whose need exceeds the amount of the maximum grant payable under Section 3472 of this code shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed one hundred *seventy-two dollars ($172)* ~~sixty-five dollars ($165)~~ per month

The additional amount granted by this section is intended to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients, which are not included or not adequately covered by the allowance provided by Section 3472

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions.

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor."

Amendment No. 36

On page 12, line 21, strike out "3084 1", and insert "460"

Amendment No. 37

On page 12, lines 26 and 27, strike out "below ninety-nine dollars ($99)", and insert "by operation of this section below one hundred twenty-two dollars ($122)"

Amendment No. 38

On page 13, between lines 2 and 3, insert

"SEC 345 Section 4162 is added to said code, to read

4162 Any person who qualifies for assistance under the provisions of Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code shall be presumed to be a needy disabled person within the meaning of Section 4000 of this code"

Amendment No. 39

On page 13, between lines 29 and 30, insert

"SEC. 59. Section 1553 of said code is repealed

~~1553 During such time as grants in aid are made available by the United States Government for aid to dependent children in this State, and accepted by this State, the State Treasurer, shall, from the sums so granted, pay to each county (a) an amount which shall be used exclusively as aid to dependent children, equal to that proportion specified by the United States Government in so granting or making the sums available, not counting so much of such expenditure with respect to any child for any month as exceeds the maximum fixed by the United States Government in granting or making such sums available, and (b) an additional amount equal to such county's proportionate share of any amount so granted or made available to this State by the United States Government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties. The State Board of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.~~

SEC 60 Section 1554 of said code is repealed

~~1554 From the sums appropriated in Section 1510 of this code, the State Treasurer shall pay to the county, for each child to whom aid is given under the provisions of this chapter, an amount not to exceed the amount appropriated for each child in Section 1510 of this code. The amount to be paid by the State Treasurer for any needy child shall be computed as follows:~~

~~For each child who has residence in the State as defined by Section 1525, the amount granted by the United States Government and paid by the State Treasurer under the provisions of subdivision (a) of Section 1553 for such child shall be deducted from the total amount granted for the child pursuant to Section 1511 of this code, and 67.5 percent of the remaining sums shall be paid to the county by the State Treasurer. In no event shall this amount exceed the amount granted for a needy child by subdivision (a) of Section 1511 of this code.~~

SEC 61. Section 1555 of said code is repealed.

~~1555. The method of computing and paying the amount provided for in Sections 1510, 1553 and 1554, for each quarter, shall be as follows:~~

~~(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under the provisions of Sections 1510, 1553 and 1554.~~

~~(b) The State Department of Social Welfare shall then certify to the State Controller the amount so estimated by it, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the State Department of Social Welfare for such prior quarter.~~

~~(c) The State Controller shall thereupon draw the necessary warrants, and prior to the audit or settlement by the State Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.~~

~~Upon the order of the Department of Social Welfare, the amount approved for the quarter may be paid in monthly installments, and, if paid in monthly installments all necessary adjustments for the prior quarters may be made by additions or deductions from the allowance for the first month of each new quarter, or in the manner prescribed by the State Department of Social Welfare.~~

SEC. 62. Section 1556 of said code is repealed

~~1556. Reports of and paid out under this chapter to needy children maintained in homes other than boarding homes, as defined by the rules and regulations of the State Board of Social Welfare, and institutions, shall be presented by the respective counties at times and in the form prescribed by the State Board of Social Welfare. Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to said county as a credit to apply against advances made under subdivision (a) of Section 1555.~~

SEC. 63. Section 2186 of said code is repealed.

~~2186. During such time as grants in aid are provided or made available by the United States Government for old age assistance in this State, the State Treasurer shall pay to each county from the sums so granted (1) an amount which shall be used exclusively as old age assistance equal to the full amount of any sums received from the United States Government as old age assistance in respect to aged persons within the provisions of this chapter maintained or supported by the county; and (2) an additional amount equal to such county's proportionate share of any amount so granted or made available to this State by the United States Government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available~~

~~for administration costs to be paid to the counties, which portion for each county shall bear the same proportion to the total amount made available to this State for such administrative costs that the administrative costs of that county bear to the total administrative costs of all counties and of the State. The State Board of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.~~

SEC 64. Section 2186 1 of said code is repealed

~~2186 1. During such times as grants in aid are provided or made available by the United States Government for the purpose of defraying any portion of the costs of administration incurred under this chapter, the State Treasurer shall pay to each county an amount equal to such county's proportionate share of the sum so granted for the cost of administration which amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion shall be determined pursuant to rules and regulations of the State Board of Social Welfare and shall be not less than one-half of the amount so granted or made available. The State Board of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.~~

~~This section shall become operative and shall supersede Part 2 of Section 2186 during such times as grants by the United States Government, provided or made available to defray any portion of administration costs incurred under this chapter, are not computed as a proportion of such costs of administration. Whenever this section is in effect, all other sections referring to Section 2186 shall also be deemed to refer to Section 2186 1.~~

SEC 65 Section 2187 of said code is repealed

~~2187. From the sums appropriated therefor by the State of California, the State Treasurer shall pay to each county an additional amount which shall be used exclusively for and to needy aged equal to six-sevenths of the remainder of the sums expended by the county as aid to the needy aged under this chapter, after deducting from the sums so expended the amount paid to the county under subdivision (1) of Section 2186 of this code.~~

SEC 66 Section 2188 of said code is repealed

~~2188. The method of computing and paying the amounts provided for in Sections 2186 and 2187 for each quarter shall be as follows:~~

~~(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under the provisions of Sections 2186 and 2187.~~

~~(b) The State Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the~~

~~amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the State Department of Social Welfare for such prior quarter.~~

~~(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the State Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.~~

~~Upon the order of the Department of Social Welfare, the amount approved for the quarter may be paid in monthly installments and, if paid in monthly installments all necessary adjustments for the prior quarters shall be made by additions or deductions from the allowance for the first month of each new quarter or in the manner prescribed by the State Department of Social Welfare.~~

SEC 67. Section 2189 of said code is repealed

~~2189. (1) Reports of aid to aged paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the State Department of Social Welfare. (2) Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of Section 2188. (3) The clerk of the board of supervisors of each county shall report monthly to the said State department in such manner and form as the latter may prescribe, the number of applications granted, and the grants of aid changed, revoked, or suspended under this chapter by the board of supervisors, during the preceding calendar month, together with copies of all applications received and a statement of the action of the board thereon.~~

SEC 68 Section 3087.2 of said code is repealed

~~3087.2 The method of computing and paying the amounts provided for in Sections 3087 and 3087.1 for each quarter shall be as follows:~~

~~(a) The Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under Sections 3087 and 3087.1.~~

~~(b) The Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Department of Social Welfare for such prior quarter.~~

~~(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified. Upon the order of the Department of Social Welfare, the amount approved for the quarter, may be paid in monthly installments and, if paid in monthly~~

~~installments, all necessary adjustments for the prior quarter shall be made by additions or deductions from the allowance for the first month of each new quarter or in the manner prescribed by the State Department of Social Welfare.~~

SEC 69. Section 3087.3 of said code is repealed

~~3087.3. Reports of aid to blind paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the State Board of Social Welfare. Such reports shall be audited by the Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to said county or city and county as a credit to apply against advances made under the terms of Section 3087.2.~~

SEC 70. Section 3480 of said code is repealed.

~~3480. From the sums appropriated in Section 3120 of this code the State Treasurer shall pay to each county an amount, which shall be used exclusively for aid to the blind under this chapter, equal to five-sixths of the sums expended by the county as aid to the blind under this chapter.~~

SEC 71. Section 3481 of said code is repealed

~~3481. The method of computing and paying the amounts provided for in Section 3480 for each quarter shall be as follows:~~

~~(a) The Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under Section 3480.~~

~~(b) The Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Department of Social Welfare for such prior quarter.~~

~~(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified. Upon the order of the Department of Social Welfare, the amount approved for the quarter, may be paid in monthly installments and, if paid in monthly installments all necessary adjustments for the prior quarter shall be made by additions or deductions from the allowance for the first month of each new quarter or in the manner prescribed by the State Department of Social Welfare.~~

SEC 72. Section 3482 of said code is repealed.

~~3482. Reports of aid to blind paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the Department of Social Welfare. Such reports shall be audited by the Department of Social Welfare and the State Controller and,~~

~~when and in the amount approved, shall be allowed to said county or city and county as a credit to apply against advances made under the terms of Section 3181~~

SEC 73 Section 4185 of said code is repealed.

~~4185. The method of computing and advancing funds to counties shall be as follows:~~

~~(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, compute the amount to be advanced each month of the quarter both as to state funds and funds made available by the United States government.~~

~~(b) The computation shall be based upon the most recent claims filed by the county as adjusted by anticipated trends in caseloads and average monthly grants.~~

~~(c) Amounts to be advanced shall be adjusted by the amount by which the estimate for any prior quarter was greater or less than the amount which should have been advanced to the county for such quarter.~~

~~(d) Upon certification by the State Department of Social Welfare of the amounts to be advanced to each county, the State Controller shall draw the necessary warrants, and prior to audit or settlement by the State Department of Social Welfare and the State Controller, the State Treasurer shall pay to each county the amount so certified.~~

~~(e) With respect to funds made available by the United States government for the cost of administration no county shall receive a smaller proportion of such funds than the pro-~~

SEC 74 Section 4188 of said code is repealed

~~4188. (1) Reports of aid to needy disabled paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the State Department of Social Welfare. (2) Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of Section 4185.~~

SEC 75 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are.

This act makes numerous technical and clarifying changes in code sections relating to public assistance In order that substantive changes in those sections, proposed by the Legislature in other bills introduced at the 1963 session, may be directed at the law as it is proposed to be amended by this act, thereby eliminating the necessity of directing those changes at both this act and existing sections of the code, it is essential that this act take effect immediately ''

Amendments of March 8, 1963—Set No. 2

Amendment No. 1

In line 7 of the title of the printed bill, as amended in the Senate on February 27, 1963, strike out "3447 2."

Amendment No. 2

In line 8 of the title, after "439," insert "442,"

Amendment No. 3

In line 8 of the title, after "Sections", insert "1521 6,"

Amendment No. 4

In line 11 of the title, after "3447 15," insert "3447 2,".

Amendment No. 5

On page 2, between lines 15 and 16, insert

"SEC 1 25 Section 442 is added to said code, to read

442 Gifts of money received by an applicant or recipient shall be deemed personal property to the extent that the amounts received do not cause the value of personal property holdings of the applicant or recipient to exceed the amount prescribed by law In the event the amounts received cause the personal property holdings of the applicant or recipient to exceed the amount prescribed by law, the excess shall be considered income to the applicant or recipient

This section shall not apply to gifts of money received by a recipient at regular recurring intervals, which from past experience may be reasonably expected to be continued in the future"

Amendment No. 6

On page 2, between lines 36 and 37, insert

"SEC. 1 5 Section 1521 6 of said code is repealed

~~1521 6. For the purposes of this chapter gifts of money received by an applicant or recipient shall be deemed personal property to the extent that the amounts received do not cause the value of the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 1521 of this code In the event that the amounts received cause the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 1521, the excess shall be considered income to the applicant or recipient.~~

~~This section shall not apply to gifts of money received by a recipient at regular recurring intervals which from past experience may be reasonably expected to be continued in the future.~~ "

Amendment No. 7

On page 11, strike out lines 37 to 52, inclusive, and insert

"SEC 30 3. Section 3447 2 of said code is repealed

~~3447 2. For the purposes of this chapter gifts of money received by an applicant or recipient shall be deemed personal property to the extent that the amounts received do not cause the value of the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 3447 of this code In the event that the amounts received cause the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 3447, the excess shall be considered income to the applicant or recipient.~~

~~This section shall not apply to gifts of money received by a recipient at regular recurring intervals, which from past experience may be reasonably expected to be continued in the future.~~ "

Amendments of March 14, 1963

Amendment No. 1

On page 6, line 11, of the printed bill, as amended in the Senate on March 8, 1963, after "month", insert "plus any adjustment reflecting cost of living changes subsequent to January 1, 1962"

Amendment No. 2

On page 6, line 22, strike out "one", strike out line 23, and in line 24, strike out "under", and insert "the monetary amount specified in the preceding paragraph and to the corresponding figure specified in"

Amendment No. 3

On page 14, line 41, strike out "twenty-two dollars ($122)", and insert "twenty dollars ($120)"

Amendment No. 4

On page 14, line 42, after "month", insert "plus any adjustment reflecting cost of living changes subsequent to January 1, 1960".

Amendment No. 5

On page 15, strike out line 2, and in line 3, strike out "grant payable under", and insert "to the monetary amount specified in the preceding paragraph and to the corresponding figure specified in"

Amendment No. 6

On page 15, line 36, strike out "seventy-two dollars ($172)", and insert "seventy dollars ($170)"

Amendment No. 7

On page 20, line 16, strike out "twenty-two dollars ($122)", and insert "twenty dollars ($120)"

Amendment No. 8

On page 20, strike out line 29, and in line 30, strike out "payable under", and insert "the monetary amount specified in the preceding paragraph and to the corresponding figure specified in"

Amendment No. 9

On page 21, line 35, strike out "seventy-two dollars ($172)", and insert "seventy dollars ($170)"

Amendments of March 25, 1963—Set No. 1

Amendment No. 1

In line 5 of the title of the printed bill, as amended in the Senate on March 14, 1963, after "3078," insert "3078.3,"

Amendment No. 2

On page 11, line 2, after "self-supporting", insert "blind".

Amendment No. 3

On page 11, between lines 27 and 28, insert

"SEC. 22.1. Section 3078.3 of said code is amended to read

3078.3. Notwithstanding any other provision of this chapter *or Chapter 3 (commencing with Section 3400) of this part*, whenever a former recipient of aid under this chapter *or Chapter 3 (commencing with Section 3400) of this part* whose aid has been canceled or discontinued for any cause requests restoration of aid before the expiration of one year from the date of such cancellation or discontinuance and if it is determined that he is eligible therefor, aid shall be granted to him beginning not later than the first day of the month immediately following the date of such request for restoration, and no new application shall be required."

Amendment No. 4

On page 15, line 33, strike out "received", and insert "denied"

Amendment No. 5

On page 15, line 34, strike out "by", and insert "to"

Amendment No. 6

On page 15, line 34, after "owns", insert ", in addition to property authorized by Chapter 6 (commencing with Section 450) of Division 1 of this code,"

Amendment No. 7

On page 19, line 23, after "code", insert ", and who is confined as an inpatient in a hospital or nursing home,"

Amendments of March 25, 1963—Set No. 2

Amendment No. 1

On page 2, line 2, of the printed bill, as amended in the Senate on March 14, 1963, after "and", insert "may be printed"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 58 by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Crown, Cusanovich, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell,

Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Williamson, Wilson, Young, Z'berg, and Zenovich—70

NOES—Badham and Chapel—2

Assembly Bill No 58 ordered enrolled

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 457

Mr Lunardi was granted unanimous consent to take up further consideration of Assembly Bill No 457, at this time

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 457

Assembly Bill No. 457—An act to add Section 13365 to the Vehicle Code, relating to drivers' licenses

Bill read third time

Recommendation of the Governor read previously on this day *See* page 1499

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Cartell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Porter, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Young, Z'berg, and Zenovich—74

NOES—None

Bill ordered transmitted to the Senate

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 45—Relative to salaries of municipal court attachés

Resolution read, and adopted

Resolution ordered transmitted to the Senate

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 103

Mr Alquist was granted unanimous consent to take up Senate Bill No 103, without reference to file, for purpose of amendment

CONSIDERATION OF SENATE BILL NO. 103

Senate Bill No. 103—An act to amend Sections 23201, 23207, 23215 and 23216 of, and to add Section 23225 to, the Government Code, relating to alterations of boundaries of counties, and declaring the urgency thereof, to take effect immediately

Bill read third time.

Motion to Amend

Mr Alquist moved the adoption of the following amendment

Amendment No. 1

On page 2 of the printed bill, as amended in the Assembly on March 27, 1963, strike out lines 11 to 33, inclusive, and insert

"SEC 3 Section 23214 of said code is amended to read

23214. At the time fixed for hearing the board of each county in which the petition has been filed shall proceed to hear the petitioners and opponents Each board may adjourn the hearing from time to time, not exceeding 14 days in all It shall receive the proofs offered to establish or controvert the facts set forth in the petition, and on final hearing each board shall by ~~resolution~~ *ordinance* entered on its minutes determine

(a) The proposed new boundary as set forth and shown on the map attached to the petition

(b) Whether the proposed new boundary line passes within five (5) miles of any county seat of the counties from which territory is taken, whether or not the proposed new boundary line is moved a greater distance than five (5) miles from its existing location, and whether the territory proposed to be transferred exceeds 5 percent of the county from which it is to be taken

(c) That all of the signers of the petition are qualified electors within the county in which the petition was circulated and filed, and whether or not signers on the written statement attached to and filed with the petition own land within the territory affected by the proposed change

(d) The population of the territory affected by the proposed change of boundary line and whether or not the change will reduce the population of the county affected by more than 3 percent"

Amendment read, and adopted

Bill ordered reprinted, and to third reading

ASSEMBLY BILL NO. 1341 PLACED UPON THE INACTIVE FILE

Upon motion of Mr Mills, **Assembly Bill No. 1341** was ordered placed upon the inactive file

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, March 28 1963

MR SPEAKER Your Committee on Rules recommends

That the request by Mr Johnson for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 2(a), of the Constitution as it pertains to Assembly Bill No 2112 be granted

BANE, Chairman

RESOLUTIONS

The following resolution was offered

By Mr Johnson

Resolution to Invoke Constitutional Provision

Resolved, That, pursuant to Article IV, Section 2(a), of the Constitution, Assembly Bill No 2112 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed.

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Feirell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Porter, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, and Zenovich—76

NOES—None

Article IV, Section 2(a) of the Constitution was declared dispensed with

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Mr Waldie was granted unanimous consent that the following communication be ordered printed in the Journal.

COMMUNICATION

March 26, 1963

Hon Jerome R Waldie
Assemblyman 10th District
State Capitol Building
Sacramento, California

DEAR SIR It is with a great deal of appreciation that I wish to thank you for your thoughtfulness and kindnesses extended to the Fourth Graders from Antioch The children were sincerely awed by their experiences in the Assembly Balcony and particularly your talk to them in the reserved section of the floor It certainly must make a lasting impression upon them and, indeed, provides a basis for further study and discussion in the classroom about our government.

Any correspondence from you could only further the rewards of an already highly successful field trip experience, and perchance create wholesome respect, curiosity, and newborn interests in our democratic form of government.

Respectfully,

C MALOCH, Teacher, Fourth Grade
Belshaw Elementary School
Antioch, California

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Mr Lanterman was granted unanimous consent that the following opinion of the Legislative Counsel be ordered printed in the Journal:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, March 25, 1963

Hon. Frank Lanterman
Assembly Chamber

State Water Resources Development—No. 11246

Question

DEAR MR. LANTERMAN. You have called our attention to a proposal of the Department of Water Resources to issue revenue bonds in the amount of $325,000,000 pursuant to the provisions of the Water Code relating to the Central Valley Project[1] to finance the construction of the Oroville Dam Under the proposal, such revenue bonds would be payable from, and constitute a first lien on, the revenues derived from the sale of electric power generated at the Oroville Dam during the same period that general obligation bonds issued pursuant to the California Water Resources Development Bond Act[2] are outstanding.

You have requested our opinion as to the legality of the proposed action.

Opinion

We do not believe that the revenues derived from the sale of electric power generated at the Oroville Dam could be so pledged as security for such revenue bonds.

Analysis

The Burns-Porter Act was submitted to the voters and was approved at the general election held on November 8, 1960 (see Statement of Vote for Election of Nov. 8, 1960, issued by Secretary of State, p 23, Stats 1959, Ch 1762) In so doing, the people of this State authorized the issuance and sale of $1,750,000,000 of general obligation bonds "to provide funds to assist in the construction of a state Water Resources Development System for the State of California" (Sec 12931, Wat C.[3])

Under Section 12931, the State Water Resources Development System includes "the State Water Facilities . . . and such additional facilities as may now or hereafter be authorized by the Legislature as a part of . . the Central Valley Project ." Thus, any facility now or hereafter authorized as a part of the Central Valley Project would therefore be a part of the State Water Resources Development System

The multipurpose dam and reservoir on the Feather River in the vicinity of Oroville, Butte County, is specifically designated as one of the "State Water Facilities" by Section 12934 of the Burns-Porter Act It is also authorized as a part of the Feather River and Sacramento-San Joaquin Delta Diversion Projects unit of the Central Valley Project by

[1] Wat C Secs 11100 to 11855, incl, hereinafter referred to as the Central Valley Project Act
[2] Wat. C Secs 12930-12944, incl, hereinafter referred to as the Burns-Porter Act (see Stats 1959, Res Ch 241)
[3] All section references are to the Water Code

Section 11260 As noted above, however, any facility authorized as a part of the Central Valley Project is to be a part of the State Water Resources Development System (see Sec 12931)

One of the key provisions of the Burns-Porter Act is subdivision (b) of Section 12937 which provides as follows:

"(b) All revenues derived from the sale, delivery or use of water or *power*, and all other income or revenue, derived by the State, from the *State Water Resources Development System*[4] shall be deposited in a special account or accounts in the California Water Resources Development Bond Fund and shall be accounted for and used annually only for the following purposes and in the following order, to wit

"1 The payment of the reasonable costs of the annual maintenance and operation of the State Water Resources Development System and the replacement of any parts thereof.

"2 *The annual payment of the principal of and interest on the bonds issued pursuant to this chapter*[5]

"3 Transfer to the California Water Fund as reimbursement for funds utilized from said fund for construction of the State Water Resources Development System

"4 Any surplus revenues in each year not required for the purpose specified in the foregoing subparagraphs (1), (2) and (3) of this subdivision (b) of Section 12937 and not required to be transferred to the General Fund pursuant to subparagraph (a) of this Section 12937 shall, during the time any of the bonds authorized herein are outstanding, be deposited in a special account in the California Water Resources Development Bond Fund and are hereby appropriated for use and shall be available for expenditure by the department for acquisition and construction of the State Water Resources Development System as described in Section 12931 hereof." (Emphasis added)

We do not see what language could have been used to express more plainly the proposition that *all* revenues from the sale of power derived from the State Water Resources Development *System* must be used only for the matters specifically mentioned in this section And since the *system* by definition includes Oroville Dam whether constructed under the Central Valley Project or the Burns-Porter Act, we think the plain, literal meaning of this language forbids any attempt to divert Oroville Dam power revenues for payment of revenue bonds issued pursuant to the Central Valley Project Act so long as general obligation bonds issued pursuant to the Burns-Porter Act are authorized or outstanding

As we have pointed out above, the language in the Burns-Porter Act we have discussed is clear and unambiguous It is a cardinal rule

[4] As previously noted this "System" includes Oroville Dam whether the dam is labeled as being constructed under the Central Valley Project Act or under the Burns-Porter Act

[5] The reference is to Burns-Porter Act general obligation bonds

of interpretation that where the language in a statute is clear, there can be no room for interpretation *(Caminetti* v *Pac Mutual L Ins Co* (1943), 22 Cal 2d 344, 353-354) In this case the rule finds further support from the legislative history of the statute In the face of this clear prohibition discussed above, amendments were offered in the Assembly to authorize the use of revenues of the State Water Resources Development System to pay the principal and interest on any additional bonds issued by the State for any facilities of the system The amendments were defeated (see Assembly Journal for June 17, 1959, pp 5656-5657, 5659)

Further, in our opinion the courts would conclude that the voters who approved the Burns-Porter Act understood the clear language of the act which we have discussed to mean exactly what it said

Each voter was provided with a ballot pamphlet which contained:

(1) The text of the Burns-Porter Act, containing the clear and unambiguous language [6] we have been discussing

(2) The analysis of the measure by the Legislative Counsel, the pertinent portion of which reads as follows:

> "This bond act would pledge the full faith and credit of the State for the payment of the bonds and would appropriate from the General Fund the sum necessary to pay the principal and interest on the bonds. Annual transfers of project revenues to the General Fund would be made to meet bond service payments If project revenues in any year were insufficient to meet such payment, an amount of money equal to the deficiency would be transferred to the General Fund from project revenues as soon as it became available, with simple interest thereon at the same rate as borne by the bonds "; and

(3) The argument in favor of the measure which specifically declared as follows.

> ". . no new taxes are involved, the bonds are repaid from project revenues, through the sale of water and power In other words, *it will pay for itself* . The bonds [general obligation] will finance completion of all facilities needed, as described in the Act . "

In the light of these facts we think that the courts would hold that the voters, in approving the Burns-Porter Act, did so with a clear unmistakable understanding that all of the revenues of the State Water Resources Development System *(including the power revenues from the Oroville Dam)* were to be pledged and used *only* for the purposes *expressly* specified in subdivision (b) of Section 12937 (including the payment of principal and interest on the general obligation bonds issued pursuant to the Burns-Porter Act)

[6] Of this language the Attorney General has said "If the portion of Sec 12937(b) . . . were applied literally [i e, if it were given its plain ordinarily accepted meaning], no facilities not fully financed by the Burns-Porter Act could be funded by debt financing, except in subordination to the bonds issued under the Act" (36 Ops Cal Atty. Gen 163)

Since it is well settled that the voters' approval of a bond issue creates an obligation in the nature of a contract that must be respected, and a material departure from the proposition as voted will not be upheld (see *Golden Gate Bridge etc Dist* v. *Felt* (1931), 214 Cal 308, 339; *Skinner* v *City of Santa Rosa* (1895), 107 Cal 464; *Peery* v. *City of Los Angeles* (1922), 187 Cal 753, 767, *O'Farrell* v. *County of Sonoma* (1922), 189 Cal 343, 348),[7] and since, as stated above, the voters understood that the measure pledged all revenues of the system to the matters specified in Section 12937, we further believe that the proposal to divert the revenues derived from the sale of electric power generated at the Oroville Dam would be held to constitute a "material departure", from the proposition as voted The Oroville Dam is the principal power-generating facility of the State Water Resources Development System and will provide a substantial portion of the revenues of the system which will be available for the purposes specified in subdivision (b) of Section 12937, including the payment of principal and interest on the general obligation bonds issued pursuant to the Burns-Porter Act. As such, these revenues are clearly a part of the "ways and means for the payment of the principal and interest" which is required to be set forth in every state general obligation bond act by Section 1 of Article XVI of the California Constitution

We are aware of the fact that the Attorney General has concluded that the Department of Water Resources has authority to issue revenue bonds to finance any of the designated State Water Facilities which are also a part of the Central Valley Project, with the revenues from those facilities pledged to repay those revenue bonds (36 Ops Cal Atty. Gen 160).

In essence, the opinion of the Attorney General is based on the premise that since the Burns-Porter Act does not provide sufficient funds to construct the entire system, the Legislature did not mean what it said with regard to the pledge of State Water Resources Development System revenues, and therefore revenue bonds could be issued under the Central Valley Project provisions to be repaid from the revenues of Oroville Dam, without those bonds being subordinated to the bonds issued under the Burns-Porter Act.

We have set forth above our reasons for reaching a different conclusion. With respect to the Attorney General's opinion we have no way of proving or disproving his major premise that the Burns-Porter Act does not provide sufficient funds to construct the entire system However, even if the premise is assumed to be true it does not follow that the Legislature did not mean what it plainly said concerning the pledge of revenues of the system It is at least possible that the Legislature intended to provide additional financing in the future, when, as and if this became necessary[8] Recognition of this and similar possibilities

[7] Prior to the time that bonds are issued, creating a contractural relationship, the "obligation of contract" clauses of the State and Federal Constitution cannot be invoked to limit administrative acts Thus, these limitations depend upon Article XVI, Section 1 of the California Constitution (See 12 Stanf L Rev 439, 443)

[8] Perhaps, also, the Legislature felt adequate funds had been provided to complete enough of the system to make it feasible for agencies such as the Metropolitan Water District to construct the facilities necessary to connect to the project transportation facilities. This concept is embodied in provisions of the existing contract with the Metropolitan Water District of Southern California (see Art. 17, subd. (f), par. (2))

would not require a departure from the plain meaning of subdivision (b) of Section 12937

It should be noted that if the plain language of subdivision (b) of Section 12937 is construed away, the necessary result is to authorize the department to pledge revenues from the system to repay revenue bonds *unlimited in amount*, and to make it *legally impossible* for the Legislature to repeal such departmental authority.[9] It would be the height of irony to convert plain language used by the Legislature to prevent a diversion of the system's revenues, into a repeal of the Legislature's power to prevent such a diversion We do not believe a court would adopt a construction which would so depart from the plain meaning of a statute and achieve such a drastic curtailment of the lawmaking function of the Legislature

Very truly yours,

A. C MORRISON
Legislative Counsel
By ALAN W. STRONG
Deputy Legislative Counsel

INTRODUCTION OF GUESTS

Speaker pro Tempore Bee introduced David Waite, the son of Assemblyman Tom Waite, and a group of David's third grade classmates from the Cordova Lane School and their accompanying chaperones to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

Assembly Bill No. 2116: By Mr. Danielson—An act to amend Section 13196 of the Education Code, relating to certificated school employees.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2117: By Mr. Danielson—An act to amend Section 12902 of the Education Code, relating to school employees.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2118: By Mr. Carrell—An act to add Section 53096 to the Government Code, to add Sections 22265, 31055, 55337 and 71682 to, and to amend Section 35455 of, the Water Code, to add Section 12 5 to the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), and to add Section 61 3 to the Antelope Valley-East Kern Water Agency Law (Chapter 2146, Statutes of 1959), relating

[9] If the Attorney General's construction is assumed to have been the construction adopted by the voters, it would be part of the "contract" between the State and the voters, and repeal of the "authorization" would be a material departure from the proposition voted upon (see discussion on pp 1525, 1526, and 1527 on this point

to the regulation of the supplying of water for domestic use by local agencies

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2119: By Mr Carrell—An act to add Sections 5835 4, 5835 5, 19185, and 19202 to the Streets and Highways Code, relating to lighting systems

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2120: By Mr Thelin—An act to amend Section 17202 of, and to add Section 17202.1 to, the Financial Code, relating to escrow agents

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2121: By Mr. Dymally—An act to amend Section 817 of the Penal Code, relating to designation of certain guards or peace officers

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2122: By Mr Beilenson—An act to amend Section 2982 of the Civil Code, relating to automobile conditional sales contracts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2123: By Mr. Winton—An act to amend Sections 1305 and 1306 of the Penal Code, relating to forfeiture of bail

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2124: By Messrs Veysey, Burgener, Ashcraft, Donovan, and Barnes—An act to add Section 12161 to, and to amend Sections 10507 and 12151 of, the Education Code, relating to children of persons living in Mexico.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2125: By Mr Bane—An act to amend Section 9359 1 of the Government Code, relating to legislator's retirement

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2126: By Messrs Zenovich, Monagan, Young, Knox, Bagley, Bee, Casey, Moreno, Powers, and Veneman—An act to amend Sections 23113, 23385 and 24755 of the Business and Professions Code, relating to sale and taxation of alcoholic beverages

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolutions were offered

By Mr Z'berg

House Resolution No. 174

Congratulating Charles M Goethe

WHEREAS, On March 28, 1963, Mr Charles M. Goethe will celebrate his 88th Birthday, and

WHEREAS, Mr Goethe, while eminently successful in his chosen occupation in the banking and real estate fields, will always be best remembered for his humanitarian interests, and

WHEREAS, As a naturalist, Mr Goethe championed the saving of this Country's natural beauty spots and aided in the establishment of the National Park System and wildlife refuges, and

WHEREAS, As a scientist, Mr Goethe has pursued his studies in the Arctic and Antarctic, the jungles of Malaya and South America, the deserts of Africa and America, and in the mountains of the Andes, Rockies, Sierra, Appalachians and Alps; and

WHEREAS, For education, Mr Goethe and his wife, the late Mary Glide Goethe, have given more than 250 scholarships and have supplied over 2,000 schools with nature-study materials, and

WHEREAS, For children, Mr Goethe was instrumental in establishing the playground system, setting up model playgrounds in this Country and in the Orient, and

WHEREAS, His interest in eugenics, genetics and human genetics led to the founding of a magazine and the establishment of a new science, now, therefore, be it

Resolved by the Assembly of the State of California, That the members congratulate Charles M Goethe on the occasion of his 88th Birthday and wish him many more happy and fruitful years, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mr Goethe

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REQUEST FOR UNANIMOUS CONSENT

Mr Elliott asked for unanimous consent that Assembly Bill No 2112 be referred to the Committee on Industrial Relations

Reply by Speaker pro Tempore

Speaker pro Tempore Bee advised Mr Elliott that the bill had been referred to the Committee on Municipal and County Government by Speaker Unruh this morning

Request for Unanimous Consent to Withdraw and Re-refer Assembly Bill No. 2112

Mr Elliott asked for unanimous consent that Assembly Bill No 2112 be withdrawn from the Committee on Municipal and County Government, and re-referred to the Committee on Industrial Relations.

Request Withdrawn

Mr Elliott withdrew his request for unanimous consent

RESOLUTIONS

The following resolutions were offered

By Mr Bane

House Resolution No. 175

Relative to adoption of the Permanent Standing Rules of the Assembly

Resolved by the Assembly of the State of California, That the following Rules be and the same are hereby adopted as the Permanent Standing Rules of the Assembly for the 1963 Regular Session

PERMANENT STANDING RULES OF THE ASSEMBLY FOR THE 1963 GENERAL SESSION

SECTION 1

LEGISLATIVE ORGANIZATION

Assembly General Officers

1 The general officers of the Assembly whose names and titles shall appear on the frontispiece of all publications are·

Speaker
Speaker pro Tempore
Majority Floor Leader
Minority Floor Leader
Chief Clerk

Assignment of Desks to Members

2 Members shall be assigned to offices and desks by the Committee on Rules, and, as far as possible, the committee shall conform to the requests of members, giving due consideration to their seniority in point of service in the Assembly

Hours of Meeting

3 The session of the Assembly shall be daily, beginning at 10 o'clock a.m (Sundays excepted), unless otherwise ordered by a majority vote of the members present

RULES

Adoption of Standing Rules

4 The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the entire elected membership. When once adopted, such Standing Rules shall remain in effect, unless suspended or amended as provided in these Rules.

Suspension of Rules

5 Any standing rule of the Assembly may be suspended temporarily by a vote of two-thirds of the members present, provided, that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

Amending Standing Rules

6. No standing rule of the Assembly shall be amended except by resolution adopted by an affirmative recorded vote of a majority of the entire elected membership of the Assembly.

No such resolution shall be considered until it shall have been referred to the Committee on Rules.

Temporary Rules

7 The Committee on Rules may at any time report a temporary rule Upon adoption by an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly, such temporary rule shall have the effect, for the time being, of a standing rule. If such temporary rule shall be in conflict with a standing rule, it shall supersede such standing rule only for the time being

Parliamentary Rules

8. In all cases not provided for by the Constitution, by the Assembly Rules, or by the Joint Rules of the Senate and Assembly, the authority shall be Mason's Manual of Legislative Procedure

Effect of Adoption of These Rules

9 The adoption of the Standing Rules of a budget session shall not be construed as modifying or rescinding the permanent Standing Rules of the Assembly for the preceding general session, nor as affecting in any way the status or powers of the interim committees created by those Rules.

Committee on Rules

10 There is a Committee on Rules, which shall act as the executive committee of the House. The committee shall consist of one member appointed by the Speaker, who shall be the chairman and six other members, three of whom shall be members of the minority party and three of whom shall be members of the majority party The chairman of each minority and majority party caucus shall within twenty-four (24) hours after the operative date of this rule, convene the party caucus of which he is chairman and provide the members thereof with ballots showing the names of the members. The members of each party caucus shall thereupon by secret ballot indicate their preference for three to be members of the Rules Committee and shall continue to ballot until three names shall have received a majority of the votes of the total number of members of the party Following the balloting by the party caucus the chairman thereof shall file with the Chief Clerk a list of three nominees for membership on the Committee on Rules. Upon the filing of each such list, the Speaker shall immediately present the name of each nominee to the Assembly for its approval or rejection in the order filed. If approved by a majority of the elected membership of the Assembly, the nominee shall be declared elected as a member of the committee. If a nominee shall fail to receive such approval, the committee membership to which he would have been elected shall remain vacant until the chairman of his party caucus shall have filed the name of another nominee for the position which shall be the name of a member of the party caucus and selected by ballot in the same manner as the names of those previously presented and that such person shall be the nominee who shall be thereafter approved by a majority of the elected membership of the Assembly. Vacancies in the elected membership of the Committee on Rules occurring during any session of the Legislature shall be filled by election as herein provided, and such vacancies occurring after final adjournment and before the convening of the next session of the Legislature shall be filled temporarily, and until such convening, by the remaining committee members who are members of the same party as that of the member causing the vacancy. Vacancies in the appointive membership shall be filled by the Speaker. Four duly qualified members of the committee shall constitute a quorum. No member of the Committee on Rules is eligible to serve as the chairman of a standing committee.

Powers of the Committee on Rules

11 The Committee on Rules provided herein shall have the following powers

To appoint all attachés and employees of the Assembly not otherwise provided for by statute It shall have authority to suspend, with or without pay, any such attaché or employee for incompetency or dereliction of duty, pending final action by the Assembly.

To make studies and recommendations designed to promote, improve, and expedite the business and procedure of the Assembly and of the committees thereof, and to propose any amendments to the Rules deemed necessary to accomplish such purposes

Rules and Regulations Governing Committees

12 All claims for expenses incurred by interim investigating committees of the Assembly shall be approved by the Committee on Rules, or its authorized representative, before such claims are presented to the Controller

All proposed expenditures, other than expenditures of the funds of an interim investigating committee, shall be approved by the Committee on Rules or its authorized representative before such expenses are incurred, unless such expenditure is specifically exempted from the provisions of this rule by the resolution authorizing it

No warrant shall be drawn in payment of any claim for expenses until the approval of the Committee on Rules, or its authorized representative, has been obtained in accordance with the provisions of this rule

The Committee on Rules shall provide for the payment of mileage to Members of the Assembly for travel incurred in connection with legislative committee business not chargeable under Joint Rule No 36 to the funds allocated to a specific committee Such mileage shall be paid from the Contingent Fund of the Assembly upon certification of claims therefor to the Controller by the Committee on Rules or its authorized representative The Committee on Rules shall adopt rules and regulations limiting the amount, time and place of such mileage.

The Committee on Rules shall adopt rules and regulations governing the letting of any contract by an interim investigating committee and shall also adopt rules and regulations limiting the amount, time, and place of expenses and allowances, exclusive of salaries under three hundred dollars ($300) per month, to be paid to employees of Assembly interim investigating committees or other Assembly committees

Such rules may provide for allowances to committee employees in lieu of actual expenses for mileage, hotel accommodations, and meals at the rates fixed by the committee from time to time in limitation of reimbursement of actual expenses of committee employees generally, or at such lesser rate as may be prescribed by the employing committee

Mileage is an allowance to a committee employee in lieu of actual expenses of travel When travel is by private conveyance mileage shall be allowed only to the operator of, and not to passengers in, a private vehicle Claims for mileage by private conveyance must be accompanied by the license number of the vehicle and the names of state officers and employees riding as passengers.

Copies of all rules and regulations adopted pursuant to this rule shall be distributed to the chairman of every such investigating committee and of any other Assembly committee that has employees.

Interim Committee Reports

13 The chairman of each Assembly interim committee shall submit in the letter of transmittal of the final report the total expenses of the committee, including the amount expended for expenses of the members, the number of hearings held, the name of, and amount paid to, each consultant, the name of, and amount paid to, each committee employee, and the amount expended for other goods and services, in the form prescribed by the Committee on Rules

Employees of Committees

14 Every applicant for employment by any committee of the Assembly or by a subcommittee of any such committee, shall prepare a formal application for such employment on forms prescribed by the Assembly Committee on Rules The application shall include a statement of his present employment, his employment during the preceding two years, and such other pertinent information as the committees require The application shall be certified under penalty of perjury, and any willful false statement or omission of a material fact shall be punishable as perjury If the application discloses any fact that indicates that the applicant has a personal interest that would conflict with the faithful performance of his duties, the applicant shall not be employed All applications shall be retained in the records of the committee.

An employee of any committee of the Assembly or of a subcommittee of any such committee, shall not engage in any employment, activity, or enterprise which has been determined to be inconsistent, incompatible, or in conflict with his duties as such employee or with the duties, functions, or responsibilities of the committee or subcommittee by which he is employed Each such employee shall immediately report in writing to the chairman of the committee or subcommittee by which he is employed, any other employment, activity, or enterprise he engages in while so employed, and shall transmit a copy of such report to the Assembly Rules Committee

Assembly Contingent Fund

15 The Assembly Committee on Rules is the committee provided for in Section 9127 of the Government Code The balance of all money in the Assembly Contingent Fund, including money now or hereafter appropriated, except such sums as are specifically made available for the expense of designated interim committees or for other purposes, is hereby made available to the Assembly Committee on Rules for any charges or claims it may incur in carrying out the duties imposed upon it by these rules or by Assembly or joint resolution The money made available by this rule includes the unencumbered balances of all sums heretofore made available to any Assembly or joint interim committee by the Assembly, upon the expiration of such committee, and shall be expended as provided in these rules

Interim Committee on Rules

16 The Committee on Rules shall continue in existence during any recess of the Legislature and after final adjournment and until the convening of the next regular general session and shall have the same powers and duties as while the Assembly is in session In dealing with any matter within its jurisdiction the committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the Committee on Rules and its members

Powers of the Committee on Rules

17 Both during sessions, and after final adjournment and until the convening of the next regular general session, the Committee on Rules has the following additional powers and duties

(a) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created

(b) To co-operate with and secure the co-operation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution

(e) To make available to the Assembly, or to any Assembly or joint committee, or to any Member of the Assembly such assistance in connection with the duties of the committee or other legislative matters as the personnel under direction of the committee or its other facilities permit

(f) To make available to and furnish to the Assembly, and to Assembly investigating committees created at this session and to each of the members thereof, such clerical, secretarial and stenographic help as may be reasonably necessary for the Assembly to carry out its work, and for such committees and each of the members thereof to make and carry on the studies and investigations required by or of them by the resolutions creating such committees, and for such purposes to employ such additional stenographic and secretarial assistants as may be necessary, assign, re-assign and discharge such assistants and prescribe amounts, times and methods of payment of their compensation

(g) To incur and pay such expenses of the Assembly not otherwise provided for as the committee determines are reasonably necessary including the repair, alteration, improvement, and equipping of the Assembly Chamber and the offices provided for the Assembly in the State Capitol and the Capitol Annex

Committee on Engrossment and Enrollment

18 There is a Committee on Engrossment and Enrollment It shall be the duty of the committee (a) To compare all bills, ordered or considered engrossed by the Assembly, with the engrossed copies thereof; and, before they pass out of the possession of the Assembly, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed The report of the committee shall be in order at any time.

(b) To assist the speaker, upon his request, in recommending the reference of bills to the appropriate standing committee

Standing Committees

19 Twenty-six standing committees of the Assembly are hereby created, upon the several subjects, and numbered respectively, as follows

1 Rules
2 Engrossment and Enrollment
3 Natural Resources, Planning, and Public Works
4 Fish and Game
5 Governmental Efficiency and Economy
6 Revenue and Taxation
7 Ways and Means
8 Education
9 Government Organization
10 Public Health
11 Social Welfare
12 Civil Service and State Personnel
13 Military and Veterans Affairs
14 Municipal and County Government
15 Elections and Reapportionment
16 Judiciary
17 Constitutional Amendments
18 Agriculture
19. Public Utilities and Corporations
20 Manufacturing, Oil, and Mining Industry
21 Industrial Relations
22 Finance and Insurance
23 Transportation and Commerce
24 Livestock and Dairies
25 Criminal Procedure
26. Water

Membership of Standing Committees

20. Prior to the assignment of members to serve on the several standing committees, the Speaker shall consider the preferences of the members with regard to committee assignments, while keeping in view the practical necessity of making assignments so that members will not serve on more than one committee which meets at the same time, and the Speaker thereafter shall determine the number and members to serve on each standing committee, except the Committee on Rules which

is hereinabove provided for. Upon publication in the Journal of the number of members on each standing committee, no further change in the number of members of the committee shall be made otherwise than by a majority vote of the elected membership of the Assembly.

No Member of the Assembly shall be a member of more than three standing committees except that upon appointment by the Speaker or the approval of the House a member may serve on five committees

Creation of Interim Committees

21 A vote of a majority of the entire elected membership is necessary in order to constitute any standing committee an interim committee; and a vote of two-thirds of the elected membership is necessary in order to create any other interim or investigating committee

Special Assembly Committee on Legislative Representation

22 In addition to any other committee provided for by these Rules, there shall be a committee to be known as and called the Special Assembly Committee on Legislative Representation, which is hereby declared to be a continuing body authorized to act both during and between sessions of the Legislature

The committee shall have the rights, powers and duties prescribed in Section 9909 of the Government Code, specifically including but not limited to the authority to grant certificates of registration as legislative advocates, and all the rights and powers of legislative investigating committees as provided by the Joint Rules of the Senate and Assembly.

The committee shall study and analyze all facts relating to legislative representation and the regulation thereof, and shall report thereon to the Legislature at each general session and from time to time as the committee deems necessary, including in the reports its recommendations for appropriate legislation

The committee shall consist of seven Members of the Assembly appointed by the Speaker thereof at each general session of the Legislature The chairman shall be appointed by the Speaker.

Any vacancy occurring between general sessions shall be filled by the Speaker and the members appointed shall hold over until their successors are legally selected

The committee is specifically authorized to appoint the Legislative Analyst as executive secretary of this committee to act without compensation.

Filling Interim Period Assembly Office Vacancy

22 5 In the event a vacancy in any office, except Speaker, elected by the membership of the Assembly occurs during the interim period between sessions, the Committee on Rules shall fill the office until the convening of the next session of the Legislature If a vacancy occurs in the office of Speaker during the interim period between sessions, the Committee on Rules shall notify the membership within 15 days from the time the vacancy occurs and shall call a caucus of the membership of the Assembly for the purpose of filling the vacancy This caucus shall be held at the State Capitol within 30 days from the time the vacancy occurs Notice of the caucus shall be in writing and shall be mailed not less than 10 days prior to the meeting of the caucus. If the

Committee on Rules fails to act within 15 days from the time the vacancy in the office of Speaker occurs, the Chief Clerk of the Assembly shall act in its place following the procedure set forth in this rule Any person selected to fill any vacancy pursuant to this rule shall hold the office until the convening of the next session of the Legislature.

Vote and Procedure Required Under Rule 22.5

22 6 The vote required for the selection, pursuant to Rule 22 5, by the Assembly caucus of a person to fill a vacancy, as prescribed by said rule, shall be a majority of the entire elected membership of the Assembly The procedure for selecting the Speaker at the caucus shall be the same as the procedure required for the election of the Speaker at a regular session.

SECTION 2

HOUSE FUNCTIONS

Duties of Assembly Officers

Duties of the Speaker

23 The Speaker shall possess the powers and perform the duties prescribed

(a) To preserve order and decorum; he may speak to points of order in preference to the other members, rising from his chair for that purpose

(b) To decide all questions of order subject to appeal to the Assembly by any member. On every appeal, he shall have the right to assign his reason for his decision.

(c) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly, including the rooms for use by members as private offices.

(d) To name any member to perform the duties of the Speaker, but such substitutions shall not extend beyond adjournment

(e) To appoint the membership of all standing and special committees, and their respective chairmen and vice chairmen

(f) To establish a schedule of meetings of standing committees.

(g) To have general control and direction over the Journals, papers, and bills of the Assembly.

(h) To act as Chairman of the Committee of the Whole

(i) To order the Lobby and Gallery cleared whenever he shall deem it necessary

(j) To assign desks to properly accredited newspaper representatives.

(k) To authenticate by his signature, when necessary, or when required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants, and subpoenas issued by order of the Assembly

(*l*) The Speaker shall be ex officio member of all Assembly, joint, and interim committees with all of the rights and privileges of such membership, except the right to vote In counting a quorum of any such committees, the Speaker shall not be counted as a member

(m) The Speaker shall, at each general session, appoint a Member of the Assembly to serve on the Judicial Council and shall have the authority in the interim between general sessions to fill any vacancy in such position that occurs during such interim

Funerals and Other Ceremonies and Events

24 The Speaker may designate any one or more of the Members of the Assembly as the representatives of the Assembly to attend funerals and other ceremonies and events in appropriate circumstances The members so designated shall receive their actual and necessary expenses incurred in the performance of their duties or, in lieu of such expenses, the same allowance for accommodations, meals, and mileage as is provided by the Joint Rules for members of investigating committees

The Speaker or any Member of the Assembly designated by him may incur such expenses as may be necessary for the purchase on behalf of the Assembly of suitable floral pieces at any such funeral or at any other such ceremony or event at which the offering of a floral tribute is appropriate

Upon the death of a Member of the Assembly, the Speaker or any Member of the Assembly designated by him shall incur such expenses as may be necessary for the purchase on behalf of the Assembly of a Bear Flag for use in connection with the funeral and burial of said member, which flag shall be presented to the family of said member.

The Speaker or any Member of the Assembly designated by him may incur such expenses, not exceeding $5,000 per fiscal year, as may be necessary on behalf of the Assembly in connection with ceremonies and other events which are attended by the Speaker or by a Member of the Assembly pursuant to the Speaker's request This paragraph does not include expenses for which a member is entitled to reimbursement under Joint Rules 35 or 36, or which are prescribed by Sections 2 or 23b, Article IV of the Constitution "Expenses" as used in this paragraph constitute expenses of the Assembly within the meaning of Rule 130.

All expenses incurred pursuant to this rule, after approval by the Speaker, are hereby ordered to be paid out of the money allocated from the Contingent Fund of the Assembly to the Assembly Committee on Rules and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer

Duties of the Speaker pro Tempore

25 The Speaker pro Tempore shall have the powers and perform the duties of the Speaker during his absence He shall, ex officio, be a member of the Committee on Rules with all of the rights and privileges of such membership except the right to vote

Majority Floor Leader

26 The Speaker, after consultation with the members of his supporting majority, shall appoint one member to be his personal representative on the floor of the Assembly, who shall be known as the Majority Floor Leader

It shall be his duty to manage the daily file and to participate in the various debates by making such motions, points of order, or other arrangements as may be necessary to expedite the proceedings of the

Assembly and he shall be responsible for the presentation of all matters which relate to the order of business, and to the promotion of harmony among the membership

The Majority Floor Leader, unless appointed or elected as a member pursuant to Rule 10, shall be ex officio a member of the Committee on Rules with all the rights and privileges of such membership except the right to vote

In the event of the absence or inability of the Speaker pro Tempore, for any reason or at any time, to perform the duties of his office, the Majority Floor Leader shall assume and perform such of those duties as may be required to conduct the business of the Assembly.

Minority Floor Leader

27 The minority if any, or any organized segment of the membership may, through caucus or other means, designate a member to act as floor leader for it When so acting he may be referred to as Minority Floor Leader

The Minority Floor Leader, unless appointed or elected as a member pursuant to Rule 10, shall be ex officio a member of the Committee on Rules with all rights and privileges of such membership except the right to vote

Duties of the Chief Clerk

28 The duties of the Chief Clerk shall be as follows

(a) To have charge of and supervise all clerical business and printing of the Assembly

(b) To see that the Journals, other publications, and records of the Assembly are properly kept.

(c) To refuse to permit any records or papers to be taken from the desk or out of his custody, except upon duly signed receipts from persons authorized

(d) To read or allow his assistants to read from the desk only such matters as the Speaker of the Assembly shall direct.

(e) To have general supervision over all clerks, attachés, and employees, and to be responsible for their official acts and their performance of and regular attendance upon their duties

(f) To suspend temporarily any clerk, attaché, or employee for incompetency or dereliction of duty, pending action by the Committee on Rules

(g) To perform all other duties pertaining to his office as prescribed by law or Assembly rule

(h) Before the commencement of any regular session of the Legislature the Chief Clerk of the Assembly shall mail to each member a blank form on which the member may indicate his committee preferences Accompanying such blank shall be mailed a stamped envelope addressed to the Chief Clerk of the Assembly for returning such form After their receipt, all such communications shall be delivered to the Chairman of the Interim Committee on Legislative Organization, if such a committee has been created, who shall deliver them to the Speaker immediately upon the organization of the Assembly

(i) To certify to the Controller, payrolls of members and attachés.

(j) To certify all requisitions upon the Controller for the payment of bills incurred by the Assembly

(k) To order and sign for all documents and printing, subject to approval by the Speaker or a person designated by the Speaker

Correction of Amendments

29. The Chief Clerk may, with prior approval of the Speaker, make technical changes in amendments to bills and measures, adopted by the Assembly Technical changes are limited to those correcting spelling and punctuation and those necessary in order that the amendments fit the last form of the bill or measure

Registration of Legislative Advocates

30 Pursuant to subdivision (d) of Section 9900, Government Code, as amended, the Legislative Analyst is hereby designated as the person embraced by the definition of "Clerk" set forth in that section

Duties of the Sergeant at Arms

31 The duties of the Sergeant at Arms shall be as follows

(a) To attend the Assembly during its session, preserve order, announce all official messengers, and serve all processes issued by authority of the Assembly and directed by the Speaker, he shall receive his actual expenses for himself or for an assistant when executing any such processes

(b) To see that no person is admitted to the Assembly Chamber except in accordance with the provisions of these Rules

(c) To have general supervision over the Assistant Sergeants at Arms and be responsible for their official acts and their performance of and regular attendance upon their duties

(d) To suspend temporarily any Assistant Sergeant at Arms for incompetency or dereliction of duty, pending action by the Committee on Rules

(e) To execute all commands of the Speaker

(f) To perform all other duties pertaining to his office as prescribed by law or Assembly rule

Duties of the Chief Assistant Sergeant at Arms

32. The Chief Assistant Sergeant at Arms shall have the powers and perform the duties of the Sergeant at Arms during his absence

Printing

Authority for Printing

33. The State Printer shall not charge any printing or other work to the Assembly other than provided by law or Assembly rule, except upon a written order signed by the Chief Clerk of the Assembly and countersigned by the Speaker or a person designated by the Speaker, and delivered to him prior to beginning such printing or work All invoices for printing furnished the Assembly shall be itemized and rendered by the State Printer within 30 days after completion of said printing When necessary, the Chief Clerk may order certain printed

matter completed in advance of its regular order by the issuance of a rush order

Printing Style, Form and Amount to Be Printed

34 Unless otherwise restricted by law or by Assembly rule, the style and form of all printing, the quality of paper to be used, the number of copies to be printed of each order, and the number of copies to be delivered to each member shall be decided by the Chief Clerk and approved by the Speaker or a person designated by the Speaker All requests by members for additional copies of bills, documents, or other printed matter shall be referred to the Committee on Rules

Printing Assembly History

35. The Chief Clerk shall cause to be compiled and printed a Legislative Handbook as soon as practicable after the commencement of the session

During the session, the Chief Clerk shall cause to be printed and placed upon each member's desk prior to convening on Tuesday of each week, a complete History showing all actions taken upon each measure up to and including the legislative day preceding its issuance For each legislative day intervening between the issuance of such Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measure since the issuance of the preceding Weekly History

Publication of Names of Guests of Assembly

36 The Chief Clerk shall cause to be printed a suitable publication containing the names of the guests extended the courtesies of the Assembly when, in his judgment, such a publication is advisable A copy of each publication so printed during the session shall be filed with the Secretary of State and made a part of the Appendix to the final approved Journal for the session

Printing of Maps

37. Maps or charts accompanying documents other than bills shall not be printed without special authority from the Assembly by a majority vote of its entire elected membership.

Miscellaneous

Admission to Assembly Chamber

38 Persons admitted to the Assembly Chamber, other than members and attachés, shall not be permitted to stand in the lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them

Use of Assembly Chamber

39 The Assembly Chamber shall not be used for any public or private business, other than legislative matters during the sessions of the Legislature, except by consent of a majority of the entire elected membership of the Assembly

Persons Admitted to Floor of the Assembly

40. No person other than members, officers, attachés, employees of the Legislature, former Members of the Legislature, and accredited

members of the press shall be admitted to the floor of the Assembly during any session of the Assembly, provided, that a guest of any member shall be admitted upon presentation of a guest card of said member countersigned by the Speaker, such guest card being valid only on the legislative day for which it was issued No person required to register pursuant to Section 9906 of the Government Code shall, under any circumstances, be admitted to the Assembly Chamber while the Assembly is in session

All guests shall be seated only in the chairs in the back of the rail in the rear of the Assembly Chamber and shall not be permitted to sit at the desks of the members nor stand in the rear of the Chamber while the Assembly is in session No person other than an accredited newspaper representative shall be permitted to sit at the press desks A special section in the balcony shall be reserved for those holding guest cards Neither any person mentioned in this rule nor any other person shall engage in influencing the passage or defeat of legislation in the Assembly Chamber; provided, that this sentence is not applicable to Members of the Legislature

Smoking in Assembly Chamber

41 Smoking may be prohibited temporarily during any session of Assembly by a majority vote of the members present

Fees for Witnesses

42 Each witness summoned to appear before the Assembly or any of its committees shall receive the sum of ten dollars ($10) for each day such witness shall be required to appear, and the sum of five and one-half cents ($0 05½) for each mile he shall travel in coming to and going from the place of examination

No witness shall be entitled to his fee or mileage until after his appearance before such a committee

Press Privileges

43 Newspaper correspondents desiring Assembly press cards and privileges shall make written application to the Speaker The Assembly by a majority vote of the members present may revoke any press card

The Speaker shall assign the Assembly press desks to accredited newspaper representatives authenticated by the Standing Committee of the Capitol Correspondents' Association; also the necessary rooms for the exclusive use of such accredited press representatives

Press Photographers

44 Press photographers shall be authorized to take photographs at meetings of Assembly committees subject to the following conditions

1 The authorization given by this rule shall apply only to photographers from or employed by accredited newspapers or wire services, and newsreel or television photographers

2 The authorization shall extend to all Assembly standing committees and subcommittees thereof, but shall not extend to executive meetings of such committees and subcommittees

3 The chairman of the committee concerned shall be notified either orally or in writing, at any time prior to the committee meeting that a press photographer will be present

4 To the extent practical, flash cameras shall not be used

5 Photographs shall be taken in an orderly and expeditious manner so as to cause the least possible inconvenience to the committee

Legislative Reference Service

44 5 In addition to the powers and duties otherwise vested in it, the Assembly Committee on Rules has the powers and duties vested in it by this rule .The Assembly Committee on Rules shall supervise the operation of a Legislative Reference Service The Legislative Reference Service, subject to the supervision of the Assembly Committee on Rules, shall perform the following functions

(a) Secure for or make available to the Assembly, its committees, and Members of the Assembly, studies, reports, and any information necessary or useful to the Assembly, its committees, or members.

(b) Conduct research or assist in conducting research to compile or acquire for the Assembly, its committees and members, studies, reports, and any information necessary or useful to the members in performing their services to the State If the research requested would extend over a long period of time or would require the use of specialized personnel not available to the director, it shall refer the legislator or committee requesting the research to appropriate public or private research agencies

(c) Maintain a current record of all research projects being conducted pursuant to the direction or request of the Assembly or by any committee thereof and a file of research projects being undertaken by other public and private research agencies on topics which are under study by the Legislature

(d) Upon request, furnish information and advice to the Assembly Committee on Rules concerning legislative research needs and the merits of specific research projects

The Legislative Reference Service shall render the services as provided in this rule to an Assembly committee or to a Member of the Assembly upon request, but shall not perform the functions assigned by law or by the rules of the Legislature to the Legislative Counsel, the Legislative Analyst or the Auditor General

All requests and all information relating thereto given to the Legislative Reference Service by any legislator or committee shall be kept confidential and shall not be revealed to others without the consent of the member or committee making the request

Every Assembly committee, upon the conclusion of its work or at the end of each legislative session in the case of standing committees, shall deliver to the Legislative Reference Service for use and custody, available to the Members of the Assembly, all documents, data, reports, and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly

The Assembly Committee on Rules shall report to the Assembly at the commencement of each regular session, including therein a review and evaluation of the activities of the Legislative Reference Service.

The Assembly Committee on Rules is authorized to expend a sum not to exceed twenty-five thousand dollars ($25,000) annually out of the Assembly Contingent Fund for expenses of the Legislative Reference Service established pursuant to this rule

SECTION 3
LEGISLATIVE PROCEDURE

Speaker to Call Assembly to Order

45 The Speaker, or in his absence, the Speaker pro Tempore, shall, at the hour appointed for meeting, call the Assembly to order In the absence of both the Speaker and the Speaker pro Tempore, the Majority Floor Leader shall call the Assembly to order, and shall preside until the return of the Speaker or Speaker pro Tempore

Roll Call and Quorum

46 Before proceeding with the business of the Assembly, the roll of the members shall be called, and the names of those present shall be entered in the Journal. A majority of all the members elected to the Assembly shall constitute a quorum

Order of Business

47 The order of business of the Assembly shall be as follows:

1 Roll Call
2 Prayer by the Chaplain
3 Reading of the Previous Day's Journal
4. Presentation of Petitions
5 Introduction and Reference of Bills
6 Reports of Committees
7 Second Reading of Bills
8 Messages from the Governor
9 Messages from the Senate
10 Motions and Resolutions
11. Business on the Daily File
12 Announcements
13 Adjournment

Pledging Allegiance to the Flag

48 On each Monday morning during the session, following the prayer by the Chaplain, the Members of the Assembly and its officers, attachés, and employees present in the Assembly Chamber shall pledge their allegiance to the Flag of the United States of America The Speaker shall, on various other occasions with special reference to days of patriotic significance, invite the Members of the Assembly and its officers, attachés, employees, and guests present in the Assembly Chamber to join in the pledge of allegiance to the Flag of the United States of America.

Reading, Correcting and Approving Journals

49 a. The reading of the Journal of the previous day may be dispensed with on motion by a majority of the members present

b All Journals of the Assembly shall be corrected by the Minute Clerk and delivered by him to the Chief Clerk within seven calendar days from the date of such Journal Such corrected Journals may thereafter be approved by a majority vote of the members present

c A motion to correct any day's Journal shall be in order prior to the approval by the Assembly of such day's Journal The approval of the Journal shall require a majority vote of the members present

Presentation of Petitions

50 Whenever petitions, memorials, or other papers are presented by a member, a brief statement of the contents thereof may be made verbally by the introducer Petitions are not debatable and shall be filed, or be referred to a committee as the Speaker shall determine Mention of receipt of such presentation and its disposition shall be entered in the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer such petition to committee.

Messages From the Governor

51 Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal unless otherwise ordered by a recorded vote of two-thirds of the elected membership

Messages From the Senate

52 Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal. The Speaker shall forthwith refer to the proper committee all Senate bills accompanying such messages, which references shall be entered in the Journal Assembly bills which have been passed without amendment by the Senate shall be ordered to enrollment

Assembly bills amended by the Senate shall be ordered placed upon the unfinished business file.

Bills

Bills Defined

53 Whenever the word "bill" is used in these rules, it shall include constitutional amendments, concurrent and joint resolutions, except as otherwise specifically provided

Digests of Bills Introduced

54 No bill shall be introduced unless it is contained in a cover attached by the Legislative Counsel and unless it is accompanied by a digest prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill If any bill is presented to the Chief Clerk for introduction which does not comply with the foregoing requirements of this rule the Chief Clerk shall return it to the member who presented it

The digest shall be printed on the bill as introduced in distinctive type upon the lower part of the first page thereof

Introduction and Reference of Bills

55. Each bill shall be signed by the member, or each of the members, who is an author of the bill before it is introduced If any bill is introduced, which does not contain the signature or such author or coauthor, the same, on motion of the member whose name appears thereon without such signature, shall be stricken from the file by a recorded vote of the majority of the elected membership In each legislative session, on the first day when bills are introduced under "Introduction and Reference of Bills," the roll shall be called from A to Z and then back from Z to A, and as each member's name is called, he may introduce one bill, constitutional amendment, concurrent or joint resolution

After these two roll calls, any member desiring to introduce bills, constitutional amendments, concurrent and joint resolutions may at any time during a session send the same to the Clerk's desk

When received at the Clerk's desk it shall, under the proper order of business, be numbered, read the first time, referred to a standing committee, be printed, and a copy placed upon the desk of each member before final passage.

All bills, constitutional amendments, concurrent and joint resolutions introduced before the standing committees of the Assembly are appointed, shall be referred to committees, references to take effect when the committees shall be appointed

Introduction of House Resolutions

Each House resolution shall be signed by the member, or each of the members, who is an author of the House resolution before it is introduced; if there are more than four (4) coauthors, then a special roll call form providing a space for additional signatures must be attached to the House resolution before introduction These forms may be obtained at the Clerk's desk

Number of Resolutions by Member

55 5 With the exception of resolutions relating to Members or former Members of the Legislature, no member shall introduce more than five resolutions in any session which are for the purpose of commendation or congratulation of any person or organization or for the purpose of expressing sympathy, regret, or sorrow upon the death of any person

Reference of Bills to Committee

56 Immediately following its first reading, the Speaker shall refer each bill to a committee, unless upon a motion the Assembly by a majority vote of its entire elected membership, shall refer it to some other committee Such motion to refer a bill shall not be debatable

Digests of Bills Amended in Senate

56.1 Whenever the Senate amends and passes an Assembly bill the Legislative Counsel shall, within one day after the bill is passed by the Senate, prepare and transmit to the Speaker and to the Chief Clerk of the Assembly, a brief digest summarizing the effect of the Senate amendment The Chief Clerk of the Assembly shall cause said digest to be printed in the Daily File immediately following any reference

in said file to the bill covered by the digest No such bill may be acted upon until said digest has been received This rule shall not be applicable during the last seven days of the session

Delivery of Bills to State Printer

57 After introduction, first reading and reference to committee, all bills shall be delivered to the State Printer

Standing Committee Functions

Standing Committee Rules

58 The Rules of the Assembly shall govern the conduct of all committee meetings Each committee may adopt, by a majority vote of its entire membership, such additional rules, not in conflict with the Standing Rules, as it may deem necessary for the conduct of any business referred to such committee

A majority of the committee members present may order a call of the committee

Meetings of Standing Committees

59 All standing committees shall meet at the hour and place provided by schedule, unless otherwise ordered by the Assembly. No committee shall meet during any session of the Assembly without first obtaining permission from the Assembly

Every scheduled committee meeting shall be open to the public, unless the committee, by a majority vote of its entire membership, shall order an executive session

All bills set for hearing by any Assembly committee must be published in the Daily File Two full days, exclusive of Sundays on which no session of the Assembly is held, shall intervene between the day of the first publication and the day upon which the bill is heard in committee, and publication shall be made in each Daily File which is published on the intervening days No bills shall be set for hearing nor shall any notice thereof be published by any Assembly committee until that bill has been referred to such committee Nothing in this paragraph shall prevent a committee from acting with regard to a bill referred to it where the only action taken is to cause the bill to be reported to the Assembly with the recommendation that amendments be adopted and the bill be reprinted as amended and re-referred to the committee

The several standing committees and their chairmen are directed to adopt a procedure which assures that no committee shall commence the hearing of any bill after the hour of 6 o'clock p m at an afternoon meeting of the committee or after the hour of 11 o'clock p m at an evening meeting, but the hearings on a bill commenced prior thereto may be continued thereafter for such period of time as the committee deems necessary

Withdrawal of Bills for Amendment

59 5 Upon request of the author of a bill, the chairman of the committee to which the bill has been referred may, by his individual action taken independently of any committee meeting, cause the bill to be

reported to the Assembly with the recommendation that amendments submitted by the author be adopted and the bill be reprinted as amended and re-referred to the committee

The provisions of Rule 59 do not apply to action taken under this rule

Notwithstanding the provisions of any other rule, such bill shall not be placed on the second reading file for the adoption of such amendments

Committee Quorum

60 A majority of the membership of any standing committee shall constitute a quorum for the transaction of its business, including the decision to recommend the adoption of any amendments to any bill At least a majority of all members constituting such committee shall be required to report a bill out of committee

Bills Reported Back to Assembly

61 All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this rule The chairman of each committee shall, insofar as practicable, report back bills in the same order as they were acted upon by the committee

Subject Matter of Bill Recommended for Interim Study

62 Whenever it is the decision of a standing committee that a bill referred to such committee shall not be given a do-pass recommendation but that the subject matter of the bill should be referred to an appropriate interim committee for study, such standing committee shall retain the bill in its possession and report its recommendation to the Assembly that the subject matter of the bill be referred to the Committee on Rules for assignment by it of such subject matter to an appropriate interim committee

Nothing in this rule shall be construed to prohibit a committee from subsequently reconsidering a bill and reporting it to the Assembly with a do-pass or do-pass as amended recommendation or from reporting it out of committee without further action on the final day of the session.

Committee Chairman as Author

63 No chairman of a standing committee, except the Chairman of the Committee on Ways and Means, shall preside at a committee hearing to consider a bill of which he is the sole author or the lead author.

Reports of Committees

64. Reports of standing and special committees shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal unless otherwise ordered by the Speaker or a majority vote of the members present

Signing Bills Out of Committee

65. No bill shall be signed out of committee unless the committee has failed to hold a meeting on two consecutive scheduled dates, or having so met, has failed to have a quorum present for the transaction of business

Committee of the Whole

66 The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the members present. While sitting as such committee, persons other than members may address the committee The Speaker of the Assembly, or any member named by the Speaker, shall preside as Chairman of the Committee of the Whole.

A motion that the Committee of the Whole "do now rise and report back to the Assembly," shall always be in order, and shall be decided without debate All actions of the Committee of the Whole shall be reported to the Assembly by the chairman, but shall not be entered in the Journal except upon motion and a majority vote of the members present.

Committee on Ways and Means

67 The Committee on Ways and Means shall consider all bills to appropriate money, other than the contingent expenses of the Assembly. Any bill which would require the expenditure of additional state moneys in any maner, including any bill which creates any additional state agency or office, or adds any functions, duties, or responsibilities to an existing agency or office, shall be referred to the Ways and Means Committee before being placed on third reading.

Committee on Constitutional Amendments

67 1 All constitutional amendments shall be referred to the policy standing committee having jurisdiction of that subject matter and, upon being reported out favorably by that committee shall be re-referred to the Committee on Constitutional Amendments.

Committee Expenditures

68 No member or committee shall be permitted to incur any expense without first receiving the consent of the Assembly

Reports of Interim Committees

69 All interim committees, unless otherwise authorized, shall report to the next succeeding Legislature on or before the fifth legislative day after the convening thereof

Printing of Reports

70 All requests for the printing of reports of Assembly interim committees shall be referred to the Committee on Rules The Committee on Rules shall determine the number of copies needed, and whether or not the report shall be printed in the Journal In no event shall more than 1,000 copies of any interim committee report be authorized by the Committee on Rules on the first printing, exclusive of the Journal copies, if the report is to be printed therein, unless the Committee on Rules finds and determines that there is a special need for that report in greater numbers

Upon determination by the Committee on Rules that additional copies of an Assembly interim committee report are required at any time following the first printing of the authorized number of copies, the Committee on Rules may authorize one or more additional printings in

the numbers found by it to be necessary and may make funds available therefor.

The State Printer shall hold the type for each Assembly interim committee report for a period of 90 days from the date of the first printing or for such time as the Committee on Rules deems necessary.

No Assembly interim committee report shall contain more than 100 pages, including the front and back cover thereof and any appendix, unless a greater number of pages has been approved and authorized by the Committee on Rules

Passage of Bills

Daily File

71. There shall be printed an Assembly Daily File for each legislative day when ordered by the Speaker The Committee on Rules shall have charge of the Daily File of the Assembly The following listing shall constitute the order of the Daily File

1 Special Orders of the Day
2 Second Reading, Assembly Bills
3 Second Reading, Senate Bills
4. Unfinished Business
5 Third Reading, Assembly Bills
6 Third Reading, Senate Bills
7 Adoption of Resolutions

All bills on the Daily File shall be called for consideration, provided compliance has been had with Rule 61, in the order of their listing, unless otherwise ordered by unanimous consent or an affirmative vote of two-thirds of the members present

Copies of Bills for Action Upon Bill on Floor

72 No bill may be considered or acted upon on the floor of the Assembly unless and until a copy of the printed bill as introduced and a printed copy of each amended form of the bill has been placed upon the desks of the members

Inactive File

73 Whenever a bill has been passed twice on third reading file, it shall forthwith be placed upon a special file to be known as the inactive file When a bill has been placed on the inactive file, it may be returned to the third reading file by a request of the author; but the bill shall then be placed at the foot of the third reading file

Record of Bills

74. The Chief Clerk shall cause to be kept a permanent record of every action taken by the Assembly on every bill, and the date of such action Every such action and the date thereof shall also be indorsed upon such bill

Second Reading of Bills

75 All bills shall be read the second time in the order of their appearance upon the second reading file Upon second reading, Assembly bills reported without amendments shall be ordered engrossed, and Senate bills reported without amendments shall be ordered to third

reading All bills reported out of committee shall be placed on the second reading file for the next legislative day and shall not be read a second time except under that order of business

Committee Amendments

76 Committee amendments reported with bills shall be considered upon their second reading and such amendments may be adopted by majority vote of the members present Assembly and Senate bills amended on second reading, whether by committee amendment or amendment from the floor, shall be ordered reprinted and returned to the second reading file Assembly bills so amended shall be engrossed after printing

Committee amendments reported with bills shall be prepared by, or approved as to form by, the Legislative Counsel Four copies of the committee amendments to Assembly bills and five copies of the committee amendments to Senate bills must be delivered to the Clerk's desk

Adoption of amendments to any bill in the Assembly prior to third reading, other than by a roll call, shall not preclude subsequent consideration in committee or on the third reading of the bill, of such amendments, or any part thereof, by the Assembly.

Amendments From the Floor

77 Any member may move to amend a bill during its second or third reading and such motion to amend may be adopted by a majority vote of the members present

No amendments to a bill offered from the floor, except committee amendments reported with bills, amendments offered with a motion to amend and re-refer a bill to committee, amendments deleting any number of words, amendments adding a total of not more than 25 words, or amendments previously printed in the Journal, shall be in order unless and until a copy of the proposed amendments has been placed upon the desks of the members If a copy of amendments adding a total of 25 words or less is not placed on the desks of the members, it shall be made available to the author of the bill, and the amendments shall be read in their entirety by the clerk prior to debate

Amendments offered from the floor during a bill's second or third reading either (a) shall be prepared by, or approved as to form by, the Legislative Counsel or (b) shall be submitted on a form available from the Chief Clerk

Before debate four copies of the proposed amendment to Assembly bills, and five copies of the proposed amendment to Senate bills, must be delivered to the Clerk's desk Bills so amended upon second or third reading shall be reprinted and re-engrossed The Chief Clerk shall order printed as many copies of all amended bills as he may determine to be necessary

Consideration of Bills Re-referred to Committee

78 Whenever a bill which has been amended, and re-referred to committee, is reported out by that committee, it shall be placed on the second reading file and shall not be transferred therefrom to the regular third reading file until the following day

Consideration of Constitutional Amendments, Concurrent and Joint Resolutions

79 Constitutional amendments, concurrent and joint resolutions may be amended by a majority of the members present and shall be treated the same as bills, except that they shall be read but once The ayes and noes shall not be called upon the adoption of concurrent resolutions, except those presenting charter amendments or authorizing expenditures of money, unless regularly demanded or required by statute or by the Constitution

Bills Transmitted to the Senate

80. Upon the final passage of any bill if no notice of motion to reconsider such bill be given, the Speaker shall order the bill transmitted to the Senate under the signature of the Chief Clerk Senate bills refused passage shall forthwith be returned to the Senate under similar signature.

Bills Considered During Period Prior to Final Adjournment

81. See Joint Rule 23 for provisions governing bills considered during this period

Concurrence in Senate Amendments

82 It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the Constitution for the passage of such bill It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to concur in any Senate amendment to an Assembly bill which contains an item or items of appropriation subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution The vote on concurrence shall be deemed the vote upon final passage of such bill When Senate amendments to an Assembly bill are concurred in, the bill shall be forthwith ordered enrolled, and the Chief Clerk shall notify the Senate of such concurrence.

Nonconcurrence in Senate Amendments

83 If the Assembly refuse to concur in Senate amendments to an Assembly bill, and when notified that the Senate has refused to concur in Assembly amendments to a Senate bill, the Speaker shall appoint a committee of three (3) on conference, and the Chief Clerk shall immediately notify the Senate of the action taken by the Assembly and request the appointment of a like committee

Committee on Conference

84. The Speaker, in appointing a committee on conference, shall select two members from those voting with the majority on the point about which the difference has arisen, and the other member from the minority, in the event there is a minority vote

Whether a member has voted with the majority or minority on the point about which the difference has arisen is determined by his vote on the appropriate roll call, as follows·

(a) The roll call on the question of final passage of a Senate bill amended in the Assembly when the Senate has refused to concur with the Assembly amendments;

(b) The roll call on the question of concurrence with Senate amendments to an Assembly bill

Meetings and Reports of Committees on Conference

85 The Chairman of the Senate committee on conference for the same bill shall arrange the time and place of meeting of such committee It shall require an affirmative vote of not less than two of the Assembly members and two of the Senate members constituting the committee on conference to agree upon a report, and the report shall be submitted to both the Senate and the Assembly. Such report is not subject to amendment, and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill The presentation and consideration of any report of a committee on conference shall always be in order, except during a roll call or when a member has the floor It shall require the same affirmative recorded vote to adopt any conference report as required by the Constitution upon the final passage of the bill affected by such report It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to adopt any conference report affecting any Assembly bill which contains an item or items of appropriation which are subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution

The vote on concurrence or upon the adoption of such conference report by the Assembly shall be deemed the vote upon final passage of such bill

Engrossing and Enrolling Bills

86 The Engrossing and Enrolling Clerk shall engross and enroll all bills which shall come to his hands for such purpose, in compliance with provisions of Section 9503 of the Government Code, and in the order of time in which the same shall be acted upon by the Assembly

Enrollment

87 After final passage by both houses, any Assembly bill not amended by the Senate shall be forthwith ordered by the Speaker to be enrolled, as provided in Sections 9508 and 9509 of the Government Code The Committee on Engrossment and Enrollment shall report both the day and hour each enrolled bill is presented to the Governor, which report shall be entered in the Journal

Adoption of Resolutions

88 House resolutions and concurrent resolutions that do not require a recorded rollcall vote, such as resolutions of congratulation or sympathy, except resolutions regarding Members or former Members of the Legislature, shall be listed under a separate heading in the printed Daily File They shall be considered for adoption under that order of business, or at any other time as determined by the Speaker

88 1 When any previously printed House Resolution is before the Assembly for adoption it shall be printed in the Assembly Daily Journal

only if amendments to it have been adopted, in which case it shall be printed as amended In the absence of such amendments, House Resolutions before the Assembly for adoption shall be referred to by day and page of the Journal as printed upon introduction For the purposes of this rule the adding of a coauthor shall not be deemed an amendment

SECTION 4
PARLIAMENTARY PROCEDURE
Motions and Questions

Precedence of Motions During Debate

89 When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named

First—To adjourn,
Second—To recess to a time certain,
Third—To lay on the table,
Fourth—For the previous question,
Fifth—To set as a special order,
Sixth—To postpone indefinitely,
Seventh—To refer to or re-refer,
Eighth—To amend

Questions of Order Decided Without Debate

90 All incidental questions of order, arising after a motion is made for any of the questions named in Rule 89 and pending such motion, shall be decided by the Speaker without debate, whether on appeal or otherwise

Appeal From Decision of the Speaker

91 Any member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another member has the floor No appeal is in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken

Upon the appeal being seconded, the Speaker may give his reasons for the decision, and the member taking the appeal may give his reasons for making his appeal, and the Speaker shall forthwith put this question to the Assembly: "Shall the decision of the Speaker be sustained?"

An appeal cannot be amended and yields only to a motion to recess or adjourn, to lay on the table, or a question of personal privilege If an appeal be laid on the table, such action shall have no effect on the pending question

An appeal cannot be debated when relating to indecorum, transgression of rules, or priority of business A majority vote of the members present shall decide any appeal

Speaker Explains Order of Business

92 The Speaker may, on his own motion or upon the motion of any Member of the Assembly explain the order of business when the motion pending before the Assembly is not debatable Such explanation is not to consume more than two minutes

To Adjourn

93. A motion to adjourn is not debatable and cannot be amended, and is always in order, except (a) when another member has the floor, (b) when the Assembly is voting, (c) during a call of the Assembly The name of any member moving an adjournment and also the hour at which the motion was made and adjournment taken shall be entered in the Journal A motion to adjourn must be adopted by a majority vote of the members present

When a motion to adjourn is made and seconded, it shall be in order for the Speaker, before putting the question, to permit any member to state to the Assembly any fact relating to the condition of the business of the Assembly which would seem to render it improper or inadvisable to adjourn A statement shall not occupy more than two minutes and shall not be debatable

To Recess to a Time Certain

94 A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that such motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess It yields only to a motion to adjourn

To Lay on the Table

95 A motion to lay on the table is not debatable and cannot be amended

A motion to table a bill, constitutional amendment, concurrent or joint resolution requires a majority vote of the entire elected membership.

Any motion to lay on the table, if carried by a majority vote of the entire elected membership, carries with it the main question and everything that adheres to it, provided, however, that a motion to lay an amendment on the table, if adopted. does not carry with it a bill, constitutional amendment, concurrent, joint, or House resolution

A motion to lay an amendment on the table may be adopted by a majority vote of the members present

The Previous Question

96 The previous question shall be put only when demanded by five members, and in this form "Shall the question be now put?" and its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote only on the question then pending, except that the proponent of the matter pending shall be allowed not to exceed five minutes to close the debate

Motion to Set Special Order

97 A motion to set any matter before the Assembly as a special order of business must be adopted by a two-thirds vote of the members elected It is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.

Motion to Postpone to a Time Certain

98 A motion to postpone to a time certain shall be deemed and treated as a motion to set as a special order

Motion to Postpone Indefinitely

99. When a motion is made to postpone indefinitely any bill, motion, or amendment, it opens the main question to debate Should the motion to postpone indefinitely prevail by a majority vote of the entire elected membership, the main question shall not be acted upon again during the session

Motion to Amend

100 A motion to amend may itself be amended, but no "amendment to an amendment" can be amended A motion to amend is debatable, except where the main question to be amended is not debatable Any motion to amend may be adopted by a majority vote of the members present

A motion to amend having been decided in the negative, shall not again be in order on the same day, or at the same stage of proceeding. A motion to amend by striking out certain words having been decided in the negative, shall not preclude a motion to amend by adding words, or a motion to amend by striking out and inserting words, but in no case shall a further amendment be substantially the same as the one rejected.

Subject to the above provisions of this rule, a motion to amend is in order during the second or third reading of any bill

A motion to lay an amendment on the table may be adopted by a majority vote of the members present, as provided in Rule 95

Amendment to Be Germane

101 No amendment to any bill, whether reported by a committee or offered by a member, shall be in order when such amendment relates to a different subject, or is intended to accomplish a different purpose, or requires a title essentially different from the original title of any bill.

No amendment shall be in order which adds or deletes the name of a member as an author or coauthor, or which changes the original number of any bill.

Substitute Motion

102 A motion to substitute shall be deemed and treated as a motion to amend.

Motions in Writing

103 Upon request of the Speaker all motions shall be reduced to writing and shall be read to the Assembly by the Speaker before the same are acted upon

Constitution of Motions

104 No motion, whether oral or written, shall be adopted until the same shall be seconded and distinctly stated to the Assembly by the Speaker

Division of Question

105 Any member may call for a division of the question, and the Speaker shall order the question divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly

Withdrawal of Motions

106 After a motion is stated by the Speaker, or a bill, resolution, or petition read by the Clerk, it shall be deemed to be in the possession of the Assembly

Motion to Be Germane

107 No motion or proposition on a subject different from that under consideration shall be admitted as an amendment

Motion to Withdraw and Recall Bills

108 A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee may be made during the regular order of business. A motion to re-refer shall only be debatable as to the propriety of such reference, and shall require a recorded vote of a majority of the elected members

No bill or resolution shall be withdrawn from committee and placed upon the file, except upon two days' notice thereof and except by a recorded vote of a majority of the elected members

Re-reference of Measures on File

109 A motion to re-refer a bill or resolution that is on the Assembly Daily File to committee may be made during the regular order of business The motion shall only be debatable as to the propriety of such reference, and shall require a recorded vote of a majority of the elected members

Bills Stricken From File

110 A motion to strike from the file any bill or House resolution requires a majority vote of the entire elected membership Such bill shall not be acted upon again during the session

Motion to Rescind Action and Expunge Record

111 Previous to the approval of the Journal by the Assembly any action may be rescinded and its record ordered expunged by an affirmative recorded vote sufficient to take such action originally, except that no action shall be rescinded and the record expunged by a vote less than a majority of the entire elected membership No motion to rescind the action and expunge the record shall be made twice on the same proposition

Whenever any action of the Assembly is rescinded and its record ordered expunged, the record of the action expunged shall not appear in any form whatsoever, but the record of the proceedings on the motion to rescind and expunge shall appear in the Assembly Journal as and when printed

Reconsideration of Vote

112 (a) A motion to reconsider on the next legislative day (1) the vote whereby any bill was passed or refused passage, or (2) the vote whereby any motion, amendment, concurrence, Assembly resolution or proposition other than a bill was passed or refused passage, must be made on the same day the vote to be reconsidered was taken No motion to reconsider shall be in order on the last day, or the day preceding the

last day, for consideration of Assembly or Senate bills in the Assembly No motion to reconsider shall be adopted unless it receives an affirmative recorded vote of 41 members, except that it shall require such a vote of 54 members or 60 members, respectively, to reconsider the vote on any matter originally requiring 54 votes or 60 votes, as the case may be A motion to reconsider may be voted on without a second

A motion to reconsider a vote must be made by a member voting on the question, and shall take precedence over all motions, except a motion to adjourn Upon such motion being made, the matter to be reconsidered shall forthwith be placed upon the unfinished business file, and no further action shall be taken prior to the next legislative day When a motion to reconsider has once been made, the same shall be considered to be the property of the Assembly When reconsideration is granted, the matter to be reconsidered shall resume its exact position before the Assembly previous to its being voted upon

(b) Any member voting on any motion, amendment, concurrence, Assembly resolution or proposition other than a bill may move to take up on the same day the motion to reconsider such a question, previously made by another member The motion to take up the reconsideration on the same day shall take precedence over the motion to reconsider and upon demand of any member the motion to take up the reconsideration on the same day must be put to an immediate vote If the motion to take up the reconsideration on the same day is adopted, the motion to reconsider shall be the next order of business before the House

Call of Assembly

113 After the roll has been called, and prior to the announcement of the vote, any member may move a call of the Assembly A majority of the members present may order a call of the Assembly, and the Speaker shall immediately order the Sergeant at Arms to lock all doors and shall direct the Clerk to prepare a list of absentees as disclosed by the last roll call, which list of absentees shall be furnished to the Sergeant at Arms Thereupon no members shall be permitted to leave the Assembly Chamber except by written permission of the Speaker, and no person shall be permitted to enter except such member as is taken into custody as herein provided, or Senators, officers, attachés, or employees of the Legislature in the official performance of their duties

Those members who are found to be absent, and for whom no leaves of absence have been granted, shall be forthwith taken into custody wherever found by the Sergeant at Arms or his assistants or any person designated by the Sergeant at Arms, including members of the California Highway Patrol, the State Police, and sheriffs or their deputies, and brought to the Assembly Chamber No recess or adjournment shall be taken during a call of the Assembly During such call, the Assembly may consider and transact any matter of business by unanimous consent No call of the Assembly shall be ordered on any matter while the Assembly is already under call A call of the Assembly may be dis-

pensed with at any time upon a majority vote of the members present, such action to become effective upon the completion of the rollcall and the announcement of the vote upon the matter for which the call was ordered

Resolutions

114 The adoption of any resolution authorizing the expenditure of money shall require an affirmative recorded vote of a majority of all members elected to the Assembly All House resolutions shall be numbered and shall be referred to the appropriate committee by the Speaker

Motions and Resolutions

115 Any motion or resolution not otherwise provided for under the Rules shall be placed before the Assembly only under this order of business Unless otherwise provided by law or Assembly rule, any motion or resolution may be adopted by a majority vote of the members present

Adjournment

116 Adjournment sine die shall be ordered by concurrent resolution The resolution for adjournment sine die shall be adopted by the Assembly not less than seven days before the date set therein for such adjournment

Members' Decorum and Privileges

Order in Speaking to Questions

117 When a member desires to address the Assembly, he shall rise from his seat and respectfully address himself to "Mr Speaker" Upon being recognized, he may speak, confining himself to the question under consideration When two or more members rise at the same time, the Speaker shall designate the member who is entitled to the floor.

No member shall speak more than once during the consideration of any one question on the same day and at the same stage of proceeding, except that the author of a bill or resolution or the mover of a question shall have the right to open and close the debate thereon. No member shall be allowed to speak more than 10 minutes to open and 5 minutes to close the debate thereon, and no member other than the author or the mover of the question shall be allowed to speak more than 5 minutes, thereon No member shall yield to any other member the time for which he is entitled to speak on any matter

Motions

118 When a member desires to make a motion, he shall obtain recognition as provided in Rule 117 Upon being recognized he shall open by stating his motion, except in the case of a nomination, and in any other case shall not speak to the merits of the motion at that time and shall confine his remarks to those necessary to explain the motion If the motion is in order and is seconded, it shall be stated to the Assembly by the Speaker If the motion is debated, the member who made it shall then be entitled to recognition to open the debate thereon

When a member obtains the floor during debate upon any question that is pending before the Assembly and addresses the Assembly regarding the merits of the pending question, he shall not be permitted to conclude his debate by making any motion or by demanding the previous question.

Leave of Absence

119 No member shall absent himself from attendance at any session of the Assembly without leave of the Assembly, and no member shall obtain such leave of absence or be excused for nonattendance, except by a two-thirds vote of all members elected to the Assembly, or by unanimous consent

Personal Privilege

120 Any member may rise to explain a matter personal to himself and shall forthwith be recognized by the Speaker, but shall not discuss a question in such explanation Such matters of personal privilege yield only to a motion to recess or adjournment

Objection to Reading of Any Paper

121 Any member upon recognition by the Speaker may object to the reading of any paper before the Assembly After such objection, the question of reading shall be determined without debate by a majority vote of the members present, upon a brief statement of its substance by the Speaker

Members Called to Order for Transgressing Rules

122 a If any member transgresses the Rules of the Assembly, the Speaker shall, or any member may, call the offending member to order The member so called to order shall immediately take his seat, until the Speaker without debate, shall have determined whether he is in order or not Such decision by the Speaker shall be subject to an appeal to the Assembly.

b If any member be called to order for offensive words spoken in debate, the person calling him to order shall state to the Assembly the words to which exception is taken No member shall be held to answer, or be subject to censure by the Assembly, for language used in debate, if other business shall have been transacted by the Assembly prior to exception being taken to the words spoken

Members Voting

123 Every member in the Assembly Chamber when a roll call is required shall record his vote openly and without debate, unless the Assembly shall, by a majority vote of the members present, excuse him

The name of any member who refuses to vote as required by this rule, after being requested by the Speaker to do so, shall be entered in the Journal of the Assembly, together with a statement that he was present and did so refuse to vote Any member who refuses so to vote may, if he so desires, and immediately after the announcement of the vote, submit a written explanation of his failure to vote and have such explanation printed in the Journal, provided no such explanation shall exceed 50 words in length.

In addition to the entry of his name in the Journal, any member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, in the discretion of the Speaker or upon demand of any member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any member designated by the Speaker. Censure of a member as provided by this rule shall not constitute a bar to proceedings for his expulsion from the Assembly pursuant to Section 9 of Article IV of the Constitution

A member may submit a written explanation of his vote on any bill or House resolution, and have such explanation printed in the Journal immediately following such vote, provided no such explanation shall exceed 50 words in length.

Compensation and Expenses of Member Convicted of Felony

124 If a Member of the Assembly is convicted of a felony by a superior court, his right to further compensation or expenses is thereupon suspended and his membership on any interim committee is suspended. If such conviction becomes final, the right of the member to further compensation or expenses shall terminate and any compensation or expenses withheld shall be forfeited to the State If a conviction is reversed by an appellate court or a motion for a new trial is granted and the member is thereafter found not guilty or the charges against him are dismissed, the amounts of the withheld compensation or expenses shall be paid to the member and the suspension of his committee membership shall terminate.

Whenever a member is convicted of a felony in the superior court, the Assembly Rules Committee shall give written notice to the State Controller, directing him to discontinue any further payments to the member unless and until the Rules Committee notifies the State Controller that the member has been found not guilty or that the charges against him are dismissed The State Controller shall not draw any warrant payable to any such member except as provided in this rule

Ayes and Noes

125. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, or by viva voce when demanded by three members or when ordered by the Speaker, and on any other question when called for by three members or ordered by the Speaker, the names of which members shall be entered in the Journal

Voting Not to Be Interrupted

126 When once begun, voting shall not be interrupted, except that before the vote is announced, any member may have the total pending vote flashed on the visible vote recorder. Prior to the announcement of the vote the Speaker shall inquire if all members have voted. Any member may move a call of the Assembly after the completion of the roll and prior to the final recording, but no member shall be allowed to change his vote, or have his vote recorded after the vote is announced

Members at Clerk's Desk

127. No member or other person shall be allowed at the Clerk's desk while the ayes and noes are being recorded or the votes counted

Tie Vote

128 In case of an equal division, or tie vote, the question shall be lost

"Two-thirds of the Entire Elected Membership" Defined

129 Wherever the words or figures, "two-thirds of the entire elected membership" appear in any rule, it shall mean 54 votes

Assembly Expenses Between Sessions

130 Pursuant to the powers vested in the Assembly Committee on Rules, and during such times as the Assembly is not in session, the committee is authorized and directed to incur and pay such expenses of the Assembly not otherwise provided for as the committee determines are reasonably necessary, including repair, alteration, improvement and equipping of the Assembly Chamber and the offices provided for the Assembly in the State Capitol

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Mr Young.

House Resolution No. 176

Relative to the death of Hale Humphrey

WHEREAS, The Members of the Assembly have learned with regret of the tragic death of Solano County Sheriff's Investigator Hale Humphrey on March 15, 1963, and

WHEREAS, Hale Humphrey was born in Oklahoma on May 12, 1920 and served in the United States Navy during World War II and the Korean War, and

WHEREAS, He was aptly described by Sheriff Thomas Joyce of Solano County as "one of the best peace officers in the State," and served with distinction as a member of the Fairfield Police Department, the United States Border Patrol and the Solano County Sheriff's Office where he advanced to the position of Criminal Investigator; and

WHEREAS, His interest and ability in law enforcement was broad, as witnessed by his study and application of modern criminology, his expertise in the field of narcotics, and his nationally recognized skill in use of firearms, and

WHEREAS, He was active in civic affairs serving as district deputy grand exalted ruler of the Benevolent and Protective Order of Elks, Northwest Area, being a charter member of Fairfield Elks Lodge 1976 and being instrumental in forming the Fairfield Exchange Club, and

WHEREAS, His life reflected qualities which few people attain, as stated by Superior Court Judge Thomas N. Healy, "I can't say he committed the Golden Rule to memory, but I can testify he committed it to his life In his work, affiliations and hobbies, I knew of no one who served that purpose more effectively"; now, *therefore, be it*

Resolved by the Assembly of the State of California, That the Members of this Assembly express their regret at the passing of Hale Humphrey, and extend their sympathies to his widow, Betty Humphrey, and other members of his family, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Hale Humphrey's widow, Betty Humphrey, his daughter Mrs Sherry Brown and his parents Mr and Mrs Tom Humphrey

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Messrs Veneman and Lunardi.

House Resolution No. 177

Relative to commending Mr Harry Marks, former Mayor of Modesto, for his contribution to municipal improvement and civic betterment

WHEREAS, It has come to the attention of the Assembly that Harry Marks, former Mayor of Modesto, was honored by the Modesto Exchange Club on March 7, 1963, a day designated "Harry Marks Day," for services rendered the city during his term of office, and

WHEREAS, Mr Marks was elected unopposed to two four-year terms as Mayor of Modesto and served in this office from 1951 to 1959, being the city's first mayor under its council-manager form of government, and

WHEREAS, During his term of office in 1954, Modesto was named an All-America City by the National Municipal League and Look Magazine for civic improvement through citizen participation, and

WHEREAS, In October, 1959, he was presented with the City of Los Angeles Award by the League of California Cities, an award which is made annually by the League to a California city official for outstanding civic leadership, and

WHEREAS, His contribution to civic and community affairs is not limited to his two terms as mayor, as he has been active and held office in numerous civic and social organizations, such as being Vice President of the Modesto Chamber of Commerce in 1948, President of the Modesto Chamber of Commerce in 1949, Chairman of the Central Valley Empire Association Aviation Committee in 1948, 1949 and 1950, President of the Stanislaus County Chamber of Commerce in 1949, Chairman of the Stanislaus County City-County Committee, President of the Central Valley Division of the League of California Cities in 1956, and President of the Lion's Club of Modesto and the Del Rio Country Club of Stanislaus County, and

WHEREAS, His services for the League of California Cities included participation in departmental conferences and Mayors' and Councilmen's Institutes, and services as a member or chairman of League Committees in such studies as the broadening of the tax base of a county, revenue and taxation, and freeway location, and

WHEREAS, In the tradition of our free enterprise system, he built up a small business and is now President of Rogers Jewelry Company, operating eight stores in California, Oregon and Nevada, and

WHEREAS, He is married, the father of three children and a grandfather; and

WHEREAS, His clear-cut presentations of the responsibility and philosophy of public officials represents a permanent, continuing contribution to public service, his statements having often been presented in Western City Magazine, which reviewed them editorially in its issue of September, 1962, and

WHEREAS, As a mayor "emeritus," he still speaks for—and to—cities, as he spoke by special invitation last fall at the conference of the League of California Cities to the City Managers' Department on "The Role That Local Government Officials Must Play in Strengthening Home Rule"; and

WHEREAS, His interest in civic affairs and improvement of our State is continuing, as he has served for the past several years on the Board of Directors of the Lake Tahoe Area Council and is now President of the Council, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly commend Mr Harry Marks for his outstanding achievements in the area of municipal government and civic improvement and commend him for his years of service toward the betterment of this State, and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mr Harry Marks

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 676
Assembly Bill No 840
Assembly Bill No. 1148

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No 1219
And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1377
And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Judiciary, and the subject matter referred to the Committee on Rules for assignment to the proper interim committee for study

Committee on Water

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Water reports.
Assembly Bill No 951
With recommendation Do pass, as amended
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PORTER, Chairman

Above bill ordered to second reading

Committee on Municipal and County Government

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER The Chairman of your Committee on Municipal and County Government reports.
Assembly Bill No. 1351
Assembly Bill No 1416
With author's amendments with the recommendation Amend, and re-refer to the Committee on Municipal and County Government

KNOX, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 1351 AND 1416 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1351—An act to add Section 14451 3 to the Health and Safety Code, relating to county fire protection districts

Bill read second time

Motion to Amend

Mr. Beilenson moved the adoption of the following amendments:

Amendment No 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 13883 and"

Amendment No. 2

On page 1, line 1, after "SECTION 1", insert "Section 13883 is added to the Health and Safety Code, to read

13883 In fixing compensation to be paid to persons employed by the district subject to a civil service system adopted pursuant to Section 13856 the board, in each instance, shall provide a salary or a wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons under similar employment in case such prevailing salary or wage can be ascertained This section shall be operative only as to districts the governing body of which is the board of supervisors of a county which is operating under a freeholders' charter

that makes the same requirement as to the fixing of salaries or wages for persons employed by the county, subject to the civil service system of such county
SEC 2."

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government

Assembly Bill No. 1416—An act to add Section 5780 19 to the Public Resources Code, relating to park, recreation and parkway districts, and declaring the urgency thereof, to take effect immediately

Bill read second time

Motion to Amend

Mr Waldie moved the adoption of the following amendments·

Amendment No. 1

In line 2 of the title of the printed bill, strike out ", recreation and parkway", and insert "and recreation"

Amendment No. 2

On page 1, line 4, after "district", insert ", county recreation district, or recreation, park and parkway district"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Water reports
Assembly Bill No 210
With amendments with the recommendation Amend, and do pass, as amended.

PORTER, Chairman

Above bill ordered to second reading

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports·
Assembly Bill No 1088
With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CARRELL, Chairman

Above bill ordered to second reading

Committee on Water

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER· Your Committee on Water reports
Senate Bill No 327
With the recommendation . Do pass

PORTER, Chairman

Above bill ordered to second reading

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports
Assembly Constitutional Amendment No 21
With the recommendation: Be adopted.

PETRIS, Chairman

Above resolution ordered engrossed

ASSEMBLY CHAMBER, March 28, 1963

MR. SPEAKER: Your Committee on Revenue and Taxation reports.

Assembly Bill No 316
Assembly Bill No. 825

With amendments with the recommendation Amend, and do pass, as amended

PETRIS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 28, 1963

MR. SPEAKER: Your Committee on Revenue and Taxation reports.

Assembly Bill No. 56
Assembly Bill No 678
Assembly Bill No 1387

With amendments with the recommendation Amend, and re-refer to the Committee on Revenue and Taxation

PETRIS, Chairman

Above bills ordered to second reading

Committee on Government Organization

ASSEMBLY CHAMBER, March 28, 1963

MR. SPEAKER: The Chairman of your Committee on Government Organization reports

Assembly Bill No 413

With author's amendments with the recommendation Amend, and re-refer to the Committee on Government Organization

MARKS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 413 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 413—An act to amend Sections 24048.1 and 24048.3 of the Business and Professions Code, relating to alcoholic beverages

Bill read second time

Motion to Amend

Mr Waldie moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 15, 16 and 17, of the printed bill, strike out "twenty-five dollars ($25) for each week the payment is delinquent not to exceed one hundred dollars ($100)", and insert "fifty dollars ($50)"

Amendment No. 2

On page 2, line 2, strike out "15th", and insert "16th"

Amendment No. 3

On page 2, line 4, strike out "15th", and insert "16th"

Amendment No. 4

On page 2, lines 37, 38, and 39, strike out "twenty-five dollars ($25) for each week the payment is delinquent not to exceed one hundred dollars ($100)", and insert "fifty dollars ($50)"

Amendment No 5

On page 2, line 45, strike out "15th", and insert "16th"

Amendment No. 6

On page 2, line 48, strike out "15th", and insert "16th"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Government Organization

REPORTS OF STANDING COMMITTEES

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports

Assembly Bill No 872
Assembly Bill No 1346

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

PETRIS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports

Assembly Bill No 680

With the recommendation. Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PETRIS, Chairman

Above bill ordered to second reading.

Committee on Judiciary

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Judiciary reports

Senate Bill No 48

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

WILLSON, Chairman

Above bill ordered to second reading

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER The Chairman of your Committee on Governmental Efficiency and Economy reports

Assembly Bill No 1

With author's amendments with the recommendation. Amend, and re-refer to the Committee on Governmental Efficiency and Economy

McMILLAN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1 (PURSUANT TO RULE NO 59.5)

Assembly Bill No. 1—An act to create a California Arts Commission, and making an appropriation therefor

Bill read second time

Consideration of Amendments

The following author's amendments (by Mr Unruh) were read

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out ", and making an appropriation therefor"

Amendment No. 2

On page 4, strike out lines 20 to 22, inclusive

Amendment No. 3

On page 2, line 33, strike out "office of the Governor", and insert "state government"

Amendment No. 4

On page 2, between lines 46 and 47, insert

"Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power For the purposes of this act, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this act and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly"

Amendment No. 5

On page 3, line 21, strike out "at", and insert "with"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy

REPORTS OF STANDING COMMITTEES

Committee on Industrial Relations

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER The Chairman of your Committee on Industrial Relations reports Assembly Bill No 1407

With author's amendments with the recommendation Amend, and re-refer to the Committee on Industrial Relations

ELLIOTT, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1407 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1407—An act to amend Sections 1172 and 1391 of the Labor Code, relating to the employment of minors

Bill read second time

Motion to Amend

Mr Garrigus moved the adoption of the following amendments

Amendment No. 1

On page 1, line 5, of the printed bill, after "wages", insert "or maximum hours"

Amendment No. 2

On page 1, line 7, strike out "21", and insert "18"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Industrial Relations

REPORTS OF STANDING COMMITTEES

Committee on Industrial Relations

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER. Your Committee on Industrial Relations reports

Assembly Bill No 1248

With the recommendation That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

ELLIOTT, Chairman

Subject matter of the above bill referred to the Committee on Rules

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER: Your Committee on Industrial Relations reports:

Assembly Bill No 619

With amendments with the recommendation Amend, and do pass, as amended

ELLIOTT, Chairman

Above bill ordered to second reading

Committee on Rules

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER: Your Committee on Rules reports.

House Resolution No 163
House Resolution No 164
House Resolution No 165

With the recommendation That the resolutions be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

BANE, Chairman

Subject matter of the above resolutions referred to the Committee on Rules.

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER: Your Committee on Rules reports.

House Resolution No. 167

With the recommendation. Be adopted.

BANE, Chairman

Above resolution ordered on file.

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 171

With the recommendation: Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

BANE, Chairman

Above resolution ordered on file.

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Rules reports.

House Resolution No 156

With the recommendation That the resolution be re-referred to the Committee on Government Organization

BANE, Chairman

Above resolution re-referred to the Committee on Government Organization

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER: The Chairman of your Committee on Revenue and Taxation reports.

Assembly Constitutional Amendment No 14

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Revenue and Taxation

PETRIS, Chairman

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 14 (PURSUANT TO RULE NO. 59.5)

Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 26 of Article IV thereof, relating to lotteries.

Resolution read.

Motion to Amend

Mr. Pattee moved the adoption of the following amendment

Amendment No. 1

On page 1 of the printed measure, strike out lines 16 to 18, inclusive, and insert "the benefit of a bona fide organization of veterans of any war in which the United States has been engaged, a church or religious organization, or a charitable, educational or fraternal organization and when the entire net proceeds of such bingo games, lotteries or other gift enterprises are to be devoted to educational, charitable, patriotic, religious or public spirited uses The Legislature"

Amendment read, and adopted

Resolution ordered reprinted, engrossed, and to be re-referred to the Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES

Committee on Fish and Game

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER The Chairman of your Committee on Fish and Game reports Assembly Bill No 544

With author's amendments with the recommendation Amend, and re-refer to the Committee on Fish and Game

DAVIS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 544 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 544—An act to amend Section 12300 of the Fish and Game Code, relating to Yurok Indians.

Bill read second time.

Motion to Amend

Mr. Belotti moved the adoption of the following amendments

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 7155 and".

Amendment No. 2

On page 1, strike out line 1, and insert

"SECTION 1. Section 7155 of the Fish and Game Code is amended to read:

7155 Notwithstanding any other provision of this code, California Indians who are bona fide registered members of the Yurok Indian Tribe, *other than those Indians authorized to take fish and game on the Hoopa Extension by Section 12300*, may take fish, for subsistence purposes only, from the Klamath River between the mouth of that river and the junction of Tectah Creek with it, exclusive of tributaries, without regard to seasons, under the following conditions

(a) Upon application therefor, the department shall issue to any Yurok Indian who is listed on the register of the Yurok Tribal Organization, as furnished to the department, *other than those Indians authorized to take fish and game on the Hoopa Extension by Section 12300*, a renewable, nontransferable permit to take fish pursuant to this section for a period of one calendar year Any Indian of the Yurok tribe while taking fish pursuant to this section shall have upon his person such valid permit, and shall display it upon the request of any duly authorized officer

(b) Hand dip nets, and hook and line only may be used for taking fish pursuant to this section

(c) Pursuant to this section not more than three trout or salmon or combination thereof, or more than one sturgeon, may be taken in any one day There is no bag limit on any other fish

(d) No Yurok Indian while fishing pursuant to this section may be accompanied by any person who does not possess a valid permit as prescribed by this section It is unlawful for any person who does not hold such permit to accompany any Yurok Indian who is taking fish pursuant to this section

(e) The sale of any fish taken under the provisions of this section shall constitute cause for permanent revocation by the commission of the permit held by the person making the sale.

SEC. 2. Section 12300 *of said code is*".

Amendment No. 3

On page 1, strike out lines 16 and 17, and in line 18, strike out "to Section 7155, are", and insert

"Those persons listed on the list of persons furnished to the department by the Bureau of Indian Affairs in the United States Department of the Interior as eligible to be enrolled on the tribal roll of the Hoopa Extension Reservation, are, for purposes of this section only and for no other purpose"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Fish and Game

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 28, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 174
Assembly Bill No 1180

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 154
Assembly Bill No 741
Assembly Bill No 751
Assembly Bill No 847
Assembly Bill No 1291
Assembly Bill No 1292

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Constitutional Amendment No 21

And reports the same correctly engrossed

POWERS, Chairman

Above resolution re-referred to the Committee on Constitutional Amendments, pursuant to Rule No 67.1

RESOLUTIONS

The following resolution was offered:

By Mr Waite

House Resolution No. 178

Congratulating Mrs Grace Andrews

WHEREAS, Mrs Grace Andrews has been elected 1962 Woman of the Year by the Women's Council of Burbank, which is composed of representatives of 38 women's clubs of Burbank; and

WHEREAS, Mrs Andrews has actively participated in many worthwhile civic and community programs, particularly in the field of social welfare; and

WHEREAS, She has been honored by being chosen to hold a number of responsible positions as President of Leilani Chapter Children's Home Society, residential chairman for the American Cancer Society, President of the Community Visiting Nurses Association, President of the Burbank High School P T A Council, John Muir Finance chairman, vice chairman and chairman of the Home Service Committee of the American Red Cross, vice president and recording secretary of St Joseph Hospital Guild, chairman of Holiday Inn, and handicraft chairman, commissary chairman and junior advisor of the Woman's Club of Burbank; and

WHEREAS, She has also served as residential chairman of the United Appeal, and as a member of the board of trustees of the Burbank Retarded Children's Center, and the Burbank Symphony Board; and

WHEREAS, She has taken part in community health programs as a nurse in the polio clinics, Charity League Pediatric Clinic, and St Joseph Prenatal Clinic, and

WHEREAS, Despite her numerous civic and charitable activities, Grace Andrews has also found time to be a homemaker and an active member of the First Presbyterian Church, now, therefore, be it

Resolved by the Assembly of the State of California, That the members extend their heartiest congratulations to Mrs Grace Andrews on her selection as Burbank's Woman of the Year for 1962, and wish her continued success and future participation in the community affairs of Burbank, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mrs Grace Andrews

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

Assembly Bill No. 2127: By Messrs Meyers, Petris, Belotti, Casey, and Elliott—An act to amend Section 7058 of the Business and Professions Code, relating to specialty contractors

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2128: By Messrs Meyers, Belotti, and Elliott—An act to amend Sections 18020 and 18705 of the Government Code, relating to hours of work of government employees

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2129: By Mr Foran—An act to add Chapter 9 (commencing with Section 1151) to Part 3 of Division 2 of the Labor Code, relating to hospital and institutional employees

Held at desk by order of the Speaker pro Tempore

ANNOUNCEMENTS

Mr Porter announced a luncheon meeting of the Los Angeles City and County Delegation at noon today

Mr. Crown announced that the Committee on Ways and Means would meet at 1 30 p m this afternoon, in Room 4202

Mr Waldie announced a Democratic Caucus at 10 a m on Monday, April 1, 1963

NAME PLACED UPON ROLL CALL ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 635

Mr Mulford was granted unanimous consent that he be recorded as voting "aye" on the urgency clause to Assembly Bill No 635

EXPLANATIONS OF ABSENCES

March 28, 1963

My absence from the session today is occasioned by my attendance at the State Lands Commission hearing—having to do with Long Beach tidelands.

J M KENNICK

George Deukmejian absent occasionally from the floor on March 28, 1963, attending to legislative business before the State Lands Commission

GEORGE DEUKMEJIAN

March 28, 1963

I was excused from the Assembly floor for a short time this morning in order to present certain water matters to the Irrigation Districts Association For this reason I missed voting on several bills during the first portion of today's session

CARLEY V PORTER

March 28, 1963

I was off the floor on legislative business and missed some rollcalls

DON MULFORD

ADJOURNMENT

At 11 37 a m , on motion of Mr Waldie, the Speaker pro Tempore declared the Assembly adjourned until 11 a m , Monday, April 1, 1963

CARLOS BEE, Speaker pro Tempore

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FIFTIETH LEGISLATIVE DAY

SIXTY-FIRST CALENDAR DAY
(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Monday, April 1, 1963

The Assembly met at 11 a m.
Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding.
Chief Clerk Arthur A Ohnimus at the desk.
Assistant Clerk William Greene reading

ROLL CALL

The roll was called

Call of the Assembly

Mr Conrad moved a call of the Assembly
Mr Badham seconded the motion
Motion carried Time, 11 10 a m
The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent members

Call of the Assembly Dispensed With

At 11 20 a m , Mr Conrad moved that further proceedings under the call of the Assembly be dispensed with
Mr Cusanovich seconded the motion
The roll call was completed, and the following answered to their names

Ashcraft, Badham, Bagley, Barnes, Bee, Belotti, Britschgi, Burgener, Burton, Chapel, Collier, Cologne, Conrad, Cusanovich, Danielson, Deukmejian, Donovan, Flournoy, Hinckley, Holmes, Lanterman, Marks, Milias, Monagan, Mulford, Pattee, Powers, Song, Stevens, Thelin, Veneman, Veysey, Whetmore, and Winton—34.

Motion to Adjourn

Mr Conrad moved that the Assembly do now adjourn

Parliamentary Inquiry

Mr. Winton arose to the following parliamentary inquiry: Can the House adjourn with less than a quorum present?

Reply by Speaker pro Tempore

Speaker pro Tempore Bee replied that it could.

The question being on the motion to adjourn.

Roll Call Demanded

Messrs Lanterman, Badham, and Veysey demanded a roll call

The roll was called, and the motion lost by the following vote:

AYES—Ashcraft, Badham, Bagley, Barnes, Burgener, Chapel, Collier, Cologne, Conrad, Cusanovich, Deukmejian, Donovan, Flournoy, Hinckley, Lanterman, Milias, Monagan, Mulford, Stevens, Thelin, Veneman, Veysey, and Whetmore—23.

NOES—Bane, Bee, Danielson, Dills, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Gonsalves, Greene, Kennick, Knox, Lunardi, Moreno, Petris, Powers, Rumford, Ryan, Song, Soto, Stanton, Thomas, Waite, Waldie, Williamson, Willson, Winton, Young, Zenovich, and Mr Speaker—32

NOTE—An explanation for the absence of 25 Members of the Assembly on this roll call appears at page 1746 of the Assembly Journal for April 3, 1963

The Speaker pro Tempore of the Assembly declared a quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev Robert R. Ferguson·

O God, In Whom We Live and Move and Have Our Being, May we never be so immersed in our problems of government that the joys of life escape us We thank Thee for the beauty of this morning hour May we also be inspired by integrity, honor, courage and steadfastness, in the lives of our colleagues We are grateful for social victories, and for light which has come out of darkened understandings; for love which has proved stronger than hate Grant, our Father, to the Members of this Assembly deep reservoirs of patience, faith, and goodness, as they make their decisions this day

In Thy strong Son's name, we pray.—AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr Lunardi then led the Assembly in the pledge of allegiance to the Flag

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Conrad, seconded by Mr. Waldie

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of legislative business elsewhere·

Mr Warren, on motion of Mr Waldie

REPORT ORDERED PRINTED IN THE JOURNAL

Speaker pro Tempore Bee ordered the following list of Association Registrations for Legislative Advocates printed in the Journal·

ASSOCIATION REGISTRATIONS FOR LEGISLATIVE ADVOCATES

MARCH 31, 1963

A-1 Nurses Registry of Los Angeles and San Francisco
Taylor, Maxime 12-10-62

Actors' Equity Association
Zweiback, Fred 2-25-63

Affiliated Teachers Organizations of Los Angeles
DelGuercio, Richard A. 1-31-63

Agricultural Aircraft Association, Inc
Branstetter, Wanda G. 12-21-62
Agricultural Council of California
Johnsen, Richard, Jr 1-14-63
Ruth, Leland H 1-14-63
Staiger, William B. 1-14-63
Air Transport Association of America
Thigpen, W. R. 1-4-63
Alameda-Contra Costa Transit District
Dahl, Walter I 3-4-63
Alameda County, Board of Supervisors
Carpenter, William E 1-9-63
Alameda County District Attorney's Office
Ellingwood, Herbert E 1-29-63
Allstate Insurance Company
Stewart, Harry W. 12-21-62
American Association of University Women
Betzenderfer, L. Barbara 11-28-62
Mueller, Mrs Virginia S. 1-21-63
American Civil Liberties Union of Southern California
Blease, Coleman Arthur 1-14-63
American Express Company
Taylor, Waller II 1-15-63
Volk, Robert H 1-15-63
American Institute of Architects, The California Council
Fleury, Gordon A. 12-21-62
American Institute of Building Design
Conn, Zel L 12-6-62
American Mutual Insurance Alliance
Hannegan, John J 2-11-63
American Physical Therapy Association
Graves, Dorothy A 12-17-62
Americans for Democratic Action
Pollack, Sheldon 1-3-63
Appliance Profession Association, Inc
Ribnick, Gerson D. 1-2-63
Artists' Managers Guild
Butler, Monroe 1-28-63
Associated Cooperatives, Inc
Johnston, J Richard 3-21-63
Associated Credit Bureaus of California
McGilvray, Kenneth G 1-14-63
Associated Dairymen
Pollard, A. C 12-14-62
Associated Escrow Companies of California
Kaitz, Walter 3-4-63

Associated Farmers of California, Inc.
Gibbs, Chas E 2-11-63
Rossi, Jack G. 1-2-63

Associated General Contractors of America, Inc , The Northern and Central California Chapter
Ross, Kenneth A , Jr 1-23-63

Associated General Contractors of America, Inc , The Southern California Chapter
Ross, Kenneth A , Jr 1-23-63

Associated Master Barbers and Beauticians of California
Gilleland, Charles B 1-14-63
Harrison, A. P. 1-14-63
Loheit, Robert 1-14-63

Associated Plumbing Contractors of California
Mack, J. D. 11-26-62

Associated Produce Dealers & Brokers of Los Angeles, Inc.
Brock, James L. 3-25-63
Harris, Homer A 2-28-63

Association of California Consumers
Johnston, Reed 3-8-63

Association of California Insurance Companies
Keller, Lewis 1-2-63
Oliver, David V. 12-3-62
Sweigert, William T. 2-8-63

Association of California State College Professors, The
Fleury, Gordon A. 12-21-62

Association of Casualty and Surety Companies
Taft, Perry H. 12-24-62

Association of Defense Counsel
Creedon, Daniel J. 1-17-63

Association of Highway Patrolmen
Garibaldi, James D 1-31-63

Association of Motion Picture Producers, Inc
Redwine, Kent H 1-25-63

Association of State Hearing Officers
Martin, Thomas W 3-18-63

Automobile Club of Southern California
Cheshire, Harry V , Jr. 1-10-63
Hunt, Charles Joseph, Jr 12-4-62

Bank of America National Trust & Savings Association
Broaders, Halden C. 1-30-63

Bethlehem Steel Company
Hopper, Robert E 1-29-63

Board of Directors, Kern County Water Agency
Ogilvie, Dal 1-15-63

Board of Supervisors—Alameda County
Carpenter, William E 1-9-63
Board of Supervisors, County of Orange
Parker, Clayton H 2-11-63
Board of Supervisors, Los Angeles County
Kennedy, Harold W. 2-4-63
McLaughlin, Francis M 1-14-63
Treharne, Gordon W 1-14-63
Wakefield, George W. 1-14-63
Board of Supervisors, San Joaquin County
Stuart, C A. 2-1-63
Board of Supervisors—San Mateo County
Carpenter, William E. 1-9-63
Board of Trade of San Francisco
Conners, James M 2-1-63
Brotherhood Maintenance of Way Employees
Hughes, David E 2-13-63
Brotherhood of Locomotive Engineers
Mitchell, Graham R 1-2-63
Brotherhood of Railroad Signalmen
Carmichael, Lester H. 2-21-63
Brotherhood of Railroad Trainmen (AFL-CIO)
Ballard, G W. 12-21-62
Brotherhood Railway Carmen of America (AFL-CIO)
Gibbens, C M 2-11-63
Browns Valley Irrigation District
Kronick, Stanley W 2-14-63
Building Material Dealers Association
McGilvray, Kenneth G 1-14-63
Samuels, Tom 11-29-62
Building Material Dealers' Credit Association
Dean, J. M 12-10-62
Calaveras County Chamber of Commerce
Russell, William 12-17-62
California Allied Printing Trades Conferences
Raymond, James F 12-20-62
California Apartment Owners Association
Giammugnani, Tes L 1-9-63
California Association of Collectors
Bullock, R L 1-15-63
Johnson, Edward C 3-12-63
California Association of Dispensing Opticians
Kennedy, Arthur J. 12-24-62
California Association of Highway Patrolmen
Creedon, Daniel J. 1-17-63

California Association of Ice Industries
Dieffenbacher, J R. 1-16-63
California Association of Independent Insurance Adjusters, Inc
Reid, Monte 1-2-63
California Association of Industrial Loan Companies
McGilvray, Kenneth G. 1-14-63
California Association of Insurance Agents
Dupuis, Fred G. 12-4-62
California Association of Life Underwriters
Blackley, Gordon 12-3-62
Burns, Donald Carlton 12-3-62
California Association of Medical Laboratory Technologists
Stevens, Mrs. Berenice 12-5-62
California Association of Nurserymen
Merz, Elmer J 12-24-62
Wick, Jack A 12-24-62
California Association of Nursing Homes, Sanitariums, Rest Homes and Homes for the Aged, Inc.
Brown, Paul R 1-4-63
California Association of Optometrists in Mercantile Establishments
Kaitz, Walter 1-31-63
California Association of Private Investigators, Inc.
Reid, Monte 1-2-63
California Association of Recreation and Park Districts
Garrod, Mrs. Edna May 1-7-63
California Association of School Administrators
Corson, James H 1-7-63
California Association of Schools of Cosmetology
Fleishell, J. Edward 1-2-63
California Association of Secondary School Administrators
McGowan, William N 1-10-63
California Bankers Association
Gregory, Philip J. 1-15-63
Landles, Edward D 1-15-63
California Barber College Association
Murray, James 12-19-62
Trusty, L Sherman 12-21-62
California Beverage Distributors Association
Garibaldi, James D. 1-31-63
California Beverage Retailers Association
Whitaker, Alfred A. 12-13-62
California Boating Council, Inc
Mower, Mrs Jan 12-6-62
Roumage, C C 2-11-63

California Bus Association
Scott, Harvey 1-21-63
California Cattlemen's Association
Dick, J Edgar 12-21-62
Sherwood, Clyde 1-2-63
Twisselman, Carl 12-21-62
Weber, John 12-26-62
California Central Valleys Flood Control Association
Luther, John M. 1-11-63
California Chiropractic Association
Martin, Arthur L 3-14-63
California Citizen's Freeway Association
Fiel, Terry G 3-25-63
California Committee for Fair Practices
Becker, William L 2-13-63
California Community Television Association
Kaitz, Walter 1-24-63
California Conference of Employers Associations
Clopton, Mort L. 12-13-62
Rowland, Gilford G 3-6-63
Schleh, Robert C 12-19-62
California Congress of Parents and Teachers
Finley, Mrs Malcolm H 12-5-62
Hoffman, Mrs Doyle 1-2-63
California Correctional Officers Association
Heekin, William D 12-26-62
Hoffman, Verne W 1-16-63
California Cosmetology Association
Kanelos, Rena M. "Pat" 3-26-63
California Council of Business Schools
Yates, Claude E 11-30-62
California Council of Civil Engineers and Land Surveyors
Kennedy, Anthony J 12-24-62
California Council of Outdoor Advertising
Garland, Gordon H. 3-25-63
California Council of the Blind
Gladden, Mrs. T J (Beverly) 1-3-63
California Council on Alcohol Problems
Korfhage, Wilbur A 11-29-62
California County Mutual Insurance Association
Groezinger, Leland B. 1-14-63
California Court Reporters Association
Zweiback, Fred 1-10-63
California Credit Union League
Draper, W Marvin, Jr 11-28-62
Murphy, Clarence E 11-30-62

California Dental Association
Kennedy, Anthony J. 12-24-62
California Drycleaners Association, Inc
Shepherd, George M 2-28-63
California Dump Truck Owners Association
Blackman, E O 12-13-62
California Edible Oils Committee
Gilchrist, John Parker 1-23-63
California Electric Power Co.
Andrews, William S 1-16-63
Bromley, Elmer P. 1-14 63
Healey, Lester 2-4-63
California Elementary School Administrators Association
Dawson, Dr. Dan T. 1-4-63
California Employment Agencies Association
Buck, Kenneth Edwin 12-24-62
California Farm Bureau Federation
Hanley, Robert E 12-24-62
Richards, Russell D. 12-24-62
California Farmers, Inc
Garrod, Ralph V 1-9-63
California Federated Institute, Inc
Adcock, Everall, L. 1-2-63
California Federation of Business and Professional Women's Clubs
Patterson, Dr Dorothy 12-24-62
California Federation of Service Stations, Inc
Ayers, Coy A. 11-27-62
California Fertilizer Association
Bierly, Sidney H. 12-3-62
California Fish Canners Association, Inc
Carry, Charles R. 12-28-62
Davis, Herbert C 1-7-63
California Forest Protective Association
Callaghan, John 1-11-63
California Funeral Directors Association
Creedon, Daniel J 1-24-63
California Garden Clubs, Inc.
Alexander, Mrs George 3-25-63
Weber, Henry M 3-7-63
California Grocers Association
Goddard, Merle J. 12-19-62
Hadeler, William D. 12-19-62
Meredith, George F. 1-21-63
California Hay, Grain and Feed Dealers Association
Kirstein, Keith 2-25-63

California Hospital Association
Forbes, Charles F. 12-5-62
Ludlam, James E. 12-5-62
California Housing Council
Peyser, Jefferson, E. 1-8-63
California Independent Telephone Association
Hasbrook, Neal C. 12-11-62
California Junior College Association
Given, John N. 1-9-63
California Junior College Faculty Association
Smith, William P., Jr. 1-21-63
California Labor Federation AFL-CIO
Finks, Harry 2-6-63
Gruhn, Alvin J. 1-2-63
Hoss, Richard 2-12-63
Pitts, Thomas L. 1-2-63
Scully, Charles P 1-2-63
Vial, Don 2-5-63
California Land Title Association
Weidman, Carl E 12-5-62
California Lathing & Plastering Contractors Association
Bell, Clyde S 2-18-63
California League of Senior Citizens
Evans, James A. 1-16-63
McLain, George 1-17-63
California Legislative Council of Professional Engineers
Wright, Donald R. 1-2-63
California Library Association
Fleury, Gordon A. 1-24-63
California Loan and Finance Association
Chandler, Laurence 12-28-62
California Manufacturers Association
Clopton, Mort L. 12-13-62
Davis, Alan E. 12-11-62
Knight, T F., Jr. 12-10-62
McClung, Emmons 12-13-62
Read, Eugene A. 2-4-63
California Medical Association
Kilroy, Dan O 12-28-62
California Milk Producers Federation
Allyn, Lawrence G. 1-11-63
Van Maren, James G. 1-11-63
California Monument Association, Inc.
Troost, Frank W. 1-2-63

California Mortgage Bankers Association
Gregory, Philip J 1-15-63
Landels, Edward D 1-15-63
California Motel Association
Feiten, Fred C 1-15-63
California Municipal Utilities Association
Woodbury, Norman E 12-3-62
California Music Merchants Association
Garland, Gordon H 2-5-63
California Newspaper Publishers Association
Martin, Ben D. 12-4-62
California Newspaperboy Foundation, Inc
Carter, Winston Spencer 12-20-62
California Nurses' Association
Reynolds, Harold G., Jr 12-11-62
California Optometric Association
Deane, George I., Jr., O D 12-3-62
Yarwood, Paul 12-3-62
California Parents Association for Child Care Centers
Young, Mary E 1-4-63
California Physical Therapists Association
Kaitz, Walter 1-24-63
California Podiatry Association
Zweiback, Fred 2-6-63
California Portland Cement Company
Ross, Kenneth A., Jr 1-23-63
California Probation, Parole and Correctional Association
Terzian, Hrayr 3-12-63
California Public Administrators Association
Kaitz, Walter 1-24-63
California Railroad Association
Lyon, LeRoy E., Jr 2-12-63
Minard, Claude 1-18-63
Phillips, Lloyd A 1-8-63
Wendt, John R. 1-18-63
California Real Estate Association
McCarron, Paul N. 2-12-63
Pontius, H. Jackson 2-12-63
California Retail Liquor Dealers Institute
Tarnoff, H L 2-14-63
California Retailers Association
Bloomer, L Richard 3-7-63
Caldwell, Wm D 2-20-63
Kennedy, Vincent D. 2-27-63
Wilson, Eugene B 2-27-63

California Teachers Association
Barton, William H 12-14-62
Kostyshak, Ted 12-14-62
Rees, Jack D. 2-13-63

California Teamsters Legislative Council
Amador, Richard S. 1-14-63
Cannon, Vern H. 1-14-63
Harris, Thomas L. 1-14-63

California Trucking Association
Schumacher, Thomas C , Jr 1-14-63
Trask, Bert 1-14-63

California Warehousemen's Association
Dieffenbacher, J R 1-16-63

California Water Association
Garland, Gordon H. 2-5-63

California Western States Life Insurance Co.
Jeske, Howard L 2-5-63
Leavey, H Harold 2-8-63

California Wildlife Federation, Inc.
Difani, George D. 1-25-63

Canners League of California
Oliver, David V. 12-3-62
Sweigert, William T. 2-8-63

Central Basin Water Association
Fossette, Carl 1-7-63

Challenge Cream & Butter Association
Cronshey, Richard H. 2-11-63
Hibbert, Maurice E 11-29-62
Scaramella, E. L 12-26-62

Chamber of Commerce, Los Angeles
Sanford, Houston B 1-28-63

Chamber of Commerce, Santa Ana
Gelinas, Frank J 2-14-63

Children's Home Society of California
Getz, Clyde 12-10-62

Church of True Faith, Inc.
Chandler, Connie Clara 1-3-63

City and County of San Francisco
Ward, Bernard J 1-3-63

City of Inglewood
Allen, Mark C , Jr 3-7-63

City of Long Beach
McWhinney, W C 12-10-62

City of Los Angeles
McCoy, William L 1-8-63
Neville, John T 1-8-63

City of Los Angeles Department of Water and Power
Baleria, John W 1-7-63
Lyons, William 1-7-63
City of Oakland
Quinn, James H. 1-2-63
City of San Diego
Porter, Charles E., Jr. 1-7-63
City of Vernon
Zweiback, Fred 1-7-63
Collateral Loan Association of California
Gilchrist, John Parker 1-23-63
Collectors Advisory Council
Markey, James S 2-14-63
Committee to Abolish Professional Boxing in California
Royal, Mayer G. 2-13-63
Commonwealth Thrift Company
Denebeim, Bruce K. 12-5-62
Denebeim, James Evert 12-5-62
Community Service Organization, Inc
Huerta, Dolores C (Mrs) 1-15-63
Conference of California Historical Societies
Frame, Walter C 1-16-63
Construction Industry Legislative Council
Miller, Leslie W. 1-28-63
Contra Costa County District Attorney's Office
Bunsell, Robert 12-17-62
Corporation Unemployment Tax Service
Ellsworth, Robert A 2-11-63
Schlotter, William O 12-24-62
County of Kern
Creagh, Merrick W. 12-10-62
County of Los Angeles, Board of Supervisors
Kennedy, Harold W 2-4-63
McLaughlin, Francis M 1-14-63
Treharne, Gordon W 1-14-63
Wakefield, George W. 1-14-63
County of Orange, Board of Supervisors
Parker, Clayton H. 2-11-63
County of Sacramento
Polstra, Ryan M 3-4-63
Williams, Fred G 3-4-63
County of San Bernardino
Herlick, Stanford D 3-8-63
Kehew, Robert N , Jr 3-8-63

County of San Diego
Gerber, Edward R 12-5-62
Small, Robert L 12-5-62
County of Santa Barbara
Hatch, Stanley C. 3-8-63
County of Santa Clara
Kennedy, John R 1-9-63
Siegel, William M 1-9-63
Williams, Spencer M 1-9-63
County Sanitation Districts of Los Angeles
Gill, Joseph C 12-20-62
County Supervisors Association of California
Cooper, Vincent T 12-19-62
MacDougall, William R 1-2-63
Merelman, Jack M 1-4-63
Nolder, Thomas A 12-19-62
Credit Managers Association of Northern and Central California
McGilvray, Kenneth G 1-16-63
Credit Managers Association of Southern California
McGilvray, Kenneth G. 1-14-63
Dairy Institute of California
Beckus, Robert J 1-17-63
Gilmore, John F. 1-17-63
Danish Creamery Association
Scaramella, E L 12-26-62
Del Mar Turf Club
Garibaldi, James D. 1-31-63
Dickter, Dr Lionel, M D
Guziel, Chester P 1-21-63
Distilled Spirits Institute, Inc
Engelund, Harry E 1-21-63
District Attorney, Alameda County
Ellingwood, Herbert E 1-29-63
Driving School Association of California
Wirsing, Robert J 2-18-63
DuPont de Nemours & Co , E I
Shults, Albert J 1-8-63
E I duPont de Nemours & Co.
Shults, Albert J 1-8-63
East Bay Municipal Utility District
Plumb, John H 12-3-62
Schofield, W. R 12-26-62
Eastshore Lines
Marsh, William F. 1-16-63

Electoral College Reform Committee
Haight, William H. 3-26-63
Endo Laboratories
Ushkow, Meyer 2-11-63
Zweiback, Fred 2-4-63
Engineering and Grading Contractors Association
Dunn, Gordon G. 12-5-62
Green, John C. 12-5-62
Escrow Institute of California
McCollister, Richard H. 11-30-62
Ethyl Corporation
Shults, Albert J. 1-8-63
Farm Workers Association
Huerta, Dolores C (Mrs.) 1-15-63
Farmers Underwriters Association
Foran, John Francis 12-5-62
Garrod, Ralph V. 1-9-63
Garrod, Richard R. 12-5-62
Stothers, Stephen R, Jr 12-5-62
Father Riker's Philosophy, Inc.
Ricker, William Edward (Dr) 1-25-63
Feather River Railway
Wilkins, Philip C. 2-12-63
Federated Fire Fighters of California
Larson, Kenneth D. 1-2-63
Severit, Kenneth D. 1-2-63
Fire & Police Research Association, Inc.
Bakula, Edward 1-25-63
Blank, Charles J. 1-24-63
Browning, Gordon M. 1-23-63
Cutter, Frank 1-24-63
Gustafson, Kenneth G. 1-24-63
Kasper, Irving L J. 1-23-63
Moore, Norman H. 1-21-63
Sluder, Robert M. 1-22-63
Thor, Karl G. 1-23-63
Week, Russell B. 1-25-63
Firemen's Fund Insurance Company
McFarland, John P. 2-13-63
Ford Motor Company
Hillings, Patrick J 1-21-63
Foremost Dairies, Inc.
Dahl, Walter I. 1-11-63
Foster and Kleiser
LeFevre, Allan 1-21-63
Fresno Builders' Exchange Inc
Hicks, James R. 12-24-62

Friends Committee on Legislation of California
Gunterman, Joseph F. 1-11-63
Lohmann, Henry G , Jr. 1-11-63
General Telephone Company of California
Grout, Russell T. 11-27-62
Georgia-Pacific Corporation
Wilkins, Philip C. 2-12-63
Gilmore Bureau of Investigation
Gilmore, Mildred Lanore 1-2-63
Glendale-Crescenta Taxpayers Association, Inc.
McDonald, Clara 1-20-63
Golden Gate Bridge and Highway District
Garland, Gordon H 2-5-63
Governmental Research Associates
Tarnoff, H. L. 2-14-63
Greyhound Corporation, The
Stucker, Dale E. 2-21-63
Gulf Oil Corporation of California
Shults, Albert J. 1-8-63
Health Insurance Association of America
McFarland, John P. 2-13-63
Hearthstone Manor, Inc.
Philbrook, Louise M. 3-21-63
Philip, Mrs. Fayetta H. 3-25-63
Henry J. Kaiser Company
Eklund, Nils O , Jr 12-17-62
Ternes, J. J. 12-17-62
Highway Patrolmen, California Association of
Creedon, Daniel J. 1-17-63
Hobby Industry Association of America
Tarnoff, H. L. 2-14-63
Hollywood Turf Club
Garibaldi, James D. 1-31-63
Home Builders Council of California, Inc.
Callahan, Frank W. 1-10-63
Horsemen's Benevolent and Protective Association
(California Division)
Beverly, John A. 3-14-63
Martin, Arthur L. 3-14-63
Humble Oil & Refining Co.
Shults, Albert J 1-8-63
Incentive Taxation Committee of California
Nagy, John 3-12-63
Independent Garage Owners, Inc.
Altman, Hal 1-9-63

Industrial Accidents Commission, Conference of Referees
Fleury, Gordon A. 12-21-62
Industrial Indemnity Company
McFarland, John P. 2-13-63
Inglewood, City of
Allen, Mark C , Jr 3-7-63
Institute of Heating & Air Conditioning Industries, Inc.
Ribnick, Gerson D. 1-2-63
Insurance Brokers Association of California
Sullivan, Eugene J. 1-9-63
Interinsurance Exchange of the Automobile Club of Southern California, The
Cheshire, Harry V , Jr 1-10-63
Interment Association of California
Brennan, Raymond Louis 1-8-63
International Association of Fire Fighters, Local 55
Anthony, R Michael, Jr 1-21-63
Riddle, Vincent M. 1-21-63
International Association of Polygraph Examiners
Cole, William I. 3-19-63
International Brotherhood of Electrical Workers, AFL-CIO
Mulkey, George A 1-16-63
Walters, M. A. 12-21-62
International Longshoremen and Warehousemen's Union
DiBiasi, Nate 1-31-63
International Printing Pressmen & Assistants' Union of N A
Kelly, John F. 1-8-63
International Union of Mine, Mill and Smelter Workers
Johnson, Michael P. 3-4-63
Investment Bankers Association of America
Gregory, Philip J 1-15-63
Landels, Edward D. 1-15-63
Irrigation Districts Association of California
Durbrow, Robert T. 1-10-63
Mahoney, Michael E. 1-10-63
Jefferson E. Peyser
Kahn, Max R. 1-8-63
Judges, Marshals & Constables Association
Eldred, Richard C 12-5-62
Markey, James S. 1-17-63
Kaiser Aluminum & Chemical Corporation
Eklund, Nils O , Jr 12-17-62
Ternes, J. J 12-17-62
Kaiser Center, Inc.
Eklund, Nils O , Jr 12-17-62
Ternes, J. J. 12-17-62

Kaiser Foundation Health Plan, Inc
Eklund, Nils O , Jr 12-17-62
Kingren, Gibson 12-28-62
Ternes, J J 12-17-62

Kaiser Industries Corporation
Eklund, Nils O , Jr 12-17-62
Ternes, J J 12-17-62

Kaiser Steel Corporation
Eklund, Nils O , Jr 12-17-62
Ternes, J J 12-17-62

Kenneth A Ross, Jr
Belton, Trudy 2-1-63

Kern, County of
Creagh, Merrick W 12-10-62

Kern County Property Owners Association, Inc
Lanning, Miss Jessie I 1-3-63

Kern County Water Agency, Board of Directors
Kronick, Stanley W 1-22-63
Ogilvie, Dal 1-15-63

LaSalle Extension University
Lynch, John K 11-30-62

League of California Cities
Benninghoven, Donald C 12-21-62
Carpenter, Richard 12-21-62
Gardner, Howard 12-21-62
Michael, Jay 12-21-62
Wickward, Jack D 12-21-62

League of County Employee Associations, Inc
Kaitz, Walter 1-24-63

League of Women Voters of California
Egan, Mrs John C. (Kathryn M) 1-11-63
White, Mrs Peter K 1-10-63

Liberty League of America, U S A , The
Chandler, Connie Clara 1-3-63

Life Insurance Association of America
Groezinger, Leland B 1-14-63

Liquor Stores & Taverns Association
Jaroske, H P 1-15-63

Long Beach, City of
McWhinney, W. C 12-10-62

Los Alamitos Race Course
Stefan, Victor F 1-9-63

Los Angeles Building and Construction Trades Council
Parker, L A 1-2-63

Los Angeles Chamber of Commerce
Sandford, Houston B. 1-28-63

Los Angeles, City of
McCoy, William L. 1-8-63
Neville, John T. 1-8-63

Los Angeles, City of—Department of Water and Power
Balerıa, John W. 1-7-63
Lyons, William 1-7-63

Los Angeles County, Board of Supervisors
Kennedy, Harold W. 2-4-63
McLaughlin, Francis M. 1-14-63
Treharne, Gordon W. 1-14-63
Wakefield, George W. 1-14-63

Los Angeles County Employees Association
Bluestone, Leon 1-11-63
Mundy, Velma J. 12-24-62
Ward, Frederick H. 1-14-63

Los Angeles County Peace Officers Protective Association
Michener, Robert E. 1-14-63

Los Angeles Fire & Police Protective League
Cutts, Robert D. 12-26-62
Halstead, Everett L. 12-26-62
Held, Owen H. 1-8-63
Kerr, Henry W. 12-26-62
McLellan, Richard U. 12-26-62
Nash, William B 12-26-62
O'Nan, George E 2-1-63
Weisner, David D. 2-1-63

Los Angeles, Office of the Mayor
Brown, Jack B 11-28-62

Los Angeles Turf Club, Inc.
Ross, Kenneth A., Jr. 1-23-63

Malcolm Steinlauf, Inc.
Tarnoff, H L. 2-14-63

Malt Beverage Industry
Creedon, Daniel J. 1-17-63

Manufacturing Milk Producers
Crenshaw, Glenivan J. 2-25-63

Marathon Insurance Co
(Subsidiary of Pacific Finance Corporation)
Innis, Robert D. 12-4-62
Wooley, Magnus R 11-29-62

Marina del rey Lessee's Association
Zweiback, Fred 2-4-63

Marshals Association, State of California
DeSoto, Arch M. 1-9-63

Merchants and Manufacturers Association
Lincoln, Chester C. 1-8-63

Metropolitan Water District of Southern California
Fairbank, William H , Jr. 1-3-63
Fee, Rufus S 12-24-62

Mobile Oil Co
Shults, Albert J. 1-8-63

Monolith Portland Cement Company
Ross, Kenneth A , Jr 1-23-63

Motor Car Dealers Association of Southern California
Redwine, Kent H. 1-25-63

Mountain Counties Water Resources Association
Russell, William 12-17-62

Municipal License Tax Association
Anderson, Alan G

National Association for the Advancement of Colored People
Canson, Clarence B. 1-21-63

National Board of Fire Underwriters
Williams, W F. 11-28-62

National Steel and Shipbuilding Company
Eklund, Nils O , Jr 12-17-62
Ternes, J. J 12-17-62

Native American Church of California
Eddy, James S 3-11-63

Ninth District Council National Electrical Contractors Association, Inc
Kramm, Ernest G. 1-14-63

Northern California Association for Nursery Education
Mahler, Theresa S. 12-7-62

Northern California District Council International Longshoremen & Warehousemen's Union
Johnson, Michael P. 1-15-63

Northern California Motor Car Dealers Association, Inc.
Redwine, Kent H. 1-25-63

Northern California Public Health Association
McCarthy, Jay 12-13-62

Northern California Section of the Child Care Directors Association
Mahler, Theresa S. 12-7-62

Northern California Public Health Association
Bertellotti, Ernest E. 12-5-62

Northern California Theatre Association
Kennedy, V. Dennis 2-11-63

Oakland Chamber of Commerce
Sajor, Edmund C 12-6-62

Oakland, City of
Quinn, James H 1-2-63

Olympic Insurance Company
(Subsidiary of Pacific Finance Corporation)
Innis, Robert D. 12-4-62
Wooley, Magnus R. 11-29-62

Olympius Organization, The
Smith, George 2-8-63
Orange, County of (Board of Supervisors)
Parker, Clayton H.
Osteopathic Physicians and Surgeons of California
Rodgers, David J. 1-8-63
Pacific American Steamship Association
Rowland, Gilford G 2-5-63
Pacific Coast Coffee Association
Stevens, Lawrence C. 2-27-63
Pacific Dairy and Poultry Association
Nall, Carl E. 1-7-63
Pacific Fidelity Life Insurance Co
(Subsidiary of Pacific Finance Corporation)
Innis, Robert D. 12-4-62
Wooley, Magnus R 11-29-62
Pacific Finance Corporation
Innis, Robert D 12-4-62
Stevens, Lawrence C 2-27-63
Wooley, Magnus R 11-29-62
Pacific Finance Loans
(Subsidiary of Pacific Finance Corporation)
Innis, Robert D 12-4-62
Wooley, Magnus R. 11-29-62
Pacific Gas and Electric Co
Andrews, William S 1-16-63
Bromley, Elmer P 1-14-63
Fraser, John H 1-8-63
Todd, A Ruric 1-8-63
Pacific Indemnity Company
Blalock, J T 3-14-63
Pacific Lighting Gas Supply Co
Craig, Edward 1-8-63
McCanlies, Fred A 1-7-63
Pacific Outdoor Advertising Co
Garibaldi, James D 1-31-63
Pacific States Cold Storage Warehousemen's Association
Dieffenbacher, J R 1-16-63
Pacific Telephone & Telegraph Company, The
Hartsough, R Harold, Jr 12-21-62
Holmes, Carl M. 12-5-62
Parkhurst, John F. 2-5-63
Pacific Union Conference of Seventh-Day Adventists
Bristow, W. B 2-20-63
Palo Verde Irrigation District
Miller, Horace M 2-12-63

Parke, Davis and Company
Martin, Thomas W. 3-5-63
Parking Area Improvement Contractors Association, Inc
Ribnick, Gerson D 1-2-63
Pat Kanelos, Public Relations
Cummins, Shirley M 3-26-63
Peace Officers Research Association of California
Halstead, Everett L "Jack" 3-14-63
Permanente Cement Company
Eklund, Nils O, Jr 12-17-62
Ternes, J J 12-17-62
Pest Control Operators of California, Inc
Tarnoff, H. L. 2-14-63
Peyser, Jefferson E
Kahn, Max R 1-8-63
Pharmaceutical Institute, The
Dahl, Walter I 12-3-62
Pharmaceutical Manufacturing Association
Martin, Thomas W. 3-18-63
Pico County Water District
Lagerlof, Stanley C 2-6-63
Pillsbury, Madison & Sutro
Shults, Albert J 1-8-63
Placer County Water Agency
Kronick, Stanley W 2-5-63
Moskovitz, Adolph 2-5-63
Private Nursery School Association of California
Carey, Clare 3-21-63
Tompkins, Dorothy E 1-9-63
Professional Fire Fighters, Inc (Local 748 International Association of Fire Fighters, AFL-CIO)
Wheatley, William V 12-3-62
Professional Nurses Bureau, Inc
Taylor, Maxine 12-10-62
Protected Milk Producers Association
Weber, Albert E 12-28-62
Public Health League of California, The
Putnam, L Paul 12-4-62
Read, Ben H 12-10-62
Salisbury, E E 12-4-62
Railroad Brotherhoods' California Legislative Association
Wickliffe, Leonard M 1-14-63
Railroad Shopcrafts Legislative Committee of California
Davis, Byron H 1-30-63

Rawleigh Company, W. T.
Tunstead, R. 11-30-62
Redwood Empire Association
Campion, Carney J. 2-21-63
Retired State Government Employees' Association of California
Durkee, Frank B. 12-24-62
Fassett, Weston W. 2-12-63
Riverside Cement Company
Ross, Kenneth A , Jr 1-28-63
Ross, Kenneth A., Jr
Belton, Trudy 2-1-63
Runyon & Associates
Runyon, S. Mercer, Jr 12-11-62
Sacramento Committee for Fair Housing, The
Mueller, Paul F. C. (Ph D) 1-16-63
Sacramento County Club of the Adult Blind
Santirfo, Josephine 1-28-63
Sacramento, County of
Polstra, Ryan M 3-4-63
Williams, Fred G 3-4-63
Sacramento Municipal Utility District
Davis, E K. 12-28-62
Salmon Unlimited
Difani, George D. 3-15-63
San Bernardino, County of
Herlick, Stanford D. 3-8-63
Kehew, Robert N , Jr 3-8-63
San Diego Chamber of Commerce
Klaus, Arnold 12-24-62
San Diego, City of
Porter, Charles E , Jr 1-7-63
San Diego, County of
Gerber, Edward R. 12-5-62
Small, Robert L. 12-5-62
San Diego Gas & Electric Co
Andrews, William S. 1-16-63
Bromley, Elmer P 1-14-63
San Francisco Association For Nursery Education
Mahler, Theresa S 12-7-62
San Francisco Bar Pilots
Bohn, John A 2-26-63
San Francisco Board of Education
Breyer, Irving G. 12-17-62
San Francisco Board of Trade
Conners, James M. 2-1-63

San Francisco Chamber of Commerce
Shields, Randle P. 1-4-63
San Francisco, City and County of
Cleary, Donald W. 11-26-62
Ward, Bernard J. 1-3-63
San Joaquin County Board of Supervisors
Stuart, C A 2-1-63
San Mateo County, Board of Supervisors
Carpenter, William E 1-9-63
Santa Ana Chamber of Commerce
Gelinas, Frank J 2-14-63
Santa Barbara, County of
Hatch, Stanley C. 3-8-63
Santa Clara, County of
Kennedy, John R 1-9-63
Siegel, William M 1-9-63
Williams, Spencer M 1-9-63
Santa Clara County Taxpayers' Association
Scott, Dale Herbert 3-21-63
School Library Association of California
Altman, Mrs Lillian 3-15-63
Senior Citizens, California League of
Evans, James A 1-16-63
McLain, George 1-17-63
Seventh-Day Adventists, Pacific Union Conference of
Bristow, W B. 2-20-63
Shell Oil Company
Shults, Albert J. 1-8-63
Signal Oil and Gas Company
Spencer, John R 3-13-63
Zamloch, Carl E. 3-13-63
Smith, Kline & French Laboratories
Clowdus, Gloyd T 1-18-63
Soap and Detergent Association, The
Davis, Herbert 2-14-63
Society of California Accountants—A Corporation
Conner, Elbert S 12-10-62
Soundscriber Corp
McClanahan, Ellis J 1-7-63
South Sutter Water District
Kronick, Stanley W. 3-14-63
Southeast Recreation & Park District
Gill, Joseph C. 12-3-62
Southern California Edison Co
Bromley, Elmer P. 1-14-63
Cook, Geoffrey 1-21-63
Ratcliff, Richard E 1-21-63

Southern California Gas Co
Andrews, William S 1-16-63
Bromley, Elmer P 1-14-63
Craig, Edward 1-8-63
McCanlies, Fred A 1-7-63

Southern California Institute of Arts & Sciences
Tarnoff, H L 2-14-63

Southern California State Dental Association
Kennedy, Anthony J 12 24-62

Southern Counties Gas Company
Andrews, William S 1-16-63
Bromley, Elmer P 1-14-63
Craig, Edward 1-8-63
McCanlies, Fred A 1-7-63

Southern Pacific Company
Love, Dan R , Jr 12-11-62

Southwestern Portland Cement Company
Ross, Kenneth A , Jr 1-23-63

Spartan Insurance Co
(Subsidiary of Pacific Finance Corporation)
Innis, Robert D 12-4-62
Wooley, Magnus R 11-29-62

Speedo Tach Service, Inc
McMannis, Robert L 1-4-63

Spencer Soil Solidification, Inc
Garland, Gordon H 3-25-63

Sperry and Hutchinson Company, The
Groezinger, Leland B 1-14-63
Pattee, W Burleigh 11-30-62
Taylor, Walter, II 1-15-63
Volk, Robert H 1-15-63

Sports Council, Inc
Mangold, Fritz 2-14-63

Standard Oil Company of California
Shults, Albert J. 1-8-63
Smith, H A. 1-8-63

State Bar of California, The
Cooper, W Austin 1-14-63
Matthews, Hazen L 1-14-63

State Building & Construction Trades Council of California
Deavers, Bryan P. 12-17-62
Lee, James S 12-20-62

State Farm Insurance Companies
McFarland, John P. 2-13-63

Stone and Youngberg Investment Securities
Waters, Laughlin E. 1-16-63

Stone Corral Irrigation District
Garland, Gordon H. 3-25-63
Superior Oil Company, The
Butler, Monroe 1-28-63
Tidewater Oil Company
Shults, Albert J. 1-8-63
Trailer Coach Association
Martin, John M. 12-5-62
O'Conor, John 12-13-62
Redwine, Kent H. 2-20-63
Trans World Airlines, Inc.
Middleton, William T 12-10-62
Travel Trailer Clubs of America
Worthy, Elmer T. 12-4-62
Unemployment Insurance Association
Glade, J. Richard 2-12-63
Union of State Employees, Local 411
Aronson, Herbert "Bud" 2-8-63
Union Oil Company of California
Welty, Earl M. 11-27-62
United Air Lines
Thigpen, W. R. 1-4-63
United Electrical, Radio and Machine Workers of America
Johnson, Michael P. 3-4-63
United Steelworkers of America
Alvin, Cass 1-9-63
Consiglio, Thomas 1-9-63
Upper San Gabriel Valley Water Association
Fossette, Carl 1-7-63
Vernon, City of
Zweiback, Fred 1-7-63
W. T. Rawleigh Company
Tunstead, R. 11-30-62
West Basin Water Association
Fossette, Carl 1-7-63
West Coast Life Insurance Company
Keesling, Francis V, Jr. 12-21-62
Western Agricultural Chemicals Association
Barnard, Charles O 2-11-63
Western Building Material Dealers Association
Dean, J. M. 12-10-62
McGilvray, Kenneth G 1-14-63
Western Dairymen's Association
Branco, Joseph F 3-8-63

Western Fairs Association, Inc
Merrill, Louis S. 11-26-62
Western Growers Association
Castiglione, Frank W 3-1-63
Western Harness Racing Association
Long, E. A. "Ad" 3-5-63
Western Liquid Gas Association
Murphy, Everett B. 2-1-63
Western Mobilehome Association
Doyle, Philip J. M 12-6-62
Western Nationalist Crusade
Cook, Sam K, Jr 2-18-63
Western Plumbing Officials Association
Baxter, John F. 1-7-63
Western State Meat Packers Association, Inc.
Maffit, Norman H 1-3-63
Western Sunbathing Association
Stevens, Walter W. 2-13-63
Western Union Telegraph Co.
Jessup, J. R. 1-8-63
Wilson, Harzfeld, Jones & Morton
McElligott, Peggy L 1-7-63
Wine Institute
Peyser, Jefferson E. 12-12-62
Woman's Christian Temperance Union of Northern California
Mues, Mrs Helen 3-12-63
Strickler, Mrs Marie 3-6-63
Woman's Christian Temperance Union of Southern California
Wood, Mrs Lydia A. 3-6-63
Willys Motors, Inc
Eklund, Nils O, Jr 12-17-62
Ternes, J J 12-17-62
Yolo County Flood Control and Water Conservation District
Moskovitz, Adolph 2-5-63

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time

Assembly Bill No. 2130: By Messrs Cusanovich, Waldie, Burgener, and Knox—An act to amend Section 250 of, and to add Sections 252 6 and 252 7 to, the Health and Safety Code, relating to physically handicapped children, and making an appropriation

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2131: By Mr Winton—An act to amend Section 18552 of the Revenue and Taxation Code, relating to personal income taxes

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2132: By Mr Pattee—An act to amend Section 6534 9 of the Business and Professions Code, relating to barber colleges

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2133: By Mr Burgener—An act to amend Section 27471 of the Government Code, relating to coroner's charges for embalming

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2134: By Mr Winton—An act to amend Section 53 of the Drainage District Act of 1903 (Chapter 238, Statutes of 1903), relating to compensation of directors

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2135: By Mr Winton—An act to amend Sections 17305, 17305 5, 18253 and 18254, of the Education Code, relating to school automobile driver training instruction, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2136: By Mr Winton—An act to amend Section 1016 of the Penal Code, relating to pleas in criminal cases

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2137: By Mr. Beilenson—An act to amend Section 1176 of the Insurance Code, relating to mortgage loan investments

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2138: By Mr Marks—An act to add Section 11015 to the Government Code, relating to meetings of state boards and commissions

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2139: By Mr. Marks—An act to add Section 12003 to the Government Code, relating to meetings of nonstatutory boards and commissions

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2140: By Mr Carrell—An act to add Section 970 to the Streets and Highways Code, relating to county highways

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2141: By Mr Veneman—An act to amend Section 1153 of the Probate Code, relating to public administrators

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2142: By Mr Cologne—An act to add Section 1817 to the Vehicle Code, relating to evidence.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2143: By Mr Cologne—An act to amend Section 859a of the Penal Code, relating to pleas in criminal cases

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2144: By Mr Cologne—An act to amend and renumber Sections 172e and 172f of, and to add Section 172e to, the Penal Code, relating to alcoholic beverages

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2145: By Mr Powers—An act to amend Section 6908 of the Government Code, relating to vending stands for the blind

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2146: By Mr Powers—An act to amend Section 216 of the Revenue and Taxation Code, relating to tax exemptions

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2147: By Messrs Hinckley, Monagan, Veysey, Veneman, and Quimby—An act to add Section 18021 7 to the Government Code, relating to fire suppression employees of the Division of Forestry

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2148: By Mr Monagan—An act to add Chapter 13 (commencing with Section 7000) to Division 7 of Title 1 of the Government Code, relating to the State Commission on State and Local Indebtedness, and making an appropriation

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2149: By Mr Casey—An act to amend Sections 1026, 1275, 1280, 1281, 1282, 1327 of, to add Sections 1327 1, 1327 2 to, and to repeal Sections 1277, 1277 5 of, the Unemployment Insurance Code, relating to unemployment insurance

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2150: By Mr Flournoy—An act to amend Section 6954 of the Education Code, relating to education of institutionalized children

Held at desk by order of the Speaker pro Tempore

Assembly Constitutional Amendment No. 37: By Mr Carrell—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing Article IV thereof, and by adding Article IV thereto, and by adding Sections 23, 24, 25 and 26 to Article V, Section 23b to Article XII, Section 20 to Article XIII, and Section 3 6 to Article XX, relating to powers and duties of the Legislature

Held at desk by order of the Speaker pro Tempore

Assembly Constitutional Amendment No. 38: By Mr. Monagan—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 18 of Article XI and Section 1 of Article XVI thereof, and by adding Section 24 to Article XX thereof, relating to public indebtedness

Held at desk by order of the Speaker pro Tempore

Assembly Constitutional Amendment No. 39: By Mr Monagan—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 23 to Article XVI thereof, relating to state indebtedness

Held at desk by order of the Speaker pro Tempore

Assembly Joint Resolution No. 33: By Mr Conrad—Relative to memorializing Congress to call a Constitutional Convention relative to the Electoral College

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolutions were offered:

By Mr Casey (Coauthor: Senator Stiern)

House Resolution No. 179

Relative to congratulating John Loustalot on his being selected Sportsman of the Year in Kern County

WHEREAS, It has come to the attention of the Assembly of the State of California that John Loustalot was recently selected as the Sportsman of the Year by the Kern Wildlife Federation, and

WHEREAS, John Loustalot was further honored by the Mayor of the City of Bakersfield and the Board of Supervisors of Kern County who dedicated March 25th of this year as John Loustalot Day, and

WHEREAS, John Loustalot has strived tirelessly for many years to promote the conservation of wildlife, in Kern County and in the entire State to better fishing and hunting conditions for all; and

WHEREAS, John Loustalot, among his many notable contributions to humanity, worked with night high school students as athletic coach and educator; and

WHEREAS, John Loustalot gained singular recognition as a law enforcement officer, serving three terms as sheriff of Kern County, engaging concurrently in the rehabilitation of delinquents of all ages, and

WHEREAS, In all his pursuits John Loustalot has exemplified the highest concept of sportsmanship; now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof congratulate John Loustalot on his being selected the Sportsman of the Year in Kern County and join with the officials and people of Bakersfield and Kern County and with the Kern Wildlife Foundation in honoring him for his many contributions to the people of his community and State, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to John Loustalot

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Mr Conrad:

House Resolution No. 180

Relative to supervision of youth gangs

WHEREAS, There has been in existence in Los Angeles County, for some time, a program under which probation officers attempt to supervise juvenile gangs; and

WHEREAS, It has been charged that such "supervised" gangs are responsible for a greater proportion of crime than unsupervised gangs, and

WHEREAS, It has been charged that such supervision is highly paradoxical when, at the same time, the right to join respectable social clubs in high schools is being denied, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Rules Committee is directed to refer for study to an appropriate interim committee the subject of the practice of supervision by government personnel of juvenile gangs, including any laws relating thereto, and that such interim committee shall report its findings and recommendations to the Assembly no later than the fifth calendar day of the 1965 Regular Session

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Mr Dymally

House Resolution No. 181

Relative to a study of election practices

WHEREAS, It has been alleged, with reference to an important impending election of members of a city council, that large sums of money are being spent to influence the election, and that disclosure of the source of such money has been refused, and

WHEREAS, It has been alleged that promises of favors in the conduct of government may have been exacted in return for contribution of such money, and

WHEREAS, It has been alleged that public property has been used in the campaign preceding such election; and

WHEREAS, It is of importance to the people of all the State that all elections in the State be conducted on a high ethical plane, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to refer for study to an appropriate interim committee the subject of conduct of campaigns for local elections, with particular reference to the matters discussed above in this resolution, including any constitutional provisions and statutes relating thereto, and any needed revision thereof, and that such interim committee shall report to the Assembly its findings and recommendations no later than the fifth calendar day of the 1965 Regular Session of the Legislature

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

By Mr Greene:

House Resolution No. 182

Relating to visually handicapped persons

WHEREAS, The program for the education of visually handicapped children is currently a responsibility and function of the public school system pursuant to Article 1, Chapter 8, Division 6 of the Education Code which provides for the education of physically handicapped minors, and

WHEREAS, The State Board of Education under the current provisions of Sections 9308 and 9354 of the Education Code is required to provide adopted textbooks in large print and in Braille for visually handicapped pupils enrolled in elementary schools, and

WHEREAS, The State Board of Education has not been similarly charged as regards textbooks for visually handicapped pupils enrolled in the high schools and junior colleges in the State, and

WHEREAS, The visually handicapped pupils at the elementary, high school, and junior college level have need for textbooks, reference books, and related study materials in recorded as well as in large print and Braille form, and

WHEREAS, There is need for a comprehensive study of the entire field of the requirements of visually handicapped persons at all grade levels in the public school system for textbooks, reference books, and related study materials in appropriate media and the means whereby these may be provided, including the utilization of resources possibly to be found within existing agencies such as the prisons within the Department of Corrections, and

WHEREAS, There are a number of blind youths and adults receiving services and assistance under programs operated by the Vocational Rehabilitation Service and the Field Rehabilitation Service for the Blind of California, now, therefore, be it

Resolved by the Assembly of the State of California, That the Committee on Rules is requested to assign to the appropriate interim committee for study the subject of the needs of visually handicapped persons enrolled in the public school system of California and in other publicly supported programs for the visually handicapped for

textbooks, reference books, and related educational and study materials in appropriate media including large print, Braille and recorded form and the question of whether these could be, and therefore should be, made available through utilization of the resources to be found within the Department of Corrections and other agencies of the State of California and what, if anything, would be needed in legislation and budget support to utilize such resources in thus providing for the needs of the visually handicapped persons enrolled in the public school and other appropriate public programs of California, such committee to study all facts and circumstances relating to this subject and to report its findings and recommendations thereon to the Legislature by the fifth calendar day of the 1965 Regular Session

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

By Mr. Carrell.

House Resolution No. 183

Relative to a study of transportation

WHEREAS, The Los Angeles Metropolitan area and the southland counties suffer from inadequate transportation and lack of co-ordinated transit facilities; and

WHEREAS, This area has the most explosive population growth in our State, and

WHEREAS, There are existing facilities, well designed to serve these areas, and

WHEREAS, These facilities, three major railroads and a subsidiary line, could be improved to form the nucleus of an integrated transit system capable of meeting the needs of the entire area, and at a minimum cost to the taxpayers; and

WHEREAS, There have not been engineering or detailed cost studies conducted to determine the feasibility of the utilization and the expansion of existing facilities; and

WHEREAS, The State Legislature has the power to determine the legal jurisdiction, financing, and taxing of the jurisdictions involved in the southland counties; and

WHEREAS, There are many political subdivisions involved in the areas; and

WHEREAS, There is a need for the development of a comprehensive plan of co-ordinated transportation in the southland counties, responsible to the will and needs of the people, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to refer to the appropriate interim committee for study the subject of financing and establishing a jurisdictional authority which will implement and co-ordinate a transportation system for the Los Angeles Metropolitan and Southland areas, and to direct such interim committee to report thereon to the Assembly not later than the fifth calendar day of the 1965 Regular Session

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Messrs. Whetmore, Dannemeyer, and Badham:

House Resolution No. 184

Memorializing Frank Vessels, Sr

WHEREAS, The County of Orange in Southern California and the sports world lost a great friend and ardent booster when Frank Vessels, Sr passed away on Wednesday, February 20, 1963, in Tulsa, Oklahoma, and

WHEREAS, Frank was born of poor parents and never attended a school of higher learning except the School of Hard Knocks, but was an extremely intelligent man who came up the hard way, and who early in life learned to work hard, fight fair, and never say "quit", and

WHEREAS, Following his arrival in San Bernardino in 1921 from his early home in Kentucky, he experienced several years of financial ups and downs before finally achieving permanent success in the construction business, and

WHEREAS, Having become interested in quarter horses in the 1930's, Frank opened a half-mile racetrack on August 3, 1947 in Los Alamitos; and

WHEREAS, With parimutuel wagering, the sport of quarter horse racing caught on, and a corporation was eventually formed to expand the track facilities, which last year drew a record attendance at the fall meet of 203,713, and

WHEREAS, Frank was a popular and active member of such organizations as the Long Beach Mounted Patrol, the Equestriennes, the Al Malaikah Shrine and Mounted Patrol, the Rotary Club, the Rancheros Visitadores, and the Pacific Coast Quarter Horse Association, of which he was president, and

WHEREAS, He was the generous benefactor of many charitable organizations, children's hospitals, and boys' organizations, now, therefore, be it

Resolved by the Assembly of the State of California, That the members express their sincere regret at the death of Frank Vessels, Sr., and convey their deepest sympathy to the bereaved members of his family, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mr. Vessels' widow, Grace Vessels, and to his son, Frank Vessels, Jr.

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 2151: By Messrs. Barnes and Ashcraft—An act to add Section 312.5 to the Penal Code, relating to obscenity.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2152: By Messrs. Barnes, Ashcraft, and Donovan—An act to amend Sections 311, 311.2 and 1150 of, and to amend and renumber Section 311.9 of, and to add Sections 311.9 and 313 to, the Penal Code, relating to obscene matter.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2153: By Messrs. Garrigus and Ryan—An act to add Section 20804.1 to the Education Code, relating to school district taxation.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2154: By Messrs. Stanton, Dymally, and Casey—An act to add Section 24202 to the Education Code, relating to state colleges.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2155: By Mr. Thomas—An act to add Section 135 to the Harbors and Navigation Code, relating to peace officers.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2156: By Mr. Burton—An act making an appropriation to reimburse school districts and county superintendents of schools for expenditures made for occupational training of mentally or physically handicapped minors.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2157: By Messrs. Rumford, Williamson, Gaffney, and Casey—An act to amend Section 1026 of the Unemployment Insurance Code, relating to unemployment insurance.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2158: By Mr. Gonsalves—An act to amend Section 27902 of the Vehicle Code, relating to signs on vehicles.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2159: By Mr. Gonsalves—An act to amend Section 13309 of the Education Code, relating to public school teachers.

Held at desk by order of the Speaker pro Tempore.

RESOLUTIONS

The following resolution was offered:

By Mr Veysey:

House Resolution No. 185

Relative to commending the Honorable L J Mouser

WHEREAS, The Honorable L J Mouser retired on January 31, 1963 from the position of judge of the Superior Court in Imperial County, California, a position he had held with distinction from the date of his appointment to the office on December 29, 1947, and

WHEREAS, Judge Mouser's contributions to his community also include public service as Deputy District Attorney, Chief Deputy District Attorney and District Attorney, and

WHEREAS, Judge Mouser was born and educated in Marion, Ohio, attended college in Michigan and the University of California at Berkeley, and has practiced law in both Ohio and California, and

WHEREAS, He also served his Country as a Lieutenant in the Army in World War I with overseas service in France, and

WHEREAS, In addition to most ably and conscientiously performing his occupational duties, Judge Mouser has also been active in the American Legion, being a past commander of the Imperial Post, the 40 & 8, Imperial Valley Board of Trade, Cancer Society, Masons, Shriners and Elks, now, therefore, be it

Resolved by the Assembly of the State of California, That the Honorable L J Mouser is sincerely commended for his many years of public service and is wished many happy years of retirement; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Judge Mouser

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

ANNOUNCEMENT

Speaker pro Tempore Bee announced that, through inadvertence, a part of the committee amendments to Senate Bill No 115 were not adopted on second reading Wednesday, March 27, and requested that the bill be taken up, at this time, for consideration of the amendments.

CONSIDERATION OF SENATE BILL NO. 115

Senate Bill No. 115—An act to add Article 15 (commencing with Section 6450) to Chapter 6 of Division 6 of the Education Code, relating to special educational programs for culturally disadvantaged children, and declaring the urgency thereof, to take effect immediately

Bill read third time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted

Amendment No. 1

On page 5, lines 3 and 4, of the printed bill, as amended in the Assembly on March 27, 1963, strike out "on the basis of urgency or need"

Amendment No. 2

On page 5, strike out lines 9 to 17, inclusive

Bill ordered reprinted, and returned to the third reading file.

Rush Order Placed Upon Printing of Senate Bill No. 115

Mr Conrad was granted unanimous consent that a rush order be placed upon the printing of Senate Bill No 115

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER The Chairman of your Committee on Education reports Senate Bill No 107

With author's amendments with the recommendation · Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF SENATE BILL NO. 107 (PURSUANT TO RULE NO. 59.5)

Senate Bill No. 107—An act to amend Section 13521 of, and to add Section 13521 1 to, the Education Code, relating to school districts.

Bill read second time

Motion to Amend

Mr Garrigus moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 19, of the printed bill, as amended in the Senate on February 28, 1963, after "daily", insert ", bi-weekly, quadri-weekly,"

Amendment No. 2

On page 1, line 22, after "daily," insert "bi-weekly, quadri-weekly,"

Amendment No. 3

On page 1, line 23, after "month", insert "or pay period".

Amendment No. 4

On page 1, strike out lines 24 to 26, inclusive, and insert "during which the services are performed"

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER The Chairman of your Committee on Education reports Assembly Bill No 770
Assembly Bill No 1121

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Education.

GARRIGUS, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 770 AND 1121 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 770—An act to amend Sections 19683 and 19685 of, and to add Section 19683 5 to, the Education Code, relating to allocations of state funds for housing and equipment for the education of exceptional children

Bill read second time.

Motion to Amend

Mr Belotti moved the adoption of the following amendments.

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out ", and to add Section 19683 5 to,".

Amendment No. 2

On page 2, strike out lines 8 to 30, inclusive

Amendment No. 3

On page 2, line 31, strike out "3", and insert "2"

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education

Assembly Bill No. 1121—An act to amend Section 1044 of the Education Code, relating to school district insurance

Bill read second time.

Motion to Amend

Mr Marks moved the adoption of the following amendment·

Amendment No. 1

On page 1, after line 20, of the printed bill, insert

"SEC. 2 Section 1044 of said code is amended to read

1044 *(a)* The governing board of any school district shall insure against :

(1) The liability, ~~(~~other than a liability which may be insured against under the provisions of ~~Division~~ *Division* 4 *(commencing with Section 3201)* ~~and 5~~ of the Labor Code ,~~)~~ of the district *for damages on account of injury to property or death of or bodily injury to any person or persons;* and ~~against~~

(2) The personal liability of the members of the board and of the officers and employees of the district, for damages *on account of injury* to property or ~~damage by reason of the~~ death of, or *bodily* injury to, any person or persons, as the result of any negligent act ~~by the district,~~ or *omission* by a member of the board, or any officer or employee *of the district* when acting within the scope of his office or employment, ~~and may also insure against the personal liability of the members of the board or any officer or employee of the district as an individual, for any act or omission performed in the line of official duty~~

(b) The insurance may be written in any insurance company authorized to transact the business of insurance in the State, or in a nonadmitted insurer to the extent and subject to the conditions prescribed by Section 1763 of the Insurance Code

(c) Nothing in this section is intended to limit or restrict the authority of the district to insure under Part 6 (commencing with Section 989) of Division 3 6 of Title 1 of the Government Code

SEC 3 Section 2 of this act shall become operative only if Senate Bills Nos 42 and 44 are enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bills Nos 42 and 44 take effect, at which time Section 1 of this act is repealed ''

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER The Chairman of your Committee on Social Welfare reports

Assembly Bill No 306
Assembly Bill No 480

With author's amendments with the recommendation Amend, and re-refer to the Committee on Social Welfare

BURTON, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 306 AND 480 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 306—An act to amend Section 454 of the Welfare and Institutions Code, relating to property qualification of public assistance recipients

Bill read second time

Motion to Amend

Mr Elliott moved the adoption of the following amendments

Amendment No. 1

On page 1 of the printed bill, as amended in the Assembly on March 19, 1961, strike out lines 9 to 20, inclusive

Amendment No. 2

On page 1, line 21, before "Any", insert "(a)"

Amendment No. 3

On page 2, after line 18, insert

"(b) Notwithstanding the provisions of subdivision (a) of this section, a note, mortgage, or deed of trust received by an applicant for the sale of his home shall not be considered real or personal property for the purpose of determining his eligibility for aid for the period of one year after the sale of the home Any payments and interest received on the note, mortgage, or deed of trust during the one year period shall be considered personal property except for such amounts as exceed the limits prescribed in Section 456 of this code, which amounts shall be considered the income of the applicant At the end of the one year period the applicant shall be required to comply with the provisions of subdivision (a) of this section, and the periods prescribed in subdivision (a) for the making of a plan and for the use of the proceeds of the sale shall commence to run at such time"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Social Welfare

Assembly Bill No. 480—An act to amend Section 455 of the Welfare and Institutions Code, relating to public assistance.

Bill read second time.

Motion to Amend

Mr Burton moved the adoption of the following amendment

Amendment No. 1

On page 1 of the printed bill, strike out lines 6 to 8, inclusive, and insert "applicant, may be retained if the equity of the applicant and his spouse in the property does not exceed an assessed valuation of five thousand dollars ($5,000) as assessed by the county assessor If the property is unencumbered, the assessed value of the equity of the applicant and his spouse in the property shall be considered equivalent to the assessed value of the property If the property is encumbered, the assessed value of the equity of the applicant and his spouse in the property shall bear the same relation to the total assessed value of the property as the equity of the applicant and his spouse bears to the market value of the property"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Social Welfare

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER: The Chairman of your Committee on Agriculture reports

Assembly Bill No 90

With author's amendments with the recommendation Amend, and re-refer to the Committee on Agriculture

PATTEE, Chairman

SECOND READING OF ASSEMBLY BILL NO. 90 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 90—An act to amend Section 829 35 of the Agricultural Code, relating to cauliflower, and declaring the urgency thereof, to take effect immediately

Bill read second time

Motion to Amend

Mr Pattee moved the adoption of the following amendments

Amendment No. 1

In line 1 of the title of the printed bill, strike out "829 35", and insert "813 1"

Amendment No. 2

On page 1, line 1, strike out "829 35", and insert "813 1"

Amendment No. 3

On page 1, strike out lines 3 through 22, inclusive, and insert

"813 1 All cauliflower when packed shall be in standard containers numbers 46, 46A, 46B or 46C Other size containers may be used if conspicuously marked on the outside of the end or side which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular container"

Heads or curds of cauliflower when wrapped shall be individually wrapped, and fairly tightly packed in standard containers numbers 46, 46A or 46B and contain the following counts when of the designated size or diameter

Curd size in inches	*Standard pack and count*
5¼ and over	*12*
Under 5¼	*14 to 16*
Under 4¼	*20*

Curd size shall be measured at its widest diameter not including wrapper leaves

Containers of wrapped cauliflower, except individually wrapped heads or small consumer packages, shall be marked, in letters one-half inch in height, with the exact number of heads or curds in the container

Curds too large to pack as a 12 count in one of the standard containers specified for wrapped and packed cauliflower may be wrapped and packed with a lesser count

Containers of cauliflower packed with 12 heads or less in each container may have not more than two heads which have a smaller diameter than the minimum diameter specified, except not more than one container in the lot may have not more than three heads which have a smaller diameter than the minimum diameter specified

Containers of cauliflower packed with 14 heads or more in each container may have not more than two heads which have a greater diameter than the maximum diameter specified for the count of heads in the container, except not more than one container in the lot may have not more than three heads which have a greater diameter than the maximum diameter specified for the count of heads in the container"

Amendment No. 4

On page 2, strike out lines 1 and 2.

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Agriculture.

REPORTS OF STANDING COMMITTEES

Committee on Civil Service and State Personnel

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER. The Chairman of your Committee on Civil Service and State Personnel reports

Assembly Bill No 1381

With author s amendments with the recommendation Amend, and re-refer to the Committee on Civil Service and State Personnel

MEYERS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1381 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1381—An act to amend Section 13009 of the Government Code, relating to employees of the Bureau of State Buildings and Grounds.

Bill read second time

Motion to Amend

Mr. Z'berg moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "In fixing the salaries of craftsmen employed in the", and strike out lines 9 to 11, inclusive, and insert "The salaries of persons employed by the Department of Finance in Sacramento in building trades classes shall be set by the State Personnel Board at the monthly equivalent of the salary or wage paid by private business for comparable classes used in construction work in Sacramento County The monthly salary set for such employees may be reduced by an amount equivalent to the benefits applicable to such employees which are not available to employees in private business, but in no case shall the reduction in salary exceed 11 percent"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Civil Service and State Personnel

REPORTS OF STANDING COMMITTEES

Committee on Civil Service and State Personnel

ASSEMBLY CHAMBER, March 27, 1963

MR. SPEAKER: The Chairman of your Committee on Civil Service and State Personnel reports:

Assembly Bill No 1380

With author's amendments with the recommendation · Amend, and re-refer to the Committee on Civil Service and State Personnel

MEYERS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1380 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1380—An act to amend Section 18853 of the Government Code, relating to salaries of state employees.

Bill read second time

Motion to Amend

Mr. Z'berg moved the adoption of the following amendments.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 18853 of", and insert "add Section 18852.5 to".

Amendment No. 2

On page 1, strike out lines 1 to 18, inclusive, and insert

"SECTION 1. Section 18852.5 is added to the Government Code, to read:

18852.5. The minimum and maximum salary limits for laborers, workmen, and mechanics employed on a regular, full-time salary need not be uniform throughout the State, but the appointing power shall ascertain and report to the board, as to each such position, the general prevailing rate of such wages in the various localities of the State.

In fixing such minimum and maximum salary limits within the various localities of the State, the board shall take into account the prevailing rates of wages in the localities in which the employee is to work and other relevant factors, and shall not fix the minimum salary limits below the general prevailing rate so ascertained and reported for the various localities. The board shall consider the prevailing rates of wages in both construction and nonconstruction work and also shall consider the prevailing rates of wages among the various crafts within the trades industry."

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Civil Service and State Personnel

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 28, 1963

MR. SPEAKER: The Chairman of your Committee on Transportation and Commerce reports:

Assembly Bill No. 1112
Assembly Bill No. 1113

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Transportation and Commerce.

CARRELL, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 1112 AND 1113 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1112—An act to amend Section 21715 of the Vehicle Code, relating to combinations of vehicles.

Bill read second time

Motion to Amend

Mr. Veysey moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "or farm trailers or combina-", and in line 9, strike out "tions thereof"

NOTE—Above amendment corrected April 2, 1963. See Assembly Journal, page 1690

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Transportation and Commerce.

Assembly Bill No. 1113—An act to amend Section 35415 of the Vehicle Code, relating to cotton trailers

Bill read second time

Motion to Amend

Mr Veysey moved the adoption of the following amendments

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 35415 of", and insert 'add Section 35416 to"

Amendment No. 2

On page 1, strike out lines 1 to 8, inclusive, and insert

'SECTION 1 Section 35416 is added to the Vehicle Code, to read

35416 The limitations of this chapter shall not apply to a combination of vehicles consisting of any towing vehicle and cotton trailer operated on the highways for the exclusive purpose of transporting cotton from a farm to a cotton gin, and returning the empty trailer to such farm except that in no case shall any such combination exceed a total length of 70 feet Notwithstanding any other provision of law, this section shall apply only to those combinations of vehicles where the towing vehicle has a manufacturer's gross vehicle weight rating of at least one-half ton

The provisions of this section shall be operative only until the 91st day after final adjournment of the 1969 Regular Session of the Legislature"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Transportation and Commerce

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER. Your Committee on Social Welfare reports

Assembly Bill No 266
Assembly Bill No 347

With the recommendation Do pass, and be re-refeired to the Committee on Ways and Means

BURTON, Chairman

Above bills re-referred to the Committee on Ways and Means

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports:

Assembly Bill No 296
Assembly Bill No 295

With amendments with the recommendation Amend, and do pass, as amended

ALLEN, Chairman

Assembly Bill No 295 ordered to second reading.

Re-reference of Assembly Bill No. 296

Speaker pro Tempore Bee raised the point of order that the committee amendments to Assembly Bill No 296 do not comply with the provisions of Rule No 76, and, therefore, ordered the bill and the amendments re-referred to the Committee on Elections and Reapportionment

REPORTS OF STANDING COMMITTEES

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports.

Assembly Bill No 1132
Assembly Bill No 1134
Assembly Bill No 1329
Assembly Bill No 394

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

ALLEN, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 27, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports

Assembly Bill No 1361

With the recommendation That the bill be re-refeired to the Committee on Education

ALLEN, Chairman

Above bill re-referred to the Committee on Education

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports

Assembly Bill No 289
Assembly Bill No 288

With the recommendation Do pass

ALLEN, Chairman

Above bills ordered to second reading

Committee on Agriculture

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Agriculture reports

Assembly Bill No 1313

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PATTEE, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Agriculture reports

Senate Bill No 494

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PATTEE, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Agriculture reports

Senate Bill No 350

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PATTEE, Chairman

Above bill ordered to second reading

Committee on Education

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 1403

With the recommendation Do pass

GARRIGUS, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 815
Assembly Bill No 884
Assembly Bill No 903

With the recommendation: Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

GARRIGUS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 1 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 590

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Education

GARRIGUS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 1 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 529

With amendments with the recommendation Amend, and do pass, as amended

GARRIGUS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 559

With the recommendation That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

GARRIGUS, Chairman

Subject matter of the above bill referred to the Committee on Rules.

Committee on Finance and Insurance

ASSEMBLY CHAMBER, March 29, 1963

MR SPEAKER The Chairman of your Committee on Finance and Insurance reports

Assembly Bill No 606

With author's amendments with the recommendation Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

Re-reference of Assembly Bill No. 606

Speaker pro Tempore Bee raised the point of order that the author's amendments to Assembly Bill No 606 do not comply with the provisions of Rule No 76, and, therefore, ordered the bill and the amendments re-referred to the Committee on Finance and Insurance

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 1441

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CARRELL, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 1431

With the recommendation Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CARRELL, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 1103

With the recommendation. That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

CARRELL, Chairman

Subject matter of the above bill referred to the Committee on Rules

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 879
Assembly Bill No 1432

With the recommendation: Do pass

CARRELL, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Senate Bill No 53

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CARRELL, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 34
Assembly Bill No 1229
Assembly Bill No 1297

With amendments with the recommendation Amend, and do pass, as amended

CARRELL, Chairman

Above bills ordered to second reading

Committee on Ways and Means

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Ways and Means reports.

Assembly Bill No. 112
Assembly Bill No 632
Assembly Bill No 747

With the recommendation · Do pass.

CROWN, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Ways and Means reports

Assembly Bill No 629

With amendments with the recommendation Amend, and do pass, as amended

CROWN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Ways and Means reports

Assembly Bill No 790

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CROWN, Chairman

Above bill ordered to second reading

Committee on Government Organization

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Government Organization reports

Assembly Bill No 401

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

MARKS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Government Organization reports

Assembly Bill No 400
Assembly Bill No 1034
Assembly Bill No 1035

With the recommendation Do pass

MARKS, Chairman

Above bills ordered to second reading

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports

Assembly Bill No 1240

With amendments with the recommendation Amend, and do pass, as amended

McMILLAN, Chairman

Above bill ordered to second reading

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, April 1, 1963

MR. SPEAKER The Chairman of your Committee on Revenue and Taxation reports

Assembly Bill No 1543

With author's amendments with the recommendation Amend, and re-refer to the Committee on Revenue and Taxation

PETRIS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1543 (PURSUANT TO RULE NO. 59 5)

Assembly Bill No. 1543—An act to amend Section 6359 of the Revenue and Taxation Code, relating to sales and use taxes

Bill read second time

Motion to Amend

Mr Henson moved the adoption of the following amendments·

Amendment No. 1

On page 1, line 13, of the printed bill, after "confectionery", insert ", milk shakes, malted milks, and any other beverages composed at least in part of milk or a milk product and requiring the use of milk or a milk product in their preparation".

Amendment No. 2

On page 2, strike out lines 7 to 12, inclusive, and insert "at tables, chairs, or counters or from trays, glasses, dishes, or other tableware provided by the retailer, including drinks or foods ordinarily sold for immediate consumption on or near the location of the retailer, even though such products are sold on a "take out" or "to go" order and are actually packaged or wrapped and taken from the premises"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, March 29, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 66	Assembly Bill No 734
Assembly Bill No 381	Assembly Bill No 801
Assembly Bill No 463	Assembly Bill No 1012

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 29, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Constitutional Amendment No 14

And reports the same correctly engrossed

POWERS, Chairman

Above resolution re-referred to the Committee on Revenue and Taxation

ASSEMBLY CHAMBER, March 29, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 1	Assembly Bill No 597
Assembly Bill No 24	Assembly Bill No 742
Assembly Bill No 88	Assembly Bill No 800
Assembly Bill No 219	Assembly Bill No 961
Assembly Bill No 410	Assembly Bill No 1087
Assembly Bill No 411	Assembly Bill No 1290
Assembly Bill No 412	Assembly Bill No 1351
Assembly Bill No 417	Assembly Bill No 1407
Assembly Bill No 744	Assembly Bill No 1416

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, March 29, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 750
Assembly Bill No 1105
Assembly Bill No 1277

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file.

ASSEMBLY CHAMBER, March 29, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 843	Assembly Bill No 1131
Assembly Bill No 995	Assembly Bill No 1177
Assembly Bill No 1022	Assembly Bill No. 1311

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file.

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 33—An act to add Section 643 5 to the Penal Code, relating to guide dogs for the blind,

Assembly Bill No. 408—An act to amend Section 666 of the Agricultural Code, relating to imitation dairy products,

And reports the same correctly enrolled, and presented to the Governor at 4 45 p m., March 28, 1963.

POWERS, Chairman

Committee on Government Organization

ASSEMBLY CHAMBER, April 1, 1963

MR. SPEAKER Your Committee on Government Organization reports

Assembly Bill No 386
Assembly Bill No 399
Assembly Bill No. 402

With amendments with the recommendation Amend, and do pass, as amended

MARKS, Chairman

Above bills ordered to second reading

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No. 76, the following bills were this day on the second reading file:

Assembly Bills Nos. 1105, 1311, 1022, 843, 1277, 1131, 995, 750, and 1177.

Assembly Bills Nos 1311, 1022, 843, 1131, 995, and 1177 ordered to third reading.

Assembly Bills Nos 1105, 1277, and 750 ordered to the Consent Calendar

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1276—An act to amend Section 1420 of the Insurance Code, relating to dividends paid by reciprocal insurers

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Finance and Insurance, was read, and adopted

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "discrimination", and insert "allocation"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1084—An act to add Sections 6309, 6463 and 6464 to the Public Resources Code, relating to tide and submerged lands

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Manufacturing, Oil, and Mining Industry, were read, and adopted.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "6309", and insert "6310".

Amendment No. 2

On page 1, line 1, strike out "6309", and insert "6310".

Amendment No. 3

On page 1, line 3, strike out "6309", and insert "6310".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 687—An act to amend Sections 626 1, 4231, 4247, and 4283 of the Agricultural Code, relating to milk.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Livestock and Dairies, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, after "Sections", insert "460,".

Amendment No. 2

On page 1, strike out line 1, and insert

"SECTION 1 Section 460 of the Agricultural Code is amended to read

460 Market milk, except as provided in this article shall contain not more than 15,000 bacteria per milliliter if raw and not more than 75,000 bacteria per milliliter before pasteurization and if pasteurized not more than 15,000 bacteria per milliliter at time of delivery to the consumer It shall be cooled to 50 degrees Fahrenheit or below if raw and so maintained until delivered to the consumer, however, market milk delivered for pasteurization need not be cooled to 50 degrees Fahrenheit or below if such market milk arrives at the milk products plant within four hours after production and provided, further, that such market milk complies with the bacteria standard herein specified and is cooled immediately upon arrival to 50 degrees Fahrenheit or below, unless the process of separation or pasteurization begins immediately Market milk when delivered to the consumer shall contain not less than 3 5 percent of milk fat and not less than 8 15 percent of solids-not-fat *Effective October 1, 1963, market milk when delivered to the consumer shall contain not less than 3 5 percent of milk fat and not less than 8 35 percent of solids-not-fat; provided further, however, that effective October 1, 1965, and thereafter the solids-not-fat content of market milk when delivered to the consumer shall be not less than 8 5 percent* Market milk may be standardized to a milk fat content of not less than 3 5 percent. Market milk produced for sale under the supervision of a milk inspection service approved by the director or established and conducted by the director shall be in conformity with the provisions for the respective grades as defined in this article. Market milk includes market cream except as otherwise specifically provided Market goat milk may be standardized to a milk fat content of not less than 3 3 percent. *Market goat milk when delivered to the consumer shall contain not less than 8 15 percent of solid-not-fat*

SEC 2. Section 626 1 of said code"

Amendment No. 3

On page 1, line 16, strike out "SEC 2", and insert "SEC. 3".

Amendment No. 4

On page 2, line 19, strike out "SEC 3", and insert "SEC 4"

Amendment No. 5

On page 2, line 29, strike out "SEC 4", and insert "SEC 5"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1169—An act to add Section 60328 to, to repeal Section 60338 of, and to amend Section 60350 of, the Water Code, relating to water replenishment districts

Bill read second time, and ordered to third reading

Assembly Bill No. 212—An act to amend Section 12885 of the Water Code, relating to the Davis-Grunsky Act

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Water, were read, and adopted·

Amendment No. 1

On page 1, of the printed bill, strike out lines 6 to 9, inclusive, and insert "four hundred thousand dollars ($400,000) for any one project"

Amendment No. 2

On page 1, line 10, strike out "12880"

Amendment No 3

On page 1, strike out lines 13 to 15, inclusive; and in line 16, strike out "of Section 12880", and insert "of four hundred thousand dollars ($400,000) for any one project"

Bill ordered reprinted, and engrossed

Assembly Bill No. 302—An act to add Article 8 (commencing with Section 31130) to Chapter 1 of Part 5 of Division 12 of the Water Code, relating to county water districts

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Water, were read, and adopted

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "A", and insert "Subject to the approval of the county, state, or federal health authorities, or any one of them, a"

Amendment No. 2

On page 1, line 14, after "facilities", strike out the comma, and insert a period; and strike out lines 15 and 16

Bill ordered reprinted, and engrossed.

Assembly Bill No. 303—An act to add Article 5 (commencing with Section 35500) to Chapter 2 of Part 5 of Division 13 of the Water Code, relating to sewer facilities

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Water, was read, and adopted

Amendment No. 1

On page 2, after line 12, of the printed bill, insert
"35504. A district may not exercise any of the powers granted a district by this article unless the board first submits to the voters of the district at an election a proposition as to whether or not the powers may be exercised by the district, and a majority of the votes cast on the proposition are in favor of the proposition."

Bill ordered reprinted, and engrossed

Assembly Bill No. 829—An act to amend Section 12853 of the Water Code, relating to watershed protection and flood prevention law

Bill read second time

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr. Waldie was granted unanimous consent that Rule No 101 be temporarily suspended for the purpose of permitting an amendment which adds coauthors to the bill

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Water, were read, and adopted·

Amendment No. 1

In the heading of the printed bill, strike out "Mr Waldie", and insert "Messrs. Waldie, Young, and Henson"

Amendment No. 2

On page 1, line 7, after "located", strike out the colon, and insert a semicolon

Bill ordered reprinted, and engrossed

Assembly Bill No. 1222—An act to amend Section 12 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1947), relating to the Placer County Water Agency, and declaring the urgency thereof, to take effect immediately

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Water, were read, and adopted

Amendment No. 1

On page 2, line 10, of the printed bill, strike out "all"; and strike out all of lines 11 to 14, inclusive, and insert "that no proposals are received, or if only one responsive proposal is received, the board may negotiate a contract for construction or performance of the work or improvement or substantially similar work or improvement, provided, that if only one responsive proposal is received such contract must be negotiated with the bidder The"

Amendment No. 2

On page 2, line 17, after "account", insert "The provisions of this Section 12 shall apply to all proposals whether or not received prior to the effective date of the amendment of this section made at the 1963 Regular Session of the Legislature"

Bill ordered reprinted, and engrossed

Assembly Bill No. 113—An act to amend Section 50 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, commencing with

Section 49, of the Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to third reading

Assembly Bill No. 308—An act to amend Section 12883 5 of the Water Code, relating to state financial assistance for local water projects

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1095—An act to add Section 35850 5 to the Water Code, relating to California water districts

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 951—An act to amend Sections 34420 and 35100 of the Water Code, relating to California water district elections

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Water, was read, and adopted:

Amendment No. 1

After line 2 of the title of the printed bill, insert
"The people of the State of California do enact as follows"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 210—An act to amend Section 12880 of the Water Code, relating to the Davis-Grunsky Act

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Water, was read, and adopted.

Amendment No. 1

On page 3, line 21, of the printed bill, as amended in the Assembly on March 14, 1963, after the period, insert "If the payment of interest is deferred pursuant to this subdivision, interest shall be charged on the interest amounts for which payment is deferred."

Bill ordered reprinted, and re-engrossed.

Assembly Bill No. 1083—An act to amend Section 645 of the Vehicle Code, relating to transporters

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted·

Amendment No. 1

On page 1, line 3, of the printed bill, after "645", insert "(a)".

Amendment No. 2

On page 1, line 8, strike out the period, and insert "of such vehicles to dealers, sales agents of a manufacturer, purchasers, or to a new location as requested by the owner

(b) The term "transporter" does not include a person engaged in the business of operating a tow car"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 316—An act to add Section 221 to the Revenue and Taxation Code, relating to the taxation of imported raw materials and newsprint, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "and", and insert a period.

Amendment No. 2

Strike out lines 3 and 4 of the title

Amendment No. 3

On page 1, line 3, strike out "and newsprint"

Amendment No. 4

On page 1, line 7, strike out "by the importer"

Amendment No. 5

On page 1, between lines 13 and 14, insert

'This section shall not be construed to subject to taxation any property which is otherwise exempted from taxation under the laws of the United States."

Amendment No. 6

On page 1, strike out lines 14 to 22, inclusive, and on page 2, strike out lines 1 to 43, inclusive

Amendment No. 7

On page 2, line 44, strike out 'SEC. 3", and insert "SEC 2"

Bill ordered reprinted, and engrossed

Assembly Bill No. 825—An act to amend Section 6369 of the Revenue and Taxation Code, relating to the exemption of medicine from sales and use taxes.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Revenue and Taxation, was read, and adopted

Amendment No. 1

On page 2 of the printed bill, after line 25, insert

"(d) Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on prescription within the meaning of this section"

Bill ordered reprinted, and engrossed

Assembly Bill No. 56—An act to add Part 5 5 (commencing with Section 11101) to Division 2 of the Revenue and Taxation Code, and to add Chapter 2 5 (commencing with Section 2070) to Division 3 of the Streets and Highways Code, relating to local vehicle license fees.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted

Amendment No. 1

On page 2, line 49, of the printed bill, after "suant", insert "to"

Amendment No 2

On page 3, line 5, strike out "Sections", and insert "Section"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Revenue and Taxation

Assembly Bill No. 678—An act to amend Section 6701 of, to amend and renumber Section 6702 of, to add Sections 6702, 6704, 6705 and 6706 of, the Revenue and Taxation Code, relating to sales and use taxes.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted

Amendment No. 1

In the first line of the title of the printed bill, strike out "Section 6701", and insert "Sections 6538 and 6701"

Amendment No. 2

In the second and third lines of the title, strike out "Section 6702, 6704, 6705 and 6706", and insert "Sections 6702, 6703, 6704, 6705, 6706, 6708, 6709 and 6710".

Amendment No. 3

On page 1, line 1, strike out "6701", and insert "6538".

Amendment No. 4

On page 1, between lines 2 and 3, insert

"6538 The person against whom a jeopardy determination is made may petition for the redetermination thereof pursuant to Article 5 of this chapter He shall, however, file the petition for redetermination with the board within 10 days after the service upon him of notice of the determination The person shall also within the 10-day period deposit with the board such security as it may deem necessary to insure compliance with this part The security may be sold by the board in the manner prescribed by Section ~~6701~~ *6705*

SEC. 2. Section 6701 of said code is amended to read.

6701. Before issuing a permit authorizing a person to engage in or conduct business as a seller, the board shall require that person to furnish security such as is specified in Section 6704 to insure his compliance with this part and with local sales and use tax ordinances adopted pursuant to Part 1.5 of Division 2 of this code."

Amendment No. 5

On page 1, strike out lines 3 to 22, inclusive, and on page 2, strike out lines 1 and 2

Amendment No. 6

On page 2, line 17, strike out "SEC. 2", and insert "SEC 3"

Amendment No. 7

On page 2, line 19, strike out "6703", and insert "6707"

Amendment No. 8

On page 3, line 8, strike out "SEC. 3", and insert "SEC 4"

Amendment No. 9

On page 3, strike out lines 9 through 22, inclusive, and insert

"6702 The amount of security required to be furnished to the board by any person subject to these parts shall never be less than fifty dollars ($50) nor more than twenty thousand dollars ($20,000) Within these limits, the board shall fix the security required of a seller in an amount equivalent to twice the seller's estimated quarterly liability under this part and local sales and use tax ordinances adopted pursuant to Part 1 5 of Division 2 of this code, ascertained in such manner as the board may deem proper, and, to that end, may increase or reduce that amount at any time

SEC 5 Section 6703 is added to said code, to read

6703 If any seller desires to minimize the security requirements set forth in Section 6702, he may undertake, in such manner as the board shall prescribe, to estimate his liability on a monthly basis, paying the amount of such estimate to the board on or before the tenth day of the month following the month to which the estimate relates. On that basis, and subject to the maintenance of reasonable accuracy in the amounts of the estimates, the amount of the security required of the seller shall be reduced to twice his estimated monthly liability Failure to make a reasonably accurate estimate of liability or to make timely payment thereof shall constitute a basis for a jeopardy determination against the seller pursuant to Article 4, Chapter 5 of this part

SEC 6 Section 6704 is added to said code, to read

6704 The security furnished by a seller under this article shall be of one or more of the following types

(a) Time certificates of deposit payable to the board issued by banks doing business in this State and covered by Federal Depository Insurance,

(b) Fully paid investment, share, or account certificates assigned to the board and issued by savings and loan associations doing business in this State and covered by Federal Savings and Loan Insurance,

(c) Bearer bonds issued by the United States government or by this State,

(d) Cash deposits;

(e) Surety bonds executed by insurers duly authorized to write such bonds in this State

The terms and conditions surrounding each of the foregoing types of security shall be prescribed by the board.

SEC 7 Section 6705 is added to said code, to read

6705 If it becomes necessary so to do in order to recover any tax or amount required to be paid under this part and by local sales and use tax ordinances adopted pursuant to Part 1 5 of Division 2 of this code, the board may convert to its use any time certificates of deposit, savings and loan certificates, bearer bonds, or cash deposits, furnished as security, returning any surplus above the amounts due to the person placing the security To this end the security in the form of a bearer bond which has a prevailing market price may be sold by the board at private sale at a price not lower than the prevailing market price thereof The board may also call upon the insurers executing surety bonds given as security to pay the amounts due from the principals executing such bonds up to the full penal sum thereof

SEC 8 Section 6706 is added to said code, to read

6706 Any seller who holds a valid seller's permit issued under this part prior to October 1, 1963 and who is not then delinquent nor does not thereafter become delinquent in the payment of any obligation imposed upon him by this part or by local sales and use tax ordinances adopted pursuant to Part 1 5 of Division 2 of this code, need not comply with the requirements of Section 6701 that he furnish security of the type specified in Section 6704, but nothing herein contained shall be construed to relieve any such person from the obligation to maintain with the board any such security as may theretofore have been required of him by the board under Section 6701 as it read prior to the amendment thereof in 1963 If such a seller requires a new or additional permit because of the change in the location of his place of business or the establishment of an additional place of business, he shall

likewise be relieved of the security requirements contained in Section 6701, but only when the seller is without delinquency on October 1, 1963 in the payment of any obligation imposed upon him by this part or by local sales and use tax ordinances adopted pursuant to Part 15 of Division 2 of this code, and remains so thereafter."

Amendment No. 10

On page 3, line 23, strike out "SEC 4 Section 6704", and insert "SEC 9 Section 6708"

Amendment No. 11

On page 3, line 24, strike out "6704", and insert "6708".

Amendment No. 12

On page 3, line 31, strike out "SEC 5 Section 6705", and insert "SEC 10 Section 6709"

Amendment No. 13

On page 3, line 32, strike out "6705", and insert "6709"

Amendment No. 14

On page 3, line 42, strike out "SEC 6 Section 6706", and insert "SEC 11. Section 6710".

Amendment No. 15

On page 3, line 43, strike out "6706", and insert "6710"

Amendment No. 16

On page 4, after line 5, insert

"SEC 12. This act shall become operative on October 1, 1963."

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Revenue and Taxation

Assembly Bill No. 1387—An act to add Section 6379 to the Revenue and Taxation Code, relating to sales and use tax exemptions

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Revenue and Taxation, was read, and adopted

Amendment No. 1

On page 1, after line 6, of the printed bill, insert

"SEC 2 This act is necessary

(a) To help encourage the display of the new 50-star flag

(b) To aid numerous patriotic and civic organizations which will sell flags when they no longer have the administrative and bookkeeping problems of collecting sales taxes on such sales

This act is also in keeping with the spirit of Assembly Concurrent Resolution No. 23 and Assembly Joint Resolution No 12, both adopted at this session of the Legislature."

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Revenue and Taxation

Assembly Bill No. 872—An act to amend Sections 7401 and 7454 of the Revenue and Taxation Code, relating to bonding requirements of distributors under the Motor Vehicle Fuel License Tax Law.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1346—An act to add Section 273 to the Revenue and Taxation Code, relating to the welfare exemption.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 680—An act to amend Sections 6811 and 6812 of the Revenue and Taxation Code, relating to sales and use taxation.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Revenue and Taxation, was read, and adopted·

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "successor", and insert "successors".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 619—An act to amend Section 1775 of the Labor Code, relating to wages.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Industrial Relations, were read, and adopted·

Amendment No. 1

On page 1, line 7, of the printed bill, as amended in the Assembly on March 21, 1963 after "rates", insert "for such work or craft in which such workman is employed".

Amendment No. 2

On page 1, line 9, strike out "between the", and insert "between such".

Bill ordered reprinted, and re-engrossed.

SECOND READING OF SENATE BILLS

Senate Bill No. 327—An act authorizing a grant to the Browns Valley Irrigation District for recreation in connection with the Virginia Ranch Dam Project, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading

Senate Bill No. 48—An act to amend Section 1431 and to repeal Section 1510 of, and to add Section 1510 to, the Probate Code, and to amend Section 372 of the Code of Civil Procedure, relating to settlement and compromise of claims of minors and incompetents

Bill read second time.

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr. Willson was granted unanimous consent that Rule No 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor to the bill

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Judiciary, were read, and adopted

Amendment No. 1

After line 1 of the heading of the printed bill, insert
"(Coauthor Assemblyman Johnson)"

Amendment No. 2

On page 5, line 17, strike out "general".

Amendment No. 3

On page 5, line 18, strike out "general".

Bill ordered reprinted, and returned to the second reading file.

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means.

Assembly Bill No. 1105.

Assembly Bill No. 308, subsequent to engrossment

Senate Bill No. 327.

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees:

Assembly Bill No	*Committee*
2113	Government Organization
2114	Public Utilities and Corporations
2115	Judiciary
2116	Education
2117	Education
2118	Water
2119	Transportation and Commerce
2120	Finance and Insurance
2121	Criminal Procedure
2122	Finance and Insurance
2123	Criminal Procedure
2124	Education
2125	Rules
2126	Revenue and Taxation
2127	Governmental Efficiency and Economy
2128	Civil Service and State Personnel
2129	Industrial Relations

Senate Bill No.	
62	Public Health
118	Judiciary
360	Governmental Efficiency and Economy
362	Criminal Procedure
403	Education
461	Water
486	Governmental Efficiency and Economy
742	Water

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received, and read

STATEMENT OF GOVERNOR EDMUND G. BROWN ON EDUCATION

Transmitted to the California Legislature Thursday, March 28, 1963

To the Senate and the Assembly of the Legislature of California

Public education is the fountainhead of a free and democratic society

In California, dedication to that principle has produced a system of schools, colleges and universities unequaled in the world

It has also produced intellectual excellence and economic well-being which places California in the lead in many significant categories

—Nineteen Nobel Laureates live in California—more than in the entire Soviet Union

—We lead the nation in the number of physicists—3,540, mathematicians—2,501; and in fellowships awarded by the National Science Foundation

—California's graduate schools grant more than 10 percent of all advanced degrees in science in the United States

—We are first in medical research, first in atomic research and first in electronics

The effort which has culminated in the most creative intellectual climate in the nation has also paid rich dividends throughout our economy. One of our strongest economic assets is our ability to train, and our power to attract, large numbers of scientists and engineers

Largely because of our school system, California today is the key state in national defense and space. We hold 25 percent of the nation's defense contracts and more than 40 percent of the nation's contracts for space research and development

All of America's astronauts have been lifted into orbit by California rockets. We are now building the Lunar capsule for man's boldest venture into space

During the past four years, you and I have joined forces to make sure that California's schools continue to play their leading role in our changing society

We have enacted laws requiring better academic preparation of teachers and administrators in basic subjects, reduced the variety of teacher credentials from 40 to a basic five, passed a statewide testing law to assure uniform quality in our schools,

—Passed the first law in the nation requiring the studying of a foreign language no later than the sixth grade, taking effect in 1965,

—Provided the funds needed to keep our school system strong, including, in 1959, the first major increase in State support to public schools since 1952,

—Appointed to the State Board of Education men and women of the highest caliber who have resisted all attempts to water down our new laws affecting teacher licensing and school curricula,

—Developed and enacted into law the Master Plan for Higher Education under which we have given new support to the junior colleges and carried forward plans for three new campuses of the University of California, six new state colleges and a new medical school,

—Greatly increased the number of state scholarships and raised the maximum grant from $800 to $900 a year.

—Won voters' approval last November of a $270 million bond issue, chiefly for construction of expanded facilities for higher education under the Master Plan,

—Given positive encouragement to the climate of free inquiry in our system of education. We have kept our pledge that the public schools must be institutions in which the traditional values of democracy will prevail, and in which indoctrination, from the left or the right, shall have no place.

That is a memorable four-year record, a record of co-operation between the executive and legislative branches of state government, which no other state can match. Its impact may be found the length and the breadth of this State—on campuses where new classroom buildings and laboratories are now under construction. It may be found in local communities where children cross sunlit lawns to enter clean, airy schoolrooms in which, day in and day out, dedicated teachers work to instill in them the "sense of wonder" that is the hallmark of good education.

But the dimensions of the task ahead are vast, indeed. Before the end of this decade, we must expand our system of public education to duplicate the total effort of the past 80 years. Last year, we built 10,000 new classrooms, more than twice the number built by New York, and there is no sign of an easing in the demands of growth. The following chart graphically illustrates the challenge

Enrollment in California's System of Tuition-free Education

	1950	*1960*	*1970*	*% Increase 1960-70*
Kindergarten through 12th grade	1,689,425	3,368,101	5,105,300	51 6
Junior Colleges	70,052	142,080	293,200	106.4
State Colleges (regular enrollment)	25,670	67,043	178,100	165 7
University of California (graded enrollment)	37,827	48,705	96,400	92 9

With this message, I commend to your attention nine measures and related actions which are urgently needed to meet the challenge of the classroom in California

I regard these actions as a minimum program to maintain California's leading position in education, to finance the massive growth of our student population; to erase the tragedy of school dropouts, and to assure every California child an equal opportunity to grow and to learn

Investment in Education

1. *In the budget now before you, I have again assigned first priority to public education I recommend the expenditure of $1,233,000,000 for this purpose from current income. This includes an increase of $78 million for apportions for average daily attendance, of which $3 million exceeds the legal requirements*

Already, there are more students in California schools than there are people in each of 38 other states We have 4¼ million students in our public schools alone.

Between now and the end of this decade—seven short years—we must provide the desks and the teachers for 1¼ million more students in the grades from kindergarten through junior college

Just to construct the school facilities for those new students, we must make an estimated investment of at least $2½ billion

Next fall, 220,000 new students will enter our schools. Under present law, this growth would require an additional state contribution of $48 million

I have proposed, however, that we add $30 million to that amount to relieve the heavy demands now made on the local property taxpayer.

Certainly we wish more money were available And I agree that spokesmen for educational groups can make a good case for increased state support of more than $75 million, or $100 million, or even more

But there is a limit to our available funds. I therefore recommend the $30 million increase, including $2 million for increased support of junior colleges, and $28 million to go into equalization rather than basic assistance Our purpose here is to give more adequate support to the less wealthy school districts

2. *I ask that you make the additional $30 million available only if you also enact a realistic program of countywide equalization which would provide another $25 million a year for school support*

This year I have resubmitted to you my request, originally made in 1961, for laws to equalize state aid on a countywide basis rather than district-by-district

The pressures increase on our schools, and on the property taxpayers who finance them We can lighten the load by making sure the wealthy segment of a county pays its proper share of the cost of supporting schools throughout the county.

Last year, for example, property tax rates for school support varied statewide from a low of $ 28 in one district to a high of $6.53 in another.

In 1961-62, the rates in Los Angeles County ranged from $1 82 to $6 53

In Alameda County the rates of unified districts varied from $1.65 to $3.68. Emeryville, with the $1 65 rate, spent $1,102 on the education of each pupil. Alameda, with the $3 68 rate, spent $462 per pupil

In elementary schools, the wealthiest district had 7,000 times as much taxable wealth per pupil as the poorest district

These inequalities of educational opportunity would be ended under this plan which proposes that each school district will make the same minimum tax effort and each will be guaranteed the same level of support. The present islands of assessed wealth would then contribute their fair share to our school system.

3 *I urge your authorization of the constitutional amendment, now before you, to cut the affirmative votes needed to pass a locally sponsored bond issue from 66⅔ to 60 percent*

Under existing law, a small minority of voters can block approval of a school bond issue, frustrating the will of the majority, and ultimately forcing city governments to pay bonus prices for new schools.

In 58 recent elections in California, more than 60 percent of the voters approved proposed bonds, but the measures failed because they fell short of the legally required two-thirds. In one northern California city, school bonds failed four times by razor-thin margins

The unreasonably high requirement now denies the desires and rights of a substantial majority to provide essential schooling for their children As a result, children are forced into double sessions and inadequate schooling even though a majority of the voters are willing to pay for adequate schools

Corrective action is supported by the County Supervisors Association, the League of California Cities and the school districts I urge you to authorize a vote upon a Constitutional amendment to correct this situation in 1964

Higher Education

Our public system of higher education encompasses hundreds of activities, from exploring the mysteries of the earth's interior at San Diego, to exploring the mysteries of human behavior at a clinic in San Francisco

This system must continue to have our dedicated support, and I have therefore proposed the following

University of California and State Colleges—Next year, enrollment at these institutions is expected to increase by 12,000 students The university and state colleges will therefore require operating funds of $266 million

Commitments for future enrollments will also call for additional classrooms and other educational facilities totaling $125 million from the state building bond issue approved last November This includes $67 5 million for the University of California and $57 6 million for the state colleges.

I again ask you, too, to provide $500,000 for faculty research within our state college system, as recommended by the Master Plan

Junior Colleges—The junior colleges remain under the law primarily a local responsibility—a system administered by the school districts But our Master Plan for Higher Education has given new definition to their important role, and the State must continue to extend to the junior colleges all possible co-operation and support

We further propose that the junior colleges be given $2 million in increased school support in 1963-64

In the past four years, it should be noted, we have increased by 35 percent the foundation program under which junior colleges operate The construction bond issue approved last November will provide an additional $20 million for the junior colleges

Broader Opportunity for Youth in the Space Age

California, like other urban states, has been plunged into a Technological Revolution since World War II Like the Industrial Revolution which preceded it, it brings drastic changes in every aspect of our lives

What are the implications of the Technological Revolution?

Some are good California, for example, has attracted industry and won worldwide recognition as an intellectual center because of our rich pool of scientific brains and skilled workers

But there are other implications Many of our young citizens are now falling by the wayside of technological advancement because they cannot keep up Unable to compete in class, they join the grim army of school dropouts Unschooled and unskilled, they become unemployable Often they become juvenile delinquents and criminals

California's dropout rate is lower than that in other states—but it still affects one in four students, and it is still too high At this session, I propose that we take vigorous action to reduce it

The problem must be met first in elementary school We must reach the poor readers and the nonreaders We must reach the children who develop emotional problems at home and therefore fail to adjust to school We must reach the children who are culturally handicapped.

All need special attention early—attention these particular children often can be given only in the classroom

As they advance in school, these children must be given the opportunity to go on to junior colleges, state colleges or the university if they can make the grades If their talents lie in technical fields, they must be convinced that their best hope for full lives lies in finishing high school

First and foremost, we must be sure that, whatever their education, they are equipped to compete in the labor market of 1963 and later We can no longer afford to write off large segments of our youth—through neglect, or by offering them horse-and-buggy training in the age of the lunar rocket

I therefore propose the following measures:

1 *To guarantee that we do not train our young men and women for occupations that may no longer exist after they graduate, we must review and expand our system of vocational training.*

Many vocational courses have not been changed in decades They waste the students' time and the taxpayers' dollars If we really wish to reduce dropouts, if we really wish to give our youth job security, vocational training courses must be updated

Here are some forceful reasons why

—Of the children in grades one through six today, 50 percent will be employed in occupations that do not yet exist

—Two-thirds of all the products that we will buy 20 years from now are still to be developed

—In January of this year, the national unemployment rate was 6 6 percent This was the unemployment rate within specialized groups of the labor force professional and technical, 1 9 percent, clerical, 4 percent; skilled workers, 8 percent; and unskilled laborers, 17 8 percent

—The President's Panel of Consultants on Vocational Education recently reported this astonishing fact Some 79 *million* Americans must receive some form of vocational training during this decade if they are to meet the educational requirements of our technical age

California cannot allow persistent hard-core unemployment to go unchecked At present, jobs for electronics technicians, mechanical draftsmen and trained secretaries go begging—but there are not enough jobs for those who can work only as messengers, waitresses and unskilled laborers

Now before you is a bill proposing to establish the California Commission on Manpower, Automation and Technology That bill is part of our many-pronged effort to make automation an asset, not a detriment, to our economy

The bill provides for co-operation with the United States Manpower Development and Training Act which will make possible federal financial assistance in this field I urge you to enact this measure into law

Dr Joel Hildebrand has pointed out that if an oil field or a mine is not developed, it is still there for future use But every youth who is born with a good potential but never awakened to intellectual adventure is a priceless resource, forever lost to society Our future depends on our saving this resource

2 *In my earlier message on human rights, I asked you to act to eliminate de facto segregation in our schools, and to assist students who come from culturally deprived backgrounds*

Today, I renew my request that we extend special help to local school districts in the effort to eliminate de facto segregation This should be done through the proposed Commission on Inter-Group Relations

Again, I urge your support to legislation providing compensatory funds for the disadvantaged children from poor social and economic backgrounds

3 *In addition, I urge that we provide special programs and classes for educationally handicapped children who, because of parental neglect or ignorance, develop problems that leave them isolated in our schools*

The culturally deprived child may and often does have devoted parents But he is handicapped by language, poverty and ignorance at home Without special help, he is destined to become a dropout

The educationally handicapped child is heading for the same bleak future for different reasons Often the product of a broken home and parental rejection, he finds it hard to establish a relationship with other children He is a logical candidate for delinquency and permanent unemployment

Your support of the measure now before you to help these children will put California at the vanguard of states in making a strong effort to stem delinquency By reducing the number of children per teacher; by giving the child the attention he lacks at home, we can salvage an important resource which would otherwise be wasted I urge your support of this major bill

There are four other areas related to education to which I would direct your attention at the current session Let us look at them briefly now

Libraries

California is justifiably proud of a long series of "firsts" in education, in public health, in agriculture, in economic leadership But when we turn to libraries, the bright picture goes dim

Since 1940, California has more than doubled in population—but the number of library books per capita has decreased by 30 percent

There are now 90,000 Californians to whom no public library service is available Six and a half million Californians have public library service below minimum standards

Before you is a bill providing $850,000 to strengthen our long-neglected public library system by encouraging regional co-operation and the formation of adequate library service areas

This is a matter of urgent public business, and I ask your wholehearted support

Educational Television

We must meet an equally pressing need to encourage the development of educational television in the local communities

This need is especially urgent as we plan to meet the requirement that all public schools begin teaching a foreign language by the sixth grade, only two years from now

California now has three educational television stations in San Francisco, Sacramento and San Bernardino All three are affiliated with the National Educational Television Network Eleven other communities now have stations in various stages of development

Before you are measures proposing a modest beginning in our effort to co-ordinate the development of local educational television stations throughout the State With the expectation that federal funds for this purpose will soon be provided under legislation already passed by the Congress, we should be prepared to expand the state effort in the future I urge passage of these measures

Federal Aid to Education

As I have said California will labor under tremendous financial pressures to support our school system in the years just ahead

For that reason, I urge you to summon support for President Kennedy's proposed program of federal aid to education

California's share would be an estimated $55½ million next year More than half of these funds would be used to strengthen elementary and secondary education

Maintaining Academic Freedom

There is one final aspect of education to which I would direct your attention

In my view, we share an obligation to set a tone, to establish a climate which gives us the quality of education we can only achieve through the free play of ideas As Governor, I will continue to help generate such a climate

We should welcome the brisk debate that has been raging for some years over educational goals We should be proud of our successful efforts to emphasize solid subjects, to minimize wasteful fringe courses, to require the study of foreign languages in our schools We should recognize that the goals of better teaching and better schools are not the exclusive property of any individuals or groups

We do not ask our schools to produce manageable robots with heads full of prepackaged slogans We want citizen-leaders, whose minds have been made safe for ideas

Our State is full of divergent opinions—and this is good It means we can never say there is some simple, easily recognized answer to the complex problem of improving our schools

Cardinal Newman said that the university is a place where inquiry is pushed forward and discoveries verified and perfected—with error exposed by the collision of mind with mind, and knowledge with knowledge

It is this freedom to think, freedom to learn, freedom to improve that we seek in our schools

We ask them to perform a Herculean task We ask them to "tame the rebellious, embolden the timid, spur the laggard, sharpen the dull and burnish the bright"

That is a large order—and not even the best-intentioned executives, legislators teachers and administrators can accomplish it fully But we can approach the goal more closely, and I therefore ask that we set our hands to this good work without delay

Respectfully submitted,

EDMUND G BROWN, Governor

March 28, 1963

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 28, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to

Senate Bill No 387

J A BEEK, Secretary of the Senate
By GRANT MILLER, Assistant Secretary

SENATE CHAMBER, March 29, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 285
Senate Bill No 388
Senate Bill No 389
Senate Bill No 418
Senate Bill No 434
Senate Bill No 440
Senate Bill No 438
Senate Bill No 490
Senate Bill No 518
Senate Bill No. 614
Senate Bill No 650
Senate Bill No 720
Senate Bill No 759

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 285—An act to add Section 1481.5 to the Education Code, relating to school district organization

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 388—An act to add Article 6 (commencing with Section 11280) to Chapter 3 of Division 10 of the Health and Safety Code, relating to pharmacists' records

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 389—An act to amend Sections 11500, 11500 5, 11501, 11502, 11502 1, 11530, 11530 5, 11531, 11532, 11540 and 11557 of the Health and Safety Code, relating to prior narcotic convictions

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 418—An act to add Section 8598 5 to the Water Code, relating to sale of lands by the Reclamation Board

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 434—An act to amend Section 34011 of the Vehicle Code, relating to transportation of flammable liquids

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 440—An act to amend Sections 6702 and 7102 of, and to add Article 5 (commencing with Section 7300) to Chapter 10, Part 1, Division 2 of, the Financial Code, relating to savings and loan associations

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 438—An act to add Article 5 (commencing with Section 10506) to Chapter 5, Part 2, Division 2 of the Insurance Code, relating to pension, retirement and profit-sharing plans.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 490—An act to add Section 597 to the Streets and Highways Code, relating to state highways.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 518—An act to amend Sections 256 and 2156 of the Streets and Highways Code, relating to reports to the Legislature on highways, streets and roads.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 614—An act to amend Section 8191 of the Streets and Highways Code, relating to separation of grade districts

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 650—An act to amend Section 28144 of the Government Code, relating to compensation for public service in counties.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 720—An act to add Section 22(a) to, and to amend Section 23 of, the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955), relating to the Fresno Metropolitan Flood Control District, declaring the urgency thereof, to take effect immediately.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 759—An act to add Section 25102 1 to the Government Code, relating to county boards of supervisors.

Held at desk by order of the Speaker pro Tempore.

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 28, 1963

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 27
Senate Bill No. 74
Senate Bill No. 410
Senate Bill No. 411
Senate Bill No 489
Senate Bill No 567
Senate Bill No 591
Senate Bill No 646
Senate Bill No 570
Senate Bill No 632

J. A. BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were read the first time.

Senate Bill No. 27—An act to amend and renumber Sections 4600, 4601, and 4602 of; to amend Sections 4605, 4606, 4607, 4609, 4610, 4611, 4612, 4614 1, 4614 2, 4614 3, 4614 4, 4614 5, 4614 11, 4614.13, 4614 14, 4614 15, 4615, 4616, 4617, 4618, 4619, 4620, 4621, 4622, 4623, 4624, 4625, 4627, 4634, 4635, 4636, 4636 8, 4638, 4639, 4641, 4642, 4643, 4644, 4645, 4646, 4647, 4648, and the heading of Chapter 1 (commencing with Section 4600), Part 3, Division 5 of, to repeal Sections 4608, 4614.6, 4614.7, 4614 8, 4614 9, 4614 10, 4614 12, 4628, 4629, 4630, 4631, 4632, 4633, 4635, and 4636 7 of; and to add Sections 4600, 4601, 4602, 4602 2, 4602 3, 4610 5, 4611 5, 4613, 4623 5, 4639 5, 4640, and 4641 5 to; the Health and Safety Code, and to repeal Municipal Sewer

District Act of 1939 (Ch 24, Stats 1939), relating to municipal sewer districts

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 74—An act to repeal Part 3 (commencing with Section 33800) of Division 18 of the Streets and Highways Code, relating to parking

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 410—An act to amend Section 13352 of, and to repeal Section 13210 of, and to add Section 13210 to, the Vehicle Code, relating to drunk driving

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 411—An act to amend Sections 12502, 12505 and 12805 of the Vehicle Code, relating to nonresident drivers and grounds requiring refusal of a driver's license

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 489—An act to amend Sections 1101, 1103, and 1142 3 of the Agricultural Code, and to add Section 26470 1 to the Health and Safety Code, relating to eggs

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 567—An act to repeal Article 7 6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of, and to add Article 7 6 (commencing with Section 53850) to Chapter 4, Part 1, Division 2, Title 5 of, the Government Code, relating to temporary borrowing by local agencies, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 591—An act to amend Section 12008 and to repeal Sections 12009 to 12016, inclusive, of the Water Code, relating to validating proceedings

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 646—An act to amend Section 2811 of the Business and Professions Code, relating to nurses

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 570—An act to amend Section 6536 of the Business and Professions Code, relating to barbers

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 632—An act to amend Sections 22402, 22404, 22405, 22407, 22441 and 22554 of, and to add Sections 22406 5, 22553 5 and 22557 to, and to add Article 5 (commencing with Section 22850) to Chapter 5 of Part 2 of Division 9 of, the Public Utilities Code, relating to airport districts

Held at desk by order of the Speaker pro Tempore

MESSAGES FROM THE SENATE

SENATE CHAMBER, March 28, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No 45
Assembly Bill No 584

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bills ordered to unfinished business file

SENATE CHAMBER, March 29, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 326
Assembly Bill No 483
Assembly Bill No 510
Assembly Bill No 540
Assembly Bill No 439
Assembly Bill No 461
Assembly Bill No 550
Assembly Bill No. 551
Assembly Bill No 602
Assembly Bill No 616
Assembly Bill No 814
Assembly Bill No 2025

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bills ordered enrolled

SENATE CHAMBER, March 28, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 530
Assembly Bill No 581

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bills ordered enrolled

CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 1253—An act making an appropriation to the Department of Finance for allocation for the repair, restoration, or replacement of public property damaged or destroyed by storm and flood or flood conditions, and declaring the urgency thereof, to take effect immediately.

The question being Shall the Assembly concur in the following Senate amendment to Assembly Bill No 1253?

Amendment No. 1

On page 1, line 19, of the printed bill, as amended in the Assembly on March 4, 1963, strike out "Chapter 4", and insert "Chapter 5"

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No 1253 by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Berlenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dumally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Lanterman, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Zenovich, and Mr. Speaker—74

NOES—None

Assembly Bill No 1253 ordered enrolled.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 175—An act to add Section 2601 5 to the Welfare and Institutions Code, relating to indigent aid

Bill read third time

Motion to Amend

Mr. Bagley moved the adoption of the following amendments·

Amendment No. 1

On page 1, line 13, of the printed bill, as amended in the Assembly on March 26, 1963, after "paid.", insert "The county shall render to a person to whom care has been provided in a county hospital a statement setting forth the charges upon which its claim for reimbursement is based, and such charges shall constitute a debt within the meaning of Section 2019 1 of this code"

Amendment No. 2

On page 2, after line 18, insert

"It is the intent of the Legislature that aid granted to a recipient under any public assistance program established by this code for which federal funds are received by this State, or the aid to the potentially self-supporting blind program, shall not constitute a lien upon any property of the recipient"

Amendments read, and adopted

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 1353—An act adding Section 24227 5 to the Health and Safety Code, relating to officers and employees of air pollution control districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Zenovich, and Mr Speaker—77.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1245—An act to add Sections 3123 1 and 3130 1 to the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time

Urgency Clause

Urgency clause read.

On request of Messrs Dannemeyer and Garrigus, bill ordered passed on file, and to retain its place on file

Majority Floor Leader Presiding

At 12 05 p m , Hon Jerome R Waldie, Majority Floor Leader of the Assembly, presiding

Assembly Bill No. 270—An act to amend Section 2984 of the Civil Code, relating to automobile sales financing

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Whetmore, Williamson, Wilson, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 174—An act to add Section 1117 5 to the Penal Code, relating to criminal procedure

Bill read third time

On request of Mr. Danielson, bill ordered passed on file, and to retain its place on file

Speaker pro Tempore Presiding

At 12 19 p m, Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding

Assembly Bill No. 1180—An act to amend Section 731 of the Welfare and Institutions Code, relating to juvenile courts

Bill read third time

Request for Unanimous Consent to Expunge Record, and Rescind Action on Assembly Bill No. 1180

Mr Badham asked for unanimous consent to expunge the record, and rescind the action whereby the Assembly, on this day, refused passage to Assembly Bill No 1180

Mr Dymally withheld unanimous consent

Objections Withdrawn

Mr. Dymally withdrew his objections, and the record was expunged, and action rescinded by unanimous consent

Assembly Bill No 1180 ordered passed on file, and to retain its place on file

Speaker Presiding

At 12 36 p m, Hon Jesse M Unruh, Speaker of the Assembly, presiding

STATEMENT BY SPEAKER UNRUH

Speaker Unruh stated that he believed that Mr Badham should be permitted to expunge the record and rescind the action on his bill, because of the time element; but stated that, hereafter, he would withhold unanimous consent on any requests to expunge the record and rescind the action on bills which have been refused passage by the House

ANNOUNCEMENTS

Announcements were made that the following committees would meet at 2 p m, this afternoon, instead of at 1.30 p m as scheduled.

Public Health, in Room 5168.

Ways and Means, in Room 4202.

Civil Service and State Personnel, in Room 2117.

CONSIDERATION OF CONSENT CALENDAR

Speaker Unruh announced that the next roll call would be on the first item on the Consent Calendar.

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 1090—An act to add Section 16555 5 to the Education Code, relating to emergency public use of school property and equipment

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 153—An act to repeal Article 3 (commencing with Section 27601) of Chapter 4, Division 20 of, and to add Article 3 (commencing with Section 27601) to Chapter 4, Division 20 of, the Education Code, relating to library districts

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1365—An act to amend Section 21304 of the Education Code, relating to use of revolving cash funds

Bill read third time, and passed by the following vote·

AYES—Allen Alquist, Ashcraft, Badham, Bagley, Bane, Barnes Bee Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas Veneman Vevsey, Waite, Waldie, Whetmore, Williamson Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1352—An act to add Sections 5782 7 1 and 5782 7 2 to the Public Resources Code, relating to recreation and park districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vasey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1354—An act to amend Section 2d of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915), relating to officers and employees of the Los Angeles County Flood Control District

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vasey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 823—An act to add Section 24352 8 to the Health and Safety Code, relating to air pollution control districts.

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vasey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1259—An act to amend Section 26883 of the Government Code, relating to audits performed by counties

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford,

Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1260—An act to amend Section 29853 of the Government Code, relating to county warrants

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1261—An act to amend Section 925 of the Penal Code, relating to grand juries.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell. Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1262—An act to amend Section 29802 of the Government Code, relating to county warrants

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1263—An act to amend Section 27063 of the Government Code, relating to county treasurer's reports

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman,

Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Joint Resolution No. 30—Relative to the establishment of a John Muir National Monument

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Resolution ordered transmitted to the Senate

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 454—An act to amend Sections 51, 53, 54, 120, 213, 326, 422, 502 1, 512, 513, 515, 550, 562, 565, 612, 640, 643 2, 644, and the title of Chapter 3 (commencing with Section 550) of Part 2 of Division 2 of the Military and Veterans Code, relating to the designation of the California National Guard Reserve

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 151—An act to repeal Chapter 1413 of the Statutes of 1957, relating to the Mono County Public Utility District.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 106—An act to amend Section 646 of the Probate Code, relating to administration of estates

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsev, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 121—An act to amend Section 326 of the Probate Code, relating to probate of wills

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 154—An act to amend Section 1253 of the Code of Civil Procedure, relating to recordation of orders of condemnation

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 155—An act to amend Section 782 of the Probate Code, relating to publication of notice in private sales of real property

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman

Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 872
Assembly Bill No 1095
Assembly Bill No 1346

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 308

And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 58—An act to amend and renumber Section 143 01 of, to amend the chapter heading of Chapter 1 (commencing with Section 3000) of Part 1 of Division 5 of, to amend Sections 425, 452, 2020, 2020 002, 3002, 3003, 3004, 3005, 3005 10, 3006, 3011, 3025, 3026, 3040, 3041, 3042 10, 3045, 3046, 3049, 3051, 3078, 3078 3, 3081, 3083, 3083 1, 3083 3, 3084, 3084 01, 3087 5, 3088 5, 3447, 3447 1, 3460, 3472, 3472 01, 3472 1, and 3473 of, to add Sections 114 6, 433, 434, 435, 436, 437, 438, 439, 442, 441, 460, 3041 5, 3043 5, and 4162 to, and to repeal Sections 1521 6, 1553, 1554, 1555, 1556, 2025, 2181 06, as added by Chapter 1994 of the Statutes of 1961, 2186, 2186 1, 2187, 2188, 2189, 2225, 2226, 3009, 3084 1, 3087, 3087 1, 3087 2, 3087 3, 3401 5, 3404, 3405, 3408, 3411, 3421 3430, 3431, 3433, 3445, 3446, 3447 15, 3447 2, 3447 25, 3447 3, 3448, 3449, 3451, 3461, 3462, 3462 1, 3470, 3471, 3471 5, 3473 2, 3474 5, 3475, 3480 3481, 3482, 4163 5, 4185, and 4188 of, the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately,

Assembly Bill No. 116—An act to add Sections 2020 001 and 3084 05 to the Welfare and Institutions Code, relating to attendant and other special services for recipients of public assistance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately,

Assembly Bill No. 173—An act to add Section 43007 to, and to repeal Section 43005 of, the Government Code and to add Section 155 8 to, and to repeal Section 155 6 of, the Revenue and Taxation Code, relating to property taxation,

Assembly Bill No. 259—An act to amend Section 682 of the Harbors and Navigation Code, relating to vessels,

Assembly Bill No. 387—An act to add Section 16866 to the Education Code, relating to junior college bus transportation, and declaring the urgency thereof, to take effect immediately,

Assembly Bill No. 543—An act to add Article 9 (commencing with Section 2400) to Chapter 5 of, and Article 7 (commencing with Section 2930) to Chapter 8 of, Division 3 of the Health and Safety Code, relating to pest abatement,

Assembly Bill No. 1114—An act to amend Sections 42700, 42701 and 42726 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately

And reports the same correctly enrolled, and presented to the Governor at 12 m April 1, 1963

POWERS, Chairman

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports Assembly Bill No 920

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

McMILLAN, Chairman

Above bill ordered to second reading

ADJOURNMENT

At 12 40 p m , on motion of Mr Bane, the Speaker declared the Assembly adjourned until 10 a m , Tuesday, April 2, 1963

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FIFTY-FIRST LEGISLATIVE DAY

SIXTY-SECOND CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Tuesday, April 2, 1963

The Assembly met at 10 a m.

Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

Assistant Clerk Ronald Collins reading.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—77.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. Robert R Ferguson:

Almighty and Eternal God, As we begin the second half of this session, clearly bring before us the purpose for which we are here—to serve Thee and the people of this State and not ourselves As the tempo increases, the pressures become greater and the hearings seem endless, give us a depth of calmness and serenity May we not needlessly alienate others through thoughtlessness or planned action In our better moments we know the stakes are too great to take out our inner frustrations and discontents on others

May we be at peace with Thee, with ourselves and our fellow man Be with the wife of our Sergeant at Arms. May she and the family have sustaining faith and courage We pray in the name of the Prince of Peace—AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr Burgener then led the Assembly in the pledge of allegiance to the Flag

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Conrad, seconded by Mr Pattee.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of legislative business elsewhere

Mr Britschgi, on motion of Mr Conrad

Mr. Ryan, on motion of Mr Conrad

Mr Rumford, on motion of Mr Waldie

COMMUNICATIONS

The following communications were presented by the Chief Clerk from

Mrs Dorothy Mulhaupt of Los Angeles, relative to the Poet Laureate Referred by the Speaker pro Tempore to the Committee on Rules

Mrs Geo. Hunsaker of Tracy, relative to Assembly Bill No. 861 Referred by the Speaker pro Tempore to the Committee on Government Organization

Mrs. Geo Hunsaker of Tracy, relative to legislation Referred by the Speaker pro Tempore to the Committee on Revenue and Taxation.

Mr and Mrs Daniel Clevenger of West Sacramento, relative to property owners' bill of rights Referred by the Speaker pro Tempore to the Committee on Revenue and Taxation

Mrs Ella M Day of San Diego, relative to legislation Referred by the Speaker pro Tempore to the Committee on Government Organization

Don Raven of Lancaster, relative to Assembly Bills Nos 176 and 1240. Referred by the Speaker pro Tempore to the Committee on Governmental Efficiency and Economy

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time

Assembly Bill No. 2160: By Mr Knox—An act to amend Section 11201 of the Education Code, relating to school attendance

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2161: By Messrs Quimby, Gonsalves, and Zenovich—An act to add Section 40005 to the Vehicle Code, relating to the equipment, size, weight or loading of a vehicle

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2162: By Messrs Danielson, Song, and Ferrell—An act to amend Section 690 24 of the Code of Civil Procedure, relating to exemptions from execution

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2163: By Mr Danielson—An act to add Sections 20785 and 20786 to the Business and Professions Code, relating to standards of purity for gasoline and diesel fuel

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2164: By Messrs Barnes and Ashcraft (Senator Schrade, coauthor)—An act to amend Section 19615 5 of the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2165: By Messrs Conrad, Burton, Mulford, Alquist, Bane, Barnes, Beilenson, Carrell, Chapel, Cusanovich, Dills, Donovan, Ferrell, Lanterman, Pattee, Petris, Quimby, Rumford, Thelin, Thomas, Young, and Zenovich (Senator Rees, coauthor)—An act to add Section 987 of the Revenue and Taxation Code, relating to the taxation of motion pictures

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2166: By Mr Knox—An act to add Section 309 1 to the Unemployment Insurance Code, relating to unemployment insurance

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2167: By Mr Alquist—An act to amend Section 377 4 of the Agricultural Code, relating to poultry

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2168: By Messrs Zenovich and Garrigus—An act to amend Sections 73682, 73683, 73684, and 73694 of the Government Code, relating to municipal court attachés

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2169: By Mr Waldie—An act to add Section 13593 to the Education Code, relating to classified employees of school districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2170: By Mr Waldie—An act to amend Section 18 of, and add Sections 18 1, 18 2, 18 3 and 18 4 to, the Contra Costa County Storm Drainage District Act (Chapter 1532, Statutes of 1953), relating to storm drainage districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2171: By Mr Pattee—An act to add Section 2268 to the Vehicle Code, relating to salary increases for the California Highway Patrol

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolutions were offered.

By Mr. Bane:

House Resolution No. 186

Resolved by the Assembly of the State of California, That the State Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Assembly in favor of the Chief Clerk of the Assembly, and the State Treasurer is hereby directed to pay the same, in the amount of eight thousand dollars ($8,000), said amount being for the purchase of postage stamps to be used by Members of the Assembly for official mail, and be it further

Resolved, That the Chief Clerk be and he is hereby directed to purchase postage stamps in such amounts and denominations, not exceeding eight thousand dollars ($8,000), in the aggregate, as shall be necessary for the use of the Members of the Assembly for official mail; and be it further

Resolved, That the amount of stamps requisitioned by any one Member of the Assembly for official mail shall not exceed the sum of one hundred dollars ($100)

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

By Mr. Collier:

House Resolution No. 187

Relating to congratulating the San Marino Tribune

WHEREAS, In the 1962 statewide newspaper competition sponsored by the California Newspaper Publishers Association, the *San Marino Tribune* earned a Merit Award in the Best Women's Interest Coverage for Weekly Newspapers in competition with 100 other entries; and

WHEREAS, The *San Marino Tribune* in its presentation of its society pages was rated excellent in the following categories words and pictures, design and makeup and editorial direction and content, and

WHEREAS, The award presentation was made to the *Tribune's* publisher, Herbert H McCormick, on February 9, 1963, by Governor Edmund G Brown on behalf of the California Newspaper Publishers Association, the statewide journalism group, and

WHEREAS, The *San Marino Tribune's* society pages are edited by Laura Bee, its Society Editor, who was for many years the managing editor of the paper; and

WHEREAS, In private life, Laura Bee is the wife of Harley Eckert, and resides in San Gabriel, California, and

WHEREAS, The *San Marino Tribune*, its publisher, Herbert H McCormick, and Laura Bee are to be commended for the excellence of its society section, now, therefore, be it

Resolved by the Assembly of the State of California, That the members commend and congratulate the *San Marino Tribune*, Herbert H McCormick, and Laura Bee for their award-winning achievement, and offer every good wish for their continued success, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Herbert H McCormick and Laura Bee

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 2172: By Mr Quimby—An act to amend Sections 31470 2 and 31470.3 of the Government Code, relating to county retirement systems.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2173: By Messrs Donovan, Ashcraft, Badham, Bagley, Barnes, Britschgi, Burgener, Casey, Collier, Cologne, Cusanovich, Dannemeyer, Deukmejian, Ferrell, Flournoy, Frew, Garrigus, Kennick, McMillan, Mills, Monagan, Porter, Quimby, Thomas, Whetmore, and Young (Senator Schrade, coauthor)—An act to amend Sections 23816, 23817, 23819, 23820 and 23821 of, and to add Section 23821 5 to, the Business and Professions Code, relating to alcoholic beverage licenses

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2174: By Messrs Donovan, Winton, Bagley, Carrell, Dills, Ferrell, Mills, Petris, Rumford, Warren, and Willson—An act to amend Sections 23820 and 23958 of the Business and Professions Code, relating to alcoholic beverages.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2175: By Mr Thelin—An act to amend Section 17203, to repeal Section 17415, and to add Chapter 6 (commencing with Section 17620) to Division 6, of the Financial Code, relating to escrow agents

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2176: By Messrs. Mulford, Deukmejian, Barnes, Donovan, and Hinckley—An act to amend Section 190 of the Penal Code, relating to murder

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2177: By Messrs Ashcraft, Barnes, Donovan, Burgener, and Mills—An act to add Section 14164 5 to the Health and Safety Code, relating to fire protection districts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2178: By Messrs. Mulford, Barnes, and Donovan—An act calling a special election to be consolidated with the Direct Primary Election of 1964 and to provide for the submission to the electors of the State at such consolidated election of a question relating to capital punishment

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2179: By Mr Knox—An act to amend Section 12640 02 of the Insurance Code, relating to mortgage guaranty insurance

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2180: By Mr. Frew—An act to amend Section 75104 4 of the Government Code, relating to the Judges' Retirement System

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2181: By Messrs Elliott and Dymally—An act to add Chapter 10 1 (commencing with Section 6960) to Division 6 of the Education Code, relating to the public school system, and making an appropriation therefor.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2182: By Mr. Mills—An act to add Sections 22.5 and 23 5 to the Insurance Code, relating to the definition of insurance

Held at desk by order of the Speaker pro Tempore

REPORTS OF STANDING COMMITTEES

Committee on Public Utilities and Corporations

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER. The Chairman of your Committee on Public Utilities and Corporations reports

Assembly Bill No 1494

With author's amendements with the recommendation Amend, and re-refer to the Committee on Public Utilities and Corporations

WILLIAMSON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1494 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1494—An act to amend Sections 21685 and 21686 of the Public Utilities Code, relating to accounting funds

Bill read second time.

Motion to Amend

Mr Waldie moved the adoption of the following amendments

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "commission annually", and insert "Division of Aeronautics"

Amendment No. 2

On page 1, line 6, strike out "commission", and insert "Division of Aeronautics"

Amendment No. 3

On page 1, lines 9 and 10, strike out "commission", and insert "Division of Aeronautics"

Amendment No. 4

On page 1, line 15, strike out "commission", and insert "Division of Aeronautics"

Amendment No. 5

On page 1, line 16, strike out "amounts", and insert "moneys"

Amendment No. 6

On page 1, line 20, strike out "county,".

Amendment No. 7

On page 1, line 21 after "city", insert ", county"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Utilities and Corporations

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, March 28, 1963

MR SPEAKER: Your Committee on Social Welfare reports

Assembly Bill No 190

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

BURTON, Chairman

Above bill ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 2025—An act to add Section 16410 to the Education Code, relating to school property, declaring the urgency thereof, to take effect immediately

And reports the same correctly enrolled, and presented to the Governor at 3 15 p m , April 1, 1963

POWERS, Chairman

Committee on Ways and Means

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Ways and Means reports

Assembly Bill No 117
Assembly Bill No 883

With the recommendation Do pass

CROWN, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Ways and Means reports

Assembly Bill No 48
Assembly Bill No 59
Assembly Bill No 61

With amendments with the recommendation Amend, and do pass, as amended

CROWN, Chairman

Above bills ordered to second reading

Committee on Civil Service and State Personnel

ASSEMBLY CHAMBER, April 2, 1963

MR. SPEAKER: Your Committee on Civil Service and State Personnel reports

Assembly Bill No 1393

With amendments with the recommendation Amend, and re-refer to the Committee on Civil Service and State Personnel

MEYERS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER Your Committee on Civil Service and State Personnel reports

Assembly Bill No 1601

With the recommendation Do pass

MEYERS, Chairman

Above bill ordered to second reading

Committee on Military and Veterans Affairs

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Military and Veterans Affairs reports:

Assembly Bill No 1417

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

LUNARDI, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Military and Veterans Affairs reports:

Assembly Bill No 1010

With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

LUNARDI, Chairman

Above bill re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Military and Veterans Affairs reports:

Assembly Bill No 172

With amendments with the recommendation Amend, and re-refer to the Committee on Military and Veterans Affairs

LUNARDI, Chairman

Above bill ordered to second reading.

Committee on Ways and Means

ASSEMBLY CHAMBER, April 1, 1963

MR. SPEAKER. Your Committee on Ways and Means reports

Senate Bill No 29

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos 22.1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar.

CROWN, Chairman

Above bill ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 2, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 175

And reports the same correctly re-engrossed.

POWERS, Chairman

Above bill ordered to third reading.

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 212
Assembly Bill No 302
Assembly Bill No 303
Assembly Bill No 316
Assembly Bill No. 825
Assembly Bill No. 829
Assembly Bill No. 1222
Assembly Bill No. 1276

And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered returned to second reading file.

ASSEMBLY CHAMBER, April 2, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 680
Assembly Bill No 687
Assembly Bill No 951
Assembly Bill No. 1083
Assembly Bill No 1084

And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered returned to second reading file.

ASSEMBLY CHAMBER, April 2, 1963

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 210
Assembly Bill No. 619

And reports the same correctly re-engrossed.

POWERS, Chairman

Above bills ordered returned to second reading file.

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file:

Assembly Bills Nos. 1276, 1084, 687, 212, 302, 303, 829, 1222, 951, 210, 1083, 316, 825, 680, and **619.**

Senate Bill No. 48.

Assembly Bills Nos 1276, 212, 302, 303, 829, 1222, 210, 316, 825, and 619 ordered to third reading

Assembly Bills Nos 1084, 687, 951, 1083, and 680 ordered to the Consent Calendar.

Senate Bill No. 48 ordered to the Consent Calendar

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 295—An act to add Section 224 to, and amend Section 381 of, the Elections Code, relating to affidavits of registration.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Elections and Reapportionment, were read, and adopted·

Amendment No. 1

In line 2 of the title of the printed bill, after "registration", insert ", and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 2, after line 41, insert

"SEC 3 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are:

This act provides a procedure whereby the county clerk or registrar of voters can transfer a voter's registration to the voter's new address upon receipt of a post office change of address card form, if the voter verifies that his change of address is permanent This will greatly expedite the handling of registration affidavits, and will result in the preservation of affidavits which might otherwise be canceled or invalidated There are elections scheduled to be held in the near future In order that this act may operate with respect to such elections, and thus insure a greater vote at the elections, it is essential that it go into effect immediately "

Bill ordered reprinted, and engrossed

Assembly Bill No. 1132—An act to amend Section 17 of the Elections Code, relating to the county clerk

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1134—An act to amend Sections 6519, 6550 and 6552 of the Elections Code, relating to nomination of candidates.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1329—An act to amend Section 14800 of the Elections Code, relating to voting by the sick

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 394—An act to amend Sections 11801, 11831, 11860, 11861, and 11862 of the Elections Code, relating to campaign expenditure statements

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 289—An act to add Section 25304 to the Elections Code, relating to the election of judges

Bill read second time, and ordered engrossed.

Assembly Bill No. 288—An act to amend Section 455 of the Elections Code, relating to indexes of voter registrations

Bill read second time, and ordered engrossed

Assembly Bill No. 1313—An act to repeal Chapter 12 (commencing with Section 2550) and Chapter 13 (commencing with Section 3050), Division 6 of the Agricultural Code, relating to marketing of agricultural products

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1403—An act to amend Sections 11704 and 11705 of the Education Code, relating to public school pupils

Bill read second time, and ordered engrossed

Assembly Bill No. 815—An act to amend Section 14256 of the Education Code, relating to state teachers' retirement

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 884—An act to amend Section 16066 of the Education Code, relating to leases of school district property

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 903—An act to amend Section 24000 of the Education Code, relating to state colleges

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 590—An act to add Chapter 15 (commencing with Section 27111) to Division 20 of the Education Code, relating to grants to public libraries

Bill read second time

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr Waldie was granted unanimous consent that Rule No 101 be temporarily suspended for the purpose of permitting an amendment which adds coauthors to the bill

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Education, was read, and adopted

Amendment No. 1

In line 2 of the heading of the printed bill, as amended in the Assembly on March 11, 1963, after "Casey," insert "Dymally, Gaffney,"

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Education

Assembly Bill No. 529—An act to add Section 7202 1 to the Education Code, relating to the purchase of textbooks in addition to those furnished by the county library

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Education, were read, and adopted

Amendment No. 1

On page 1, line 4, of the printed bill, after "textbooks", insert ", reference books, periodicals, and other publications"

Amendment No. 2

On page 1, line 5 strike out "the county board of education", and insert "any board authorized to adopt such materials"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1441—An act to amend Section 42005 of the Vehicle Code, relating to safety zone violations

Bill read second time, and ordered engrossed, and to be placed on on the Consent Calendar

Assembly Bill No. 1431—An act to amend Section 21652 of the Vehicle Code, relating to driving on service roads

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce, was read, and adopted.

Amendment No. 1

On page 1 of the printed bill, strike out line 7, and insert "thoroughfare from the service road or from the main thoroughfare into the service"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 879—An act to amend Sections 260, 465, and 9400 of, and to add Section 243 and 362 to, the Vehicle Code, and to amend Section 10753 of the Revenue and Taxation Code, relating to motor vehicle fees

Bill read second time.

Motion to Amend

Mr. Donovan moved the adoption of the following amendments.

Amendment No. 1

On page 2, line 21, of the printed bill, as amended in the Assembly on March 19, 1963, after "habitation", insert ", or to which a camper has been attached and which is not used to transport property on its own structure other than property used for human habitation or camping purposes".

Amendment No. 2

On page 2, line 32, after the period, insert "(1)".

Amendment No. 3

On page 3, line 21, after "dolly," insert "logging dolly".

Amendment No. 4

On page 3, line 41, insert

"(2) In addition to any other registration fee there may be paid the following fee for registration of any commercial motor vehicle with an unladen weight of less than 3,000 pounds—fee—$10."

Amendment No. 5

On page 4, line 37, strike out "unit".

Amendments read, and adopted.

Bill ordered reprinted, and re-engrossed.

Assembly Bill No. 1432—An act to amend Section 21706 of the Vehicle Code, relating to following emergency vehicles.

Bill read second time, and ordered engrossed.

Assembly Bill No. 34—An act to amend Section 2 of Chapter 1697 of the Statutes of 1955, relating to ferries and other toll highway crossings across the Bay of San Diego from the City of San Diego to the City of Coronado

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted:

Amendment No. 1

On page 1 of the printed bill, strike out lines 10 to 17, inclusive, and insert "*ity* shall provide in the mutual agreement or in the exercise of eminent domain that the owners of the ferry shall through a process of collective bargaining pay operating, maintenance and toll collection personnel the actuarial value of accrued pension rights and in addition thereto, if such toll bridge, ferry, tube or other toll highway crossing is not to be operated by the authority, shall also provide for the payment of severance pay not exceeding one month's severance pay for each year of service up to and including 25 years to any of such personnel as are not offered employment by any state agency"

Amendment No. 2

On page 2, line 5, strike out "and pay the personnel thereof one month's", and insert a period

Amendment No. 3

On page 2, strike out lines 6 to 8, inclusive, and insert "At the time the authority directs the department to discontinue the operation of the toll bridge, ferry, tube, or other toll highway crossing, it shall also direct the department to pay the personnel engaged in the operating, maintenance and toll collection functions thereof one month's severance pay for each year of service up to and including 25 years Severance pay shall not, however, be payable to any such personnel who are offered permanent employment and who become permanent employees of any state agency under the following conditions

1. The rate of pay shall be substantially the same as that received at the time operations are discontinued

2. The place of employment shall be within a radius of 50 miles of the City of San Diego unless the employee, at his option, accepts employment at a place outside said 50-mile radius

Any employee who accepts employment with a state agency and whose employment is terminated by said agency prior to the expiration of his probationary period for any reason which is the fault of said employee shall not be entitled to severance pay.

An employee eligible for retirement under any collective bargaining agreement with the owners of a privately owned toll bridge, ferry, tube, or other highway crossing and accepts such retirement shall not be entitled to severance pay."

Bill ordered reprinted, and engrossed

Assembly Bill No. 1229—An act to add Section 25273 to the Vehicle Code, relating to flashing warning lights

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce, was read, and adopted·

Amendment No. 1

On page 1, line 4, of the printed bill, after "district", insert "with an average daily attendance in excess of 400,000"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1297—An act to amend Section 26709 of the Vehicle Code, relating to mirrors on vehicles.

Bill read second time.

Motion to Re-refer

Mr. Gonsalves moved that Assembly Bill No 1297 and the committee amendments thereto be re-referred to the Committee on Transportation and Commerce.

Motion carried unanimously

Assembly Bill No. 112—An act to add Sections 20962 5, 21405, 27229 1, 27266.1, 30321.5, 30586, 32226 5, 32475, 34503, 34808, 37658, 40104, 40659, 55187, 55309, 55917, 55930 5, 55950 5, 55959 5, 55967 5, 60122 5, 60156, and 71312 to, to add Chapter 2 5 (commencing with Section 27050) to Part 11 of Division 11, Chapter 6 (commencing with Section 28000) to Part 11 of Division 11, Chapter 2 4 (commencing with Section 37590) to Part 8 of Division 13, Chapter 2 5 (commencing with Section 48300) to Part 10 of Division 14, and Chapter 2 6 (commencing with Section 55905) to Part 5 of Division 16 of, and to amend Sections 30321, 30322, 60122, 60123, and 60124 of the Water Code; to amend Sections 71191 and 71192 of the Water Code, as added by Sen-

ate Bill No. 15, to amend Section 3 of, and to add Section 14 1 to, the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), to add Sections 8 5, 20 5, 40 5, and 41 5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), to add Sections 4.5 and 7.1 to Chapter 641 of the Statutes of 1931, to add Sections 8.5, 19 5, 47 5, 49 6, 50 5, and 57 5 to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), and to add Section 12171 to the Government Code, relating to information regarding the formation, change of boundaries, merger, consolidation, and dissolution of water districts.

Bill read second time, and ordered to third reading

Assembly Bill No. 632—An act to add Chapter 8 5 (commencing with Section 6125) to Title 7 of Part 3 of the Penal Code, and to amend Section 1755 5 of the Welfare and Institutions Code, relative to institutions in the Department of Corrections

Bill read second time, and ordered to third reading

Assembly Bill No. 747—An act to amend Sections 4383 and 4384 of the Agricultural Code, relating to distributors of fluid milk and cream, to take effect immediately, tax levy

Bill read second time, and ordered engrossed

Assembly Bill No. 629—An act to repeal Section 9654 of the Education Code, relating to the price of textbooks sold by dealers

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to amend Section 9653 1 of,"

Amendment No. 2

Strike out line 2 of the title, and insert "to state textbooks"

Amendment No. 3

On page 1, after line 4, insert

"SEC. 2. Section 9653 1 of said code is amended to read

9653 1. The governing board of any school district may purchase copies of a state supplementary textbook *or state basic textbook* ~~for supplementary purposes~~ which are in addition to the number of copies of the particular state textbook provided free to the district by the State Such copies shall be sold to the school district pursuant to this section for a price which does not exceed their cost price which shall be established by the State Board of Education"

Bill ordered reprinted, and engrossed

Assembly Bill No. 790—An act to amend Section 15853 of the Government Code, relating to state public works

Bill read second time, and ordered to the Consent Calendar.

Assembly Bill No. 401—An act to amend Section 1090 of the Government Code, relating to public officers' interest in contracts.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 400—An act to amend Sections 1091 and 1091.5 of the Government Code, relating to public officers' interest in contracts

Bill read second time, and ordered to third reading

NOTE—Later this day, Assembly Bill No 400 was amended from the floor.

Assembly Bill No. 1034—An act to add Section 1098 to the Government Code, relating to public officers and employees.

Bill read second time, and ordered engrossed

Assembly Bill No. 1035—An act to add Section 1090 5 to the Government Code, relating to interest of public officers in contracts.

Bill read second time, and ordered engrossed.

Assembly Bill No. 1240—An act to repeal Part 5 (commencing with Section 35700) of Division 24 of, and to add Part 5 (commencing with Section 35700) to Division 24 of, the Health and Safety Code, and to add Section 1419 5 to the Labor Code, relating to discrimination in housing.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Governmental Efficiency and Economy, were read, and adopted·

Amendment No. 1

On page 3, line 19, of the printed bill, after "terms", insert a comma

Amendment No. 2

On page 4, line 41, strike out "35731", and insert "35732".

Amendment No. 3

On page 4, line 49, strike out "35732", and insert "35733".

Bill ordered reprinted, and engrossed

Assembly Bill No. 386—An act to amend Sections 17742 and 17745 of, and to add Section 17745 1 to, the Revenue and Taxation Code, relating to taxation of trusts.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Government Organization, were read, and adopted.

Amendment No. 1

On page 2 of the printed bill, as amended in the Assembly on March 18, 1963, between lines 21 and 22, insert

"(e) In the event that a person is a resident beneficiary during the period of accumulation, and leaves this State within 12 months prior to the date of distribution of accumulated income and returns to the State within 12 months after distribution, it shall be presumed that the beneficiary continued to be a resident of this State throughout the time of distribution."

Amendment No. 2

On page 2, line 22, strike out "e", and insert "f".

Bill ordered reprinted, and re-engrossed.

Assembly Bill No. 399—An act to add Section 1099 to the Government Code, relating to public officers and employees.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Government Organization, was read, and adopted:

Amendment No. 1

On page 1, lines 4 and 5, of the printed bill, strike out "of California".

Bill ordered reprinted, and engrossed

Assembly Bill No. 402—An act to amend Section 1090 of the Government Code, relating to public officers and employees.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Government Organization, was read, and adopted:

Amendment No. 1

On page 1, line 5, of the printed bill, after "be", insert "financially".

Bill ordered reprinted, and engrossed.

Assembly Bill No. 920—An act to amend Section 5100 of the Business and Professions Code, relating to the practice of accountancy.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Governmental Efficiency and Economy was read, and adopted:

Amendment No. 1

On page 1, line 20, of the printed bill, strike out "practice", and insert "performance"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

SECOND READING OF SENATE BILLS

Senate Bill No. 494—An act to amend Section 830 3 of the Agricultural Code, relating to fruits, nuts, and vegetables.

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 350—An act to amend Section 215 1 of, and to repeal Sections 215 3 and 215.4 of, the Agricultural Code, relating to swine.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Agriculture, was read, and adopted:

Amendment No. 1

On page 2, line 1, of the printed bill, strike out "215 4".

Bill ordered reprinted, and returned to the second reading file.

Senate Bill No. 53—An act to amend Section 5201 of the Vehicle Code, relating to license plates.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce, was read, and adopted:

Amendment No. 1

On page 1, line 9, of the printed bill, as amended in the Senate on February 27, 1963, strike out "which is not of a type approved by the California High-"; and in line 10, strike out "way Patrol"

Bill ordered reprinted, and returned to the second reading file.

ANNOUNCEMENT

Mr. McMillan announced that today is the birthday of Assemblyman Clayton A Dills of Gardena, whereupon the Members of the Assembly joined in extending birthday greetings and best wishes to Mr. Dills

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means.

Assembly Bills Nos. 212, 829, and **210.**

Assembly Bill No. 884, subsequent to engrossment.

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees

Assembly Bill No.	*Committee*
2130	Public Health
2131	Revenue and Taxation
2132	Governmental Efficiency and Economy
2133 and 2134	Municipal and County Government
2135	Education
2136	Criminal Procedure
2137	Finance and Insurance
2138 and 2139	Government Organization
2140	Municipal and County Government
2141	Judiciary
2142 and 2143	Criminal Procedure

Assembly Bill No.	*Committee*
2144	Governmental Efficiency and Economy
2145	Social Welfare
2146	Revenue and Taxation
2147	Civil Service and State Personnel
2148	Rules
2149	Finance and Insurance
2150	Education
2151 and **2152**	Criminal Procedure
2153 and **2154**	Education
2155	Criminal Procedure
2156	Education
2157	Finance and Insurance
2158	Transportation and Commerce
2159	Education

Assembly Constitutional Amendment No.	
37	Government Organization
38 and **39**	Ways and Means

Assembly Joint Resolution No	
33	Elections and Reapportionment

Senate Bill No.	
27	Municipal and County Government
74	Municipal and County Government
285	Education
388	Public Health
389	Criminal Procedure
410	Criminal Procedure
411	Transportation and Commerce
418	Water
434	Transportation and Commerce
438	Finance and Insurance
440	Finance and Insurance
489	Agriculture
490	Transportation and Commerce
518	Transportation and Commerce
567	Municipal and County Government
570	Governmental Efficiency and Economy
591	Water
614	Municipal and County Government
632	Municipal and County Government
646	Governmental Efficiency and Economy
650	Municipal and County Government
720	Water
759	Municipal and County Government

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 1, 1963

MR SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended,

Assembly Bill No 329

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bill ordered to unfinished business file.

SENATE CHAMBER, April 1, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No 105
Assembly Bill No 128
Assembly Bill No. 321

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bills ordered enrolled

SENATE CHAMBER, April 1, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed.

Senate Bill No 152
Senate Bill No 245
Senate Bill No 291
Senate Bill No 358
Senate Bill No 368
Senate Bill No 390
Senate Bill No 400
Senate Bill No 417
Senate Bill No 422
Senate Bill No 423
Senate Bill No. 432
Senate Bill No 450
Senate Bill No 487
Senate Bill No 534
Senate Bill No. 577
Senate Bill No 630
Senate Bill No 711
Senate Bill No 718
Senate Bill No 726

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

The following bills were read the first time:

Senate Bill No. 152—An act to repeal Sections 13303 and 13308 of, and amend Section 13304 of, the Education Code, relating to certificated employees of school districts.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 245—An act to add Article 5 5 (commencing with Section 16221) to Chapter 2 of Division 12 the Education Code, relating to the sale or lease of school district property, and declaring the urgency thereof, to take effect immediately.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 291—An act to add Section 5007 to the Government Code, relating to the registration of bonds of public bodies.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 358—An act to add Section 3205 to the Harbors and Navigation Code, relating to the San Francisco Port Authority.

Held at desk by order of the Speaker pro Tempore.

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolutions were read.

Senate Concurrent Resolution No. 2—Relative to efficiency and economy in state printing.

Referred by the Speaker pro Tempore to the Committee on Rules.

Senate Concurrent Resolution No. 36—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951

Referred by the Speaker pro Tempore to the Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT

Mr Winton was granted unanimous consent to take up further consideration of Assembly Bill No 400, at this time

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 400

Assembly Bill No. 400—An act to amend Sections 1091 and 1091 5 of the Government Code, relating to public officers' interest in contracts.

Bill read third time.

Motion to Amend

Mr. Winton moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 4, of the printed bill, as amended in the Assembly on March 25, 1963, strike out "body or board", and insert "contracting party".

Amendment read, and adopted

Bill ordered reprinted, and re-engrossed

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 45—An act to amend Section 12880 of the Water Code, relating to state financial assistance for local water projects, declaring the urgency thereof, to take effect immediately.

Senate amendments read.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76.

NOES—None

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 45?

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Assembly on March 4, 1963, after "projects", insert ", declaring the urgency thereof, to take effect immediately"

Amendment No. 2

On page 4, line 51, after "agency", insert "or where a county board of supervisors acts as the governing body of the agency".

Amendment No. 3

On page 6, after line 5, insert

"SEC 2 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The money applied for under the terms of the Davis-Grunsky Act which can be used pursuant to this act is necessary for the development of recreation and public fishing facilities that will serve thousands of visitors to the Santa Cruz area

Unless this act takes effect immediately, it will mean a delay of up to one year in the progress of this and other vital projects in this State"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 45 by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Assembly Bill No. 45 ordered enrolled

Assembly Bill No. 584—An act relating to the acquisition and improvement of real property in the City of Sacramento, making an appropriation and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No 584?

Amendment No. 1

On page 1, line 4, of the printed bill, as amended in the Assembly on February 19, 1963, strike out "one million dollars ($1,000,000)", and insert "three hundred thousand dollars ($300,000)".

Amendment No. 2

On page 1, line 6, after "property", insert "located at the northeast corner of 15th Street and Capitol Avenue and at the southeast corner of 9th and Q Streets".

Amendment No. 3

On page 2, line 32, strike out "without regard to fiscal years", and insert "until June 30, 1964".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 584 by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Hen-

Gonsalves, Henson, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mills, Moreno, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Thomas, Veysey, Waldie, Warren, Williamson, Winton, Young, and Zenovich—46

NOES—Ashcraft, Badham, Bane, Barnes, Belotti, Burgener, Casey, Collier, Cologne, Cusanovich, Deukmejian, Donovan, Flournoy, Gaffney, Greene, Hinckley, Lanterman, Mihas, Monagan, Mulford, Stevens, Thelin, Veneman, Whetmore, Willson, and Z'berg—26

Bill ordered transmitted to the Senate.

STATEMENT BY SPEAKER UNRUH

Speaker Unruh stated that, in all fairness to the author of a bill, the members should permit him to conclude his debate on his bill before arising to direct their questions to him

NAMES PLACED UPON ROLL CALL ON ASSEMBLY BILL NO. 175

Messrs Ashcraft and Barnes were granted unanimous consent that they be recorded as voting "Aye" on Assembly Bill No. 175.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Consideration of House Resolution No. 167

By Messrs Burton, Mills, Bane, Crown, and Stanton:

House Resolution No. 167—Relative to congratulating the International Association of Machinists on its 75th Anniversary.

NOTE The full text of House Resolution No. 167 appears at page 1420 of the Assembly Daily Journal for March 26, 1963

Resolution read, and adopted

Assembly Bill No. 1311—An act to amend Section 26909 of the Government Code, relating to the annual audit by county auditor.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1022—An act to amend Section 23014 of the Government Code, relating to county revolving funds

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan,

Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1131—An act to amend Sections 28801 and 28802 of the Education Code, relating to offenses against libraries

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dameison, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1169—An act to add Section 60328 to, to repeal Section 60338 of, and to amend Section 60350 of, the Water Code, relating to water replenishment districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dameison, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None.

Bill ordered transmitted to the Senate

THIRD READING OF SENATE BILLS

Senate Bill No. 115—An act to add Article 15 (commencing with Section 6450) to Chapter 6 of Division 6 of the Education Code, relating to special educational programs for culturally disadvantaged children, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Mr Petris

Motion to Amend

Mr Conrad moved the adoption of the following amendment

Amendment No. 1

On page 3, lines 51 and 52, of the printed bill, as amended in the Assembly on April 1, 1963, strike out "Governor, subject to Senate confirmation," and insert "Superintendent of Public Instruction"

Amendment read

Amendment Ruled Not in Order

Speaker Unruh ruled the amendment not in order

Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 498—An act to amend Section 2985.1 of the Civil Code, relating to transferability of real property sales contract

Bill read third time, and presented by Mr Knox

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Cusanovich, Danielson, Dunnemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson Kennick, Knox, Lanterman, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—None

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Municipal and County Government

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER Your Committee on Municipal and County Government reports:

Assembly Bill No 1164	Assembly Bill No 1295
Assembly Bill No 1165	Assembly Bill No 1467
Assembly Bill No 1183	Assembly Bill No 1499
Assembly Bill No 1190	Assembly Bill No 2112

With the recommendation Do pass

KNOX, Chairman

Above bills ordered to second reading

Request for Unanimous Consent to Take Up Assembly Bill No. 2112

Mr Johnson was granted unanimous consent to take up Assembly Bill No 2112, without reference to file

Article IV, Section 2(a) of the Constitution, as it pertains to Assembly Bill No 2112, was suspended previously *See* page 1522, Assembly Journal for March 28, 1963

CONSIDERATION OF ASSEMBLY BILL NO. 2112

Assembly Bill No. 2112—An act to add Section 1741 to the Labor Code, relating to the modification of public works contracts, and declaring the urgency thereof, to take effect immediately

Bill read second time

Resolution to Dispense With Constitutional Provision

The following resolution was offered

By Mr Johnson

Resolved, That Assembly Bill No 2112 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that

section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be considered engrossed, read the third time, and placed upon its passage

Resolution read

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77

NOES—None

Article IV, Section 15 of the Constitution was declared dispensed with.

Assembly Bill No. 2112—An act to add Section 1741 to the Labor Code, relating to the modification of public works contracts, and declaring the urgency thereof, to take effect immediately.

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—None

Bill ordered transmitted to the Senate

ANNOUNCEMENTS

Speaker Unruh announced that all committee meetings heretofore scheduled for 1 30 p m today, would meet at 2 p m instead

Mr Mulford announced a Republican Caucus at 8 15 a m tomorrow morning, April 3.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

RUMFORD, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER Your Committee on Public Health reports

Assembly Bill No 228

With amendments with the recommendation Be amended, and that the bill, as amended, be returned to the committee, and the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

RUMFORD, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER The Chairman of your Committee on Public Health reports

Assembly Bill No 594
Assembly Bill No 824
Assembly Bill No 828

With author's amendments with the recommendation Amend, and re-refer to the Committee on Public Health

RUMFORD, Chairman

SECOND READING OF ASSEMBLY BILL NO. 594 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 594—An act to amend Sections 24379, 24386, 24388, 24389, 24392, 24394, and 24396 of, and to repeal Section 24393 of the Health and Safety Code, relating to motor vehicle air pollution control.

Bill read second time

Motion to Amend

Mr Rumford moved the adoption of the following amendments:

Amendment No 1

In line 2 of the title of the printed bill, strike out "24394 and 24396 of, and to repeal Section 24393", and insert "and 24393"

Amendment No. 2

On page 2, lines 15 and 16, strike out "or regulation"

Amendment No. 3

On page 3, line 9, strike out the period, and insert "or no longer should be exempted. Provided that once any motor vehicle is equipped with a certified device it shall not thereafter be deemed to be in violation of this chapter or Section 27156 of the Vehicle Code because a certificate of approval for such device is subsequently revoked, suspended, or restricted, and replacement parts for such device may continue to be supplied and used for such vehicle, unless such revocation, suspension or restriction of a certificate of approval is based upon a finding that the certified device has been found to be unsafe or objectionable in actual use or is otherwise defective, in which event such motor vehicle must be brought into compliance with this chapter within 30 days after such finding"

Amendment No. 4

On page 3, strike out lines 51 and 52, and on page 4, strike out line 1, and insert "sions of Sections 24391, 24392 and 24393 are operative, the principal"

Amendment No. 5

On page 4, line 3, strike out "Section 24391 and", strike out line 4, and in line 5, strike out "tion Control Board pursuant to Section 24392", and insert "Sections 24391, 24392 and 24393"

Amendment No. 6

On page 4, line 8, strike out "Section 24391", strike out line 9; and in line 10, strike out "Vehicle Pollution Control Board pursuant to Section 24392", and insert "Sections 24391, 24392 and 24393"

Amendment No. 7

On page 4, between lines 14 and 15 insert

"SEC. 5. Section 24390 of said code is amended to read:

24390. *(a)* No new motor vehicle shall be registered in this State after one year after the certification date unless and until the motor vehicle is equipped with a certificate device *to control emissions of pollutants from the crankcase.*

(b) No new motor vehicle shall be registered in this State after the certification date for any certified device, except a device to control emission of pollutants from the crankcase, unless and until the motor vehicle is equipped with such a certified device. Provided, that this subdivision shall be first applicable to new motor vehicles only on a model year basis, and then only when 12 months shall have intervened between the time of such certification date and the introduction of such model year vehicle for sale.

(c) No used motor vehicle, except those specifically exempted, shall be registered after one year after the certification date for any certified device, other than a device to control the emission of pollutants from the crankcase, unless and until it is equipped with such a device in accordance with an installation schedule established by the board"

Amendment No. 8

On page 4, line 15, strike out "5", and insert "6".

Amendment No. 9

On page 4, line 21, strike out "The Motor Vehicle Pollution Control", and strike out lines 22 to 26, inclusive, and insert

"(a) For the purpose of this section the 10 months of January 1964 through October 1964 shall be considered as numbered consecutively from 1 through 10.

(b) Each commercial motor vehicle, except those specifically exempted, or previously so equipped, shall, during the calendar year 1964, be equipped with a certified device to control emission of pollutants from the crankcase during or prior to the month in which the last digit of its license number corresponds with the number assigned to such month in subdivision (a)

(c) No commercial motor vehicle, except those specifically exempted, shall be registered after December 1, 1964, unless and until it is equipped with a certified device to control emission of pollutants from the crankcase"

Amendment No. 10

On page 4, line 27, strike out "6", and insert "7"

Amendment No. 11

On page 4, line 27, strike out "repealed ", and insert "amended to read

24393 No motor vehicle shall be registered after the third December 31 next following the certification date when the principal vehicle location is a county, or portion of a county, wherein the provisions of this section are operative, unless and until the motor vehicle is equipped with a certified device

(a) For the purpose of this section, the 10 months of January 1965 through October 1965 shall be considered as numbered consecutively from 1 through 10

(b) Each passenger motor vehicle, except those specifically exempted, or previously so equipped, shall, during the calendar year 1965, be equipped with a certified device to control emission of pollutants from the crankcase during or prior to the month in which the last digit of its license number corresponds with the number assigned to such month in subdivision (a)

(c) No passenger motor vehicle, except those specifically exempted, shall be registered after December 31, 1965, unless and until it is equipped with a certified device to control emissions of pollutants from the crankcase"

Amendment No. 12

On page 4, strike out lines 33 through 52, and on page 5, strike out lines 1 through 47

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 166

With amendments with the recommendation Be amended, and that the resolution, *as amended, be returned to the committee, and the subject matter be referred to* the Committee on Rules for assignment to the proper interim committee for study.

BANE, Chairman

Above resolution ordered on file.

Committee on Municipal and County Government

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER Your Committee on Municipal and County Government reports.

Senate Bill No 453

With the recommendation Do pass

KNOX, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER: Your Committee on Municipal and County Government reports

Assembly Bill No. 1162
Assembly Bill No 1163
Assembly Bill No 1465
Assembly Bill No 1497

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

KNOX, Chairman

Above bills ordered to second reading

Committee on Judiciary

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER Your Committee on Judiciary reports

Assembly Bill No 109
Assembly Bill No 1378
Assembly Bill No 1457

With amendments with the recommendation · Amend, and do pass, as amended

WILLSON, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER Your Committee on Judiciary reports

Assembly Bill No 170

With the recommendation. Do pass, and be re-referred to the Committee on Ways and Means

WILLSON, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER Your Committee on Judiciary reports

Assembly Bill No 1458

With the recommendation: That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study.

WILLSON, Chairman

Subject matter of the above bill referred to the Committee on Rules.

ASSEMBLY CHAMBER, April 2, 1963

MR. SPEAKER Your Committee on Judiciary reports

Assembly Bill No. 1333
Assembly Bill No. 1443
Assembly Bill No 1444
Assembly Bill No 1447
Assembly Bill No 1501

With the recommendation: Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar.

WILLSON, Chairman

Above bills ordered to second reading.

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 2, 1963

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No 50
Assembly Concurrent Resolution No 55

And reports the same correctly engrossed.

POWERS, Chairman

Above resolutions ordered on file

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 306

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Social Welfare

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 884

And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 288
Assembly Bill No 289
Assembly Bill No. 747
Assembly Bill No. 1034
Assembly Bill No 1035
Assembly Bill No 1403
Assembly Bill No 1432

And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered to third reading.

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 394
Assembly Bill No. 401
Assembly Bill No 815
Assembly Bill No 903
Assembly Bill No 1132
Assembly Bill No 1134
Assembly Bill No 1313
Assembly Bill No 1329
Assembly Bill No 1441

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mrs Davis, seconded by Mr. Foran

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of legislative business elsewhere:

Mr. Rumford, on motion of Mr Waldie.

COMMUNICATIONS

The following communication was presented by the Chief Clerk from:

Wm. R. Churchill of Oakland, relative to an impeachment petition. Referred by the Speaker pro Tempore to the Committee on Judiciary.

RESOLUTIONS

The following resolutions were offered:

By Mr. Waite

House Resolution No. 188

Commending Stephen Perry

WHEREAS, On March 18, 1963, Stephen Perry, a 15-year-old student of Sunland, California, was acclaimed a hero for his fast action which saved a small child from drowning, and

WHEREAS, Little Donald Evans, aged three and one-half, was playing beside a rain-swollen waterhole in the Tujunga Wash when a mishap caused him to fall into the water, and

WHEREAS, Roused by the screams of Donald's mother who was unable to swim, Stephen ran from his house, scaled a five-foot chain link fence, and plunged into the water to rescue the child, and

WHEREAS, Thanks to the quick-thinking of Stephen who applied mouth-to-mouth resuscitation, Donald was breathing by the time an ambulance arrived at the scene, and

WHEREAS, Stephen's heroic action which saved a human life is deserving of the highest recognition; now, therefore, be it

Resolved by the Assembly of the State of California, That the members hereby commend Stephen Perry on his efficient action in rescuing Donald Evans, and express their hope that he may be equally successful in all of his future undertakings, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Stephen Perry

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

By Messrs. Cologne, Holmes, Veysey, and Pattee:

House Resolution No. 189

Relating to a study of Mexican agricultural development as it affects the agricultural economy of California and the results of the use of Mexican agricultural workers

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to refer to the appropriate interim committee for study the subject of Mexican agricultural development as it affects the agricultural economy of California and the subject of the relations between the people of California and the people of the Republic of Mexico as a result of the use of agricultural labor pursuant to Public Law 78, and to direct such interim committee to report thereon, together with its suggestions for proposed legislation, to the Assembly not later than the fifth legislative day of the 1965 Regular Session of the Legislature.

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

Assembly Bill No. 2190: By Mr. Willson—An act to amend Section 13438 of, and to add Sections 13220 and 13471 to, the Education Code, relating to attorney's fees, costs and disbursements in proceedings by or against certificated school personnel

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2191: By Mr. Monagan (Senator Short, coauthor)—An act conveying in trust certain tidelands and submerged lands lying under the waters of the San Joaquin River to the City of Stockton in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof, and reserving rights to the State.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2192: By Mr. Rumford—An act to add Section 655 to the Business and Professions Code, relating to charges by persons licensed in the healing arts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2193: By Messrs. Mills, Barnes, Ashcraft, Burgener, and Donovan (Senator Schrade, coauthor)—An act to amend Sections 18, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 41, 42, 43, 44, 45, 46, 47, 49.5, 51, 52, 53, 54, 57, 62, 66, 67, 71, 77, 80, 84, 86 and 87 of, and to repeal Sections 63, 64 and 65 of, and to add Sections 74 and 88 to the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), relating to the San Diego Unified Port District, declaring the urgency thereof, to take effect immediately.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2194: By Mr. Henson—An act to add Sections 23058 and 23758.4 to the Education Code, relating to higher education.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2195: By Mr. Henson—An act to amend Sections 7044 and 7050 of the Business and Professions Code, relating to contractors

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2196: By Mr. Henson—An act to amend Section 1205 of the Penal Code, relating to fines for public offenses.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2197: By Mr Henson—An act to amend Section 836 of the Penal Code, relating to arrest.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2198: By Mr Carrell—An act to add Sections 20785 and 20786 to the Business and Professions Code, relating to standards of purity for gasoline and diesel fuel

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2199: By Mr. Powers—An act to amend Section 1845 5 of the Code of Civil Procedure, relating to eminent domain.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2200: By Mr. Knox—An act to amend Section 10245 of the Business and Professions Code, relating to real property loans

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2201: By Mr Knox—An act to amend Section 14376 of the Education Code, relating to the State Teachers' Retirement System

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2202: By Mr Beilenson—An act to amend Section 27285 of the Government Code, relating to county recorders.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2203: By Messrs Alquist, Garrigus, and Bane—An act to amend Sections 25001 and 25002 of, and to add Sections 25001 1, 25001 2, 25001 3, and 25001 4 to, the Government Code, relating to county supervisorial districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2204: By Mr. Conrad—An act to amend Sections 18754 and 18756 of the Elections Code, relating to election returns.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2205: By Messrs Ashcraft, Barnes, and Burgener—An act to add Section 8443 to the Elections Code, relating to county central committees

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2206: By Messrs Kennick, Carrell, Casey, Stevens, and Williamson—An act to add Section 8518 to the Business and Professions Code, relating to structural pest control.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2207: By Mr Knox—An act to amend Section 13831 of the Health and Safety Code, relating to fire protection districts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2208: By Mr Dannemeyer—An act to amend Sections 72300 and 72305 of the Government Code, relating to night sessions of municipal courts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2209: By Mr. Dannemeyer—An act to add Section 8415 to the Elections Code, relating to county central committees.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2210: By Mr Donovan—An act to amend Section 1511 5 of the Welfare and Institutions Code, relating to standards for aid to needy children.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2211: By Mr. Donovan—An act to add Sections 433 and 1509 8 to the Welfare and Institutions Code, relating to public assistance.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2212: By Mr. Donovan—An act to amend Section 1570 of the Welfare and Institutions Code, relating to enforcement of child support provisions.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2213: By Mr Donovan—An act to amend Section 1575 of the Welfare and Institutions Code, relating to aid to needy children.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2214: By Mr Donovan—An act to amend Section 1572 of the Welfare and Institutions Code, relating to aid to needy children.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2215: By Mr Donovan—An act to amend Section 19 of the Welfare and Institutions Code, relating to public assistance.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2216: By Mr Donovan—An act to repeal Sections 1577, 2007, 3006, 3405, and 4005 of the Welfare and Institutions Code, relating to public assistance.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2217: By Mr Donovan—An act to amend Section 270e of the Penal Code, relating to support of children

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2218: By Mr Donovan—An act to add Sections 151, 151 5, and 152 to the Penal Code, relating to crimes involving public assistance.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2219: By Mr Deukmejian—An act to add Section 849 5 to the Penal Code, relating to arrest

Held at desk by order of the Speaker pro Tempore.

Committee on Finance and Insurance

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER The Chairman of your Committee on Finance and Insurance reports

Assembly Bill No 606

With author's amendments with the recommendation Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 606 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 606—An act to amend Section 1254 of the Unemployment Insurance Code, relating to unemployment compensation benefits

Bill read second time

Motion to Amend

Mr Z'berg moved the adoption of the following amendments

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 1253 and"

Amendment No. 2

On page 1, strike out lines 1 to 22, inclusive, and insert

"SECTION 1 Section 1253 of the Unemployment Insurance Code is amended to read

1253 An unemployed individual is eligible to receive unemployment compensation benefits with respect to any week only if the director finds that

(a) A claim for benefits with respect to that week has been made in accordance with authorized regulations

(b) He has registered for work, and thereafter continued to report, at a public employment office or such other place as the director may approve Either or both of the requirements of this subdivision may be waived or altered by authorized regulation as to partially employed individuals attached to regular jobs

(c) He was able to work and available for work for that week

(d) He has been unemployed for a waiting period of one week as defined in Section 1254. *but this subdivision shall not apply to an individual who is eligible for unemployment compensation benefits for the first week of a benefit year except for the requirements of this subdivision and who was paid unemployment compensation benefits for the week immediately preceding that benefit year.*

(e) He conducted a search for suitable work in accordance with specific and reasonable instructions of a public employment office

SEC 2. Section 1254 of said code is amended to read

1254 ~~No~~ *A* week shall be counted as a week of unemployment under subdivision (d) of Section 1253 *if*

(a) ~~Unless it~~ *It* occurs within the benefit year which includes ~~the~~ *that* week ~~with respect to which he claims payment of unemployment compensation benefits~~, but ~~this requirement shall not interrupt the payment of such benefits for consecutive weeks of unemployment. The~~ *the*

week immediately preceding a benefit year, if *within an unexpired benefit year and a* part of one uninterrupted period of unemployment which continues into that benefit year, shall be deemed, for the purposes of this section only, to be within such benefit year as well as within the preceding benefit year.

(b) ~~*If unemployment*~~ *Unemployment* compensation benefits have been paid with respect to that week

(c) ~~Unless the~~ *The* individual was eligible for unemployment compensation benefits with respect thereto in all respects, except for the requirements of subdivision (d) of Section 1253 and Section 1281.

SEC 3 No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment, shall be abolished or impaired by this act

SEC 4. The provisions of Sections 1253 and 1254 of the Unemployment Insurance Code as amended by Sections 1 and 2, respectively, of this act shall apply to new claims filed with an effective date beginning on or after the effective date of this act. The provisions of Sections 1253 and 1254 of said code as in effect prior to the amendments made by this act shall remain applicable to new claims filed with an effective date beginning prior to the effective date of this act."

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER The Chairman of your Committee on Finance and Insurance reports

Assembly Bill No 759

With author's amendments with the recommendation. Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 759 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 759—An act to amend Sections 3856 and 3858 of the Labor Code and Sections 21451, 21453, and 21454 of the Government Code, relating to workmen's compensation

Bill read second time

Motion to Amend

Mr Henson moved the adoption of the following amendment

Amendment No. 1

On page 3, of the printed bill, strike out lines 1 to 8, inclusive, and insert

"SEC 2 Section 3858 of said code is amended to read

3858 After payment of litigation expenses, ~~and~~ attorneys' fees *and the employee's general damages* fixed by the court pursuant to Section 3856 and payment of the employer's lien, the employer shall be relieved from the obligation to pay further compensation to or on behalf

Amendment No. 29

On page 6, strike out lines 11 and 12, and insert "jurisdiction of the school district, may pro-"

Amendment No. 30

On page 6, line 13, strike out "division", and insert "department"

Amendment No. 31

On page 6, strike out lines 16 to 30, inclusive.

Amendment No. 32

On page 6, line 31, strike out "593", and insert "592"

Amendment No. 33

On page 6, lines 34 and 35, strike out "one hundred fifty thousand five hundred dollars ($150,500)", and insert "twenty-five thousand dollars ($25,000)"

Amendment No. 34

On page 6, strike out lines 36 to 38, inclusive, and insert "ment of Education for carrying out the functions,"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER: The Chairman of your Committee on Education reports:

Assembly Bill No 653

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 653

(Pursuant to Rule No. 59.9)

Assembly Bill No. 653—An act to amend Sections 6903, 6904, 6913 1, 8951, 8955 1, 17301, and 17303 5 of the Education Code, relating to education of mentally retarded minors

Bill read second time

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr Burgener was granted unanimous consent that Rule No 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor to the bill

Motion to Amend

Mr Burgener moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the caption of the printed bill, after "Monagan," insert "Belotti, Elliott, Gaffney, Mulford, Porter, Rumford, Ryan, Veysey,"

Amendment No. 2

In line 4 of the caption, strike out "(At the request of Department of Education)".

Amendment No. 3

On page 1, line 4, strike out 'five", and insert "eight"

Amendment No. 4

On page 1, line 9, strike out "may", and insert "shall".

Amendment No. 5

On page 1, line 11, after "inclusive" insert "The education of such mentally retarded minors who are five or more and less than eight years of age may be provided for in the manner set forth in Sections 6901 to 6915, inclusive, and in Sections 8951 to 8956, inclusive"

Amendment No. 6

On page 2, between lines 43 and 44, insert

"The governing board of any elementary, unified or high school district, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction, enter into an agreement with a county superintendent of schools for the latter to provide for the education of such mentally retarded minors

The governing boards of elementary, unified, and high school districts may enter into agreements for the education in special training schools or classes of mentally retarded minors residing in the districts parties to such agreements providing such agreements are reported through the county superintendent of schools to the Superintendent of Public Instruction"

Amendment No. 7

On page 2, line 47, strike out "required to provide", and insert "which maintains or has entered into an agreement with another school district for".

Amendment No. 8

On page 2, line 48, after "facilities", insert ", including the rental of property and purchase of equipment,"

Amendment No. 9

On page 4, strike out lines 24 to 28, inclusive

Amendment No. 10

On page 4, between lines 36 and 37, insert

"A county superintendent of schools, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction enter into agreement with an elementary, unified or high school district for the latter to provide for the education of such mentally retarded minors"

Amendment No. 11

On page 5, strike out lines 4 to 9, inclusive, and insert

"The board of supervisors shall, at the time of levying other county taxes, levy a tax in each school district for whom the county superintendent of schools maintains special training schools or classes pursuant to Section 6904 or 8951 for the education of mentally retarded minors who come within the provisions of Section 6903 upon the taxable property in such district sufficient to produce an amount equal to all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors The amount received from this tax shall be deposited in the county school service fund"

Amendment No 12

On page 5, line 10, strike out "17310", and insert "17301".

Amendment No. 13

On page 5, lines 30 and 31, strike out "twenty-one dollars and thirty-six cents ($21 36)", and insert "twenty-one dollars and forty-three cents ($21 43)".

Amendment No. 14

On page 5, strike out lines 35 to 44, inclusive, and insert "lic Instruction."

Amendment No. 15

On page 6, line 39, strike out "Two dollars and sixty-six cents ($2 66)", and insert "Two dollars and seventy-three cents ($2 73)"

Amendment No. 16

On page 6, strike out lines 45 to 52, inclusive; and on page 7, strike out lines 1 to 3, inclusive, and insert "respectively) of Chapter 3 of this division"

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 879—An act to amend Sections 260, 465, and 9400 of, and to add Section 244 and 362 to, the Vehicle Code, and to amend Section 10753 of the Revenue and Taxation Code, relating to motor vehicle fees

Bill read second time

Motion to Amend

Mr Donovan moved the adoption of the following amendment:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Assembly on April 2, 1963, strike out "Section" and insert "Sections"

Amendment read, and adopted

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 190—An act to add Section 433 to the Welfare and Institutions Code, relating to public assistance

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, strike out "433", and insert "448".

Amendment No. 2

On page 1, line 3, strike out "433", and insert "448".

Amendment No. 3

On page 1, lines 6 and 7, strike out "another person or persons", and insert "his spouse or other relative"

Amendment No. 4

On page 1, lines 7 and 8, strike out "person or persons", and insert "spouse or other relative"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 117—An act to add Section 443 to, and to amend Sections 425, 2020 002, 3084 01, and 3472 01 of, the Welfare and Institutions Code, relating to public assistance

Bill read second time, and ordered to third reading.

Assembly Bill No. 883—An act to add Sections 554 and 597 to the Streets and Highways Code, relating to state highways

Bill read second time, and ordered to third reading

Assembly Bill No. 48—An act to add Section 5014 to the Public Resources Code, relating to the State Park System

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Ways and Means, was read, and adopted

Amendment No 1

On page 1, line 6, of the printed bill, as amended in the Assembly on March 14, 1963, strike out "Del Norte Company", and insert "Hussey Ranch Corporation"

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 59—An act to add Section 459 to, to amend Sections 2020, 3080 01, 3084, and 3472 of, and to repeal Sections 2020 05, 2025 01 and 3084 3 of, the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted

Amendment No. 1

In lines 1, 2 and 3 of the title of the printed bill, as amended in the Assembly on March 19, 1963, strike out "459 to, to amend Sections 2020, 3080 01, 3084, and 3472 of, and to repeal Sections 2020 05, 2025 01 and 3084 3 of," and insert "443 to".

Amendment No. 1.5

In lines 4 and 5 of the title, strike out ", and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1, line 1, strike out "459", and insert "443"

Amendment No. 3

On page 1, line 3, strike out "459", and insert "443"

Amendment No. 4

On page 2, strike out lines 5 to 50 inclusive

Amendment No. 5

Strike out all of pages 3 and 4

Amendment No. 6

On page 5, strike out lines 1 to 15, inclusive

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 61—An act to amend Section 1511 of the Welfare and Institutions Code, relating to public assistance grants, and declaring the urgency thereof, to take effect immediately.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Ways and Means, was read, and adopted

Amendment No. 1

On page 2, between lines 47 and 48, of the printed bill, as amended in the Assembly on March 19, 1963, insert

"If when and during such times as the United States government increases or decreases its contributions in assistance of needy children in this State above or below the amount paid on January 1, 1963, the amounts specified in the above

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Public Health, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 26, 1963, strike out "4037 to the Health and Safety", and insert "13026 to the Water".

Amendment No. 2

On page 1, strike out lines 1 to 7, inclusive, and insert

"SECTION 1 Section 13026 is added to the Water Code, to read

13026 The State Water Pollution Control Board, after reasonable investigation, study and prior consultation with the State Board of Public Health, shall by regulation establish standards for the biodegradability of Alkyl, Benesene, sulfonate, (ABS) fraction of synthetic detergents which it finds and determines to be necessary to prevent excessive concentrations of residual ABS in the water supplies of this State

No regulation established by the state board pursuant to the provisions of this section shall be, or become, effective until or after October 1, 1965

It shall be unlawful to sell in this State for domestic, commercial, or industrial use, any detergent which does not meet the standards of biodegradability established by the regulations promulgated by the state board as provided in this section"

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Public Health, and the subject matter to be referred to the Committee on Rules for assignment to the proper interim committee

Assembly Bill No. 596—An act to repeal and add Chapter 6 (commencing with Section 28190), Division 21 of the Health and Safety Code, relating to bakeries and bakery products

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Public Health, were read, and adopted

Amendment No. 1

On page 3, line 5, of the printed bill, as amended in the Assembly on March 26, 1963, strike out "arm ", and insert "his arms"

Amendment No. 2

On page 3, line 29, strike out "six", and insert "6"

Amendment No. 3

On page 3, line 30, strike out "12", and insert "6".

Amendment No. 4

On page 5, strike out line 21, and insert "which pertain to adulteration, standards of identity, and label-"

Amendment No. 5

On page 5, line 32, strike out "agent", and insert "agents"

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1164—An act to add Section 5784.35 to the Public Resources Code, relating to recreation and park districts

Bill read second time, and ordered engrossed

Assembly Bill No. 1165—An act to amend Section 5784.22 of the Public Resources Code, relating to recreation and park districts

Bill read second time, and ordered engrossed.

Assembly Bill No. 1183—An act to amend Section 70141 7 of the Government Code, relating to salaries of commissioners.

Bill read second time, and ordered engrossed

Assembly Bill No. 1190—An act to amend Section 28121 of the Government Code, relating to salaries of county officers

Bill read second time, and ordered engrossed

Assembly Bill No. 1295—An act to add Section 4734 to the Health and Safety Code, relating to county sanitation districts

Bill read second time, and ordered engrossed

Assembly Bill No. 1467—An act to amend Section 717 of the Government Code, relating to claims against local public entities

Bill read second time, and ordered engrossed.

Assembly Bill No. 1499—An act to repeal Section 12463 2 of, and Article 3 (commencing with Section 26940) of Chapter 4 of Part 3 of Division 2 of Title 3 of, the Government Code, relating to the annual financial statement of a county.

Bill read second time, and ordered engrossed.

Assembly Bill No. 1099—An act to amend Section 4741 of, and to add Section 4759 1 to, the Health and Safety Code, relating to sanitation districts

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out "truck", and insert "trunk"

Amendment No. 2

On page 1, line 14, after "outfall", insert "sewer"

Amendment No. 3

On page 1, line 15, after "lines", insert "and other terminal outfall lines"

Amendment No. 4

On page 1, line 17, after the period, insert "For the purposes of this section the term "terminal outfall lines" means any outfall sewer lines that discharge within the city any effluent from a sewer treatment plant or any sewage"

Amendment No. 5

On page 2, line 39, after the second "lines", insert "and other terminal outfall lines"

Amendment No. 6

On page 2, line 43, after the period, insert "For the purposes of this section the term "terminal outfall lines" means any outfall sewer lines that discharge within the city any effluent from a sewage treatment plant or any sewage."

Bill ordered reprinted, and engrossed

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Municipal and County Government, was read, and adopted:

Amendment No. 1

On page 1, line 3, of the printed bill, after "such", insert "medical,"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government

Assembly Bill No. 1424—An act to amend Sections 31520, 31680, and 31680.1 of the Government Code, relating to the County Employees Retirement Law of 1937.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, after "31520," insert "31520.1,".

Amendment No. 2

On page 1, lines 11 and 12, strike out "they may be supervisors or retired members", and insert "one may be a supervisor and one may be a retired member"

Amendment No. 3

On page 1, between lines 17 and 18, insert

"SEC. 1.5. Section 31520.1 of said code is amended to read:

31520.1. In any county subject to the provisions of Articles 6.8 and 7.5, the board of retirement shall consist of seven members and one alternate, one of whom shall be the county treasurer. The second and third members of the board shall be members of the association, other than safety members, elected by such members within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth, fifth and sixth members shall be qualified electors of the county who are not connected with the county government in any capacity, except one may be a supervisor *and one may be a retired member*, and shall be appointed by the board of supervisors. The seventh member shall be a safety member of the association elected by the safety members. The alternate member shall be that candidate, if any, for the seventh member from the group under Section 31470.2 or 31470.4, which is not represented by a board member who received the highest number of votes of all candidates in that group. If there is no such candidate there shall be no alternate member. The first person chosen as the second and fourth members shall serve for a term of two years beginning with the date the system becomes operative, the third and fifth members shall serve for a term of three years beginning with that date, and the sixth, seventh, and alternate members shall serve for a term of two years beginning January 1, 1952, or the date on which a retirement system established by this chapter becomes operative, whichever is the later. Thereafter the terms of office of the six elected members and alternate are three years.

The alternate member provided for by this section shall vote as a member of the board only in the event the second, third or seventh member is absent from a board meeting for any cause. The alternate shall sit on the board in place of the seventh member when a member of the same service is before the board for determination of his retirement."

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government

Assembly Bill No. 1425—An act to amend Section 31720 of the Government Code, relating to County Employees' Retirement Law.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Municipal and County Government, was read, and adopted:

Amendment No. 1

On page 1 of the printed bill, after line 8, insert

"SEC 2 Section 1 of this act applies only to members who enter the service of the county or district after the effective date of this act"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government

Assembly Bill No. 1427—An act to repeal Article 8 3 (commencing with Section 31682) of Chapter 3, Part 3, Division 4, Title 3 of the Government Code, relating to county peace officers' retirement.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted.

Amendment No. 1

Strike out lines 1 and 2 of the title of the printed bill, and insert

"An act to repeal Section 31557 1 and Article 6 5 (commencing with Section 31630), Article 8 3 (commencing with Section 31682), Article 10 5 (commencing with Section 31740) and Article 12 5 (commencing with Section 31790) of Chapter 3 of Part 3 of Division 4 of Title 3 of the Government".

Amendment No. 2

On page 1, strike out lines 1 to 3, inclusive, and insert

"SECTION 1 Section 31557 1 of the Government Code is repealed ~~31557 1. The board of supervisors in any county having a population not in excess of two million (2,000,000) and in which this retirement system is in effect shall have authority by a four-fifths (4/5) vote of its members to adopt a resolution whereby county peace officers, as defined in Section 31469 1, shall be designated as "county peace officer members" and such "county peace officer members" shall, as of the July 1st following the adoption of the resolution, be excluded from the provisions contained in Articles 6, 8, 10, and 12, and the benefits and provisions in Articles 6 5, 8 3, 10.5, and 12 5 shall then become effective and applicable to such county peace officer members.~~

SEC 2 Article 6 5 (commencing with Section 31630) of Chapter 3 of Part 3 of Division 4 of Title 3 of said code is repealed.

SEC. 3. Article 8 3 (commencing with Section 31682) of Chapter 3 of Part 3 of Division 4 of Title 3 of said code is repealed

SEC. 4. Article 10 5 (commencing with Section 31740) of Chapter 3 of Part 3 of Division 4 of Title 3 of said code is repealed

SEC 5 Article 12 5 (commencing with Section 31790) of Chapter 3 of Part 3 of Division 4 of Title 3 of said code is repealed

SEC. 6. Sections 1, 2, 3, 4 and 5 of this act shall apply only to members who enter the service of the county or district after its effective date"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government.

Amendment No. 4

On page 4, lines 31 and 32, strike out ", as provided in Section 1200 of the Probate Code", and insert "by certified mail to the address of each as shown in the proceeding".

Amendment No. 5

On page 4, line 41, strike out "231", and insert "232"

Bill ordered reprinted, and engrossed.

Assembly Bill No. 1333—An act to amend Sections 226 and 227a of, and to add Sections 226.1, 226 2, 226.3, 226 4, 226 5, 226 6, 226 7, 226 8, and 226 9 to, the Civil Code, relating to adoptions.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1443—An act to amend Section 1144 of the Probate Code, relating to public administrators.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1444—An act to amend Section 1145 of the Probate Code, relating to notice of death of stranger and liability for default.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1447—An act to amend Section 1152 of the Probate Code, relating to public administrators

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1501—An act to amend Section 1143 of the Probate Code, relating to public administrators.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 113—An act to amend Section 50 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, commencing with Section 49, of the Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SECOND READING OF SENATE BILLS

Senate Bill No. 29—An act to amend Section 5715 1 of the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 174—An act to amend Section 13160 of the Health and Safety Code, relating to fire extinguishers

Bill read second time, and ordered to third reading.

Senate Bill No. 113—An act to add Section 39561 5 to, and to amend Section 39581 of, the Government Code, relating to weed abatement, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 295—An act to add Section 7031 5 to the Business and Professions Code, and to amend Section 3800 of the Labor Code, relating to contractors

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 453—An act to amend Section 28118 of the Government Code, relating to salaries of county officers

Bill read second time, and ordered to third reading

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 2, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Senate Constitutional Amendment No 9
Senate Joint Resolution No 3

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolutions were read

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing Section 4 of Article IX thereof, relating to funds for the support of the public schools

Held at desk by order of the Speaker pro Tempore

Senate Joint Resolution No. 3—Relative to memorializing Congress to permit California to impose motor vehicle license, registration, and other fees with respect to motor vehicles owned by national banking associations

Held at desk by order of the Speaker pro Tempore.

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 2, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 36
Senate Bill No 66
Senate Bill No 329
Senate Bill No 493

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were read the first time

Senate Bill No. 36—An act to amend Section 1170 of the Harbors and Navigation Code, relating to bar pilotage rates for Bays of San Francisco, San Pablo, and Suisun

Held at desk by order of the Speaker pro Tempore.

REQUEST TO CONSIDER AND ACT ON BILL WITHIN 30 CALENDAR DAYS

The following request to consider and act on a bill within 30 calendar days after its introduction, heretofore filed with the Chief Clerk pursuant to the provisions of Joint Rule No 10 8, was received, and read:

Request to Consider and Act on Bill Within 30 Calendar Days

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Pursuant to Joint Rule No 10 8, I request permission to introduce a resolution providing that the following bill may be heard in committee, and acted upon by the Assembly before 30 calendar days have elapsed

Assembly Bill No. 2164—An act to amend Section 19615 5 of the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

E RICHARD BARNES

Above request ordered transmitted to the Committee on Rules.

RE-REFERENCE OF ASSEMBLY BILL NO. 995

Mr Z'berg was granted unanimous consent that Assembly Bill No. 995 be re-referred to the Committee on Judiciary

REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW ASSEMBLY BILL NO. 336 FROM COMMITTEE

Mr. Knox was granted unanimous consent that Assembly Bill No. 336 be withdrawn from the Committee on Ways and Means for purpose of amendment, and that the bill be re-referred to the committee

CONSIDERATION OF ASSEMBLY BILL NO. 336

Assembly Bill No. 336—An act to amend Sections 11010, 11018, and 11019 of, to add Sections 11007, 11018 2, 11018 3, 11022, and 11023 to, and to repeal Sections 11000 5 and 11020 of, the Business and Professions Code, relating to subdivided lands.

Bill read second time.

Motion to Amend

Mr Knox moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 42, of the printed bill, as amended in the Assembly on March 14, 1963, strike out "and", and insert "or"

Amendment No. 2

On page 4, line 8, after "printer," insert "or any broadcaster, or telecaster, or any magazine publisher, or any of the employees thereof,".

Amendments read, and adopted.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means.

REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW ASSEMBLY BILL NO. 1375 FROM COMMITTEE

Mr Knox was granted unanimous consent that Assembly Bill No. 1375 be withdrawn from the Committee on Finance and Insurance for purpose of amendment, and that the bill be re-referred to the committee.

CONSIDERATION OF ASSEMBLY BILL NO. 1375

Assembly Bill No. 1375—An act to add Section 1692 1 to the Insurance Code, relating to insurance.

Bill read second time

Motion to Amend

Mr Knox moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 16, inclusive, and insert

"1692 1 The commission shall suspend or permanently revoke the privilege of an insurer to certify to the enrollment of applicants in any course of study and instruction pursuant to Section 1690 if after notice and hearing it is determined that fewer than 33⅓ percent of the certificate of convenience holders so certified by the insurer during any calendar year fail for any reason to qualify for permanent licenses during a period of six months following issuance of a certificate of convenience to each such holder Any period of suspension pursuant to this section shall be for not less than one year During any period of suspension or revocation of such privilege of an insurer the insurer is also prohibited from appointing any holder of a certificate of convenience to act as its agent

Any such suspension or revocation may be terminated by order of the commissioner when it has been demonstrated to the commissioner's satisfaction that the insurer has established procedures both to assure proper training of its prospective agents to enable them to pass the qualifying license examination and to insure proper selection of prospective agents to the end that a reasonable proportion of those selected will in good faith pursue the course of study and actually attempt to pass the qualifying examination

This section shall not apply to an insurer during any calendar year in which such insurer certified, pursuant to Section 1690, six or fewer applicants"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1271—An act to amend Section 2210 of the Business and Professions Code, relating to physician's and surgeon's certificates

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Ferrell, Flournoy, Foran, Frew, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Mr Speaker—73.

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1276—An act to amend Section 1420 of the Insurance Code, relating to dividends paid by reciprocal insurers

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, McMillan,

Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—Badham and Winton—2

Bill ordered transmitted to the Senate

Assembly Bill No. 288—An act to amend Section 455 of the Elections Code, relating to indexes of voter registrations.

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, Zenovich, and Mr Speaker—77

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1403—An act to amend Sections 11704 and 11705 of the Education Code, relating to public school pupils

Bill read third time, and passed by the following vote.

AYES—Alquist, Ashcraft, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Davis, Deukmejian, Dills, Donovan, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thomas, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—64

NOES—Britschgi, Collier, Cusanovich, Dannemeyer, Flournoy, Lanterman, Thelin, and Willson—8

Bill ordered transmitted to the Senate

Speaker Presiding

At 11 07 a m, Hon Jesse M. Unruh, Speaker of the Assembly, presiding

UNFINISHED BUSINESS

MOTION TO RECONSIDER URGENCY CLAUSE TO SENATE BILL NO. 115

In compliance with a motion given on a previous day, Mr. Petris moved that the vote whereby the urgency clause to Senate Bill No. 115 was refused adoption be reconsidered

Urgency clause to Senate Bill No 115 reconsidered by the following vote·

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—75.

NOES—Badham, Chapel, and Collier—3

FURTHER CONSIDERATION OF SENATE BILL NO. 115

Senate Bill No. 115—An act to add Article 15 (commencing with Section 6450) to Chapter 6 of Division 6 of the Education Code, relating to special educational programs for culturally disadvantaged children, and declaring the urgency thereof, to take effect immediately.

Bill read third time

Motion to Amend

Mr Petris moved the adoption of the following amendment

Amendment No. 1

On page 3, line 51, of the printed bill, as amended in the Assembly on April 1, 1963, strike out "The Governor, subject to Senate confir-", strike out line 52, and on page 4, strike out line 1, and in line 2, strike out "pensatory Education, and provide him", and insert "The chairman of the Advisory Committee on Compensatory Education shall appoint a Consultant on Compensatory Education, subject to approval by a majority vote of the members of the Advisory Committee on Compensatory Education The Department of Education shall provide the Consultant on Compensatory Education"

Amendment read, and adopted

Bill ordered reprinted, and re-engrossed

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1432—An act to amend Section 21706 of the Vehicle Code, relating to following emergency vehicles

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brtschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Fenell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens Thelin, Thomas, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 747—An act to amend Sections 4383 and 4384 of the Agricultural Code, relating to distributors of fluid milk and cream, to take effect immediately, tax levy

Bill read third time

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the consideration of Assembly Bill No 747:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 25, 1963

To the Honorable Members of the Assembly and Senate

Assembly Bill No. 747, "An act to amend Sections 4383 and 4384 of the Agricultural Code, relating to distributors of fluid milk and cream,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No 747 as an emergency measure

Respectfully submitted,

EDMUND G BROWN, Governor

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Mr Speaker—74

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1034—An act to add Section 1098 to the Government Code, relating to public officers and employees.

Bill read third time.

Request for Unanimous Consent

Mr Marks was granted unanimous consent that Mr Winton be granted five minutes additional time for debate

The question being on the passage of the bill

Bill passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Conrad, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Donovan, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Mulford, Pattee, Quimby, Ryan, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Williamson, and Winton—63

NOES—Booth, Dills, Moreno, Petris, Porter, Song, Waldie, Whetmore, Willson, Young, and Zenovich—11

Bill ordered transmitted to the Senate.

Assembly Bill No. 1035—An act to add Section 1090 5 to the Government Code, relating to interest of public officers in contracts

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Carrell, Casey, Chapel, Collier, Conrad, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Donovan, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Monagan, Pattee, Petris, Porter, Powers, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veysey, Waite, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—63.

NOES—Beilenson, Burton, Elliott, Moreno, Quimby, and Waldie—6

Bill ordered transmitted to the Senate.

Consideration of House Resolution No. 175

By Mr. Bane:

House Resolution No. 175—Relative to adoption of the Permanent Standing Rules of the Assembly.

NOTE. The full text of House Resolution No. 175 appears at page 1529 of the Assembly Daily Journal for March 28, 1963.

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Forna, Frew, Gonsalves, Greene, Henson, Huckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—76

NOES—None

ASSEMBLY BILL NO. 687 WITHDRAWN FROM CONSENT CALENDAR

On request of Mr Britschgi, Assembly Bill No 687 was withdrawn from the Consent Calendar, and returned to the second reading file

Request for Unanimous Consent

Mr. Britschgi was granted unanimous consent to take up Assembly Bill No 687, at this time, for purpose of amendment

CONSIDERATION OF ASSEMBLY BILL NO. 687

Assembly Bill No. 687—An act to amend Sections 460, 626 1, 4231, 4247, and 4283 of the Agricultural Code, relating to milk

Bill read second time.

Motion to Amend

Mr Britschgi moved the adoption of the following amendment.

Amendment No. 1

On page 2, line 6, of the printed bill, as amended in the Assembly on April 1, 1963, after "code", insert "is"

Amendment read, and adopted

Bill ordered reprinted, re-engrossed, and returned to the second reading file

RE-REFERENCE OF ASSEMBLY BILL NO. 790

Mr Crown was granted unanimous consent that Assembly Bill No 790 be withdrawn from the Consent Calendar, and be re-referred to the Committee on Ways and Means

CONSIDERATION OF CONSENT CALENDAR

Speaker Unruh announced that the next roll call would be on the first item on the Consent Calendar

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 13—An act to amend Sections 31593, 31593 5, 31828, 31829, 31830, 31860, and 31867 of, and to add Sections 31569 3 and 31866 5 to, the Streets and Highways Code, relating to vehicle parking districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 240—An act to amend Section 5823 and to repeal Section 5823 5 of the Public Resources Code, relating to small craft harbors

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 154—An act to amend Section 11102 of the Vehicle Code, relating to driving schools and instructors

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 274—An act to amend Sections 4000, 9400, 24951, 25100, 29004, and 35785 of, and to add Sections 378 and 35416 to, the Vehicle Code, relating to vehicles

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne,

Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 847—An act to amend Sections 351 and 12501 of the Vehicle Code, relating to implements of husbandry

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1291—An act to amend Section 40513 of the Vehicle Code, relating to giving of notice to appear.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1292—An act to amend Section 22103 of the Vehicle Code, relating to turning in a residence district.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1324—An act to amend Sections 6407, 6408 and 6410 of the Financial Code and to add Sections 956 and 1182 to, and

amend Sections 11715 and 12485 of, the Insurance Code, relating to savings and loan associations

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 741—An act to amend Section 8436 of the Fish and Game Code, relating to fresh water fish

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 751—An act to amend Section 5933 of the Fish and Game Code, relating to fishways

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Consideration of House Resolution No. 171

By Mr Cologne

House Resolution No. 171—Relative to congratulating Walter Scott Pitney on his 100th Birthday

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NOTE The full text of House Resolution No 171 appears at page 1471 of the Assembly Daily Journal for March 27, 1963.

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills,

Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79
NOES—None

Assembly Bill No. 1277—An act relating to the conveyance of land to the County of San Benito for public road purposes

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 750—An act to amend Sections 7183 and 7184 of, and to add Section 7186 to, the Fish and Game Code, relating to California sport fishing licenses and Arizona and California special use stamps, declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79
NOES—None

The question being on the passage of the bill.

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1095—An act to add Section 35850.5 to the Water Code, relating to California water districts

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne,

Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 872—An act to amend Sections 7401 and 7454 of the Revenue and Taxation Code, relating to bonding requirements of distributors under the Motor Vehicle Fuel License Tax Law.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1346—An act to add Section 273 to the Revenue and Taxation Code, relating to the welfare exemption

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

The question being on the passage of the bill,

Bill passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 16—An act to amend Section 647 of the Code of Civil Procedure, relating to those matters that are deemed excepted to.

Bill read third time.

Bill passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79

NOES—None.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 8—Relative to the economic development of California tide and submerged lands

Resolution read, and adopted by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Resolution ordered transmitted to the Senate

STATEMENT BY SPEAKER UNRUH

Speaker Unruh stated that, for one more day, he will not object to the procedure that bills passed on file retain their places on file; but that, thereafter, the provisions of Rule 73 will be enforced, whereby bills twice passed on file on third reading will be placed on the inactive file

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 843—An act to add Section 16606 5 to the Education Code, relating to child care centers, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter,

Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77
NOES—Badham and Collier—2

The question being on the passage of the bill
Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77
NOES—Badham and Collier—2

Bill ordered transmitted to the Senate

Vote Changed Upon Roll Call on Urgency Clause to Assembly Bill No. 843

Mr Badham was granted unanimous consent that he be recorded as voting "No," instead of "Aye," on the urgency clause to Assembly Bill No 843

Assembly Bill No. 112—An act to add Sections 20962 5, 21405, 27229 1, 27266 1, 30321 5, 30586, 32226 5, 32475, 34503, 34808, 37658, 40104, 40659, 55187, 55309 55917, 55930 5, 55950 5, 55959 5, 55967 5, 60122 5, 60156, and 71312 to; to add Chapter 2 5 (commencing with Section 27050) to Part 11 of Division 11, Chapter 6 (commencing with Section 28000) to Part 11 of Division 11, Chapter 2 4 (commencing with Section 37590) to Part 8 of Division 13, Chapter 2 5 (commencing with Section 48300) to Part 10 of Division 14, and Chapter 2 6 (commencing with Section 55905) to Part 5 of Division 16 of, and to amend Sections 30321, 30322, 60122, 60123 and 60124 of the Water Code, to amend Sections 71191 and 71192 of the Water Code, as added by Senate Bill No 15; to amend Section 3 of, and to add Section 14 1 to, the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), to add Sections 8 5, 20 5, 40 5, and 41 5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927); to add Sections 4 5 and 7 1 to Chapter 641 of the Statutes of 1931; to add Sections 8 5, 19 5, 47 5, 49 6, 50 5, and 57 5 to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931); and to add Section 12171 to the Government Code; relating to information regarding the formation, change of boundaries, merger, consolidation, and dissolution of water districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Quimby, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74.
NOES—None

Bill ordered transmitted to the Senate

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 2227: By Messrs Song, Waldie, Knox, Rumford, Bane, Beilenson, Burton, Crown, Danielson, Dymally, Elliott, Ferrell, Gaffney, Gonsalves, McMillan, Moreno, Petris, Soto, Stanton, Unruh, and Warren (Senator Rodda, coauthor)—An act to add Part 8 5 (commencing with Section 2100) to Division 2 of the Labor Code, relating to agricultural labor, and making an appropriation

Held at desk by order of the Speaker

Assembly Bill No. 2228: By Messrs Song, Waldie, Knox, Rumford, Bane, Beilenson, Burton, Danielson, Dymally, Elliott, Ferrell, Gaffney, Gonsalves, McMillan, Moreno, Petris, Soto, Stanton, Unruh, and Warren—An act making an appropriation for expenditure in carrying out the provisions of the California Voluntary Farm Employment Service Act.

Held at desk by order of the Speaker.

Assembly Bill No. 2229: By Mr Chapel—An act to amend Section 8014 of, and to add Section 8263 to, the Elections Code, relating to state central committees

Held at desk by order of the Speaker

Assembly Bill No. 2230: By Mr Knox—An act to amend Section 10237 1 of the Business and Professions Code, relating to real property securities dealers

Held at desk by order of the Speaker

Assembly Bill No. 2231: By Mr Powers—An act to amend Section 441 of the Revenue and Taxation Code, relating to the time for filing property statements

Held at desk by order of the Speaker

Assembly Bill No. 2232: By Mr Porter—An act to repeal Section 21167 of the Water Code, relating to irrigation districts

Held at desk by order of the Speaker

Assembly Bill No. 2233: By Mr Petris—An act to amend Sections 1011 and 1013 of, and to repeal Section 1011 5 and Article 4 (commencing with Section 1080), Chapter 7, Division 5 of, the Agricultural Code, and to add Chapter 11 (commencing with Section 25950) to Division 20 of, to add Section 26469 to, and to amend Sections 26470, 26519, 26542, 26547, and 26581 of, the Health and Safety Code, relating to injurious materials.

Held at desk by order of the Speaker

Assembly Bill No. 2234: By Mr Allen—An act to amend Section 29321 of the Government Code, relating to county revolving funds

Held at desk by order of the Speaker

Assembly Bill No. 2235: By Mr. Carrell—An act to amend Section 17204 of the Revenue and Taxation Code, relating to personal income tax deductions

Held at desk by order of the Speaker.

Assembly Bill No. 2236: By Messrs Barnes, Ashcraft, Holmes, Veysey, Allen, Badham, Burgener, Carrell, Collier, Conrad, Cusanovich, Dannemeyer, Deukmejian, Donovan, Gonsalves, Milias, Mulford, Thomas, and Whetmore—An act to add Chapter 4 (commencing with Section 17800) to Part 3 of Division 7 of the Business and Professions Code, relating to the sale of products produced in communist countries.

Held at desk by order of the Speaker

Assembly Bill No. 2237: By Mr Waldie—An act to amend Section 225p of the Civil Code, relating to adoptions.

Held at desk by order of the Speaker.

Assembly Bill No. 2238: By Mr Waldie—An act to add Section 4335 to the Government Code, relating to California-made materials

Held at desk by order of the Speaker

Assembly Bill No. 2239: By Messrs McMillan and Powers—An act to amend Sections 5500, 5510, 5514, 5523, 5524, 5526, 5536, 5537, 5538, 5552, 5602, and 5604 of, and to add Sections 5500 1, 5500.2, 5500.3, 5517, 5517 1, 5517 2, 5517 3, 5527, 5536 1, 5537 1, 5537 2, 5537 3, 5537 4, 5537 5, 5558, 5560 1, and 5605 to, the Business and Professions Code, relating to the practice of architecture.

Held at desk by order of the Speaker.

Assembly Bill No. 2240: By Messrs Quimby and Mills—An act to add Sections 21252 7, 31663 5, and 31687 5 to the Government Code, relating to retirement of safety and peace officer members of the state and county employees' retirement system

Held at desk by order of the Speaker

Assembly Bill No. 2241: By Messrs Veysey, Casey, Moreno, and Garrigus—An act to add Section 13868 to the Education Code, relating to accounting procedures in the State Teachers' Retirement System

Held at desk by order of the Speaker.

Assembly Bill No. 2242: By Messrs Danielson, Warren, Song, Bagley, Beilenson, Dannemeyer, Donovan, Ferrell, and Marks—An act to add Chapter 6 (commencing with Section 4925) to Title 6 of Part 3 of the Penal Code, relating to rehabilitation of misdemeanants

Held at desk by order of the Speaker.

Assembly Bill No. 2243: By Messrs. Dymally, Stanton, Ferrell, and Warren—An act to add Chapter 15 (commencing with Section 1424a) to Title 10, Part 2 of the Penal Code, relating to convictions of civil rights demonstrators

Held at desk by order of the Speaker.

Assembly Bill No. 2244: By Messrs Meyers, Kennick, Belotti, and Z'berg—An act to amend Section 22791 of the Government Code, relating to the Meyers-Geddes State Employees' Medical and Hospital Care Act

Held at desk by order of the Speaker.

Assembly Joint Resolution No. 35: By Mr Chapel—Relative to proposing an amendment to the Constitution of the United States, relating to apportionments of state legislatures

Held at desk by order of the Speaker.

Assembly Joint Resolution No. 36: By Mr Chapel—Relative to proposing an amendment to the Constitution of the United States, relating to the submission of proposed constitutional amendments by the legislatures of the several states.

Held at desk by order of the Speaker

Assembly Joint Resolution No. 37: By Mr Chapel—Relative to proposing an amendment to the Constitution of the United States, relating to the establishment of a Court of the Union

Held at desk by order of the Speaker

Assembly Concurrent Resolution No. 56: By Mr. Belotti (Senator Petersen, coauthor)—Relative to a study of the Branscomb Project.

Referred by the Speaker to Committee on Natural Resources, Planning, and Public Works

Assembly Concurrent Resolution No. 57: By Messrs Carrell, Williamson, Willson, Casey, Frew, Kennick, Mills, and Z'berg—Relative to the designation and appointment of Charles B Garrigus as Poet Laureate of California

Held at desk by order of the Speaker.

Assembly Concurrent Resolution No. 58: By Messrs. Gaffney, Foran, Marks, Meyers, Alquist, Ashcraft, Bagley, Bane, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Crown, Cusanovich, Danielson, Dennemeyer, Mrs Davis, Messrs Deukmejian, Dills, Elliott, Ferrell, Flournoy, Frew, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lunardi, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Powers, Quimby, Ryan, Soto, Stevens, Thelin, Thomas, Unruh, Veneman, Veysey, Waldie, Warren, Williamson, Willson, Winton, Young, and Z'berg (Senators McAteer, Burns, Regan, and Collier, coauthors)—Relative to United Nations' Return to its Birthplace

Referred by the Speaker to Committee on Rules

RESOLUTIONS

The following resolution was offered:

By Messrs. Veysey and Casey:

House Resolution No. 195

Relating to an interim study of the State Teachers' Retirement System

WHEREAS, The State Teachers' Retirement System is a large and complex system, which has 260,000 accounts and is paying benefits on 24,000 of these accounts; and

WHEREAS, The Teachers Retirement Board and employees of the system have three different funds to keep track of; and

WHEREAS, The system is over two years behind in posting to members' accounts, and audits indicate a high percentage of errors in computing benefits, and

WHEREAS, Retiring teachers have been required to wait as long as six months after applying for retirement to commence receiving benefits, and

WHEREAS, The Teachers Retirement Board is composed of the members of the State Board of Education and the appointive members of the Retirement Investment Board, and the members of the Retirement Investment Board and the members of the State Board of Education lack sufficient time to devote to the retirement system, and

WHEREAS, Counties are slow in reporting to the system the required information on members and the accounts of the State Controller do not balance with the accounts of the State Teachers' Retirement System, and

WHEREAS, The system's problems are complicated by the fact that it is not a funded system, and by the fact that different provisions applying to members who are also members of a local teachers' retirement system make computation of benefits and administration of the state system more complicated; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Rules Committee is directed to assign to an appropriate interim committee the subject matter of this resolution for study of the problems referred to herein, including any laws relating thereto, and the needed revision thereof, with authority to contract, if necessary, with a private organization to conduct a management survey of the State Teachers' Retirement System, and that such committee report its findings to the Assembly by not later than the fifth calendar day of the 1965 Regular Session, including in the report its recommendations for appropriate legislation

Resolution read, and referred by the Speaker to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 594
Assembly Bill No 935
Assembly Bill No 1494
And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 34
Assembly Bill No 1240
And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Constitutional Amendment No 18
And reports the same correctly engrossed

POWERS, Chairman

Above resolution re-referred to the Committee on Education

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 295	Assembly Bill No 529
Assembly Bill No 399	Assembly Bill No 629
Assembly Bill No 402	Assembly Bill No 1229

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1242
And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 3, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No. 1595
And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER· Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 1164	Assembly Bill No. 1295
Assembly Bill No 1165	Assembly Bill No 1467
Assembly Bill No. 1183	Assembly Bill No 1499
Assembly Bill No 1190	Assembly Bill No 1601

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 334	Assembly Bill No 1444
Assembly Bill No 1021	Assembly Bill No 1447
Assembly Bill No 1162	Assembly Bill No 1465
Assembly Bill No 1163	Assembly Bill No 1497
Assembly Bill No. 1333	Assembly Bill No. 1501
Assembly Bill No 1443	

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar.

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER: Your Committee on Transportation and Commerce reports:
Assembly Bill No 564
Assembly Bill No 1461
With the recommendation. Do pass, as amended.
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

CARRELL, Chairman

Above bills ordered to second reading

Committee on Criminal Procedure

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Criminal Procedure reports
Assembly Bill No 1182
With amendments with the recommendation Amend, and do pass, as amended

WINTON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Criminal Procedure reports
Assembly Bill No 797
With the recommendation Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

WINTON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Criminal Procedure reports:
Assembly Bill No 298
Assembly Bill No 807
With the recommendation Do pass

WINTON, Chairman

Above bills ordered to second reading

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports:
Assembly Bill No 1370
With the recommendation That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

CARRELL, Chairman

Subject matter of the above bill referred to the Committee on Rules

Committee on Public Health

ASSEMBLY CHAMBER, April 1, 1963

MR SPEAKER The Chairman of your Committee on Public Health reports:
Assembly Bill No 824
Assembly Bill No 828
With author's amendments with the recommendation Amend, and re-refer to the Committee on Public Health

SOTO, Vice Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 824 AND 828 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 824—An act to add Section 28791 to the Health and Safety Code, relating to labeling of hazardous substances

Bill read second time

Motion to Amend

Mr Soto moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 2, of the printed bill, as amended in the Assembly on March 26, 1963, strike out "said code", and insert "the Health and Safety Code"

Amendment No. 2

On page 1, lines 6 and 7, strike out "either orally or in writing", and insert ", in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code".

Amendments read, and adopted.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Public Health.

Assembly Bill No. 828—An act to amend Sections 26211, 26234, 26243, 26288, 26290, 26292, and 26330 of, to repeal Sections 26289 and 26290.5 of, and to add Sections 26218, 26219, 26220, 26250.5, 26276, 26289, 26289.5, 26290.5, and 26304 to the Health and Safety Code, relating to drugs and devices

Bill read second time.

Motion to Amend

Mr Soto moved the adoption of the following amendment·

Amendment No. 1

On page 2, line 22, of the printed bill, as amended in the Assembly on March 26, 1963, after "by", insert "the"

Amendment read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Public Health

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, March 26, 1963

MR SPEAKER Your Committee on Judiciary reports

Assembly Bill No 1288

With amendments with the recommendation. Amend, and re-refer to the Committee on Judiciary.

WILLSON, Chairman

Above bill ordered to second reading

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER: Your Committee on Transportation and Commerce reports·

Senate Bill No 14

With the recommendation· Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CARRELL, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 1123
Assembly Bill No. 1270
Assembly Bill No 1555

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos. 22 1, 22.2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

CARRELL, Chairman

Above bills ordered to second reading.

Committee on Government Organization

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER The Chairman of your Committee on Government Organization reports

Assembly Bill No 1225

With author s amendments with the recommendation Amend, and re-refer to the Committee on Government Organization.

MARKS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1225 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1225—An act to add Section 25509 to the Business and Professions Code, relating to alcoholic beverages

Bill read second time.

Motion to Amend

Mr Pattee moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "defined by", and insert "permitted by department"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Government Organization

ANNOUNCEMENT

Mr Petris announced that he had introduced a bill relative to regulation of the use of pesticides, and suggested that members interested in this subject should watch a documentary film which will be shown on Channel 10 at 7 30 p m tonight

ANNOUNCEMENT BY SPEAKER UNRUH

Speaker Unruh announced that the Assembly will be in session on Friday, April 5, 1963

Speaker Unruh further announced that tentative arrangements for adjournment by concurrent resolution on Tuesday, April 9, 1963, until Monday, April 15, 1963, are under consideration; but stated that, unless satisfactory arrangements for committee meetings can be made; and unless the condition of the file permits, this action will not be taken

EXPLANATION OF ABSENCE ON APRIL 1, 1963

Because of a parliamentary rule, the names of 25 Members of the Assembly were omitted from the roll call for Monday, April 1, 1963, among them my own

The parliamentary reason for our names not being on the roll call was that a quorum was not present and a call of the House was immediately put on A few minutes later when the call was dispensed with many of us were in various parts of the Capitol attending to legislative business

Shortly after I concluded my legislative business on the Senate side I returned to the Assembly floor and it will be noted that my name appears on roll calls on all bills we voted on that day

CARLEY V PORTER

ADJOURNMENT

At 12 01 p m, on motion of Mr. Bane, the Speaker declared the Assembly adjourned until 9 30 a m, Thursday, April 4, 1963

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FIFTY-THIRD LEGISLATIVE DAY

SIXTY-FOURTH CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Thursday, April 4, 1963

The Assembly met at 9 30 a m
Hon. Carlos Bee, Speaker pro Tempore of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk
Assistant Clerk Timothy Lemucchi reading

ROLL CALL

The roll was called, and the following answered to their names

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—75

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev Robert R Ferguson:

Everlasting and Gracious God, As the Christian world celebrates Palm Sunday, when our Saviour came into the city of Jerusalem, not in pomp, but in humility; not to storm its gates, but to change its heart; enable us spiritually to discern the signs of his teachings for our city

May we not with our lips acclaim Him as our King on Sunday, and then by our deeds of pride, self-interest, myopic vision for others, crucify Him on Friday. May we look more deeply within so we may serve more adequately without

We pray in His Name.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr Willson then led the Assembly in the pledge of allegiance to the Flag

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr. Warren, seconded by Mr. Collier

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness

Mr. Cusanovich, on motion of Mr Conrad

Mr. Deukmejian, on motion of Mr Conrad

The following members were granted leaves of absence for the day, because of legislative business elsewhere

Mr Rumford, on motion of Mr Waldie

Mr. Quimby, on motion of Mr Waldie

The following member was granted leave of absence for the day, and desired to waive his per diem.

Mr Porter, on motion of Mr Waldie

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

At 9 40 a m , Mr Bane was granted consent to hold a meeting of the Committee on Rules in Room 3188, at this time

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 9 41 a m , Mr Bane was granted unanimous consent that the members of the Committee on Rules be excused, for the purpose of holding a meeting of the committee, at this time

COMMUNICATIONS

The following communication was presented by the Chief Clerk from .

Mountain View Board of Realtors, by George T Evans, President, opposing Assembly Bills Nos 176 and 1240 Referred by the Speaker pro Tempore to the Committee on Governmental Efficiency and Economy

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bill was introduced, and read the first time

Assembly Bill No. 2245: By Messrs Z'berg and Unruh (Senator Farr, coauthor)—An act to repeal Chapter 2 (commencing with Section 5200) of, and to add Chapter 2 (commencing with Section 5200) to, Division 3 of the Business and Professions Code, relating to the restriction, regulation, control, and licensing of highway advertising.

Held at desk by *order of the Speaker pro Tempore*

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 48
Assembly Bill No 61
Assembly Bill No 109
And reports the same correctly re-engrossed

POWERS, Chairman

Above bills ordered returned to second reading file.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Concurrent Resolution No 52

And reports the same correctly engrossed

POWERS, Chairman

Above resolution ordered to the Consent Calendar

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No 824
Assembly Bill No 828

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to the Committee on Public Health

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 326—An act to repeal Section 13357 of the Vehicle Code, relating to driver's license;

Assembly Bill No. 459—An act to amend Section 12517 of the Vehicle Code, relating to driver's licenses,

Assembly Bill No. 461—An act to amend Sections 310 and 12500 of the Vehicle Code, relating to driver's license,

Assembly Bill No 483—An act to amend Sections 455, 466, 562, 613, and 682 of, and to repeal Section 580 of, the Agricultural Code, relating to dairy products and imitation dairy products,

Assembly Bill No. 510—An act to amend Section 16027 of the Vehicle Code, relating to security following accident,

Assembly Bill No. 530—An act to amend Section 4270 of the Agricultural Code, relating to stabilization and marketing of fluid milk and fluid cream,

Assembly Bill No. 540—An act to amend Section 12814 of the Vehicle Code, relating to drivers' licenses,

Assembly Bill No. 550—An act to amend Section 24603 of the Vehicle Code, relating to stop lamps on vehicles,

Assembly Bill No. 551—An act to amend Sections 25100 and 25101 of the Vehicle Code, relating to display of side-marker and clearance lamps on vehicles;

Assembly Bill No. 581—An act to repeal Section 6118 of the Business and Professions Code, relating to the practice of law,

Assembly Bill No. 602—An act to add Section 6391 to the Agricultural Code, relating to whipped cream mix or cream topping mix;

Assembly Bill No. 616—An act to amend Section 13361 of the Vehicle Code, relating to drivers' licenses,

Assembly Bill No. 814—An act to add Section 27463 5 to the Government Code, relating to coroners,

Assembly Bill No. 1253—An act making an appropriation to the Department of Finance for allocation for the repair, restoration, or replacement of public property damaged or destroyed by storm and flood or flood conditions, and declaring the urgency thereof, to take effect immediately,

And reports the same correctly enrolled, and presented to the Governor at 2 p m, April 3, 1963

POWERS, Chairman

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 45—An act to amend Section 12880 of the Water Code, relating to state financial assistance for local water projects, declaring the urgency thereof, to take effect immediately,

Assembly Bill No. 105—An act to amend Section 6951 of the Education Code, relating to children in children's institutions;

Assembly Bill No. 128—An act to amend Sections 17052 and 17101 of the Education Code, relating to cafeteria funds of school districts,

Assembly Bill No. 321—An act to amend Section 464 of the Agricultural Code, relating to serving of milk,

Assembly Bill No. 584—An act relating to the acquisition and improvement of real property in the City of Sacramento, making an appropriation and declaring the urgency thereof, to take effect immediately,

And reports the same correctly enrolled, and presented to the Governor at 9:30 a.m., April 4, 1963

POWERS, Chairman

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, April 3, 1963

MR. SPEAKER: The Chairman of your Committee on Elections and Reapportionment reports:

Assembly Bill No. 499

With author's amendments with the recommendation Amend, and re-refer to the Committee on Elections and Reapportionment

ALLEN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 499 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 499—An act to amend Sections 11502, 11503, 11530, 11560, 11563, 11565, 11567, 11590, 11592, 11620, 11621, and 12053 of, to add Sections 11505, 11506, 11507, 11508, 11509, 11532, 11533, 11534, 11535, 11536, 11537, 11570, 11571, 11572, and 12053.1 to, and to repeal Sections 11622 and 11623 of, the Elections Code, relating to campaign contributions and expenditures

Bill read second time

Motion to Amend

Mr. Winton moved the adoption of the following amendments.

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 5, inclusive, and insert "An act to amend Sections 11501 and 12053 of, to add Chapter 1.5 (commencing with Section 11700) to Division 8 of, and to add Section 12053.1 to,".

Amendment No. 2

On page 1, strike out line 1, and insert

"SECTION 1. Section 11501 of the Elections Code is amended to read

11501 "Candidate" means any person who seeks nomination or election to a federal, state, county, judicial, or hospital district office, or to a municipal office in a general law or chartered city, at any election or primary conducted within this State "Candidate" also includes persons seeking election to a county central committee at the direct primary election - *but does not mean any person who seeks nomination or election to any statewide office*

SEC. 2. Chapter 1.5 (commencing with Section 11700) is added to Division 8 of said code, to read

CHAPTER 1.5 EXPENDITURES FOR CANDIDATES FOR STATEWIDE OFFICES

Article 1 Definitions

11700 Unless the context otherwise clearly requires, the definitions set forth in this article shall govern the construction of this chapter

11701 "Candidate" means any person who seeks nomination or election to any statewide office

11702. "Committee" means a committee or group of persons engaged in aiding or defeating, directly or indirectly, the nomination or election of any candidate for a statewide office

11703 "Campaign statement" means an itemized statement prepared in duplicate on a form prescribed by the Secretary of State (or on a substantially identical duplication of such form) by a candidate and by the treasurer of a committee showing under each of the subdivisions of Section 11704

(a) In detail all campaign contributions furnished, directly or indirectly, to the candidate or treasurer or for use of the candidate or treasurer, in aid of the candidate's nomination or election

(b) All money contributed, loaned, or expended directly or indirectly, by the candidate or treasurer or through any other person, in aid of the candidate's nomination or election

(c) The amount of each contribution which alone or when added to other contributions by the same person exceeds seventy-five dollars ($75), together with the name and address of the person furnishing it

(d) The names of all persons to whom such money was contributed, loaned or paid where the expenditure exceeded fifty dollars ($50).

11704 Lawful expenses are expenses for the following purposes only

(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee

(b) For the personal traveling expenses of the candidate and of campaign personnel

(c) For rent, furnishing and maintaining headquarters and halls and rooms for public meetings, including light, heat, and telephone

(d) For payment of the following personnel

1. Campaign managers
2 Advertising agencies and publicity agents
3 Stenographers and clerks.
4 Precinct workers.
5. Speakers
6 Entertainers

(e) For the preparing, printing, and posting of billboards, signs and posters

(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills

(g) For newspaper advertising

(h) For radio and television advertising and speech time

(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy

(j) For making canvasses of voters and public opinion surveys

(k) For conveying voters to and from the polls

(l) For supervising the registration of voters

(m) For watching the polling and counting of votes cast

(n) For photographs, mats, cuts, art work, and displays

(o) For petty cash items relative to candidacy

11705 "Person" means any individual, committee, firm, association, labor union, public or private corporation or other group of persons, whether incorporated or not, which contributes or expends any money or valuable thing, directly or indirectly, to aid or defeat the nomination or election of any candidate

11706 "Campaign contribution" includes any gift, loan or payment of money or other valuable thing or promise to give, lend or pay money or other valuable thing made or furnished, directly or indirectly, for the purpose of aiding or defeating the nomination or election of any candidate, subject, however, to the provisions of Section 11708

11707 "Campaign expenditure" includes any money, obligation for money, or other valuable thing expended or undertaken, directly or indirectly, for the purpose of aiding or defeating the nomination or election of any candidate, subject, however, to the provisions of Section 11708

11708 Neither "campaign contribution" nor "campaign expenditure" includes

(a) Any news item, comment or article, for which no consideration is paid by or on behalf of any candidate or committee, and which is published in any regularly published newspaper or periodical which in the ordinary course of business publishes political news items, comments or articles, or which is broadcast by any radio or television station

(b) A sum not exceeding fifty dollars ($50) in the aggregate, expended by a person for any lawful purpose out of his own funds to aid or defeat any candidate, where the sum is not to be repaid to him

(c) An individual's contribution of his own personal services or personal traveling expenses or the use of his own home as a meeting place to aid or defeat any candidate, where no remuneration or reimbursement is or is to be received by him.

11709 This chapter may be cited as the Campaign Contributions and Expenditures Reporting Law

Article 2 Committees

11720 Each committee shall appoint a treasurer who shall receive, disburse, and keep a true account of all money contributed and disbursed for campaign purposes, and who shall, in the same manner and on the same type of forms as required of candidates, file a campaign statement The Secretary of State, upon request, shall furnish the treasurer with the necessary forms for submitting the campaign statement required of him by this section.

(a) No committee shall receive any campaign contribution for the purpose of aiding or defeating the nomination or election of any candidate without first appointing an individual to act as its campaign treasurer Before or immediately after the first contribution has been received, the treasurer shall file a certificate of such appointment setting forth his name and address, in the manner provided by Section 11721.

(b) No committee shall make or undertake any campaign expenditure in aid of the nomination or election of any candidate unless said candidate has first filed a written authorization for such committee, which authorization shall be filed as provided in Section 11743 The authorization shall set forth the name and address of the committee's campaign treasurer A subsidiary committee may proceed under the authorization filed for its parent committee whenever it is identified and the name and address of its campaign treasurer are set forth in the authorization.

11721 Every candidate shall appoint an individual to act as his campaign treasurer and shall forthwith file a certificate of such appointment, setting forth the campaign treasurer's name and address, in the manner provided by Section 11743. A candidate may appoint himself as his own campaign treasurer No candidate shall receive any campaign contribution or make or undertake any campaign expenditure without first having complied with this section Any candidate who fails to appoint his campaign treasurer, and any candidate whose campaign treasurer dies or resigns, shall automatically serve as his own campaign treasurer pending a subsequent appointment

11722 Every campaign treasurer shall establish a bank account as a campaign depository All money received by or on behalf of the candidate or committee served by said campaign treasurer shall be deposited in said account The name and address of the campaign depository shall be filed in a manner provided by Section 11743

11723 A campaign treasurer may appoint as many deputy campaign treasurers as he considers necessary and may designate one additional campaign depository in each county in which the campaign is conducted The candidate or committee shall file the names and addresses of the deputy campaign treasurers and additional campaign depositories as provided by Section 11743

11724 Every candidate or committee may, for any reason and at any time during the campaign, revoke the appointment of any individual as campaign treasurer by giving notice of such revocation in writing to the campaign treasurer and by filing a copy of said notice with a certificate of appointment of a substitute campaign treasurer, setting forth the substitute campaign treasurer's name and address, in the manner provided by Section 11743

11725 No campaign contribution or campaign expenditure shall be made, received or undertaken except through a duly appointed campaign treasurer. Each campaign treasurer shall keep a true account of all campaign contributions received by or for the use of the candidate or committee and of all campaign expenditures made or undertaken by or on behalf of the candidate or committee through said treasurer. He shall prepare and file campaign statements as provided in Section 11743

11726 No person shall in any name except his own make or pay any campaign contribution to any candidate or committee, or to any other person acting under the authority or on behalf of such candidate or committee, nor shall any candidate or committee knowingly receive a campaign contribution or cause the same to be entered in its accounts in any name other than that of the person by whom it is made.

Article 3 Campaign Statements

11740 Each candidate and the treasurer appointed by each candidate and each committee shall make and file a campaign statement following the election or primary, as the case may be A campaign statement filed with respect to a primary election shall be verified The verification shall state that the candidate or treasurer has used all reasonable diligence in its preparation, and that it is true and is as full and explicit as he is able to make it

11741. If a candidate at any election other than a primary seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out that illegal payment in the campaign statement and disclaim responsibility for it

11742 All candidates for either nomination or election and the treasurer appointed by each candidate and each campaign committee shall file their campaign statements within 35 days after the election or primary, or not later than the day preceding the day upon which the candidate takes office, whichever first occurs

11743 Each candidate shall file one copy of his campaign statement in the office of the Secretary of State and one copy with the clerk of the county in which he resides

11744 The Secretary of State shall not issue any certificate of nomination or election to any person until his campaign statement required by Section 11730 has been filed No other statement of expenses shall be required The Secretary of State shall send to the candidate, not more than three days after the election, the necessary forms for submitting his campaign statement The nomination for or election to any office of a candidate who violates a provision of this chapter, or whose campaign treasurer or deputy campaign treasurer violates a provision of this chapter with such candidate's knowledge, shall be void, and the office shall be filled as required by law in the case of a vacancy When violations of this act are alleged, the candidate's right to office may be tested by a writ of quo warranto and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure a speedy disposition of the matter

11745 No fee or charge shall be made or collected by the Secretary of State or any county clerk for the verifying, filing or recording of any campaign statement

11746 Campaign statements shall be held by the Secretary of State or any county clerk with whom they are filed during the term of office for which they are filed and for four years after the expiration of the term Thereafter they may be destroyed by the Secretary of State or such county clerk Such statements shall be available on demand for inspection by any person during normal office hours

11747 The Secretary of State shall prescribe and prepare appropriate forms of campaign statement He shall cause adequate supplies of such forms to be printed and shall arrange for the distribution thereof through his own office, through the offices of the various county clerks or otherwise Upon request candidates and campaign treasurers shall be entitled to receive sufficient copies without charge

11748. Every campaign statement shall contain the following signed declaration "I declare under the penalty of perjury that I have used all reasonable diligence in the preparation of the foregoing campaign statement and that to the best of my knowledge it is true and correct"

11749 Notwithstanding the provisions of Section 11740, the campaign statements of a committee may include all the information otherwise required to be shown in the campaign statements of any committee subsidiary to it; in which case the campaign treasurer of the subsidiary committee is excused from compliance with Section 11740

Any campaign statement filed under the provisions of this section shall segregate the receipts and expenditures of the subsidiary committee, shall designate the latter by its name, and shall set forth the name and address of its campaign treasurer

Article 4 Lawful Expenses

11760 No campaign treasurer shall directly or indirectly make or undertake any campaign expenditure, except for lawful expenses

11761 No payment of money shall be made by a committee or candidate for the rent of any premises to be used as a committee room or headquarters, for holding a meeting, for the purpose of promoting the election or nomination of a candidate, or on account of or in respect to the conduct or management of an election, where alcoholic beverages are sold for consumption on the premises or are supplied to members of any club, society or association

Nothing in this section applies to any part of the premises which is ordinarily let for the purposes of offices for holding public meetings, if that part has a separate entrance and no direct communication with any part of the premises on which any alcoholic beverages are sold or supplied

11762 Every bill, placard, poster, pamphlet or other printed or duplicated matter having reference to an election or to any candidate shall bear the name and address of the printer and publisher and person or committee responsible therefor

In addition to any other penalty, no payment therefor shall be made or allowed unless the name and address is so printed

Article 5 Presentment and Payment of Claims

11780 Every claim payable by a candidate or committee on account of or in respect to any expense incurred in the conduct and management of an election held within this State or on behalf of the candidates of the political party, organized assemblage, or body which the committee represents shall be presented to the candidate or committee within 15 days after the election It not so presented, the claim shall not be paid, and no action shall be commenced or maintained on it

11781 All expenses incurred by and properly presented to a candidate or committee shall be paid subsequent to the filing of the final campaign statement, unless the claim has been included in the final campaign statement

11782 Any person who makes a payment in contravention of this article is guilty of a misdemeanor

11783 The superior court of the county in which a campaign statement is filed or is required to be filed may, on the completion of proper proceedings by either the committee or candidate or a creditor of either, allow

(a) A campaign statement to be filed after the time limits specified in this chapter

(b) An incorrect campaign statement to be corrected

(c) Any claim to be presented and paid after the time limits prescribed by this article

11784 If the application is made by a creditor, the court may, under like conditions and upon a like showing, order the claim to be paid A creditor is entitled to his costs

11785 The claims of one or more creditors may be united in the same application, but the amount and specific nature of each claim shall be fully stated

11786 A person may obtain from the superior court the relief specified in Section 11783 if he shows by competent evidence that the failure to comply with this article was occasioned not by any want of good faith on the part of the applicant but by:

(a) The absence, illness or death of the candidate

(b) The absence, illness or death of the treasurer of the campaign committee

(c) The misconduct of any person other than the applicant

(d) Inadvertence or excusable neglect.

(e) Any other reasonable cause

11787 Proper proceedings, as used in this article, consist of

(a) The filing of an application in the office of the clerk of the superior court showing facts sufficient to entitle the applicant to relief

(b) Such notice of the application as the court may require

(c) Satisfactory proof by competent evidence of the allegations of the application

11788 An order of the superior court relieves the applicant from any liability or consequences under this chapter in respect of the matters excused by the order

11789 After an order by a superior court allowing a claim to be paid, and after payment, the committee or candidate shall file in the same office as the original campaign statement of the committee or candidate was filed

(a) An amended campaign statement in the same form and containing the same information, as supplemented, as the original campaign statement

(b) A certificate of its allowance

SEC 3 Section 12053 of said code is amended to read.

12053 Every person is guilty of a misdemeanor who *knowingly* violates any of the provisions of Chapter 1 (commencing ~~at~~ *with* Section 11500) or *Chapter 1 5 (commencing with Section 11700)* of this division *and shall be punished by a fine not exceeding one thousand dollars ($1,000) or imprisonment in the county jail for not more than six months*.

SEC 4 Section 12053 1 is added to said code, to read

12053 1 Not less than three nor more than four months following each election within the purview of this chapter, the Secretary of State and each county clerk shall transmit to the district attorney of the appropriate county information relative to candidates and committees for whom or by whom campaign statements have not been filed in accordance with the provisions of Chapter 1 5 of this division"

Amendment No. 3

On page 1, strike out lines 2 to 4, inclusive, and strike out all on pages 2 to 7, inclusive.

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Elections and Reapportionment.

REPORTS OF STANDING COMMITTEES

Committee on Industrial Relations

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Industrial Relations reports

Assembly Bill No 822

With amendments with the recommendation: Amend, and re-refer to the Committee on Industrial Relations

ELLIOTT, Chairman

Above bill ordered to second reading

Committee on Water

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Water reports:

Assembly Bill No. 816

With amendments with the recommendation. Amend, and do pass, as amended.

ASHCRAFT, Vice Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER. Your Committee on Water reports:

Assembly Bill No. 1076

With the recommendation: Do pass, and be re-referred to the Committee on Ways and Means

ASHCRAFT, Vice Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 3, 1963

MR. SPEAKER. Your Committee on Water reports:

Assembly Bill No. 936

With the recommendation Do pass.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ASHCRAFT, Vice Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 3, 1963

MR. SPEAKER Your Committee on Water reports

Assembly Bill No. 935

With the recommendation · Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ASHCRAFT, Vice Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Water reports

Senate Bill No 194

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar.

ASHCRAFT, Vice Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Water reports

Assembly Joint Resolution No 27

With the recommendation Be adopted, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

ASHCRAFT, Vice Chairman

Above resolution ordered on file.

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Water reports
Senate Bill No 15
Senate Bill No. 165
With the recommendation Do pass.

ASHCRAFT, Vice Chairman

Above bills ordered to second reading

Committee on Criminal Procedure

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Criminal Procedure reports
Assembly Bill No 534
With the recommendation Do pass

WINTON, Chairman

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file.

Assembly Bills Nos. 879, 48, 59, 61, 333, 596, 1099, 109, 1378, 1457, and 687.

Assembly Bills Nos 879, 59, and 333 ordered to third reading, subsequent to re-engrossment.

Assembly Bills Nos 48, 61, and 109 ordered to third reading

Assembly Bills Nos 1099, 1378, and 1457 ordered to third reading, subsequent to engrossment

Assembly Bill No 596 ordered to the Consent Calendar, subsequent to re-engrossment

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1267—An act to add Section 892 1 to the Military and Veterans Code, relating to dependents of veterans

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Military and Veterans Affairs, was read, and adopted.

Amendment No. 1

On page 1, lines 7 and 8, of the printed bill, strike out "and whose death or disability may be other than service connected"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 891—An act to amend Sections 15010 5 and 15031 of, and to add Section 15010 6 to, the Corporations Code, relating to the dissolution of partnerships

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1404—An act to add Sections 214 1, 1065 1, 1066 1, 1068 1, 3519 and 3542 1 to, to add Article 4 5 (commencing with Section 3620) to Chapter 1 of Division 2 of, to amend the heading of Article 4 (commencing with Section 1061) of Chapter 5 of Part 1 of Division 1 of, and to amend Sections 211, 1061, 1062, 1063, 1064, 1067, 1073, 1074, 3502, 3513, 3515, 3517, 3541, 3546 and 3575 of, the Public Utilities Code, relating to cement carriers

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Public Utilities and Corporations, were read, and adopted

Amendment No. 1

On page 3, of the printed bill, strike out lines 19 to 25, inclusive; and in line 26, strike out "operations", and insert "The commission shall grant a certificate to operate as a cement carrier to any cement carrier as to the counties to and within which it was actually transporting cement as a cement carrier in good faith within one year prior to June 1, 1963, and continuously thereafter, provided such cement carrier applies to the commission for such certificate prior to December 31, 1963, and submits adequate proof of such prior operations The delivery of one or more loads of cement either in bulk or in packages to a point in a particular county shall constitute adequate proof of such prior operations and shall entitle the applicant to authority to serve all points in said county from any and all points of origin"

Amendment No. 2

On page 3, line 37, strike out "March", and insert "June"

Amendment No. 3

On page 3, line 47, strike out "March", and insert "June"

Amendment No. 4

On page 6, line 51, after the period, insert "Each application for a permit to operate as a cement contract carrier made under the provisions of this article shall be accompanied by a fee of one hundred fifty dollars ($150) "

Amendment No. 5

On page 7, line 16, strike out "If the applicant", and strike out all of lines 17 to 25, inclusive, and insert "If the applicant was operating in good faith as a cement contract carrier within one year prior to June 1, 1963, and continuously thereafter, the commission shall grant a permit to such applicant to operate as a cement contract carrier as to the counties to and within which it was actually transporting cement as a cement contract carrier in good faith within one year prior to June 1, **1963, and continuously thereafter, provided** such cement contract carrier applies to the commission for such permit prior to December 31, 1963, and submits adequate proof of such prior operations The delivery of one or more loads of cement either in bulk or in packages to a point in a particular county shall constitute adequate proof of such prior operations and shall entitle the applicant to authority to serve all points in said county from any and all points of origin."

Bill ordered reprinted, and engrossed

Assembly Bill No. 463—An act to add Sections 5074, 7151, 7153 1, 7153 2, 7153 3 and 7153 4 to, and amend Sections 7150, 7152, 7153, 7154 and 7170 of, and repeal Sections 7151, 7154 5 and 7169 of, the Financial Code, and to add Section 783 to the Civil Code, relating to savings and loan associations, and declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to the Consent Calendar.

Assembly Bill No. 742—An act to repeal Section 646 of, and to add Section 646 to, the Financial Code, relating to banks and trust companies.

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 727—An act to amend Section 1317 of the Financial Code, relating to loan limits for nondepartmental banks.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1206—An act to amend Sections 1357, 1360 1 and 1362 of the Financial Code, and to amend Sections 1172, 1173, 1192 1 and 1194 5 of the Insurance Code, relating to legal investments for savings banks and incorporated insurers

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1502—An act to add Section 2982.5 to the Civil Code, relating to conditional sales contracts.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Finance and Insurance, were read, and adopted:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "or finance company", and insert ", finance company, or other person"

Amendment No. 2

On page 1, line 6, following "contract", insert "or other security instrument".

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Criminal Procedure

Assembly Bill No. 1573—An act to amend Section 11580.2 of the Insurance Code, relating to uninsured motorist coverage.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Finance and Insurance, and were read, and adopted

Amendment No. 1

On page 1, line 15, of the printed bill, after "bodily injury", insert "or wrongful death"

Amendment No. 2

On page 2, line 14, after "otherwise," insert "heirs"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 381—An act to add Section 1126 to the Fish and Game Code, relating to planting fish

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Fish and Game, was read, and adopted·

Amendment No. 1

On page 1 of the printed bill, as amended in the Assembly on March 28, 1963, strike out line 3, and insert

"1126 If the department plants catchable-size trout, it shall plant them so"

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 544—An act to amend Sections 7155 and 12300 of the Fish and Game Code, relating to Yurok Indians

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Fish and Game, was read, and adopted:

Amendment No. 1

On page 2, lines 27 and 28, of the printed bill, as amended in the Assembly on March 28, 1963, strike out "eligible to be enrolled on the tribal roll", and insert "having a claim to participate in the tribal assets".

Bill ordered reprinted, and engrossed.

Assembly Bill No. 564—An act to amend Section 22352 of the Vehicle Code, relating to speed limits.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce, was read, and adopted:

Amendment No. 1

On page 2, between lines 13 and 14, of the printed bill, as amended in the Assembly on March 12, 1963, insert "(3) On any alley."

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1461—An act to add Section 110 to, and to amend Sections 21804 and 22352 of, the Vehicle Code, relating to alleys

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted

Amendment No. 1

On page 1, line 18, of the printed bill, before "When", insert "(1)"

Amendment No. 2

On page 2, line 7, before "When", insert "(2)".

Amendment No. 3

On page 2, line 15, before "On", insert "(3)"

Amendment No. 4

On page 2, line 17, before "On", insert "(1)"

Amendment No. 5

On page 2, strike out lines 20 to 26, inclusive, and insert

"(2) When passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving such school during opening or closing hours or during the noon recess period Such prima facie limit shall also apply when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1182—An act to amend the heading of Chapter 6 (commencing with Section 12550) of Title 2 of Part 4, and Section 12550 of, and to add Section 12551 to, the Penal Code, relating to sale of firearms and other guns to minors.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Criminal Procedure, were read, and adopted:

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to 5, inclusive, and insert

"SECTION 1. The heading of Chapter 6 (commencing with Section 12550) of Title 2 of Part 4 of the Penal Code is amended to read:

CHAPTER 6 SALE OF ~~FIREARMS~~ *GUNS TO MINORS* "

Amendment No. 2

On page 1, line 8, after "firearm", insert "or ammunition therefor"

Amendment No. 3

On page 1, line 15, after the second "gun", insert "or ammunition therefor"

Bill ordered reprinted, and engrossed.

Assembly Bill No. 797—An act to amend Section 588a of the Penal Code, relating to depositing injurious matter upon the highway.

Bill read second time, and ordered engrossed and to be placed on the Consent Calendar.

Assembly Bill No. 298—An act to add Section 23 to, and to amend Section 190 1 of, the Penal Code, relating to penalties for crimes

Bill read second time, and ordered engrossed

Assembly Bill No. 807—An act to add Section 148 7 to the Penal Code, relating to false representations made for purpose of serving sentence of another.

Bill read second time, and ordered engrossed.

Assembly Bill No. 1288—An act to add Section 1193 3 to the Code of Civil Procedure, relating to liens

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Judiciary, were read, and adopted

Amendment No. 1

On page 1 of the printed bill, between lines 16 and 17, insert
"(c) That all subcontractors whom he engaged in the performance of the contract have been paid"

Amendment No. 2

On page 1, strike out lines 17 to 24, inclusive, and insert
"In addition, at the time of submitting the above described statement, the original contractor shall also submit to the person with whom he has contracted for the work a written statement from each subcontractor whom he engaged in the performance of the work in which each of said subcontractors declares the following under penalty of perjury
(a) That all materials used or consumed by the subcontractor in the performance of his contract have been paid for
(b) That all persons employed by, and working directly under, the subcontractor in the performance of the work, the payment of whose wages, salaries or other compensation was the responsibility of the subcontractor, have been paid such compensation."

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary.

Assembly Bill No. 1123—An act to amend Section 22350 of the Vehicle Code, relating to regulation of speed

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1270—An act to amend Section 21655 of the Vehicle Code, relating to slower moving vehicles

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1555—An act to amend Section 27182 of the Streets and Highways Code, relating to bridge and highway districts.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 687—An act to amend Sections 460, 626.1, 4231, 4247, and 4283 of the Agricultural Code, relating to milk

Bill read second time, and ordered to third reading, subsequent to engrossment (Bill is on second reading file, pursuant to Joint Rule 22.2 and Assembly Rule 76).

SECOND READING OF SENATE BILLS

Senate Bill No. 124—An act to amend Section 5513 of the Fish and Game Code, relating to the use of gaffs.

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 14—An act to amend Sections 12502, 12504, 12505, 12518, 12805, 12806, 12809, 13363 of, and to add Section 246 to, and Chapter 6 (commencing with Section 15000) to Division 6 of, the Vehicle Code, relating to a compact with various states and the issuance and control of driver's licenses.

Bill read second time, and ordered to the Consent Calendar.

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means·

Assembly Bill No. 333, subsequent to re-engrossment.

Assembly Bill No. 1457, subsequent to engrossment.

Senate Bill No. 14.

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees.

Assembly Bill No	*Committee*
2183	Education
2184	Finance and Insurance
2185	Public Health
2186	Civil Service and State Personnel
2187	Education
2188 through 2190	Judiciary
2191	Manufacturing, Oil, and Mining Industry
2193	Municipal and County Government
2194	Education
2195	Governmental Efficiency and Economy
2196 and 2197	Criminal Procedure
2198	Transportation and Commerce
2199	Judiciary
2200	Finance and Insurance
2201	Education
2202 and 2203	Municipal and County Government
2204 and 2205	Elections and Reapportionment
2206	Governmental Efficiency and Economy
2207	Municipal and County Government
2208	Judiciary
2209	Elections and Reapportionment
2210 and 2211	Social Welfare
2212 through 2214	Criminal Procedure
2215	Social Welfare
2216 through 2219	Criminal Procedure
2220	Municipal and County Government
2221 and 2222	Revenue and Taxation
2223	Elections and Reapportionment
2224	Agriculture
2225	Ways and Means
2226	Transportation and Commerce
2227 and 2228	Industrial Relations
2229	Elections and Reapportionment
2230	Finance and Insurance
2231	Revenue and Taxation
2232	Water

Assembly Bill No.	*Committee*
2233	Government Organization
2234	Municipal and County Government
2235	Revenue and Taxation
2236	Governmental Efficiency and Economy
2237	Judiciary
2238	Manufacturing, Oil, and Mining Industry
2239	Governmental Efficiency and Economy
2240	Civil Service and State Personnel
2241	Education
2242 and **2243**	Criminal Procedure
2244	Civil Service and State Personnel

Assembly Concurrent Resolution No.	
57	Rules

Assembly Joint Resolution No	
34 through **37**	Rules

Senate Bill No	
36	Governmental Efficiency and Economy
66	Natural Resources, Planning, and Public Works
329	Natural Resources, Planning, and Public Works
493	Natural Resources, Planning, and Public Works

Senate Constitutional Amendment No	
9	Education

Senate Joint Resolution No	
3	Rules

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 3, 1963

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 161
Senate Bill No 175
Senate Bill No. 244
Senate Bill No 357
Senate Bill No 473
Senate Bill No. 608
Senate Bill No. 617
Senate Bill No 634
Senate Bill No 645
Senate Bill No 805

J. A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 161—An act to amend Section 858 of the Penal Code, relating to arraignment of persons charged with crimes.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 175—An act to amend Section 16251 of the Revenue and Taxation Code, relating to recovery of gift tax payment

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 244—An act to add Section 18426 to the Health and Safety Code, relating to mobilehomes and mobilehome parks.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 357—An act to add Section 1610 5 to, to amend Sections 1600, 1605, 1610, 1611, 1615, 1616 and 1618 of, and to amend the title of Article 4 (commencing with Section 1615) of Chapter 9, Part 2, Division 2 of, the Water Code, relating to the State Water Rights Board licensing procedure

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 473—An act to add Section 23116 to the Vehicle Code, relating to unlawful evasion of arrest

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 608—An act to add Section 6368 5 to the Revenue and Taxation Code, relating to sales and use tax exemptions

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 617—An act to amend Sections 17765, 17766, and 17768 of, to amend and renumber Section 17765 1 of, to add Sections 17765 1, 17765 2, 17765 3, 17765 4, 17765 5, 17765 6, 17765 7, 17766 1, 17766 2, 17766 3, 17766 4, and 17773 to, and to repeal Section 17773 of, the Business and Professions Code, relating to trading stamp companies

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 634—An act authorizing a grant to the San Luis Obispo County Flood Control and Water Conservation District for recreation in connection with the Lopez Dam and Reservoir

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 645—An act to repeal Chapter 1 (commencing with Section 29000) of, and to add Chapter 1 (commencing with Section 29000) to, Division 3 of Title 3 of the Government Code, relating to county budgets and tax levies

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 805—An act to add Article 9 (commencing with Section 18149) to Chapter 13, Part 10 of Division 2 of the Revenue and

Taxation Code, relating to taxation on the basis of income from corporate stock distributions, to take effect immediately

Held at desk by order of the Speaker pro Tempore

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 3, 1963

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No 42
Assembly Concurrent Resolution No 44

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above resolutions ordered enrolled

SENATE CHAMBER, April 3, 1963

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 41
Assembly Bill No 43
Assembly Bill No. 44
Assembly Bill No 71
Assembly Bill No 182
Assembly Bill No 380
Assembly Bill No 383
Assembly Bill No 605
Assembly Bill No 777
Assembly Bill No. 778
Assembly Bill No 779
Assembly Bill No 780
Assembly Bill No 781
Assembly Bill No 782
Assembly Bill No. 784
Assembly Bill No 785

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, April 3, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No 532

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bill ordered to unfinished business file

SENATE CHAMBER, April 3, 1963

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 13
Assembly Joint Resolution No 14

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above resolutions ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT

Mr Elliott was granted unanimous consent to refer back to the order of business of motions and resolutions.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1338

Mr Elliott was granted unanimous consent that Assembly Bill No 1338 be withdrawn from the Committee on Industrial Relations, and re-referred to the Committee on Public Health

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 400—An act to amend Sections 1091 and 1091.5 of the Government Code, relating to public officers' interest in contracts

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Collier, Cologne, Conrad, Dannemeyer, Dills, Donovan, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, Lunardi, Marks, McMillan, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Soto, Stanton, Stevens, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, and Zenovich—55
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 529—An act to add Section 7202.1 to the Education Code, relating to the purchase of textbooks in addition to those furnished by the county library.

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Britschgi, Burgener, Burton, Carrell, Collier, Cologne, Conrad, Dannemeyer, Davis, Dills, Donovan, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, Lunardi, Marks, McMillan, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Soto, Stanton, Stevens, Thelin, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, and Zenovich—57
NOES—None

Bill ordered transmitted to the Senate

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

Speaker pro Tempore Bee announced that present plans for adjournment next week are to meet on Wednesday, April 10, and, at the conclusion of business on that day, to adjourn until Monday, April 15.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 629—An act to repeal Section 9654 of, and to amend Section 9653.1 of, the Education Code, relating to state textbooks.

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Carrell, Chapel, Cologne, Conrad, Danielson, Dannemeyer, Davis, Dills, Donovan, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lunardi, Marks, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, and Zenovich—59
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 386—An act to amend Sections 17742 and 17745 of, and to add Section 17745 1 to, the Revenue and Taxation Code, relating to taxation of trusts

Bill read third time, and passed by the following vote:

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, and Zenovich—63.
NOES—None

Bill ordered transmitted to the Senate

INTRODUCTION OF GUESTS

Speaker pro Tempore Bee introduced Mrs Zella Crockett of Ogden, Utah, the aunt of Assemblyman Robert S Stevens, and Mrs Stanley Crockett of Sacramento, the cousin of Mr Stevens, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 399—An act to add Section 1099 to the Government Code, relating to public officers and employees.

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, and Zenovich—68
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 402—An act to amend Section 1090 of the Government Code, relating to public officers and employees

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, and Zenovich—65.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 117—An act to add Section 443 to, and to amend Sections 425, 2020 002, 3084 01, and 3472.01 of, the Welfare and Institutions Code, relating to public assistance

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Crown, Danielson, Dills, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, McMillan, Mills, Monagan, Moreno, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Waite, Waldie, Warren, Williamson, Willson, Young, Zenovich, and Mr Speaker—51

NOES—Badham, Burgener, and Mulford—3

Bill ordered transmitted to the Senate

TEMPORARY LEAVE OF ABSENCE

At 10 11 a m , on request of Mr Hinckley, Mr Donovan was granted leave of absence for a part of this day, because of legislative duties elsewhere

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 883—An act to add Sections 554 and 597 to the Streets and Highways Code, relating to state highways

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Mills, Monagan, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Willson, Winton, Young, and Zenovich—64

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1164—An act to add Section 5784 35 to the Public Resources Code, relating to recreation and park districts

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, and Zenovich—64.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1165—An act to amend Section 5784 22 of the Public Resources Code, relating to recreation and park districts.

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox,

Lanterman, Marks, McMillan, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Wilson, Winton, Young, and Zenovich—64.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1467—An act to amend Section 717 of the Government Code, relating to claims against local public entities.

Bill read third time, and passed by the following vote.

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zenovich, and Mr Speaker—67
NOES—None

Bill ordered transmitted to the Senate

NAME PLACED UPON ROLL CALLS ON ASSEMBLY BILLS NOS. 400, 529, AND 399

Mr Lanterman was granted unanimous consent that he be recorded as voting "Aye" on Assembly Bills Nos 400, 529, and 399

ANNOUNCEMENT

Speaker pro Tempore Bee again reminded the members that hereafter, bills twice passed on file will go to the foot of the file.

BILLS PLACED ON INACTIVE FILE

On motion of Mr Badham, **Assembly Bills Nos. 1180** and **1177** were ordered placed upon the inactive file

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 632—An act to add Chapter 8 5 (commencing with Section 6125) to Title 7 of Part 3 of the Penal Code, and to amend Section 1755 5 of the Welfare and Institutions Code, relative to institutions in the Department of Corrections

Bill read third time, and passed by the following vote

AYES—Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Willson, Winton, Young, Zenovich, and Mr Speaker—69
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1229—An act to add Section 25273 to the Vehicle Code, relating to flashing warning lights.

Bill read third time, and passed by the following vote

AYES—Ashcraft, Bane, Barnes, Bee, Beilenson, Booth, Burton, Carrell, Chapel, Collier, Conrad, Danielson, Dannemeyer, Davis, Elliott, Ferrell, Flournoy, Frew, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Pattee, Petris, Powers, Ryan, Soto, Stanton, Stevens, Thelin, Thomas, Waite, Warren, Whetmore, Williamson, Willson, Young, Zenovich, and Mr. Speaker—45

NOES—Alquist, Badham, Britschgi, Burgener, Cologne, Donovan Foran, Gaffney, Garrigus, Knox, Marks, Mills, Monagan, Moreno, Mulford, Song, Veneman, Veysey, and Winton—19.

Bill ordered transmitted to the Senate

Assembly Bill No. 1295—An act to add Section 4734 to the Health and Safety Code, relating to county sanitation districts

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zenovich, and Mr Speaker—73

NOES—None.

Bill ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS

Senate Bill No. 115—An act to add Article 15 (commencing with Section 6450) to Chapter 6 of Division 6 of the Education Code, relating to special educational programs for culturally disadvantaged children, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Mr Petris

Urgency Clause

Urgency clause read

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the consideration of Senate Bill No. 115.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 8, 1963

To the Honorable Members of the Senate and Assembly

Senate Bill No. 115, "An act to add Article 15 (commencing with Section 6450) to Chapter 6 of Division 6 of the Education Code, relating to special educational programs for culturally disadvantaged children, and declaring the urgency thereof, to take effect immediately,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No 115 as an emergency measure.

Respectfully submitted,

EDMUND G BROWN, Governor

The question being on the adoption of the urgency clause

Urgency clause adopted by the following vote·

AYES—Allen, Alquist, Bane, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—67.

NOES—Ashcraft, Badham, Barnes, Britschgi, Chapel, Collier, and Stevens—7

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Bane, Bee, Beilenson, Belotti, Booth, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—67

NOES—Ashcraft, Badham, Barnes, Britschgi, Chapel, Collier, and Stevens—7

Bill ordered transmitted to the Senate

REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW ASSEMBLY BILL NO. 949 FROM COMMITTEE

Mr Waite was granted unanimous consent that Assembly Bill No. 949 be withdrawn from the Committee on Public Health for purpose of amendment, and that the bill be re-referred to the committee

CONSIDERATION OF ASSEMBLY BILL NO. 949

Assembly Bill No. 949—An act to amend Section 25860 of the Health and Safety Code, relating to radiation control

Bill read second time.

Motion to Amend

Mr. Waite moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 25860 of", and insert "add Section 25861 to"

Amendment No. 2

On page 1, strike out lines 1 to 8, inclusive, and insert

"SECTION 1 Section 25861 is added to the Health and Safety Code, to read

25861 If the department determines that any object, building, structure, or premises is contaminated by radioactive material and constitutes a hazard to the public health, it shall order the person who has control of the object, building, structure, or premises to decontaminate, or to cause the decontamination of, the object, building, structure, or premises or, in the case of an object or a building or structure, to dispose of it as radioactive waste The department shall also order such person to cease to use or occupy the object, building, structure, or premises, except to the extent necessary to accomplish the decontamination, until the decontamination has been completed or to cease to use or occupy the object, building, or structure, if such person determines to dispose of it as radioactive waste, except to the extent necessary to accomplish the disposal of the object, building, or structure

If the object, building, structure, or premises are decontaminated, the normal use or occupancy of the object, building, structure, or premises may be resumed

If the person who has control of the object, building, structure, or premises refuses to decontaminate, or cause the decontamination of, the object, building, structure, or premises, or, in the case of an object, a building, or a structure, to dispose

of it in accordance with the regulations governing radioactive waste disposal, the department may impound or seize it

After the department has impounded or seized an object or a building, structure, or premises, the department may decontaminate the object, building, structure, or premises or cause such decontamination In the case of an object or a building or structure if the department determines that its value does not warrant decontamination, it shall so notify the person, in writing, who had control of the object, building, or structure Within 15 days after such notice, such person may decontaminate the object, building, or structure If he fails to do so, the department may cause the object, building, or structure to be disposed of as radioactive waste

If the department causes the object, building, structure, or premises to be decontaminated, the department shall, upon the completion of the decontamination, return the impounded article or seized building, structure, or premises to the person who had control of the article, building, structure, or premises prior to the impounding or seizure

The department may require the person who had control of the object, building, structure, or premises to pay any costs which are incurred by the department in decontaminating, or causing the decontamination of, or disposing of, the object, building, structure, or premises and may maintain any action which may be necessary to recover such costs

The term "decontamination," as used in this section, means the reduction of the level of contamination from radioactive material to the level which the department determines is reasonably necessary to eliminate the hazard to public health which is caused by the contamination of the object, building, structure, or premises Any order by the department pursuant to this section shall prescribe the level to which the contamination is required to be reduced in order to eliminate the hazard to the public health"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 174—An act to amend Section 13160 of the Health and Safety Code, relating to fire extinguishers.

Bill read third time, and presented by Mr Holmes

Bill passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dennemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferriell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Ryan, Song, Soto, Stevens, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—69

NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 453—An act to amend Section 28118 of the Government Code, relating to salaries of county officers

Bill read third time, and presented by Mr Frew

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dennemeyer, Davis, Dills, Donovan, Elliott, Ferriell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas,

Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65
NOES—Dymally—1

Bill ordered transmitted to the Senate

Explanation of Vote on Senate Bill No. 453

Mr Speaker, Members of the Assembly: (Referring to SB 453, relating to salaries of county officers) I rise, not to oppose this bill, but to express a point of view I do not think that this Legislature should grant any pay raise to any public official until the people of this great State have had another opportunity to make a determination regarding a salary increase for legislators

MERVYN M DYMALLY

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar

CONSENT CALENDAR OF ASSEMBLY BILLS

Assembly Bill No. 1084—An act to add Sections 6310, 6463 and 6464 to the Public Resources Code, relating to tide and submerged lands.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dennemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 951—An act to amend Sections 34420 and 35100 of the Water Code, relating to California water district elections

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dennemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1083—An act to amend Section 645 of the Vehicle Code, relating to transporters

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne,

Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 680—An act to amend Sections 6811 and 6812 of the Revenue and Taxation Code, relating to sales and use taxation

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1132—An act to amend Section 17 of the Elections Code, relating to the county clerk

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1134—An act to amend Sections 6519, 6550 and 6552 of the Elections Code, relating to nomination of candidates

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1329—An act to amend Section 14800 of the Elections Code, relating to voting by the sick

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 394—An act to amend Sections 11801, 11831, 11860, 11861, and 11862 of the Elections Code, relating to campaign expenditure statements

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—75

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1313—An act to repeal Chapter 12 (commencing with Section 2550) and Chapter 13 (commencing with Section 3050), Division 6 of the Agricultural Code, relating to marketing of agricultural products

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemever, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—75

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 815—An act to amend Section 14256 of the Education Code, relating to state teachers' retirement

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan,

Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—75
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 903—An act to amend Section 24000 of the Education Code, relating to state colleges

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—75
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1441—An act to amend Section 42005 of the Vehicle Code, relating to safety zone violations

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—75
NOES—None

Bill ordered transmitted to the Senate

Assembly Concurrent Resolution No. 50—Relative to the Civil War Centennial Commission

Resolution read, and adopted by the following vote

AYES—Allen Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—75
NOES—None

Resolution ordered transmitted to the Senate

Assembly Concurrent Resolution No. 55—Relative to Dr Lee A. DuBridge

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott,

Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Resolution ordered transmitted to the Senate

Consideration of House Resolution No. 169

By Mr Pattee

House Resolution No. 169—Relative to the death of Gary L Grow.

NOTE: The full text of House Resolution No 169 appears at pages 1470 and 1471 of the Assembly Daily Journal for March 27, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dunnemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None.

Consideration of House Resolution No. 174

By Mr. Z'berg.

House Resolution No. 174—Congratulating Charles M Goethe.

NOTE The full text of House Resolution No 174 appears at pages 1528 and 1529 of the Assembly Daily Journal for March 28 1963

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dunnemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None.

Consideration of House Resolution No. 177

By Messrs Veneman and Lunardi:

House Resolution No. 177—Relative to commending Mr Harry Marks, former Mayor of Modesto, for his contribution to municipal improvement and civic betterment.

NOTE: The full text of House Resolution No. 177 appears at page 1563 of the Assembly Daily Journal for March 28, 1963

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne,

Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None.

Assembly Bill No. 401—An act to amend Section 1090 of the Government Code, relating to public officers' interest in contracts.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None.

Bill ordered transmitted to the Senate.

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 48—An act to amend Section 1431 and to repeal Section 1510 of, and to add Section 1510 to, the Probate Code, and to amend Section 372 of the Code of Civil Procedure, relating to settlement and compromise of claims of minors and incompetents

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 494—An act to amend Section 8303 of the Agricultural Code, relating to fruits, nuts, and vegetables

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No. 40—Approving a certain amendment to the Charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at an election held therein on the 6th day of November, 1962.

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—75

NOES—None.

Resolution ordered transmitted to the Senate

Senate Joint Resolution No. 9—Relative to memorializing Congress to aid the Bay Area Rapid Transit District

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr. Speaker—75.

NOES—None.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 150—An act to repeal Section 2025.01 of, and to add Section 443.1, to, the Welfare and Institutions Code, relating to inconsequential resources of welfare recipients

The question being. Shall the Assembly concur in the following Senate amendments to Assembly Bill No 150?

Senate Amendments of March 13, 1963

Amendment No 1

In line 1 of the title of the printed bill, strike out "433", and insert "459.1"

Amendment No. 2

On page 1, line 9, strike out "433", and insert "459.1"

Amendment No. 3

On page 1, line 10, strike out "433", and insert "459.1"

Senate Amendments of April 1, 1963

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate on March 13, 1963, strike out "459.1", and insert "443.1"

Amendment No. 2

On page 1, line 3, strike out "459.1", and insert "443.1".

Amendment No. 3

On page 1, line 4, strike out "459 1", and insert "443 1"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 150 by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—72

NOES—None

Assembly Bill No 150 ordered enrolled.

MEMBER EXCUSED FOR BALANCE OF DAY

At 11 04 a m, Mr Holmes was granted unanimous consent that he be excused for the balance of this legislative day, because of legislative business elsewhere

SENATE BILL NO 350 REMOVED FROM CONSENT CALENDAR

On request of Mr Britschgi, Senate Bill No 350 was ordered removed from the Consent Calendar, and returned to the second reading file, pursuant to Joint Rule No 22 2

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1190—An act to amend Section 28121 of the Government Code, relating to salaries of county officers

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Dills, Donovan, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Zberg, Zenovich, and Mr Speaker—69

NOES—Dymally—1

Bill ordered transmitted to the Senate

Assembly Bill No. 295—An act to add Section 224 to, and amend Section 381 of, the Elections Code, relating to affidavits of registration, and declaring the urgency thereof, to take effect immediately

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan,

Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Young, Z'berg, Zenovich, and Mr Speaker—72
NOES—None

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Young, Z'berg, Zenovich, and Mr Speaker—72
NOES—None

Bill ordered transmitted to the Senate

ANNOUNCEMENT BY SPEAKER PRO TEMPORE BEE

Speaker pro Tempore Bee announced that the Easter Week adjournment plans have again been changed, and that the present plan is that the Assembly will be in session until noon on Thursday, April 11, 1963; and will then adjourn for the weekend

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER: Your Committee on Rules recommends

That the request by Mr Barnes for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 2(a), of the Constitution as it pertains to Assembly Bill No 2164 be granted.

BANE, Chairman

RESOLUTIONS

The following resolution was offered

By Mr. Barnes:

Resolution to Invoke Constitutional Provision

Resolved, That, pursuant to Article IV, Section 2(a), of the Constitution, Assembly Bill No 2164 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed

Resolution read, and adopted by the following vote

AYES—Allen, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Henson, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—72
NOES—None.

Article IV, Section 2(a) of the Constitution was declared dispensed with

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND RULE NO. 59

Mr Barnes was granted unanimous consent that Rule No 59 be temporarily suspended for the purpose of setting Assembly Bill No. 2164 for hearing in the Committee on Ways and Means

POINT OF INFORMATION

Mr Allen arose to the following point of information. That bills to raise the salaries of the various boards of supervisors are introduced upon request of the counties only after and upon recommendation of the grand juries of the counties affected.

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Water reports:

Assembly Joint Resolution No. 26
Assembly Joint Resolution No. 29

With the recommendation Be adopted.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar.

ASHCRAFT, Vice Chairman

Above resolutions ordered engrossed.

Committee on Municipal and County Government

ASSEMBLY CHAMBER, April 4, 1963

MR. SPEAKER. The Chairman of your Committee on Municipal and County Government reports:

Senate Bill No 27

With author's amendments with the recommendation. Amend, and re-refer to the Committee on Municipal and County Government

KNOX, Chairman

SECOND READING OF SENATE BILL NO. 27 (PURSUANT TO RULE NO. 59.5)

Senate Bill No. 27—An act to amend and renumber Sections 4600, 4601, and 4602 of, to amend Sections 4605, 4606, 4607, 4609, 4610, 4611, 4612, 4614 1, 4614.2, 4614 3, 4614.4, 4614 5, 4614.11, 4614 13, 4614 14, 4614 15, 4615, 4616, 4617, 4618, 4619, 4620, 4621, 4622, 4623, 4624, 4625, 4627, 4634, 4635, 4636, 4636 8, 4638, 4639, 4641, 4642, 4643, 4644, 4645, 4646, 4647, 4648, and the heading of Chapter 1 (commencing with Section 4600), Part 3, Division 5 of, to repeal Sections 4608, 4614.6, 4614 7, 4614 8, 4614 9, 4614.10, 4614 12, 4628, 4629, 4630, 4631, 4632, 4633, 4635, and 4636.7 of; and to add Sections 4600, 4601, 4602, 4602 2, 4602 3, 4610 5, 4611 5, 4613, 4623 5, 4639 5, 4640, and 4641 5 to, the Health and Safety Code, and to repeal the Municipal Sewer District Act of 1939 (Ch 24, Stats. 1939), relating to municipal sewer districts

Bill read second time

Motion to Amend

Mr Knox moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 1, of the printed bill, as amended in the Senate on March 5, 1963, after "amended", insert "and renumbered".

Amendment No. 2

On page 2, line 2, after "improvement", strike out the comma.

Amendment No. 3

On page 6, line 12, after "both", insert a period.

Amendment No. 4

On page 10, line 19, after "bonds", strike out the comma.

Amendment No. 5

On page 15, line 23, strike out "4612 5", and insert "4613"

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Municipal and County Government

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER: Your Committee on Judiciary reports

Assembly Bill No 1379
Assembly Bill No. 1544

With amendments with the recommendation Amend, and do pass, as amended.

WILLSON, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER The Chairman of your Committee on Judiciary reports

Assembly Bill No. 995

With author's amendments with the recommendation Amend, and re-refer to the Committee on Judiciary.

WILLSON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 995 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 995—An act to amend Section 16724 of the Business and Professions Code, relating to restraint of trade

Bill read second time

Motion to Amend

Mr. Z'berg moved the adoption of the following amendments·

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 28, 1963, strike out "amend", and insert "repeal".

Amendment No. 2

On page 1, line 2, strike out "amended to read ", and insert "repealed."

Amendment No. 3

On page 1, strike out lines 3 to 9, inclusive, and insert

"SEC 2 The repeal of Section 16724 of the Business and Professions Code made by this act is not intended to affect any other statute in effect when this act takes effect "

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Judiciary

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER. Your Committee on Judiciary reports:

Assembly Bill No 1446

With the recommendation· Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar.

WILLSON, Chairman

Above bill ordered to second reading.

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER The Chairman of your Committee on Governmental Efficiency and Economy reports

Assembly Bill No. 1312

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Governmental Efficiency and Economy

McMILLAN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1312 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1312—An act to amend Sections 25200 and 25202 of, and to add Sections 25202.1 and 25202.2 to, the Business and Professions Code, relating to beer containers and cartons.

Bill read second time.

Motion to Amend

Mr. Pattee moved the adoption of the following amendments:

Amendment No. 1

On page 2, strike out lines 5 to 20, inclusive, of the printed bill, and insert

'SEC. 2. Section 25202 of said code is amended to read.

25202 Manufacturers' names, brand names, print, or markings first placed on returnable beer containers or cartons made of wood, *metal*, or fiberboard shall not be obliterated, mutilated, or marked out without the written consent of the manufacturer whose name, brand, or printed markings is to be obliterated, mutilated, or marked out *and without the prior approval of the department. It is unlawful to purchase, sell, give, or take any such container, or carton on which the manufacturer's name, brand name, print, or marking has been obliterated, mutilated, or marked out without the written consent of the manufacturer and the prior approval of the department* This section does not apply to wood or fiberboard containers or cartons of a beer manufacturer who has discontinued business and production and is no longer a licensed beer manufacturer"

Amendment No. 2

On page 2, line 23, strike out "or fiber wood", and insert ", metal, or fiberboard".

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports

Assembly Bill No 765

Assembly Bill No 1139

With the recommendation: Do pass

McMILLAN, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports.

Assembly Bill No. 1

With amendments with the recommendation Amend, and do pass, as amended

McMILLAN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports

Assembly Bill No 1019
Assembly Bill No 1117
Assembly Bill No 1118
Assembly Bill No 1119
Assembly Bill No. 1452
Assembly Bill No. 1459

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

McMILLAN, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports

Senate Bill No 82
Senate Bill No 85
Senate Bill No 436

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

McMILLAN, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports

Assembly Bill No 1120
Assembly Bill No 1135
Assembly Bill No 1462

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

McMILLAN, Chairman

Above bills ordered to second reading

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports

Assembly Bill No 675
Assembly Bill No 679
Assembly Bill No 737

With the recommendation: Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar.

PETRIS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER. Your Committee on Revenue and Taxation reports

Assembly Bill No 674

With the recommendation Do pass.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar.

PETRIS, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports.

Assembly Constitutional Amendment No 22

With the recommendation. That the resolution be retained in committee, and that *the subject matter be referred* to the Committee on Rules for assignment to the proper interim committee for study.

PETRIS, Chairman

Subject matter of the above resolution referred to the Committee on Rules.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 1442

With the recommendation: Do pass

PETRIS, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER. Your Committee on Revenue and Taxation reports.

Assembly Bill No 1374

With amendments with the recommendation Amend, and re-refer to the Committee on Revenue and Taxation

PETRIS, Chairman

Above bill ordered to second reading

Committee on Municipal and County Government

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER The Chairman of your Committee on Municipal and County Government reports.

Assembly Bill No 54

With author's amendments with the recommendation· Amend, and re-refer to the Committee on Municipal and County Government

KNOX, Chairman

SECOND READING OF ASSEMBLY BILL NO. 54 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 54—An act to amend Sections 6515 and 6516 of the Streets and Highways Code, relating to the Improvement Act of 1911 and public works and improvements thereunder

Bill read second time

Motion to Amend

Mr. Allen moved the adoption of the following amendments·

Amendment No. 1

On page 1, line 14, of the printed bill, as amended in the Assembly on March 11, 1963, strike out "inferior", and insert "other".

Amendment No. 2

On page 1, line 18, strike out "inferior", and insert "other"

Amendment No. 3

On page 1, line 23, strike out "inferior", and insert "other".

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Municipal and County Government

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 176
House Resolution No 184
House Resolution No 185

With the recommendation. Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar

BANE, Chairman

Above resolutions ordered on file

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 187
House Resolution No 188
House Resolution No 194

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar

BANE, Chairman

Above resolutions ordered on file

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 186

With the recommendation Be adopted

BANE, Chairman

Above resolution ordered on file

Committee on Water

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER The Chairman of your Committee on Water reports

Assembly Bill No 1266

With author's amendments with the recommendation Amend, and re-refer to the Committee on Water

ASHCRAFT, Vice Chairman

SECOND READING OF ASSEMBLY BILL NO. 1266 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1266—An act to add Sections 943.1 and 1732 to the Streets and Highways Code, relating to county highways

Bill read second time

Motion to Amend

Mr. Waldie moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "31304,"

Amendment No. 2

In line 2 of the title, strike out "31701 1", and insert "31702 1, 31702 2, 31702 3, 31702.4".

Amendment No. 3

On page 1, strike out lines 1 to 18, inclusive

Amendment No. 4

On page 2, strike out lines 1 to 26, inclusive, and insert

"SECTION 1 Section 31702 1 is added to the Water Code, to read

31702 1 The board may, by resolution, elect to fix its own rates of taxation, in which event it shall file certified copies thereof with the auditor, the assessor and the clerk of the board of supervisors in which it is situated, on or before July 1 It shall thereafter continue to fix its own rate of taxation until it has filed with such officers certified copies of a resolution electing to the contrary

SEC 2 Section 31702 2 is added to said code, to read

31702 2 Following the board's election, the county auditor shall, before July 20 of each year, transmit to the board a written statement showing the total value of all taxable property in the district, which shall be used by the county for taxation for that year

SEC 3 Section 31702 3 is added to said code, to read

31702 3 On or before August 10 of each year, the board shall fix the rates of taxation in not to exceed four decimals, which it shall require for each of its purposes for said year, *making due allowance* for delinquency as fixed by law or by

the board, and certify said rates to the clerk of the board of supervisors and to the county auditor

SEC. 4. Section 31702.4 is added to said code, to read

31702.4. The board of supervisors shall thereafter levy said rates of taxation so certified to it upon all of the taxable property in the district at the time that it fixes the rates of taxation for the county."

Amendment No. 5

On page 2, line 27, strike out "3", and insert "5".

Amendment No. 6

On page 2, line 36, strike out "4", and insert "6".

Amendment No. 7

On page 2, line 46, strike out "5", and insert "7".

Amendment No. 8

On page 3, line 8, strike out "6", and insert "8".

Amendment No. 9

On page 3, line 15, strike out "7", and insert "9".

Amendment No. 10

On page 3, line 28, strike out "8", and insert "10".

Amendment No. 11

On page 3, line 38, strike out "9", and insert "11"

Amendment No. 12

On page 3, line 47, strike out "10", and insert "12".

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Water.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 4, 1963

MR. SPEAKER. Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 1099
Assembly Bill No. 1378

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the third reading file.

ASSEMBLY CHAMBER, April 4, 1963

MR. SPEAKER. Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No. 687
Assembly Bill No. 879

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills ordered to third reading.

ASSEMBLY CHAMBER, April 4, 1963

MR. SPEAKER. Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No. 228

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Public Health; and the subject matter referred to the Committee on Rules for assignment to the proper interim committee for study.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 59
Assembly Bill No 596
And reports the same correctly re-engrossed

POWERS, Chairman

Assembly Bill No 59 ordered to third reading
Assembly Bill No 596 ordered to the Consent Calendar.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:
Assembly Joint Resolution No 26
Assembly Joint Resolution No 29
And reports the same correctly engrossed

POWERS, Chairman

Above resolutions ordered to the Consent Calendar.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 727	Assembly Bill No 1206
Assembly Bill No 797	Assembly Bill No 1270
Assembly Bill No 1123	Assembly Bill No 1555

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 298
Assembly Bill No 807
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 336
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1457
And reports the same correctly engrossed.

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 333
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No 87

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No. 172	Assembly Bill No. 1225
Assembly Bill No. 190	Assembly Bill No 1375
Assembly Bill No. 231	Assembly Bill No 1393
Assembly Bill No 606	Assembly Bill No 1417
Assembly Bill No 653	Assembly Bill No 1419
Assembly Bill No 739	Assembly Bill No 1424
Assembly Bill No 897	Assembly Bill No 1425
Assembly Bill No. 1166	Assembly Bill No 1427

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

Assembly Bill No. 2246: By Mr Lanterman—An act to add Section 22105 to the Education Code, relating to school bonded indebtedness.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2247: By Mr Lanterman—An act to amend Section 27656 of the Education Code, relating to bonds for library districts in unincorporated towns and villages

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2248: By Mr Lanterman—An act to add Section 17706 to, and Article 17 5 (commencing with Section 18421) to Chapter 3 of Division 14 of, the Education Code, relating to severance aid to school districts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2249: By Messrs Gaffney, Thomas, Elliott, and Foran—An act to add Section 98.5 to the Labor Code, relating to the Labor Commissioner.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2250: By Messrs Gaffney, Thomas, and Elliott—An act to amend Sections 22810, 22825, 22826, 22827, 22840 and 22841 of the Government Code, relating to state employees' medical and hospital care plans

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2251: By Messrs Gaffney, Thomas, and Elliott—An act to add Section 220 3 to the Labor Code, relating to governmental agency welfare plans.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2252: By Mr Knox—An act to amend Sections 1011, 1281, 1282, and 1303 and to repeal Section 1471 of the Insurance Code, relating to reciprocal or interinsurance exchanges

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2253: By Mr Elliott—An act to amend Section 13561 1 of the Education Code, relating to employment in the public schools.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2254: By Mr Veneman—An act to amend Section 770 of the Insurance Code, relating to sale and loan insurance.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2255: By Messrs. Britschgi and Ryan—An act to add Section 4085 5 to the Business and Professions Code, relating to pharmacy.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2256: By Mr. Willson—An act to amend Section 5073 of the Public Resources Code, relating to riding and hiking trails

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2257: By Mr Cologne—An act to add Section 901 6 to the Education Code, relating to school district governing boards.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2258: By Mr Crown—An act to amend Section 1565 of the Elections Code, relating to consolidation of election precincts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2259: By Messrs Casey and Waldie—An act to provide for a three-year study of school library needs and making an appropriation therefor

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2260: By Mr Pattee—An act to amend Section 1300 16 of the Agricultural Code, relating to marketing orders

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2261: By Mr. Pattee—An act to amend Section 1300 16 of the Agricultural Code, relating to marketing orders

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2262: By Mr Pattee—An act to amend Section 1300 16 of the Agricultural Code, relating to marketing orders

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2263: By Mr Pattee—An act to amend Section 1300 15 of the Agricultural Code, relating to marketing of agricultural products

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2264: By Mr Pattee—An act to amend Section 1300 13 of the Agricultural Code, relating to marketing of agricultural products

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2265: By Messrs Foran, Gaffney, Bee, Casey, Elliott, Kennick, and Meyers—An act to repeal Sections 13580, 13583, 13701, 13702, 13702 1, and 13704 of, to add Sections 13580, 13581 2, 13593, 13701, 13702, 13704, and 13723 4 to, to add Article 6 (commencing with Section 13760) to Chapter 3, Division 10 of, and to amend Sections 13581, 13582, 13654, and 13703 of, the Education Code, relating to school personnel

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2266: By Messrs. Moreno, Burton, Dymally, Song, and Stanton—An act to add Section 449 to the Welfare and Institutions Code, relating to public assistance.

Held at desk by order of the Speaker pro Tempore

Assembly Constitutional Amendment No. 40: By Mr. Marks—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article VII, relating to clemency powers

Held at desk by order of the Speaker pro Tempore.

Assembly Concurrent Resolution No. 59: By Messrs Kennick and Gaffney—Relative to vending stand operation by blind persons

Referred by the Speaker pro Tempore to Committee on Rules

RESOLUTIONS

The following resolution was offered:

By Messrs. Crown, Holmes, Whetmore, McMillan, Willson, Bane, Garrigus, Waldie, Kennick, Williamson, Frew, Mills, Thomas, and Z'berg:

House Resolution No. 196

Relating to the Long Beach tidelands

WHEREAS, It is estimated that the Long Beach Unit Area contains 1 5 billion barrels of crude oil and is the largest known undeveloped oil and gas reservoir in the United States; and

WHEREAS, It is estimated that more than 90 percent of the oil and gas reserves in the Long Beach Unit Area underlie tide and submerged lands; and

WHEREAS, The development of this tremendous reservoir will produce millions of dollars yearly in new revenue to the State; and

WHEREAS, The development of the Long Beach Unit Area will also provide an important economic stimulus to the oil business of California by creating several hundred new positions and create a new market for oilfield supplies, and

WHEREAS, City of Long Beach oil engineers with the aid, co-operation and encouragement of state and industry engineers have evolved sound and economic development plans for the Long Beach Unit Area to achieve the maximum ultimate economic production without risking subsidence or the despoilment of the Long Beach shoreline; and

WHEREAS, The City Council of the City of Long Beach, and the City Manager, City Attorney and their staffs have devoted thousands of hours in developing the foregoing plans for the benefit of the State and City, and

WHEREAS, On February 27, 1962, the people of the City of Long Beach at a special election adopted an ordinance to permit the development of the Long Beach Unit Area, and

WHEREAS, The State, city and private oil companies have drafted a proposed Unit and Unit Operating Agreement, Long Beach Unit, Wilmington Oil Field, California, and presented it for approval to the State Lands Commission in accordance with the Public Resources Code, and

WHEREAS, The City of Long Beach has prepared a proposed Field Contractor Agreement to be awarded after competitive bid to the company agreeing to pay the State and city the highest percentage of net profits under such agreement and submitted it to the State Lands Commission for approval in accordance with Chapter 29, First Extraordinary Session, Statutes 1956, and

WHEREAS, Current oil production contracts covering oil operations in the Long Beach Harbor which have yielded approximately 200 millions of dollars to the State for use outside of Long Beach will terminate early in 1964 and new contracts must be offered for competitive bid shortly, and

WHEREAS, If the proposed Unit and Unit Operating Agreement and Field Contractor Agreement are not approved promptly the city and State will be forced to delay such agreement to avoid the potential damaging effect on bidding of offering these two large oil operations at approximately the same time which could produce confusion among bidders and detract from the ultimate bids, and

WHEREAS, Every day that passes without the development of the Long Beach Unit Area delays the day when the State will receive a large and sorely needed new income, and needlessly causes the State to lose the present use of this new income at a cost of millions of dollars to the State, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly urges the State Lands Commission to approve promptly the Unit Agreement, Long Beach Unit, Wilmington Oil Field, California, Unit Operating Agreement, Wilmington Oil Field, California, and Field Contractor Agreement, Long Beach Unit, Wilmington Oil Field, California, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to each member of the State Lands Commission and to the Executive Officer of the Commission

Resolution read, and referred by the Speaker pro Tempore to the Committee on Manufacturing, Oil, and Mining Industry.

EXPLANATIONS OF ABSENCE

April 4, 1963

On those items on which I was not present during roll call today I would like the Journal to show I was present in the Senate Finance Committee presenting Assembly Concurrent Resolution No 35

EDWIN L Z'BERG

April 4, 1963

It was necessary for me to be off the floor today on legislative business elsewhere This explains my reason for missing roll calls

CHARLES W MEYERS

ADJOURNMENT

At 11 24 a m, on motion of Mr Waldie, the Speaker pro Tempore declared the Assembly adjourned until 9 30 a m, Friday, April 5, 1963

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FIFTY-FOURTH LEGISLATIVE DAY

SIXTY-FIFTH CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Friday, April 5, 1963

The Assembly met at 9 30 a m.

Hon Jerome R Waldie, Majority Floor Leader of the Assembly, presiding

Chief Clerk Arthur A Ohnimus at the desk

Assistant Clerk William Greene reading.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Wilhamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—71

Quorum present

Speaker pro Tempore Presiding

At 9 39 a m , Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding.

PRAYER

The following prayer was offered by the Chaplain, Rev. Robert R. Ferguson

Gracious God and Father, Give us the needed perspective in life so that on occasion when we are pessimistic by the days, we may ever be optimistic by the centuries Although forces of evil win many battles, we know the final victory is with Thee May we choose long-term right, rather than short-term wrong

We pray Thy blessing to be with Members of our Assembly going through physical stress May Thy grace be sufficient for them, for Thy strength is made perfect in our weakness

In our Lord's name, we pray —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr. Gonsalves then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr. Waldie, seconded by Mr. Conrad.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mr Cusanovich, on motion of Mr Conrad.

The following members were granted leaves of absence for the day, because of legislative business elsewhere.

Mr Bagley, on motion of Mr Conrad
Mr. Rumford, on motion of Mr. Waldie.
Mr. Ferrell, on motion of Mr. Waldie
Mr. Dymally, on motion of Mr Waldie.
Mr Willson, on motion of Mr Waldie.
Mr Holmes, on motion of Mr. Waldie

The following members were granted leaves of absence for the day, and desired to waive their per diems.

Mr Whetmore, on motion of Mr Conrad.
Mr Porter, on motion of Mr. Waldie

ANNOUNCEMENT

Mr Conrad announced that Mr. Cusanovich is recovering most satisfactorily from an attack of the flu, and will be returning to the Assembly Chamber shortly.

COMMUNICATIONS

The following communication was presented by the Speaker from:

Ronald W Cox, Associate Superintendent and Chief of the Division of Public School Administration, transmitting a Department of Education Report on the Pilot Child Care Center Program for Mentally Retarded and Physically Handicapped Children. Copies of this report have been placed in the members' mailboxes.

The following communication was presented by the Chief Clerk from:

Leila Carambot of Weimar, relative to Sunday closing laws Referred by the Speaker pro Tempore to the Committee on Governmental Efficiency and Economy.

The following letter of transmittal was presented by the Chief Clerk, and ordered printed in the Journal

Letter of Transmittal
Bulletin No. 65-59—Quality of Surface Waters in California, 1959—Part II, Southern California—November 1962

THE RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
SACRAMENTO, April 4, 1963

Hon Arthur A Ohnimus
Clerk of the Assembly
State Capitol, Sacramento

DEAR MR OHNIMUS I have the honor of transmitting herewith for the information of the California State Assembly a copy of Bulletin 65-59 of the Department of Water Resources entitled "Quality of Surface Waters in California, 1959, Part II" dated November 1962

This report presents data concerning the quality of surface waters in Southern California for the year 1959. This is one of a series of annual reports providing this information to interested persons and agencies. The bulletin appears in a new format with this issue, and supplements Part I of Bulletin 65-59 covering Northern California published July 1961.

Sincerely yours,

WILLIAM E. WARNE, Director

Above transmitted Bulletin referred by the Speaker pro Tempore to the Committee on Water.

LIST OF LEGISLATIVE ADVOCATES ORDERED PRINTED IN JOURNAL

Speaker pro Tempore Bee ordered the following list of Legislative Advocates printed in the Journal.

LEGISLATIVE ADVOCATES—APRIL 4, 1963

ADCOCK, EVERALL L 1-2-63
Hotel Senator, Sacramento
California Federated Institute, Inc
Pacific Bldg., 821 Market Street, San Francisco

AGRILLO, ANTHONY 1-9-63
Senator Hotel, Sacramento
California State Association of Journeymen Barbers, Hairdressers, Cosmetologists, Masseurs, and Proprietors, AFL-CIO
P O Box 494, San Jose

ALBRECHT, EUGENE L., SR 2-12-63
1228 N Street, Apt 21, Sacramento Phone 446-1039
California State Firemen's Association
P O Box 1256, Santa Ana

ALLEN, MARK C., JR 3-7-63
No Sacramento Address
City of Inglewood
105 East Queen Street, Inglewood

ALEXANDER, MRS GEORGE (MILDRED M.) 3-25-63
566 Southgate Road, North Sacramento
California Garden Clubs, Inc

ALLYN, LAWRENCE G 1-11-63
1107 9th Street, 925 Forum Building, Sacramento Phone GI 2-1188
California Milk Producers' Federation

ALTMAN, HAL 1-9-63
613 Forum Building, Sacramento
Independent Garage Owners, Inc
2725 E Randolph Street, Huntington Park

ALTMAN, MRS LILLIAN 3-15-63
Joaquin Miller Junior High School, 4701 Joaquin Way, Sacramento
School Library Association of California
c/o Oakland Technical High School, 4351 Broadway, Oakland 11

ALVIN, CASS 1-9-63
El Mirador, Sacramento
United Steelworkers of America
117 Ninth Street, Room 917, Los Angeles 15

AMADOR, RICHARD S 1-14-63
2420 Morse Avenue, Sacramento
California Teamsters Legislative Council
Hotel Senator, Room 309, Sacramento

ANDERSON, ALAN G 12-27-62
Sutter Club, Sacramento Phone GI 2-0456
Municipal License Tax Association
1625 Russ Building, San Francisco 4

ANDERSON, VIRGIL P 12-7-62
Sutter Club, Sacramento Phone GI 2-0456
California State Automobile Association
150 Van Ness Avenue, San Francisco 2

ANDREWS, WILLIAM S. 1-10-63
El Mirador, Sacramento
2315 Prince Street, Berkeley 5
California Electric Power Company
2885 Foothill Blvd , San Bernardino
Pacific Gas and Electric Company
245 Market Street, San Francisco
San Diego Gas & Electric Company
P O Box 1831, San Diego 12
Southern California Gas Company
810 South Flower Street, Los Angeles
Southern Counties Gas Company
P O. Box 2736, Terminal Annex, Los Angeles 54

ANTHONY, R MICHAEL, JR. 1-21-63
No Sacramento Address
15569 Lorenzo Avenue, San Lorenzo
International Association of Fire Fighters, Local 55
934 34th Street, Oakland 8

ARONSON, HERBERT "BUD" 2-8-63
903 30th Street, Sacramento
Union of State Employees, Local 411

AYERS, COY A 11-27-62
1131 L Street, Sacramento
California Federation of Service Stations, Inc

BAKULA, EDWARD 1-25-63
El Mirador Hotel, Sacramento
Fire & Police Research Association, Inc.
3354 Glendale Blvd , Los Angeles 39

BALERIA, JOHN W 1-7-63
Senator Hotel, Sacramento
City of Los Angeles Department of Water and Power
Box 3669, Terminal Annex, Los Angeles 54

BALLARD, G W 12-21-62
El Mirador, Sacramento
Brotherhood of Railroad Trainmen (AFL-CIO)
844 Pacific Building, San Francisco 3

BARNARD, CHARLES O 2-11-63
No Sacramento Address
Western Agricultural Chemicals Association
2466 Kenwood Avenue, San Jose 28

BARTLETT, RICHARD C 12-26-62
Capitol Vue Motel, 16th and N Streets, Sacramento Phone GI 1-5031
California School Employees Association
1705 Murchison Drive, Burlingame

BARTON, WILLIAM H 12-14-62
Room 610, 11th and L Building, Sacramento Phone GI 2-5895
California Teachers Association
1705 Murchison Drive, Burlingame

BAXTER, JOHN F. 1-7-63
No Sacramento Address
Western Plumbing Officials Association
520 Mission Street, P O Box 247, South Pasadena

BECKER, WILLIAM L 2-13-63
No Sacramento Address
California Committee for Fair Practices
Room 212, 2940 16th Street, San Francisco

BECKUS, ROBERT J 1-17-63
Room 1016, 11th and L Building, Sacramento Phone GI 1-6921
Dairy Institute of California

BELL, CLYDE S 2-18-63
1331 T Street, Sacramento
California Lathing & Plastering Contractors Association
3558 W 8th Street, Los Angeles 5

BELTON, TRUDY 2-1-63
El Mirador Hotel, Sacramento
Kenneth A. Ross, Jr
3963 Wilshire Blvd , Los Angeles

BENNINGHOVE, DONALD C 12-21-62
Hotel Senator, Sacramento
League of California Cities
Hotel Claremont Building, Berkeley 5

BERTELLOTTI, ERNEST E 12-5-62
No Sacramento Address
Northern California Public Health Association
2220 Moorpark Avenue, San Jose 25

BETZENDERFER, L BARBARA 11-28-62
No Sacramento Address
1980 Sacramento Street, San Francisco 9
American Association of University Women
20232 Blauer Drive, Saratoga

BEVERLY, JOHN A 3-14-63
El Mirador, Sacramento
Horsemen's Benevolent and Protective Association (California Division)
90224 East Lemon Avenue, Arcadia

BIERLY, SIDNEY H 12-3-62
719 L Street, Sacramento
California Fertilizer Association

BLACKLEY, GORDON 12-3-62
Hotel Senator, Sacramento
California Association of Life Underwriters
41 Sutter Street, San Francisco 4

BLACKMAN, E O. 12-13-62
No Sacramento Address
1022 East Garvey Avenue, Monterey Park
California Dump Truck Owners Association
P O Box 215, Monterey Park

BLALOCK, J T 3-14-63
Holiday Inn, 1220 16th Street, Sacramento
Pacific Indemnity Company
3200 Wilshire Blvd., Los Angeles

BLANK, CHARLES J 1-24-63
El Mirador, Sacramento
Fire & Police Research Association, Inc.
3354 Glendale Blvd , Los Angeles 39

BLEASE, COLEMAN ARTHUR 1-14-63
Room 415, Forum Building, Sacramento
American Civil Liberties Union of Southern California
323 West 5th Street, Los Angeles

BLOOMER, L RICHARD 3-7-63
11th and L Building, Sacramento. Phone GI 3-1977
California Retailers Association
503 Market Street, San Francisco

BLUESTONE, LEON 1-11-63
No Sacramento Address
Los Angeles County Employees Association
1360 W Temple Street, Los Angeles 26

BOARDMAN, ALBERT G 12-13-62
Hotel Senator, Sacramento
California State Conference of Operating Engineers
988 Market Street, Room 815, San Francisco 2

BOHN, JOHN A 2-26-63
El Mirador, Sacramento
San Francisco Bar Pilots
North End Bulkhead Pier No 7, 582 Market Street, San Francisco

BOWHAY, JAMES H 1-14-63
928 J Building, Sacramento 14
California Taxpayers Association

BRANCO, JOSEPH F. 3-8-63
No Sacramento Address
Western Dairymen's Association
Room 25, Thorington Building, Merced

BRANSTETTER, WANDA G. 12-21-62
No Sacramento Address
Agricultural Aircraft Association, Inc
Chandler Field, Fresno 6

BRENNAN, RAYMOND LOUIS 1-8-63
Hotel Senator, Sacramento
417 South Hill Street, Los Angeles 13
Interment Association of California
925 Subway Terminal Building, 417 South Hill Street, Los Angeles 13

BREYER, IRVING G 12-17-62
No Sacramento Address
San Francisco Board of Education
135 Van Ness Avenue, San Francisco 2

BRISTOW, W B 2-20-63
No Sacramento Address
1811 11th Avenue, Oakland
Pacific Union Conference of Seventh-Day Adventists
1545 North Verdugo Road, P O Box 146, Glendale

BROADERS, HALDEN C 1-30-63
Bank of America, 1200 K Street, Sacramento HI 4-6830
Bank of America National Trust & Savings Association
300 Montgomery Street, San Francisco

BROCK, JAMES L 3-25-63
El Mirador Hotel, Sacramento
Associated Produce Dealers and Brokers of Los Angeles, Inc
523 No Oxnard Blvd, Oxnard

BROMLEY, ELMER P 1-14-63
El Mirador Hotel, Sacramento
3946 Wilshire Blvd, Los Angeles 5
California Electric Power Co
2885 Foothill Blvd, San Bernardino
Pacific Gas & Electric Company
245 Market Street, San Francisco 6
San Diego Gas & Electric Co
861 6th Street, San Diego 12
Southern California Edison Co
P O Box 351, Los Angeles 53
Southern California Gas Co
720 W 8th Street, Los Angeles
Southern Counties Gas Co
720 W 8th Street, Los Angeles

BROWN, JACK B 11-28-62
Hotel Senator, Sacramento
Office of the Mayor, City Hall
Los Angeles 12, California

BROWN, PAUL R 1-4-63
451 Parkfair Drive, Sacramento
California Association of Nursing Homes, Sanitariums, Rest Homes and Homes for the Aged, Inc

BROWN, ROBERT C 1-4-63
926 J Street, Sacramento
California Taxpayers Association
750 Pacific Electric Building, Los Angeles 14

BROWNING, GORDON M 1-23-63
El Mirador Hotel, Sacramento
Fire & Police Research Association, Inc
3354 Glendale Blvd, Los Angeles 39

BRUNSELL, ROBERT 12-17-62
No Sacramento Address
Contra Costa County District Attorney's Office
County of Contra Costa, P O Box 670, Martinez

BUCK, KENNETH EDWIN 12-24-62
No Sacramento Address
California Employment Agencies Association
704 Market Street, San Francisco 2

BULLOCK, R L 1-15-63
930 G Street, Suite 130, Sacramento
California Association of Collectors

BURNHAM, RUSSELL A 1-15-63
Suite 345, Hotel Senator, Sacramento
California School Boards Association

BURNS, DONALD CARLTON 12-3-62
Hotel Senator, Sacramento
California Association of Life Underwriters
41 Sutter Street, San Francisco 4

BUTLER, MONROE 1-28-63
Hotel Senator, Sacramento
Artists' Managers Guild
7046 Hollywood Boulevard, Hollywood 28
Superior Oil Company, The
550 South Flower Street, Los Angeles 17

CALDWELL, WM D 2-20-63
11th and L Building, Sacramento Phone GI 3-1977
California Retailers Association
703 Market Street, San Francisco

CALLAGHAN, JOHN 1-11-63
1431 5th Street, Sacramento
California Forest Protective Association
681 Market Street, San Francisco 5

CALLAHAN, FRANK W 1-10-63
Room 321, 11th and L Building, Sacramento Phone 442-8701
Home Builders Council of California, Inc
1645 Russ Building, San Francisco

CALLAHAN, M R 2-14-63
Senator Hotel, Sacramento
California State Council of Culinary Workers, Bartenders, Hotel and Motel Service Employees
324 East 4th Street, Long Beach 12

CAMPION, CARNEY J 2-21-63
No Sacramento Address
Redwood Empire Association
46 Kearny Street, San Francisco 8

CANNON, VERN H 1-14-63
Hotel Senator, Room 309, Sacramento
California Teamsters Legislative Council
25 Taylor Street, Room 722, San Francisco 2

CANNON, W DEAN, JR 12-24-62
El Mirador, Sacramento
California Savings and Loan League
P O Box R, Pasadena

CANSON, CLARENCE B 1-21-63
2404 21st Street, Sacramento
National Association of the Advancement of Colored People
690 Market Street, Suite 626, San Francisco 4

CAREY, CLARE 3-21-63
2102 21st Street, Sacramento
2101 Alameda de las Pulgas, San Mateo
Private Nursery School Association of California
3456 Golden Gate Way, Lafayette

CARMICHAEL, LESTER H 2-21-63
2738 Eastern Avenue, Sacramento
Brotherhood of Railroad Signalmen
Home Office 400 First Street N W, Washington 1, D C

CARPENTER, RICHARD 12-21-62
Hotel Senator, Sacramento Phone 442-8416
League of California Cities
Hotel Claremont Bldg, Berkeley 5

CARPENTER, WILLIAM E 1-9-63
1007 Elks Building, Sacramento Phone 443-2157
Alameda County Board of Supervisors
San Mateo County Board of Supervisors
224 W. Winton Avenue, Hayward

CARRY, CHARLES R 12-28-62
No Sacramento Address
California Fish Canners Association, Inc
Ferry Building, Terminal Island

CARTER, WINSTON SPENCER 12-20-62
Travelodge Motel, 11th and H Streets, Sacramento
California Newspaperboy Foundation, Inc
Security 1st National Bank Building
102 N Brand Blvd, Glendale 3

CASTIGLIONE, FRANK W. 3-1-63
No Sacramento Address
Western Growers Association
3091 Wilshire Blvd, Los Angeles 5

CHANDLER, CONNIE CLARA 1-3-63
No Sacramento Address
Church of True Faith, Inc
P O Box 695, Orange
Liberty League of America, U S A., The
P O Box 2307, El Modeno

CHANDLER, LAURENCE 12-28-62
Hotel Senator, Sacramento
California Loan and Finance Association
3429 Ocean View Blvd, Glendale 8

CHESHIRE, HARRY V, JR. 1-10-63
Sutter Club, Sacramento
Automobile Club of Southern California
Interinsurance Exchange of the Automobile Club of Southern California, The
2601 S Figueroa, Los Angeles

CLEARY, DONALD W 11-26-62
El Mirador, Sacramento
City and County of San Francisco
Room 223, City Hall, San Francisco 2

CLOPTON, MORT L 12-13-62
Forum Building, Sacramento. Phone GI 3-1602 or GI 3-1480
639 South Spring Street, Los Angeles 14
California Conference of Employer Associations
817 Forum Building, Sacramento 14
California Manufacturers Association
403 West Eighth Street, Los Angeles 14

CLOWDUS, GLOYD T 1-18-63
707 Forum Building, Sacramento, GI 3-1928
Smith, Kline & French Laboratories
Home Office 1500 Spring Garden Street, Philadelphia 1, Pa.

COLE, WILLIAM I 3-19-63
Room 500, Forum Building, Sacramento
P O Box 605, Hermosa Beach
International Association of Polygraph Examiners
P O Box 8156, Long Beach 8

CONN ZEL L 12-6-62
No Sacramento Address
American Institute of Building Design
16000 Ventura Blvd, Suite 224, Encino

CONNER, ELBERT S 12-10-62
Sutter Club, Sacramento
Society of California Accountants—A corporation
903 State Street, Santa Barbara

CONNERS, JAMES M. 2-1-63
No Sacramento Address
Board of Trade of San Francisco
Room 200, 989 Market Street, San Francisco 3

CONSIGLIO, THOMAS 1-9-63
El Mirador Hotel, Sacramento
United Steelworkers of America
117 West Ninth Street, Room 917, Los Angeles 15

COOK, GEOFFREY 1-21-63
El Mirador, Sacramento
Southern California Edison Company
P O Box 351 or 601 West 5th Street, Los Angeles 53

COOK, SAM K , JR 2-18-63
Senator Hotel, Sacramento
Western Nationalist Crusade
123 17th Street, Suite 207, Oakland 12

COOPER, VINCENT T 12-19-62
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California Library Association 1-24-63
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California Beverage Distributors Association
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California Music Merchants Association
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California Water Association 2-5-63
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California Mortgage Bankers Association
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Investment Bankers Association of America
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3300 3rd Avenue. Sacramento
California Medical Association

KINGREN, GIBSON 12-28-62
1443 5th Street, Sacramento Phone 446-0558
Kaiser Foundation Health Plan, Inc
300 Lakeside Drive, Oakland

KIRSTEIN, KEITH 2-25-63
1400 Tenth Street, Sacramento
California Hay, Grain and Feed Dealers Association

KLAUS, ARNOLD 12-24-62
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499 West Broadway, San Diego 1

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California Manufacturers Association
403 West 8th Street, Los Angeles 14

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Ninth District Council National Electrical Contractors Association, Inc
22477 Maple Court, Suite 4, Hayward

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Placer County Water Agency, Courthouse, Auburn 2-5-63
South Sutter Water District 3-14-63
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Pico County Water District
4843 South Church Street, Pico Rivera

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275 Bush Street, San Francisco 4
California Bankers Association
1120 Russ Building, 235 Montgomery Street, San Francisco 4
California Mortgage Bankers Association
243 Kearny Street, San Francisco
Investment Bankers Association of America
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California Association of Industrial Loan Companies 1-14-63
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Credit Managers Association of Northern and Central California 1-16-63
989 Market Street, P O Box 3857, San Francisco 19
Credit Managers Association of Southern California 1-14-63
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c/o Katherine Landreth, 2465 Hilgard Avenue, Berkeley
Northern California Section of the Child Care Directors Association
c/o Mrs Dorothy Parker, 511 Idaho Street, Vallejo
San Francisco Association for Nursery Education
c/o Maurice Hotel, 671 Post Street, San Francisco 9

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Judges, Marshals & Constables Association
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Tanner Gray Lines Motor Tours 1-18-63
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1770 Karameos Court, Sunnyvale (c/o Mr Lloyd H. James)
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MURPHY, EVERETT B. 2-1-63
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California Barber College Association
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953 8th Avenue, Room 208, San Diego
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Canners League of California
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Home Office 114 Fifth Avenue, New York 11, N Y

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Institute of Heating & Air Conditioning Industries, Inc
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Monolith Portland Cement Company 1-23-63
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Riverside Cement Company 1-23-63
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San Diego, County of (Board of Supervisors)
Civic Center, San Diego

SMITH, GEORGE 2-8-63
El Mirador, Sacramento
Olympus Organization, The
807 North San Joaquin Street, Stockton

SMITH, H. A. 1-8-63
No Sacramento Address
905 West Olympic Blvd , Los Angeles 15
Standard Oil Company of California
225 Bush Street, San Francisco 4

SMITH, LOREN V. 1-7-63
1108 O Street, Sacramento 14
California State Employees Association

SMITH, WILLIAM P , JR 1-21-63
926 J Building, Suite 1003, Sacramento
California Junior College Faculty Association
P.O. Box 8282, Long Beach 8

SPENCER, JOHN R. 3-13-63
Senator Hotel, Sacramento
Signal Oil and Gas Company
1010 Wilshire Blvd., Los Angeles 17

STAIGER, WILLIAM B 1-14-63
1400 Tenth Street, Sacramento Phone GI 1-5059
Agricultural Council of California

STEFAN, VICTOR F 1-9-63
Hotel Senator, Sacramento
Los Alamitos Race Course
4961 E Ketella Avenue, Los Alamitos

STEVENS, MRS BERENICE 12-5-62
No Sacramento Address
California Association of Medical Laboratory Technologists
3640 Grand Avenue, Room 207, Oakland 10

STEVENS, LAWRENCE C. 2-27-63
El Dorado, Sacramento
2665 Bayshore Drive, Newport Beach
Pacific Coast Coffee Association
Suite 722 Merchants Exchange Building
465 California Street, San Francisco 4
Pacific Finance Corporation
621 South Hope Street, Los Angeles 17

STEVENS, WALTER W. 2-13-63
P O Box 2224, Sacramento 10
Western Sunbathing Association
755 Normandy Drive, Campbell

STEWART, HARRY W. 12-21-62
Sutter Club, P O Box 906, Sacramento
Allstate Insurance Company
321 Middlefield Road, Menlo Park
Home Office, 7447 Skokie Boulevard, Skokie, Illinois

STOTHERS, STEPHEN R, JR. 12-5-62
El Mirador, Sacramento
Farmers Underwriters Association
4680 Wilshire Blvd., Los Angeles 5

STRICKLER, MRS MARIE 3-6-63
2412 H Street, Sacramento
Woman's Christian Temperance Union of Northern California
1815 Telegraph Avenue, Oakland 12

STUART, C. A 2-1-63
No Sacramento Address
San Joaquin County Board of Supervisors
711 East Market Street, Courthouse, Stockton 3

STUCKER, Dale E. 2-21-63
7th and L Streets, Sacramento
60 7th Street, San Francisco
Greyhound Corporation, The
371 Market Street, San Francisco

SULLIVAN, EUGENE J. 1-9-63
Senator Hotel, Sacramento
Insurance Brokers Association of California
68 Post Street, Room 315, San Francisco

SWEIGERT, WILLIAM T 2-8-63
930 G Street, Suite 240, Sacramento Phone GI 3-6549 or IV 9-7106
Association of California Insurance Companies
Suite 606, Hobart Building, San Francisco 4
Canners League of California
9 First Street, San Francisco 5

TAFT, PERRY H. 12-24-62
No Sacramento Address
Association of Casualty and Surety Companies
Suite 502, 315 Montgomery Street, San Francisco 4
Home Office, 110 William Street, New York 38

TARNOFF, H L 2-14-63
Hotel Senator, Sacramento
4756 Beverly Blvd, Los Angeles
California Retail Liquor Dealers Institute
Governmental Research Association
609 South Grand Avenue, Los Angeles
Hobby Industry Association of America
9808 Wilshire Blvd, Los Angeles
Malcolm Steinlauf, Inc
736 Crenshaw Blvd, Los Angeles
Pest Control Operators of California, Inc.
942 South LaBrea, Los Angeles 36
Southern California Institute of Arts and Sciences
225 North Vermont Avenue, Los Angeles 4

TAYLOR, MAXIME 12-10-62
El Mirador, Sacramento
A-1 Nurses Registry of Los Angeles and San Francisco
693 Sutter Street, San Francisco 2
6087 Sunset Blvd, Hollywood 28
Professional Nurses Bureau, Inc
693 Sutter Street, San Francisco 2

TAYLOR, WALLER II 1-15-63
Hotel Senator or Hotel El Mirador, Sacramento
American Express Company
Sperry and Hutchinson Company, The
523 West Sixth Street, Los Angeles
Home Office S & H, 114 Fifth Avenue, New York 11, N. Y

TERNES, J J. 12-17-62
Capitol Tower Apts, 616 N Street, Sacramento
Henry J Kaiser Company
Kaiser Aluminum & Chemical Corporation
Kaiser Center, Inc
Kaiser Foundation Health Plan, Inc
Kaiser Industries Corporation
Kaiser Steel Corporation
National Steel and Shipbuilding Company
Permanente Cement Company
Willys Motors, Inc.
300 Lakeside Drive, Oakland 12
Home Office Toledo 1, Ohio

TERZIAN, HRAYR 3-12-63
No Sacramento Address
1266 18th Street, Oakland
California Probation, Parole and Correctional Association
375 Woodside Avenue, San Francisco 27

THIGPEN, W. R. 1-4-63
United Air Lines Office. Senator Hotel, Sacramento Phone GA 1-1000
Air Transport Association of America
San Francisco International Airport
South San Francisco, California
Home Office. 1000 Connecticut Avenue, N. W, Washington 6, D C
United Air Lines
San Francisco International Airport
South San Francisco, California
Home Office P O Box 8800, Chicago 66, Illinois

THOR KARL G 1-23-63
El Mirador, Sacramento
Fire & Police Research Association, Inc
3354 Glendale Blvd, Los Angeles 39

TODD, A RURIC 1-8-63
El Mirador, Sacramento
Pacific Gas and Electric Co
245 Market Street, San Francisco 6

TOMPKINS, DOROTHY E. 1-9-63
2110 21st Street, Sacramento
Private Nursery School Association of California
474 San Diego Avenue, Daly City

TRASK, BERT 1-14-63
Senator Hotel, Sacramento
California Trucking Association
3301 South Grand Avenue, Los Angeles 7

TREHARNE, GORDON W 1-14-63
1011 Elks Building, Sacramento
Los Angeles County Board of Supervisors
648 Hall of Administration, 500 West Temple, Los Angeles 12

TRIMLETT, ROBERT 1-25-63
No Sacramento Address
California School Employees Association
1705 Murchison Drive, Burlingame

TROOST, FRANK W. 1-2-63
No Sacramento Address
California Monument Association, Inc.
3411½ West 43rd Place, Los Angeles 8

TRUSTY, L SHERMAN 12-21-62
El Mirador, Sacramento
California Barber College Association
117 East Colorado Blvd, Pasadena

TUNSTEAD, R 11-30-62
No Sacramento Address
W T Rawleigh Company
306 Adeline Street, Oakland
Home Office Freeport, Illinois

TWISSELMAN, CARL 12-21-62
No Sacramento Address
P O Box 75, McKittrick
California Cattlemen's Association
681 Market Street, Room 659, San Francisco 5

USHKOW, MEYER 2-11-63
No Sacramento Address
Endo Laboratories, Inc
11400 W Olympic Blvd, Los Angeles 64
Home Office 54-40 101st Street, Richmond Hill 18, N Y.

VAN MAREN, JAMES G 1-11-63
925 Forum Building, Sacramento, Phone GI 2-1188
California Milk Producers' Federation

VIAL, DON 2-5-63
Senator Hotel, Sacramento
California Labor Federation AFL-CIO
995 Market Street, San Francisco

VOLK, ROBERT H 1-15-63
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American Express Company
Sperry and Hutchinson Company, The
523 West Sixth Street, Los Angeles
Home Office S & H, 114 Fifth Avenue, New York 11, N. Y

WAKEFIELD, GEORGE W. 1-14-63
1011 Elks Building, Sacramento
Board of Supervisors, County of Los Angeles
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WALTERS, M. A 12-21-62
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International Brotherhood of Electrical Workers, AFL-CIO
1918 Grove Street, Oakland 12

WARD, BERNARD J 1-3-63
El Mirador, Sacramento
City and County of San Francisco
206 City Hall, San Francisco 2

WARD, FREDERICK H 1-14-63
No Sacramento Address
Los Angeles County Employees' Association
1360 West Temple Street, Los Angeles 26

WARE, HAROLD 1-22-63
Suite 345, Hotel Senator, Sacramento Phone HI 4-4208
California School Boards Association

WATERS, LAUGHLIN E 1-16-63
Hotel Senator, Sacramento
Suite 1300, 611 Wilshire Blvd, Los Angeles 17
Stone and Youngberg Investment Securities
1314 Russ Building, San Francisco 4

WEBER, ALBERT E. 12-28-62
Hotel Senator, Sacramento
Protected Milk Producers Association
7831 East Jackson Street, P O. Box 607, Paramount

WEBER, HENRY M 3-7-63
No Sacramento Address
82259 Miles Avenue, Indio
California Garden Clubs, Inc
1306 South Ola Vista, San Clemente

WEBER, JOHN 12-26-62
No Sacramento Address
P.O Box 1518, Alturas
California Cattlemen's Association
681 Market Street, Room 659, San Francisco 5

WECK, RUSSELL B 1-25-63
El Mirador, Sacramento
Fire & Police Research Association, Inc
3354 Glendale Blvd, Los Angeles 39

WEIDMAN, CARL E 12-5-62
El Mirador, Sacramento
California Land Title Association
712 Title Insurance Building, 433 South Spring Street, Los Angeles 13

WEISNER, DAVID D 2-1-63
No Sacramento Address
Los Angeles Fire & Police Protective League
206 S Spring Street, Los Angeles

WELK, ROBERT E 12-6-62
El Mirador, Sacramento
Atchison, Topeka & Santa Fe Railway Company, The
121 East Sixth Street, Los Angeles 14

WELTY, EARL M. 11-27-62
El Mirador, Sacramento
Union Oil Company of California
P O Box 7600, Los Angeles

WENDY, JOHN R. 1-18-63
11th and L Building, Room 250, Sacramento Phone GI 8-8808
California Railroad Association
215 Market Street, San Francisco 5

WHEATLEY, WILLIAM V. 12-3-62
No Sacramento Address
214 South Loma Drive, Suite 8, Los Angeles 26
Professional Fire Fighters, Inc. (Local 748 International Association of Fire Fighters, AFL-CIO)
760 South Parkview Street, Suite 102, Los Angeles 57

WHITAKER, ALFRED A. 12-13-62
No Sacramento Address
Route 2, Box 1672, Roseville
California Beverage Retailers Association
5880 Hollywood Boulevard, Los Angeles 28

WHITE, MRS PAULINE 12-26-62
No Sacramento Address
43 Barbee Lane, Alamo
California School Employees Association
1705 Murchison Drive, Burlingame

WHITE, MRS PETER K. 1-10-63
3224 Tobari Court, Sacramento
League of Women Voters of California
355 Grand Avenue, Oakland 10

WICK, JACK A 12-24-62
304 Mitau Building, 8th and J Streets, Sacramento
California Association of Nurserymen

WICKLIFFE, LEONARD M.
1330½ O Street, Sacramento
Room 1118, Hobart Building, San Francisco 4
California State Legislative Committee
Order of Railway Conductors and Brakemen
3613 Potrero Drive, Fullerton 12-27-62
Railroad Brotherhoods' California Legislative Association 1-14-63
914 Oregon Street, Bakersfield

WICKWARE, JACK D. 12-21-62
Hotel Senator, Sacramento
League of California Cities
Hotel Claremont, Berkeley

WILKINS, PHILIP C. 2-12-63
717 20th Street, Sacramento
Feather River Railway
Feather Falls, California
Georgia-Pacific Corporation
Home Office Equitable Building, Portland, Oregon

WILLIAMS, C CLARKE 1-3-63
230 Hotel Senator, Sacramento
California State Chamber of Commerce
350 Bush Street, San Francisco 4

WILLIAMS, FRED G 3-4-63
827 7th Street, Room 533, County Courthouse, Sacramento
County of Sacramento

WILLIAMS, SPENCER M. 1-9-63
No Sacramento Address
County of Santa Clara
70 West Rosa Street, San Jose

WILLIAMS, W F 11-28-62
Hotel Senator, Room 821, Sacramento
National Board of Fire Underwriters
465 California Street, San Francisco 4
Home Office 85 John Street, New York 38, N. Y.

WILSON, EUGENE B. 2-27-63
Room 1030, 11th and L Building, Sacramento Phone GI 3-1977
California Retailers Association
703 Market Street, San Francisco

WIRSING, ROBERT J. 2-18-63
3001 Barberry Lane, Sacramento
Driving School Association of California
855 Larkin Street, San Francisco

WOOD, MRS LYDIA A 3-6-63
No Sacramento Address
Woman's Christian Temperance Union of Southern California
551 S Kingsley Drive, Los Angeles 5

WOODBURY, NORMAN E 12-3-62
11th and L Building, Room 724, Sacramento
California Municipal Utilities Association
Room 724, 11th and L Building, Sacramento

WOOLEY, MAGNUS R 11-29-62
Hotel Senator, Sacramento
Pacific Finance Corporation
621 South Hope Street, Los Angeles 17
(And Subsidiaries)
Marathon Insurance Company
Olympic Insurance Company
Pacific Finance Loans
Pacific Fidelity Life Insurance Company
Spartan Insurance Company

WORTHY, ELMER T. 12-4-62
No Sacramento address
735 Palm Drive, Glendale
Travel Trailer Clubs of America
7501 Lasaine Avenue, Van Nuys
WRIGHT, DONALD R 1-2-63
4936 Heatherdale Lane, Carmichael
California Legislative Council of Professional Engineers
132 9th Street, Oakland
YARWOOD, PAUL 12-3-62
926 J Building, Suite 810, Sacramento
California Optometric Association
1503 Webster Street, Alameda
YATES, CLAUDE E 11-30-62
No Sacramento address
California Council of Business Schools
1441 Van Ness Avenue, San Francisco
YOUNG, MARY E 1-4-63
No Sacramento address
California Parents Association for Child Care Centers
604 Ninth Avenue, San Francisco 18
ZAMLOCH, CARL E 3-13-63
Senator Hotel, Sacramento
Signal Oil and Gas Company
1010 Wilshire Blvd, Los Angeles 17
ZWEIBACK, FRED
El Mirador Hotel, Sacramento
3680 Wilshire Blvd, Los Angeles
Actors' Equity Association 2-25-63
6636 Hollywood Blvd, Hollywood 28
California Court Reporters Association 1-10-63
3680 Wilshire Blvd, Los Angeles 5
California Podiatry Association 2-6-63
209 Post Street, San Francisco 8
City of Vernon 1-7-63
4305 Santa Fe Avenue, Vernon 58
Endo Laboratories 2-4-63
Home Office 84-40 101st Street, Richmond Hill 18, N Y.
Marina del Rey Lessee's Association 2-4-63
P O Box 346, Marina del Rey, California

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 2267: By Mr Bane—An act to add Sections 22156 and 22215 to the Government Code, relating to retirement of public employees, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2268: By Messrs Gonsalves, Warren, and Soto—An act to add Section 13856 5 to the Health and Safety Code, relating to fire protection districts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2269: By Messrs Gonsalves, Warren, and Soto—An act to amend Section 13856 of the Health and Safety Code, relating to fire protection districts.

Held at desk by order of the Speaker pro Tempore.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.
Assembly Bill No 1182
And reports the same correctly engrossed

POWERS, Chairman

Above bill ordered returned to second reading file

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1461
Assembly Bill No 1573
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 381
Assembly Bill No 544
And reports the same correctly re-engrossed

POWERS, Chairman

Above bills ordered returned to second reading file.

ASSEMBLY CHAMBER, April 5, 1963

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined.
Assembly Bill No 564
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered returned to second reading file

Committee on Industrial Relations

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER The Chairman of your Committee on Industrial Relations reports.
Assembly Bill No 1616
With author's amendments with the recommendation Amend, and re-refer to the Committee on Industrial Relations

ELLIOTT, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1616 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1616—An act to amend Sections 1811, 1812, 1813, and 1815 of the Labor Code, relating to working hours on public works.

Bill read second time.

Motion to Amend

Mr Monagan moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "or", and insert "and".

Amendment No. 2

On page 2, line 1, strike out "or", and insert "and".

Amendment No. 3

On page 2, line 15, strike out "or", and insert "and"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Industrial Relations

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER: The Chairman of your Committee on Transportation and Commerce reports:

Senate Bill No 411

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Transportation and Commerce

CARRELL, Chairman

SECOND READING OF SENATE BILL NO. 411 (PURSUANT TO RULE NO. 59.5)

Senate Bill No. 411—An act to amend Sections 12502, 12505 and 12805 of the Vehicle Code, relating to nonresident drivers and grounds requiring refusal of a driver's license.

Bill read second time

Motion to Amend

Mr. Carrell moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 30, of the printed bill, as amended in the Senate on March 19, 1963, strike out "21", and insert "16"

Amendment read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Transportation and Commerce

REPORTS OF STANDING COMMITTEES

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER: Your Committee on Elections and Reapportionment reports:

Assembly Constitutional Amendment No 11

Without recommendation, and be re-referred to Committee on Constitutional Amendments

ALLEN, Chairman

Above resolution re-referred to the Committee on Constitutional Amendments

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER: Your Committee on Elections and Reapportionment reports:

Assembly Bill No 1264

With the recommendation: Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ALLEN, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 3, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports.
Assembly Bill No 268
Assembly Bill No 1334
With the recommendation Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

ALLEN, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports
Assembly Bill No 1510
With the recommendation That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

ALLEN, Chairman

Subject matter of the above bill referred to the Committee on Rules

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports
Assembly Bill No 473
With amendments with the recommendation Amend, and do pass, as amended

ALLEN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports
Assembly Bill No 1195
Assembly Bill No 1196
With the recommendation Do pass

ALLEN, Chairman

Above bills ordered to second reading

Committee on Agriculture

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER The Chairman of your Committee on Agriculture reports
Assembly Bill No 1278
Assembly Bill No 1554
With author's amendments with the recommendation Amend, and re-refer to the Committee on Agriculture

PATTEE, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 1278 AND 1554 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1278—An act to add Section 954 1 to the Agricultural Code, relating to one-variety cotton districts

Bill read second time

Motion to Amend

Mr Winton moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended in the Assembly on March 22, 1963, strike out "five 10-acre", and insert "10 five-acre"

Amendment read, and adopted.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Agriculture.

Assembly Bill No. 1554—An act to add Section 790 6 to the Agricultural Code, relating to standards for agricultural commodities.

Bill read second time

Motion to Amend

Mr. Pattee moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 6, of the printed bill, after "session", insert ' , however, any such standard established when the Legislature is in session shall not be effective after the 91st day after final adjournment of that session

No emergency standard shall be established by the director which is the same as, or substantially the same as, any emergency standard which ceases to be effective on the 91st day after a legislative session pursuant to the provisions of Section 790 5 or this section and which was not enacted into law at that session"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Agriculture

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER: Your Committee on Agriculture reports

Assembly Bill No 322

With the recommendation Do pass.

PATTEE, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Agriculture reports

Senate Bill No. 712

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PATTEE, Chairman

Above bill ordered to second reading

Committee on Rules

ASSEMBLY CHAMBER, April 4, 1963

MR. SPEAKER: Your Committee on Rules reports

House Resolution No 179

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar.

BANE, Chairman

Above resolution ordered on file

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Rules reports:

House Resolution No 190

House Resolution No 192

With the recommendation That the resolutions be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

BANE, Chairman

Subject matter of the above resolutions referred to the Committee on Rules.

ASSEMBLY CHAMBER, April 4, 1963

MR. SPEAKER Your Committee on Rules reports

House Resolution No 180
House Resolution No 182
House Resolution No 189

With the recommendation That the resolutions be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

BANE, Chairman

Subject matter of the above resolutions referred to the Committee on Rules

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 178

With the recommendation Be adopted, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

BANE, Chairman

Above resolution ordered on file

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Rules reports

Assembly Concurrent Resolution No 53

With the recommendation That the resolution be re-referred to the Committee on Natural Resources, Planning, and Public Works

BANE, Chairman

Above resolution re-referred to the Committee on Natural Resources, Planning, and Public Works

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Rules reports

Assembly Joint Resolution No 32

With the recommendation That the resolution be re-referred to the Committee on Military and Veterans Affairs

BANE, Chairman

Above resolution re-referred to the Committee on Military and Veterans Affairs

Committee on Education

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER The Chairman of your Committee on Education reports

Assembly Bill No 226

With author's amendments with the recommendation Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 226 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 226—An act to add Section 23058 and 23758 2 to, and to amend Section 23754 of, the Education Code, relating to state colleges

Bill read second time

Motion to Amend

Mr Carrell moved the adoption of the following amendments:

Amendment No. 1

Strike out line 1 of the title of the printed bill, as amended in the Assembly on March 19, 1963, and insert "An act to"

Amendment No. 2

In line 2 of the title, after "of", strike out the comma

Amendment No 3

On page 1, strike out lines 1 to 11, inclusive, and insert
"SECTION 1 Section 23754 of the Education Code is amended to read "

Amendment No. 4

On page 1, line 16, strike out "or", and insert "of".

Amendment No. 5

On page 2, line 8, after "Colleges", insert a period

Amendment No 6

On page 2, strike out lines 13 to 19, inclusive

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Education

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER The Chairman of your Committee on Education reports

Senate Bill No 286
Senate Bill No 334

With author's amendments with the recommendation Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF SENATE BILLS NOS 286 AND 334 (PURSUANT TO RULE NO. 59.5)

Senate Bill No. 286—An act to add Section 1624 to the Education Code, relating to public school districts

Bill read second time

Motion to Amend

Mr Garrigus moved the adoption of the following amendments

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1624", and insert "Sections 1624 and 2309"

Amendment No. 2

On page 1, line 9, after "proceedings" insert "The provisions of this section shall not be construed to apply to a dissolution of any unified school district pursuant to Article 11 (commencing with Section 3481), Chapter 9, Division 5 of this code

SEC 2 Section 2309 is added to said code, to read

2309 During the first five years following the effective date for all purposes of the formation of a unified school district formed pursuant to Chapter 10 (commencing with Section 3101) of this division, no territory shall be removed from the district under any procedure whatever afforded by law without the consent of the governing board of the district having been given prior to the commencement of the proceedings

SEC 3 Section 2 of this act becomes operative only if Division 5 of the Education Code, as proposed to be added by Senate Bill No 718 of the 1963 Regular Session is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as said Division 5 takes effect, at which time Section 1624 added to the Education Code by Section 1 of this act is repealed "

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Education.

Senate Bill No. 334—An act to amend Section 9701 of the Education Code, relating to textbooks

Bill read second time

Motion to Amend

Mr Garrigus moved the adoption of the following amendments·

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on March 11, 1963, after "of", insert ", and to add Sections 9702 and 9702 1 to,".

Amendment No. 2

On page 1, strike out line 3 and insert

"9701 Obsolete ~~or unusable~~ textbooks *that are usable for educational purposes* may be disposed of by governing boards of school districts ~~only under direction of the county, city and county, or city superintendent having jurisdiction~~ *in which a superintendent of schools is employed, and in other school districts with the approval of the county superintendent of schools,* ~~and~~ in ~~one~~ *any* of the following ways

(a) ~~If usable for~~ *They may be used as* supplementary ~~purposes~~ *textbooks* by *the* districts ~~such books or~~ may be placed in the ~~school library or in the~~ county free library and handled in the same manner as any other supplementary textbooks

(b) If such textbooks are not needed as supplementary textbooks in the district ~~but~~ certain materials may be ~~pasted on cards or charts~~ *removed from such textbooks* and used for instructional purposes, *in accordance with such instructions as are given by* the governing board *of the school district* ~~may follow such instructions as are given by the superintendent having jurisdiction~~

~~(c) Where such books are not usable for educational purposes, they may be so mutilated as not to be salable and sold for use in the manufacture of paper pulp or other similar substances, the highest price obtainable shall be secured, and the money obtained shall be deposited in the State General Fund. All money from the sale of such books shall be transmitted, at the close of the fiscal year during which it was collected, to the Superintendent of Public Instruction by a warrant on the general fund of the school district payable to the State Department of Education and accompanied by a report of the collection on a form provided by the Superintendent of Public Instruction, and within thirty (30) days thereafter the amount thereof shall be deposited in the State General Fund.~~

~~(d)~~ *(c)* Such books may be sold for a nominal price for use within the State of California to any organization which agrees to use such books for educational purposes and agrees also to make no charge of any kind to the persons to whom such organization gives or lends such books ; ~~provided, that such books shall be in a proper sanitary condition at the time they are so sold and that a report of all books so sold shall be made to the Division of Textbooks and Publications of the State Department of Education indicating the books so sold, the title, number sold, date such books are sold, and the names of persons or organizations to whom such books are sold~~

~~(c)~~ *(d)* ~~By donation~~ *Such books may be donated* to the United States government or any agency thereof

~~(f)~~ *(e)* ~~By donation~~ *Such books may be donated* to any *public agency or institution of the State of California or to any other* state, territory or possession of the United States or the government of any country which formerly was a territory or possession of the United States.

~~(g)~~ *(f)* Such books may be sold for a nominal price to any international civic or service club having one or more clubs in the State of California and approved by the governing board of the school district or by the Superintendent of Public Instruction, provided such civic or service club agrees to distribute such books for educational purposes and to make no charges of any kind to the persons to whom such organization gives or lends such books

(g) Such books may be donated to pupils of the district.

(h) Such books *may be mutilated so as not to be salable as books and sold for use in the manufacture of paper pulp or other similar substances at the highest price that can be obtained, or* may be burned or otherwise destroyed as may be directed by the superintendent having jurisdiction, provided that no books shall be burned or destroyed until sixty (60) days after notice has been given to the State Department of Education Within ten (10) days after receipt of such notice, and at least fifty (50) days before the date set for such burning or destruction, the State Department of Education shall notify all persons who have filed a request for notice of such burning or destruction and the place where said books are stored and may be inspected No burning or destruction shall be effected if any of the foregoing means of disposition can be accomplished and delivery by the governing board or the superintendent made to the respective agency within the period of the notice or a reasonable time thereafter

SEC 2 Section 9702 is added to said code, to read

9702. Textbooks that have been determined by the governing board of the school district to be unusable for educational purposes may be so mutilated as not to be salable as books and sold for use in the manufacture of paper pulp or other similar substances at the highest price that can be obtained, or, if such sale cannot be effected without a cost to the school district, may be burned or otherwise destroyed as may be directed by the governing board of the school district

SEC 3 Section 9702 1 is added to said code, to read

9702 1 For the purposes of Sections 9701 and 9702, the State Board of Education shall adopt rules and regulations prescribing standards for determining when a textbook is unusable for educational purposes ''

Amendment No. 3

On page 1, strike out lines 4 to 29, inclusive, and strike out all of page 2

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Education

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER The Chairman of your Committee on Education reports Assembly Bill No 756

With author's amendments with the recommendation Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 756 (PURSUANT TO RULE NO. 59 5)

Assembly Bill No. 756—An act to amend Section 13197 1 of the Education Code, relating to requirements for standard supervision credential, declaring the urgency thereof, to take effect immediately

Bill read second time.

Motion to Amend

Mr Winton moved the adoption of the following amendments

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 18, 1963, strike out "Section 13197 1", and insert "Sections 13197 1, 13197 15, 13197 2, and 13197 25"

Amendment No. 2

In line 2 of the title, strike out "requirements for standard supervision credential", and insert "school credentials"

Amendment No 3

On page 1, line 4, after "following", insert a comma

Amendment No. 4

On page 1, strike out lines 15 to 25, inclusive, and on page 2, strike out lines 1 to 7, inclusive, and insert

"(b) When the credential specified in (c) authorizes the holder to serve as a teacher, five years of successful teaching experience in the public elementary or secondary schools, or in private schools of equivalent status When the credential specified in (c) authorizes the holder to perform a health, pupil personnel or library service, five years of successful experience in that service in the foregoing schools, or five years of any combination of such teaching and service Teaching or service performed under a credential authorizing teaching or service as a part of an internship program approved by the State Board of Education shall be accepted toward meeting this requirement

(c) The possession of a valid credential issued or renewed by the State Board of Education authorizing teaching or service in the public schools, with the following exceptions a credential issued upon less than complete fulfillment of requirements, a designated subjects teaching credential issued pursuant to Section 13197 5, an exchange credential, a limited credential, and a provisional credential"

Amendment No. 5

On page 2, between lines 10 and 11 insert

"SEC 2 Section 13197 15 of said code is amended to read

13197 15 The standard supervision credential shall authorize the holder to serve as a supervisor, consultant, co-ordinator or equivalent supervisorial or intermediate administrative position at all grade levels and in all areas his credential, as specified in subdivision (c) of Section 13197 1, authorizes him to teach or serve

The *standard supervision* credential *(except such a credential issued upon less than complete fulfillment of requirements, or issued as an exchange, limited, or provisional credential)* shall also authorize the holder to serve as a principal of any school in which he is authorized to

teach ~~by the holding of (1) a valid basic~~ *, if he meets the requirements of one of the following subdivisions:*

(a) When the credential held in fulfillment of subdivision (c) of Section 13197.1 is a standard teaching credential with a specialization in elementary teaching ~~, secondary teaching, or junior college teaching, if~~ *or a general elementary credential, and* his college or university preparation included a major *(defined by the State Board of Education pursuant to Section 13189)* in an academic subject matter area, or a diversified major ~~as provided for in~~ *established pursuant to* Section 13189 ~~, or (2) a valid teaching credential issued or renewed pursuant to Article 1 of this chapter or Section 13187.1 if his college or university preparation included a major in an academic subject matter area~~

(b) When the credential held in fulfillment of subdivision (c) of Section 13197.1 is a standard teaching credential with a specialization in secondary teaching or a general secondary credential, and his college or university preparation included a major (defined by the State Board of Education pursuant to Section 13191) in an academic subject matter area

(c) When the credential held in fulfillment of subdivision (c) of Section 13197.1 is a standard teaching credential with a specialization in junior college teaching, and his college or university preparation included a major (defined by the State Board of Education pursuant to Section 13193) in an academic subject matter area

SEC. 3. Section 13197.2 of said code is amended to read

13197.2. The minimum requirements for the standard administration credential shall be all of the following:

(a) Seven (7) years, or its equivalent, of college or university education which shall include all of the following:

(1) A baccalaureate or higher degree from an institution approved by the State Board of Education.

(2) Three (3) years of acceptable postgraduate education in a college or university approved by the State Board of Education.

(3) An approved undergraduate or graduate major ~~in an academic subject matter area~~ *as follows: when the credential specified in subdivision (b) is a standard teaching credential with a specialization in elementary teaching or a general elementary credential, a major (defined by the State Board of Education pursuant to Section 13189) in an academic subject matter area; when the credential specified in subdivision (b) is a standard teaching credential with a specialization in secondary teaching or a general secondary credential, a major (defined by the State Board of Education pursuant to Section 13191) in an academic subject matter area; when the credential specified in subdivision (b) is a standard teaching credential with a specialization in junior college teaching, a major (defined by the State Board of Education pursuant to Section 13193) in an academic subject matter area.*

(b) The possession of ~~(1) a valid standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching or (2) a valid general teaching credential issued or renewed pursuant to Article 1 of this chapter or Section 13187.1~~ *; a*

general elementary credential, a general secondary credential, or a junior college credential An exchange credential, a limited credential, a provisional credential, or a credential issued upon other than completion of requirements does not fulfill this requirement

(c) A minimum of five (5) years of successful full-time classroom teaching experience in the public elementary or secondary schools, or in private schools of equivalent status *Teaching performed under a credential authorizing teaching as a part of an internship program approved by the State Board of Education shall be accepted toward meeting this requirement*

(d) Such additional requirements as may be prescribed by the State Board of Education Such additional requirements shall be prescribed by the board on or before July 1, 1963

SEC 4 Section 13197 25 of said code is amended to read

13197 25 The standard administration credential shall authorize the holder to serve as a superintendent, associate superintendent, deputy superintendent, assistant superintendent, or in an equivalent or intermediate level administrative position ~~:~~.

The standard administration credential shall also *authorize the holder* to serve as a principal and supervisor at all grade levels ~~when he possesses (1) a valid standard teaching credential with a specialization in elementary, secondary, or junior college teaching if his college or university preparation included a major in an academic subject matter area, or (2) a valid general teaching credential issued or renewed pursuant to Article 1 of this chapter or Section 13187 1, if his college or university preparation included a major in an academic subject matter area~~ ''

Amendment No. 6

On page 2, line 11, strike out "2", and insert "5".

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Education

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER The Chairman of your Committee on Education reports

Assembly Bill No 888
Assembly Bill No 1181
Assembly Bill No 1335
Assembly Bill No 1445
Assembly Bill No 1614

With author's amendments with the recommendation Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF ASSEMBLY BILLS (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 888—An act to amend Sections 6426, 6427, 11252, 11256, 11301, 11401, 14404, 17261, 17262, 17263, 17301, 17301 3, 17303, 17303 5, 17305 5, 17352, 17353, 17402, 17405, 17411, 17414, 17417, 17453, 17456, 17601, 17602, 17606, 17607, 17611, 17655, 17655 5, 17656, 17660, 17662, 17663 7, 17664, 17665, 17666 2, 17702, 17703, 17704, 17705, 17851,

17904, 17906 2, 17951, 17970, 17990, 18102, 18103, 18106, 18152, 18153, 18202, 18203, 18254, 18303, 18355, 18358, 18401, 18451, 18452, 18453, 18455, 18456, and 18460, 20751 of, to amend the heading of Article 3 (commencing with Section 17701) and Article 7 (commencing with Section 17901) of Chapter 3 of Division 14 of, to amend and renumber Article 6 (commencing with Section 17851) of Chapter 3 of Division 14 of, to repeal Sections 11255, 11257, 17263 1, 17264, 17306, 17401, 17404, 17406, 17407, 17410, 17416, 17612, 17613, 17614, 17615, 17653, 17654, 17666, 17852, 17901, 17902, 17903, 17903 2, 17907, 17908, 17909, 18356, 18357, and 18458 of, to repeal Article 4 (commencing with Section 17751), Article 5 (commencing with Section 17801), and Article 9 (commencing with Section 18001) of Chapter 3 of Division 14 of, to add Sections 6426 1, 11302, 11405, 11406, 17263 1, 17303 6, 17401, 17407, 17601 1, 17603, 17653, 17654, 17702 1, 17706, and 17952 to, and to add Article 2 5 (commencing with Section 17680), Article 5 (commencing with Section 17853), and Article 7 1 (commencing with Section 17920) to Chapter 3 of Division 14, and Chapter 3 5 (commencing with Section 20910) to Division 16 of, the Education Code, relating to the public school system, making an appropriation, declaring the urgency thereof to take effect immediately.

Bill read second time

Motion to Amend

Mr Garrigus moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 7 of the title of the printed bill, strike out "17951, 17970, 17990", and insert "17970"

Amendment No. 2

On page 2, line 9 of the title, strike out "and 18460 20761", and insert "18460, and 20751"

Amendment No 3

On page 2, line 14 of the title, after "Sections", insert "6352,".

Amendment No. 4

On page 2, line 16 of the title, after "17666," insert "17667,".

Amendment No. 5

On page 2, line 17 of the title, after 17909," insert "17951, 17990,"

Amendment No. 6

On page 2, line 22 of the title, strike out "17654," and insert "17663 1, 17666 3,"

Amendment No. 7

On page 2, line 23 of the title, strike out "17706, and 17952", and insert "and 17706"

Amendment No. 8

On page 2, strike out line 14, and insert "the statewide average assessment level of the preceding fiscal year"

Amendment No. 9

On page 4, strike out line 19, and insert "thirty-eight dollars and seventy-two cents ($38 72) per pupil in average daily"

Amendment No. 10

On page 4, line 34, strike out "or 17303 5, and", and insert "and 17303 5, or"

Amendment No. 11

On page 6, line 10, strike out "allowances for adults,"

Amendment No. 12

On page 6, strike out line 32, and insert "(a) Four dollars and thirty-two cents ($4 32) mul-"

Amendment No. 13

On page 6, line 38, after "(b)", strike out "_____", and insert "Nine dollars and seventy cents"

Amendment No. 14

On page 6, line 39, after "($", strike out "_____", and insert "9 70"

Amendment No. 15

On page 7, strike out line 2, and insert "Twenty-four dollars and seventy cents ($24 70) multiplied by the average daily attend-"

Amendment No 16

On page 7, line 20, strike out "allowances for adults,"

Amendment No. 17

On page 7, strike out line 34, and insert "ceed twenty-one dollars and fifty cents ($21 50) multiplied by the total average"

Amendment No. 18

On page 7, line 44, after "exceed", strike out "_____", and insert "three dollars and six cents"

Amendment No. 19

On page 7, line 45, after "($", strike out "_____", and insert "3 06".

Amendment No 20

On page 7, line 48, after "year", insert "less the sum of the beginning balances, as of July 1, 1963, exclusive of trust funds, dedicated funds, and taxes levied and collected prior to 1935 as defined in Sections 18361 and 18361 5"

Amendment No. 21

On page 7, line 52, after "1963-64", insert "less the sum of the beginning balances as of July 1st, exclusive of trust funds, dedicated funds, and taxes levied and collected prior to 1935 as defined in Section 18361 and 18361 5"

Amendment No. 22

On page 8, line 40, strike out "fund", and insert "funds"

Amendment No 23

On page 11, line 19, strike out "17951, 17952,".

Amendment No. 24

On page 12, line 24, strike out "17951, 17952,"

Amendment No. 25

On page 15, line 7, after "school", insert "or unified school"

Amendment No. 26

On page 15, line 9, after "district", insert "or unified school district".

Amendment No. 27

On page 16, line 29, after "Sections", strike out "13401", and insert "11301"

Amendment No. 28

On page 23, strike out lines 1 to 12, inclusive

Amendment No. 29

On page 26, line 25, after "attendance," insert "exclusive of average daily attendance in summer schools and classes for adults,"

Amendment No. 30

On page 28, between lines 25 and 26, insert

"(c) For the purposes of this section, the foundation program for each unit of average daily attendance in summer schools shall be three hundred thirty-five dollars ($335) "

Amendment No. 31

On page 28, line 28, after "more", insert ", exclusive of average daily attendance in classes for adults"

Amendment No. 32

On page 28, between lines 30 and 31, insert

"SEC. 51.5. Section 17665.1 is added to said code, to read

17665.1. For each unit of average daily attendance in classes for adults for each high school district which has an average daily attendance of less than 301, exclusive of average daily attendance in classes for adults, he shall multiply by three hundred thirty-five dollars ($335)

For each unit of average daily attendance in classes for adults for each high school district which has an average daily attendance of 301, or more, exclusive of average daily attendance in classes for adults, he shall multiply by three hundred forty-five dollars ($345)."

Amendment No. 33

On page 29, lines 12 and 13, strike out "of adults, as", and insert "in classes for"

Amendment No. 34

On page 29, line 13, strike out "are defined in Section 6352,"

Amendment No. 35

On page 29, between lines 15 and 16, insert

"SEC. 53.5. Section 17666.3 is added to said code, to read:

17666.3. For the purpose of computing the foundation program for the fiscal year 1963-64 and for each fiscal year thereafter, for each junior college district, he shall multiply the number of units of average daily attendance in classes for adults by three hundred forty-five dollars ($345)

For purposes of this section, there shall be excluded from the computation the attendance in such classes of all students who reside in territory which is not a part of any district maintaining a junior college, and the attendance of all students who reside in another district which maintains a junior college who are in attendance under an interdistrict attendance agreement which requires the payment of tuition by the district of residence, and there shall be included the attendance of all students residing in the district who are in attendance at a junior college in another district under an interdistrict attendance agreement which requires the payment of tuition by the district of residence.

SEC. 53.6. Section 17667 of said code is repealed

~~17667. Each computation required by this article (commencing at Section 17651) for high school and junior college districts shall be made after excluding from the average daily attendance for the preceding fiscal year the average daily attendance of adults, as adults are defined in Section 6352, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the preceding fiscal year.~~"

Amendment No. 36

On page 32, line 28, after "14", insert "and in classes for adults"

Amendment No. 37

On page 32, line 32, strike out "and Section 17666.2", and insert ", 17666.2, and 17666.3"

Amendment No. 38

On page 32, strike out lines 33 to 38, inclusive

Amendment No. 39

On page 36, line 2, strike out "Section 17666 2", and insert "Sections 17666 2 and 17666 3"

Amendment No. 40

On page 36, line 7, strike out "Section", and insert "Sections"

Amendment No. 41

On page 36, line 8, after "17666 2", insert "and 17666 3"

Amendment No. 42

On page 36, line 13, strike out "Section 17666 2", and insert "Sections 17666 2 and 17666 3"

Amendment No. 43

On page 36, line 19, after "20801," insert "and 22101."

Amendment No. 44

On page 37, lines 25 and 26, strike out "of adults, as adults are defined in Section 6352", and insert "in classes for adults"

Amendment No 45

On page 38, line 18, strike out "adults, as adults are defined in Section 6352", and insert "in classes for adults"

Amendment No. 46

On page 38, line 34, after "is", strike out "amended to read ", and insert "repealed "

Amendment No. 47

On page 38, strike out lines 35 to 52, inclusive, and on page 39, strike out lines 1 to 34, inclusive

Amendment No. 48

On page 39, line 39, after "attendance", insert "in grades 13 and 14 and in classes for adults,"

Amendment No. 49

On page 39, strike out lines 43 to 48, inclusive

Amendment No. 50

On page 39, line 49, strike out "amended to read ", and insert "repealed "

Amendment No. 51

On page 39, strike out lines 50 to 52, inclusive

Amendment No. 52

On page 40, strike out lines 1 to 49, inclusive.

Amendment No. 53

On page 43, line 6, strike out "maximum tax rate", and insert "general fund tax rate, exclusive of rates levied pursuant to Sections 1615, 19443, and 19619,

Amendment No. 54

On page 43, line 25, strike out "that portion of the rate which is in".

Amendment No. 55

On page 43, line 26, strike out "excess of that specified in Section 20751", and insert "such excess rate"

Amendment No. 56

On page 43, line 38, strike out "as"

Amendment No. 57

On page 45, line 4, after "pupils", insert "and mentally retarded minors"

Amendment No. 58

On page 45, line 28, strike out "for adults pursuant to Sections 18355," and insert "pursuant to".

Amendment No. 59

On page 45, line 29, strike out "18358 and", and insert "Section".

Amendment No. 60

On page 45, line 43, strike out "17951, 17952,"

Amendment No. 61

On page 46, line 10, strike out "17951, 17952,".

Amendment No. 62

On page 56, after line 49, insert

"SEC 116 5 Section 6352 of said code is repealed

~~6352. For the purpose of crediting attendance for apportionments from the State School Fund during the 1951-1955 Fiscal Year and thereafter, "adult" means any person who has attained his twenty-first birthday on or before September 1st or February 1st of the semester for which he has enrolled, and who has enrolled in less than 10 class hours as defined in Section 11151 for junior college districts or 10 periods of not less than 10 minutes each per week for high school district~~ "

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education.

Assembly Bill No. 1181—An act to add Section 13571 to the Education Code, relating to records concerning school employees.

Bill read second time

Motion to Amend

Mr Dymally moved the adoption of the following amendments·

Amendment No 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 13001 5 and

Amendment No. 2

On page 1, line 1, strike out "13571", and insert "13001 5"

Amendment No. 3

On page 1, between lines 2 and 3, insert

"13001 5 Every person employed by any school district has the right, and shall be given the opportunity during such times as the offices or schools of the district are open for the transaction of business, to inspect all ratings, reports, records or materials concerning such person, compiled subsequent to the initial employment of such person by the school district

Every officer or supervisory employee of any school district who has custody or control of any such ratings, reports, records or materials and who, upon request by the person to whom they pertain, refuses to permit the inspection allowed by this section is guilty of a misdemeanor, and each such officer or supervisory employee is punishable by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100)

SEC 2 Section 13571 is added to said code, to read "

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education

Assembly Bill No. 1335—An act to add Sections 8501 1, 17308, 18351 1, 18351 2, 18351 3 and 18351 4 to, to amend Sections 17301, 17303 5, 18351, 18352, and 18353 of, and to repeal Section 18352 2 of, the Education Code, relating to public schools

Bill read second time.

Motion to Amend

Mr Knox moved the adoption of the following amendments·

Amendment No. 1

On page 4, line 43, of the printed bill, after "cation", insert "to pupils and making financial grants to school districts"

Amendment No. 2

On page 4, lines 48 and 49, strike out "providing emergency education to pupils and"

Amendment No. 3

On page 4, line 50, strike out "6913 1, and to augment", strike out lines 51 and 52; and on page 5, strike out lines 1 to 3, inclusive, and insert '8955"

Amendment No. 4

On page 5 line 24, strike out "item", and insert "purpose, position and program"

Amendment No. 5

On page 6, line 13, after "poses", insert ", positions, and programs"

Amendment No 6

On page 6, line 29, strike out 'an item for"

Amendment No. 7

On page 6, strike out lines 30 and 31, and insert "project for the preparation of courses"

Amendment No. 8

On page 6, line 33, after 'studies", insert "or development of publication"

Amendment No. 9

On page 6, line 39, strike out "and submit the", and strike out lines 40 and 41, and insert 'and if he finds more than two projects dealing with the same subject area at the same grade levels he shall submit all such projects to the State Board of Education for its approval, and the Superintendent of Public"

Amendment No. 10

On page 6, line 44, strike out "field", and insert "area at the same grade level"

Amendment No. 11

On page 6, between lines 45 and 46, insert

"Upon the completion of the project the county superintendent of schools shall submit the results to the State Board of Education The State Board of Education shall then evaluate the results of the project and determine if they shall be adopted by the board for statewide use"

Amendment No. 12

On page 6, line 48, strike out 'field", and insert 'area"

Amendment No. 13

On page 6, line 49, strike out "field", and insert "area"

Amendment No. 14

On page 7, between lines 2 and 3, insert

"This section shall apply to budgets submitted to the Superintendent of Public Instruction in April, 1964, and thereafter"

Amendment No. 15

On page 7, strike out lines 4 to 10, inclusive, and insert

"18951 3 In approving submitted budgets, the Superintendent of Public Instruction shall eliminate surpluses in the county school service fund by reducing the total amount requested in the submitted budget by the amount of the surplus in the fund As used in this section "surplus" shall have the meaning prescribed in Sections 18361 and 18361 5 Trust funds and otherwise dedicated funds and amounts derived from county school taxes collected and levied prior to 1945, as described in Sections 18361 and 18361 5, shall be excluded in determining surpluses"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education.

Assembly Bill No. 1345—An act to repeal Article 1 (commencing with Section 7851), Article 4 (commencing with Section 8001) and Article 5 (commencing with Section 8051), of Chapter 3, Division 7 of the Education Code, relating to courses of study.

Bill read second time.

Motion to Amend

Mr Garrigus moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, following the first "of", insert ", and to add Article 1 (commencing with Section 7851) to Chapter 3, Division 7 of,".

Amendment No 2

On page 1, following line 6, insert

"SEC 4 Article 1 (commencing with Section 7851) is added to Chapter 3, Division 7 of said code, to read.

Article 1 Morals, Manners, Citizenship, and Public Safety

7851 Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, and patriotism, to teach them to avoid idleness, profanity, and falsehood, to instruct them in the principles of a free government, and to train them to a true comprehension of the rights, duties, and dignity of American citizenship

7852 The board of education of each county, city and county, and school district, whose duty it is to prescribe the course of study for the schools of the county, city and county, or district, shall encourage appropriate instruction in

(a) The nature of alcohol and narcotics and their effects upon the human system as determined by science

(b) Public safety and accident prevention with special emphasis on the avoidance of hazards on streets and highways

(c) Fire prevention with emphasis upon the dangers of carelessness and neglect in homes and public buildings and the necessity of care in the use of fires"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education

Assembly Bill No. 1614—An act to add Sections 17308 and 18359, and Article 6 (commencing with Section 6750) to Chapter 7 of Division 6 of the Education Code, relating to technical, agricultural and forestry schools, and making an appropriation therefor.

Bill read second time

Motion to Amend

Mr. Garrigus moved the adoption of the following amendments:

Amendment No. 1

In line 4, of the title of the printed bill, strike out "forestry", and insert "natural resource conservation".

Amendment No. 2

On page 1, line 5, strike out "Forestry", and insert "Natural Resource Conservation"

Amendment No. 3

On page 2, line 8, strike out "forestry", and insert "natural resource conservation".

Amendment No. 4

On page 2, line 10, strike out "forestry", and insert "natural resource conservation".

Amendment No. 5

On page 2, line 13, strike out "forestry", and insert "natural resource conservation".

Amendment No. 6

On page 2, line 34, strike out "forestry", and insert "natural resource conservation".

Amendment No. 7

On page 2, line 41, strike out "forestry", and insert "natural resource conservation"

Amendment No. 8

On page 2, line 44, strike out "forestry", and insert "natural resource conservation".

Amendment No. 9

On page 2, line 51, strike out "forestry", and insert "natural resource conservation"

Amendment No. 10

On page 4, line 19, strike out "forestry", and insert "natural resource conservation"

Amendment No. 11

On page 4, line 31, strike out "forestry", and insert "natural resource conservation"

Amendment No. 12

On page 4, line 39, strike out "forestry", and insert "natural resource conservation"

Amendment No. 13

On page 4, line 41, strike out "forestry", and insert "natural resource conservation"

Amendment No 14

On page 5, line 15, strike out "forestry", and insert "natural resource conservation"

Amendment No. 15

On page 5, line 30, strike out "forestry", and insert "natural resource conservation"

Amendment No. 16

On page 5, line 36, strike out "forestry", and insert "natural resource conservation".

Amendment No. 17

On page 5, line 44, strike out "forestry", and insert "natural resource conservation"

Amendment No. 18

On page 6, line 5, strike out "forestry", and insert "natural resource conservation".

Amendment No. 19

On page 6, line 24, strike out "forestry", and insert "natural resource conservation".

Amendment No. 20

On page 5, line 47, strike out the apostrophe, and insert a comma.

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER. Your Committee on Ways and Means reports

Assembly Bill No 925

With the recommendation. Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CROWN, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Ways and Means reports
Senate Bill No 50
With the recommendation: Do pass

CROWN, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Ways and Means reports
Assembly Bill No 907
With amendments with the recommendation Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Ways and Means reports
Assembly Bill No 95
Assembly Bill No 507
Assembly Bill No 676
Assembly Bill No 783
Assembly Bill No 786
With the recommendation Do pass.

CROWN, Chairman

Above bills ordered to second reading

Committee on Education

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Education reports
Assembly Bill No 1186
With the recommendation Do pass, as amended
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

GARRIGUS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Education reports
Assembly Bill No 1042
With the recommendation Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

GARRIGUS, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Education reports.
Assembly Bill No 1474
With amendments with the recommendation Amend, and do pass, as amended

GARRIGUS, Chairman

Above bill ordered to second reading

Committee on Judiciary

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER The Chairman of your Committee on Judiciary reports
Assembly Bill No. 69
Assembly Bill No 1464
Assembly Bill No 1472
With author's amendments with the recommendation Amend, and re-refer to the Committee on Judiciary

WILLSON, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 69, 1464, AND 1472 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 69—An act to amend Section 74001 of the Government Code, relating to municipal courts.

Bill read second time

Motion to Amend

Mr Dannemeyer moved the adoption of the following amendment

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "three", and insert "four"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary

Assembly Bill No. 1464—An act to amend Section 164 of the Civil Code, relating to property of married persons

Bill read second time

Motion to Amend

Mr Dannemeyer moved the adoption of the following amendment

Amendment No 1

On page 1 of the printed bill, strike out lines 8 to 22, inclusive, and on page 2, line 1, strike out "property", and insert "acquired by a married woman by an instrument in writing, the presumption is that the same is her separate property, and if acquired by such married woman and any other person the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument, except, that when any of such property is acquired by husband and wife by an instrument in which they are described as husband and wife, unless a different intention is expressed in the instrument, the presumption is that such property is the community property of said husband and wife and that when the residence of a husband and wife is acquired by them during marriage as joint tenants, the presumption is that such residence is the community property of said husband and wife"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary.

Assembly Bill No. 1472—An act to add Section 727 5 to the Welfare and Institutions Code, relating to care and custody of children.

Bill read second time

Motion to Amend

Mr Garrigus moved the adoption of the following amendment·

Amendment No. 1

On page 1, line 7, of the printed bill, strike out " at the time of", and strike out lines 8 to 12, inclusive, and insert "award custody of such dependent child to the foster parents for two years By the end of the two years, the foster parents must adopt the child, or, if they do not the court shall (1) award the custody of the child to a natural parent or parents, or (2) if the natural parents are not deemed to be then proper custodians of the child, award the custody of the child to other persons who will adopt him, or (3) if the natural parents are not deemed proper custodians and there are no persons who desire to adopt the child, allow the child to continue in the custody of the foster parents until such time as persons desiring to adopt the child commence adoption proceedings and custody of the child is awarded in pursuance of such proceedings"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary.

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No. 76, the following bills were this day on the second reading file.

Assembly Bills Nos. 1404, 1573, 381, 544, 564, 1461, and 1182.

Assembly Bills Nos 381, 544, and 1182 ordered to third reading.

Assembly Bill No 1404 ordered to third reading, subsequent to engrossment.

Assembly Bills Nos 1573, 564, and 1461 ordered to the Consent Calendar

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 822—An act to amend Section 1944 of the Labor Code, relating to the employment of aliens

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Industrial Relations, were read, and adopted

Amendment No 1

On page 2, line 4, of the printed bill, strike out "To", and insert "If the Superintendent of Public Instruction declares that there is a shortage, to"

Amendment No 2

On page 2, lines 7 and 8, strike out "or to perform administrative, supervisory, or other duties, relating solely to the teaching of such language", and insert ", except that such employee shall not become a permanent employee as provided in the laws of this State unless such employee has complied with the provisions of subdivision (a) of this section, and except further that such employee shall not in any event be continued in such employment unless such employee has complied with the provisions of subdivision (a) of this section within five years after the beginning of such employment"

Amendment No. 3

On page 2, line 10, after "body," insert "or to any professional librarian,"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Industrial Relations.

Assembly Bill No. 816—An act to amend Sections 12699 and 12700 of the Water Code, relating to the Russian River flood control project, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Water, were read, and adopted

Amendment No. 1

On page 1, line 4, of the printed bill, as amended in the Assembly on March 26, 1963, after "County", insert "Russian River".

Amendment No. 2

On page 1, line 5, after "Conservation", insert "Improvement".

Amendment No. 3

On page 1, line 13, after "County", insert "Russian River".

Amendment No. 4

On page 1, line 14, after "Conservation", insert "Improvement".

Amendment No. 5

On page 1, line 21, after "thousand", insert "six hundred".

Amendment No. 6

On page 1, line 22, strike out "($6,000)", and insert "($6,600)".

Amendment No. 7

On page 1, line 22, after "County", insert "Russian River".

Amendment No. 8

On page 1, line 23, after "Conservation", insert "Improvement"

Amendment No. 9

On page 2, line 9, after "County", insert "Russian River".

Amendment No. 10

On page 2, line 10, after "Conservation", insert "Improvement".

Amendment No. 11

On page 2, line 10, after "thousand", insert "six hundred".

Amendment No. 12

On page 2, line 10, strike out "($6,000)", and insert "($6,600)".

Bill ordered reprinted, and re-engrossed.

Assembly Bill No. 936—An act to amend Sections 13011, 13020, and 13021 of the Water Code, relating to water pollution control

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 935—An act to amend Section 13050 of the Water Code, relating to qualifications of regional water pollution control board executive officers

Bill read second time, and ordered to the Consent Calendar.

Assembly Joint Resolution No. 27—Relative to pollution of New River.

Resolution read.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Water, were read, and adopted.

Amendment No. 1

On page 1, line 3, of the printed measure, as amended in the Assembly on March 21, 1963, strike out "and", and insert "whence the New River flows"

Amendment No. 2

On page 2, line 16, strike out "such repeated requests", and strike out lines 17 and 18, and insert "although Mexico has developed engineering plans for correction of its raw sewage discharges, it is understood that Mexico has not yet been able to arrange financing for construction; and".

Resolution ordered reprinted, re-engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 534—An act to add Section 11161.5 to the Penal Code, relating to reports by physicians and surgeons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1379—An act to amend Section 232 of the Civil Code, relating to custody and control of children.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Judiciary, was read, and adopted.

Amendment No. 1

On page 2, line 15, of the printed bill, strike out "may", and insert "shall"

Bill ordered reprinted, and engrossed.

Assembly Bill No. 1544—An act to amend Section 75025 of the Government Code, relating to judges' retirement.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Judiciary, was read, and adopted.

Amendment No. 1

On page 2, line 10, of the printed bill, strike out "8", and insert "6"

Bill ordered reprinted, and engrossed.

Assembly Bill No. 1446—An act to amend Section 1147 of the Probate Code, relating to public administrators.

Bill read second time.

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr. Cologne was granted unanimous consent that Rule No. 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor to the bill.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Judiciary, were read, and adopted.

Amendment No. 1

In the heading of the printed bill, strike out "Mr. Cologne", and insert "Messrs. Cologne and Johnson"

Amendment No. 2

On page 1, line 8, after "county," insert "or invest any amount thereof in an account or accounts in one or more insured savings and loan associations authorized to do business in his county,"

Amendment No. 3

On page 1, line 9, after "bank", insert "or in an account or accounts in one or more insured savings and loan associations"

Amendment No. 4

On page 1, line 10, of the printed bill, strike out "therefore", and insert "therefor"

Amendment No. 5

On page 1, line 13, after "bank", insert "or invested in an account or accounts in one or more insured savings and loan associations"

Amendment No. 6

On page 1, line 17, after "deposited", insert "or invested"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 765—An act to amend Sections 10208, 10208.5, 10213, 10213.5, 10217, 10218, 10219, 10220, 10221, 10222 (as added by Chapter 4 of the Statutes of 1956), 10328, 10328.5, 10333, 10333.5, 10336, 10337, 10338, 10339, 10340, 10341, 10588, 10588.5, 10593, 10593.5, 10596, 10597, 10598, 10599, 10600 and 10602 of, the Business and Professions Code, relating to real estate, business opportunity and mineral, oil and gas licenses, and making an appropriation

Bill read second time, and ordered engrossed

Assembly Bill No. 1139—An act to amend Section 16755 of the Business and Professions Code, relating to restraint of trade

Bill read second time, and ordered engrossed

Assembly Bill No. 1—An act to create a California Arts Commission

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Governmental Efficiency and Economy, was read, and adopted:

Amendment No. 1

On page 3, between lines 47 and 48 of the printed bill, as amended in the Assembly on March 28, 1963, insert

"(g) To accept any federal funds granted, by act of Congress or by executive order, for all or any of the purposes of this act."

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 1019—An act to amend Section 6732 of the Business and Professions Code, relating to the practice of engineering

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 1117—An act to amend Sections 10252.5, 10253.5, and 10305 of the Business and Professions Code, relating to the regulation of real estate and business opportunity licensees

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1118—An act to repeal Sections 10154, 10155 and 10216 of the Business and Professions Code, relating to limited real estate salesman's license

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1119—An act to amend Sections 10206, 10223, 10326, and 10586 of, and amend and renumber Section 10222 (as added

by Chapter 886 of the Statutes of 1961) of, the Business and Professions Code, relating to real estate, business opportunity, and mineral, oil and gas licenses.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1452—An act to amend Sections 11013 1 and 11013 4 of the Business and Professions Code, relating to subdivided lands.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1459—An act to amend Section 43 7 of the Civil Code, relating to personal rights

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1120—An act to amend Sections 10133 1, 10133 2, and 10145 of, and to add Sections 10251 5, 10265, and 10514 8 to, the Business and Professions Code, relating to the regulations of real estate, business opportunity, and mineral, oil and gas licensees

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Governmental Efficiency and Economy, was read, and adopted

Amendment No. 1

In line 4 of the title of the printed bill, as amended in the Assembly on March 18, 1963, after "mineral", insert a comma

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1135—An act to amend Section 7091 of the Business and Professions Code, relating to contractors

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Governmental Efficiency and Economy, was read, and adopted·

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "five", and insert "three".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1462—An act to add Section 5558 to the Business and Professions Code, relating to the practice of architecture

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Governmental Efficiency and Economy, was read, and adopted

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "an accurate", and insert "a".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 675—An act to amend Sections 7651, 7726 and 8351 of the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax Law.

Bill read second time.

Consideration of Assembly Bill No. 675 ordered passed temporarily on file.

Assembly Bill No. 679—An act to amend Sections 8752, 8753, 8754, 8755, 8776, 8782, 8801, 8804, 9255, 9352 and 9353 of the Revenue and Taxation Code, relating to the Use Fuel Tax Law.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted:

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "licensed", and insert "holding a permit issued"

Amendment No. 2

On page 2, line 4, strike out "30 days", and insert "one month".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 737—An act to amend Sections 7656, 8754, 9854, 30185, and 32253 of the Revenue and Taxation Code, relating to state taxes

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted·

Amendment No. 1

In line 1 of the title of the printed bill, strike out "8754,"

Amendment No. 2

On page 1, strike out lines 14 to 20, inclusive

Amendment No. 3

On page 2, strike out lines 1 to 5, inclusive

Amendment No. 4

On page 2, line 6, strike out "SEC 3", and insert "SEC 2"

Amendment No. 5

On page 2, line 18, strike out "SEC. 4", and insert "SEC 3"

Amendment No. 6

On page 2, line 19, strike out "The", and insert "Except as otherwise provided in Section 30172, the"

Amendment No. 7

On page 2, line 25, after "granted", insert "pursuant to this section"

Amendment No. 8

On page 2, line 30, strike out "SEC 5", and insert "SEC 4"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 674—An act to amend Section 6452 of the Revenue and Taxation Code, relating to sales and use taxation

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1442—An act to add Section 23701o to the Revenue and Taxation Code, relating to bank and corporate franchise and income tax exemptions

Bill read second time, and ordered engrossed

Assembly Bill No. 1374—An act to amend Sections 30008, 30014, 30107, 30140, 30142, 30147, 30181, 30182, 30183, 30186, 30431, 30432, 30471 of, to amend and renumber Section 30476, of, to add Sections 30103 5, 30149, 30473, 30474, 30475, and 30476 to, to add Chapter 7 5 (commencing with Section 30436) to Part 13 of Division 2 of, to repeal Sections 30015, 30149, 30184, 30433, 30473, 30474, and 30475 of, and to repeal Chapter 3 5 (commencing with Section 30161) of Part 13 of Division 2 of, the Revenue and Taxation Code, relating to the taxation of cigarettes, to take effect immediately.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted

Amendment No. 1

In line 2 of the title of the printed bill, after "30432," insert "and"

Amendment No. 2

On page 2, line 21, after "sion", insert "or Civil Aeronautics Board"

Amendment No 3

On page 5, line 6, strike out "is amended to read as follows ", and insert "of said code is amended to read "

Amendment No. 4

On page 6, line 16, strike out the second "the"

Amendment No. 5

On page 7, line 49, strike out "is amended to read as follows ", and insert "of said code is amended to read "

Amendment No. 6

On page 9, line 48, strike out "1963", and insert "1964"

Amendment No. 7

On page 10, line 2, strike out "1963", and insert "1964"

Amendment No. 8

On page 10, line 4, strike out "1963", and insert "1964".

Amendment No. 9

On page 10, line 11, strike out "1963", and insert "1964"

Amendment No. 10

On page 10, line 18, strike out "1963", and insert "1964"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Revenue and Taxation

SECOND READING OF SENATE BILLS

Senate Bill No. 194—An act to amend Section 10500 of the Water Code, relating to the appropriation of water by the Department of Water Resources

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 15—An act to add Division 20 (commencing with Section 71000) to the Water Code, thereby revising and consolidating the law relating to municipal water districts, including provisions for the supervision, regulation, and conduct of such districts, and to repeal the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911)

Bill read second time, and ordered to third reading

Senate Bill No. 165—An act to add Chapter 3 5 (commencing with Section 55920) to Part 5, Division 16 of the Water Code, relating to county waterworks districts

Bill read second time, and ordered to third reading

Senate Bill No. 82—An act to amend Section 2786 5 of the Business and Professions Code, relating to the practice of nursing

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 85—An act to amend Section Sections 5801 and 5083 of, and to add Sections 5081 1, 5081 2 and 5081 3 to, the Business and Professions Code, relating to the practice of accountancy.

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 436—An act to amend Section 7074 of, add Section 7138 to, and repeal Section 7085 of, the Business and Professions Code, relating to contractors.

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 350—An act to amend Section 215 1 of, and to repeal Sections 215 3 and 215 4 of, the Agricultural Code, relating to swine

Bill read second time, and ordered to third reading

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means

Assembly Bills Nos. 1404 and **765**, subsequent to engrossment.

Assembly Bills Nos. 381 and **935.**

Senate Bill No. 82.

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees

Assembly Bill No.	*Committee*
2245	Natural Resources, Planning, and Public Works
2246	Education
2247	Municipal and County Government
2248	Education
2249	Industrial Relations
2250 and **2251**	Ways and Means
2252	Finance and Insurance
2253	Education
2254	Finance and Insurance
2255	Public Health
2256	Natural Resources, Planning, and Public Works
2257	Education
2258	Elections and Reapportionment
2259	Education
2260 through **2264**	Agriculture
2265	Education
2266	Social Welfare

Assembly Constitutional Amendment No.	
40	Criminal Procedure

Assembly Concurrent Resolution No	
59	Rules

Senate Bill No.	
161	Criminal Procedure
175	Revenue and Taxation
244	Public Health
357	Water
473	Criminal Procedure
608	Revenue and Taxation
617	Governmental Efficiency and Economy
634	Natural Resources, Planning, and Public Works
645	Municipal and County Government
805	Revenue and Taxation

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 4, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 111
Assembly Bill No 491
Assembly Bill No 494
Assembly Bill No 799

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

Above bills ordered enrolled

SENATE CHAMBER, April 4, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in assembly amendments to

Senate Bill No 103

J A BEEK, Secretary of the Senate
By R W LYONS, Chief Assistant Secretary

SENATE CHAMBER, April 4, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended.

Assembly Bill No 145

And respectfully requests your honorable body to concur in said amendments.

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

Above bill ordered to unfinished business file

SENATE CHAMBER, April 4, 1963

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 17
Senate Bill No 80
Senate Bill No. 193
Senate Bill No 290
Senate Bill No 308
Senate Bill No 316
Senate Bill No 323
Senate Bill No 344
Senate Bill No 355
Senate Bill No 356
Senate Bill No 378
Senate Bill No 447
Senate Bill No 623
Senate Bill No. 624
Senate Bill No 644
Senate Bill No 659
Senate Bill No 664
Senate Bill No. 665
Senate Bill No 666
Senate Bill No 668
Senate Bill No 669
Senate Bill No 670
Senate Bill No 671
Senate Bill No 673
Senate Bill No 674
Senate Bill No 675
Senate Bill No 676
Senate Bill No 677
Senate Bill No 678
Senate Bill No 714
Senate Bill No 791
Senate Bill No 823

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time

Senate Bill No. 17—An act to amend Section 446 of the Code of Civil Procedure, relating to verification of pleadings

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 80—An act to add Section 818 to the Penal Code, relating to arrest

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 193—An act to amend Section 12883 5 of the Water Code, relating to state financial assistance for local water projects

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 290—An act to add Chapter 7 (commencing with Section 5600) to Division 6 of Title 1 of the Government Code, and to amend Sections 43622 and 29914 of the Government Code, Section 21806 of the Education Code, Sections 25207, 36194, 36349 and 55524 of the Water Code, Sections 4789, 6645 and 32306 of the Health and Safety Code, Section 35406 of the Streets and Highways Code, Sections 13242 and 17004 of the Public Utilities Code, Section 5784 26 of the Public Resources Code and Section 7 of the Los Angeles County Flood Control Act, relating to the denominations of bonds and other evidences of indebtedness of public bodies

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 308—An act to amend Sections 1299 18 and 1299 19 of the Agricultural Code, relating to processors of farm products.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 316—An act to amend Section 12609 of the Business and Professions Code, relating to containers

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 323—An act to amend Section 42001 of, and to add Section 42001 5 to, the Vehicle Code, relating to fines and penalties.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 344—An act to amend Sections 7351, 7653, 7654, and 8651 of, and to add Section 7351 5 to, the Revenue and Taxation Code, to amend Section 9400 of, and to add Section 9401 to, the Vehicle Code, and to amend the heading of Chapter 1 (commencing with Section 2000) of Division 3, and Sections 195 2004 5, 2104, 2107, 2107 5, 2110, 2117 5, and 2152 of, to add Sections 186 1, 186 2, 186 3, 186 4, 186 5, 186 6, 186 7, 186 8, 188 6, and 2105 to, and to repeal Chapter 2 (commencing with Section 2050) of Division 3, and Sections 2000, 2001, 2002, 2003, 2004, 2005, 2105, 2106, 2110 5, 2111, 2113, 2114, 2115, 2116, and 2117 of, the Streets and Highways Code, to provide a system of state, county and city streets, roads, and highways and for the financial support thereof, including the levying of taxes and fees therefor.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 355—An act to amend Sections 2047, 2048, 2857 and 2859 of, and to repeal Sections 2044, 2049, 2050, 2860 and 2861 of, the Water Code, relating to the recovery of State Water Rights Board expenses in court references and adjudications

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 356—An act to amend Sections 1057 and 1550 of, and to repeal Section 2865 of, the Water Code, relating to the State Water Rights Board accounting procedure

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 378—An act to amend Section 12606 of the Business and Professions Code, relating to weights and measures

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 447—An act to amend Section 290 of the Penal Code, relating to registration of sex offenders

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 623—An act to add Section 285.1 to the Code of Civil Procedure, relating to withdrawals of attorneys of record in domestic relations proceedings

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 624—An act to amend Sections 932, 1555 and 1907 of the Probate Code, relating to the rendering of accounts

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 644—An act to abolish the School Land Fund and provide for the disposition of its unencumbered balance

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 659—An act to amend Section 17318 of the Public Utilities Code, relating to public utility districts

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 664—An act to amend Sections 11611 and 11612 of the Business and Professions Code, relating to the construction of subdivision improvements.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 665—An act to add Section 2804.1 to the Streets and Highways Code, relating to special assessments

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 666—An act to amend Sections 10002 and 10502 of, and to add Sections 10010, 10502.1, 10502.2 and 10502.3 to, the Streets and Highways Code, relating to special assessment proceedings

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 668—An act to amend Section 61114 of the Government Code, relating to community services districts

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 669—An act to amend Sections 5125, 5130, 5132.1, 5180, 5190, 5191, 5222, 5242, 5249, 5254.5, 5300, 5301, 5302, 5341, 5503, *5506, 5872,* 6647 and 6460 of, and to amend and renumber Sections 5119

and 5360 1 of, and to add Sections 5126, 5231 1, 5232 1, 5360 2, 5873 and 5374 1 to, and to repeal Sections 5015, 5016, 5017, 5340, 5375, 5582 and 5583 and Chapter 14 (commencing with Section 5315) of Part 3 of Division 7 of, the Streets and Highways Code, relating to special assessments

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 670—An act to repeal Section 10427 of, and add Sections 10427 and 10427 1 to, the Streets and Highways Code, relating to municipal improvements

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 671—An act to repeal Division 5 (commencing with Section 3200) of the Streets and Highways Code, relating to special assessment proceedings for acquisitions

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 673—An act to repeal Division 8 (commencing with Section 7000) of the Streets and Highways Code, relating to special assessment proceedings for improvements.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 674—An act to amend Section 424 of the Penal Code, relating to public money

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 675—An act to add Section 10204 1 of the Streets and Highways Code, relating to special assessment proceedings

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 676—An act to amend Section 2804 of the Streets and Highways Code, relating to special assessment limitations

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 677—An act to amend Sections 5220 and 10310 of, and to add Sections 5223, 10010 and 10311 1 to the Streets and Highways Code, relating to protests by owners in special assessment proceedings

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 678—An act to add Chapter 4 5 (commencing with Section 10350) to Division 12, and to repeal Sections 10313, 10314, 10315, and 10316, of the Streets and Highways Code, relating to changes in special assessment proceedings

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 714—An act to amend Sections 506, 568, 656, 663, 725, 727, 729, and 781 of the Welfare and Institutions Code, relating to juvenile courts

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 791—An act to amend Section 36510 of the Government Code, relating to city officers

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 823—An act to amend Section 22234 of the Water Code, relating to the powers of irrigation districts

Held at desk by order of the Speaker pro Tempore

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1183—An act to amend Section 70141 7 of the Government Code, relating to salaries of commissioners

Bill read third time, and passed by the following vote·

AYES—Alquist, Ashcraft, Badham, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick Lanterman, Mihas, Moreno, Mulford, Pattee, Petris, Quimby, Ryan, Song Soto, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Winton, and Young—51

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 879—An act to amend Sections 260, 465, and 9400 of, and to add Sections 243 and 362 to, the Vehicle Code, and to amend Section 10753 of the Revenue and Taxation Code, relating to motor vehicle fees

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Foran, Gaffney, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick Lanterman, McMillan, Mihas, Monagan, Moreno, Mulford, Pattee, Quimby, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Williamson, Winton, and Young—55

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 59—An act to add Section 443 to the Welfare and Institutions Code, relating to public assistance

Bill read third time, and passed by the following vote·

AYES—Alquist, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Cologne, Conrad, Danielson, Davis, Deukmejian, Dills, Elliott, Flournoy, Foran, Gaffney, Gonsalves, Greene, Hinckley, Johnson, Kennick, Lanterman, McMillan, Mihas, Mills, Monagan, Moreno, Pattee Petris, Quimby, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Waite, Waldie, Warren, Williamson, Winton, and Young—48

NOES—Ashcraft, Badham, Chapel, and Collier—4

Bill ordered transmitted to the Senate

Assembly Bill No. 1099—An act to amend Section 4741 of, and to add Section 4759 1 to, the Health and Safety Code, relating to sanitation districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran,

Gaffney, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Young, and Z'berg—57

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 109—An act to amend Section 70048 of the Government Code, relating to superior court reporters

Bill read third time, and passed by the following vote:

AYES—Allen, Ashcraft, Badham, Bane, Barnes, Bee, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Davis, Donovan, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Henson, Johnson, Kennick, Lanterman, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Quimby, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Winton, Young, and Z'berg—47

NOES—Danielson, Dannemeyer, Greene, Waldie, and Warren—5

Bill ordered transmitted to the Senate

Assembly Bill No. 807—An act to add Section 148.7 to the Penal Code, relating to false representations made for purpose of serving sentence of another

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, and Z'berg—57

NOES—None

Bill ordered transmitted to the Senate

INTRODUCTION OF GUEST

Speaker pro Tempore Bee introduced Mrs. Mary De la Torre of Los Angeles, the mother of Assemblyman John Moreno, to the Members of the Assembly, who joined in welcoming her on her visit to the Assembly Chamber

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 687—An act to amend Sections 460, 626.1, 4231, 4247, and 4283 of the Agricultural Code, relating to milk

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, and Z'berg—62

NOES—None

Bill ordered transmitted to the Senate.

Consideration of House Resolution No 186

By Mr Bane·

House Resolution No. 186—Postage for members

NOTE The full text of House Resolution No 186 appears at page 1654 of the Assembly Daily Journal for April 2, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Foran Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, and Z'berg—61

NOES—None

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND RULE NO. 59

Mr Crown was granted unanimous consent that Rule No 59 be temporarily suspended for the purpose of setting Senate Bill No 327 for hearing in the Committee on Ways and Means, on Monday, April 8, 1963

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1601—An act to add Section 19705 to the Government Code, relating to political activities of state employees

Bill read third time, and, on request of Mr Meyers, ordered passed on file, and to retain its place on file

Assembly Bill No. 1499—An act to repeal Section 12463 2 of, and Article 3 (commencing with Section 26940) of Chapter 4 of Part 3 of Division 2 of Title 3 of, the Government Code, relating to the annual financial statement of a county

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, and Mr Speaker—64

NOES—None.

Bill ordered transmitted to the Senate

Speaker Presiding

At 10 14 a m , Hon Jesse M Unruh, Speaker of the Assembly, presiding

Assembly Bill No. 48—An act to add Section 5014 to the Public Resources Code, relating to the state park system

Bill *read third time, and* passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad,

Crown Danielson, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, and Mr Speaker—64

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 61—An act to amend Section 1511 of the Welfare and Institutions Code, relating to public assistance grants, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read

The roll was called

Call of the Assembly

Pending the announcement of the vote, Mr Burton moved a call of the Assembly

Motion carried Time, 10 27 a m

The Speaker directed the Sergeant at Arms to close the doors, and to bring in the absent members

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 113

Mr Waldie was granted unanimous consent that Assembly Rule No 113 be temporarily suspended for the purpose of placing a call of the Assembly on any matter before the House

SENATE BILL NO. 29 REMOVED FROM CONSENT CALENDAR

On request of Mr Flournoy, **Senate Bill No. 29** was ordered removed from the Consent Calendar, and, pursuant to Joint Rule 22 2, ordered returned to the second reading file.

CONSIDERATION OF CONSENT CALENDAR

Speaker Unruh announced that the next roll call would be on the first item on the Consent Calendar

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 1431—An act to amend Section 21652 of the Vehicle Code, relating to driving on service roads

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 920—An act to amend Section 5100 of the Business and Professions Code, relating to the practice of accountancy

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 334—An act to amend Section 4080 of the Business and Professions Code, relating to pharmacy

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65

NOES—None

Bill ordered transmitted to the Senate

Assembly Concurrent Resolution No. 52—Relative to commending Y Frank Freeman

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton Stevens, Thelin Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65

NOES—None

Resolution ordered transmitted to the Senate

Assembly Bill No. 1021—An act to add Section 31648 6 to the Government Code, relating to retirement benefits of elective officers

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott Flournoy, Foran, Gaffney, Garrigus, Gonsalves Greene, Henson, Hinckley, Johnson Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton Stevens, Thelin, Thomas Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1162—An act to amend Section 5782.1 of the Public Resources Code, relating to recreation and park districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—65

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1163—An act to amend and renumber Section 5781.10, and to repeal Section 5783.7, as added by Chapter 2181, Statutes 1959, of the Public Resources Code, relating to recreation and park districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—65

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1465—An act to add Section 989 to the Streets and Highways Code, relating to county highways

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—65

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1497—An act to amend Section 2006 of the Streets and Highways Code, relating to county road commissioners

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—65

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1333—An act to amend Sections 226 and 227a of, and to add Sections 226 1, 226 2, 226 3, 226.4, 226 5, 226 6, 226 7, 226 8, and 226 9 to, the Civil Code, relating to adoptions

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1443—An act to amend Section 1144 of the Probate Code, relating to public administrators

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1444—An act to amend Section 1145 of the Probate Code, relating to notice of death of stranger and liability for default.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan Moreno, Mulford, Pattee, Petris Powers, Quimby, Ryan Song, Soto Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1447—An act to amend Section 1152 of the Probate Code, relating to public administrators

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley Johnson Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1501—An act to amend Section 1143 of the Probate Code, relating to public administrators.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—65

NOES—None.

Bill ordered transmitted to the Senate

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 53—An act to amend Section 5201 of the Vehicle Code, relating to license plates

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—65

NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 113—An act to add Section 39561 5 to, and to amend Section 39581 of, the Government Code, relating to weed abatement, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote·

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65

NOES—None

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckler, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65.

NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 295—An act to add Section 7031.5 to the Business and Professions Code, and to amend Section 3800 of the Labor Code, relating to contractors

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Cantrell, Chapel, Collier, Cologne, Conrad, Crown, Dunnelson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Mobas, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—65.
NOES—None

Bill ordered transmitted to the Senate

ASSEMBLY BILL NO. 652 REMOVED FROM INACTIVE FILE

On request of Mr Cologne, **Assembly Bill No. 652** was ordered removed from the inactive file, and returned to third reading.

REQUEST FOR UNANIMOUS CONSENT TO SET ASSEMBLY BILL NO. 652 FOR SPECIAL ORDER

Mr Cologne asked for unanimous consent that Assembly Bill No 652 be made a special order of business for Tuesday, April 9, 1963, at 11 a m

Mr Petris withheld unanimous consent

Motion to Set Assembly Bill No. 652 for Special Order

Mr Cologne moved that Assembly Bill No 652 be made a special order of business for Tuesday, April 9, 1963, at 11 a.m

Mr Collier seconded the motion.

Parliamentary Inquiry

Mr Burton arose to the following parliamentary inquiry: Is a substitute motion in order?

Reply by Speaker

Speaker Unruh replied that a motion to amend the motion to set for special order would be in order.

Motion to Amend

Mr Burton moved that the motion to set Assembly Bill No. 652 for special order be amended to set the date for Wednesday, April 10, 1963

Mr Petris seconded the motion.

Parliamentary Inquiry

Mr Cologne arose to the following parliamentary inquiry. Was there a second to Mr Burton's motion?

Reply by Speaker

Speaker Unruh replied that Mr Petris had seconded the motion.

Parliamentary Inquiry

Mr Waldie arose to the following parliamentary inquiry: Does not the motion to amend require 41 votes, while the motion to set for special order requires 54 votes?

Reply by Speaker

Speaker Unruh replied that the motion to amend requires a majority vote of those present and voting, and the motion to set for special order requires 54 votes to carry

The question being on the motion to amend

Motion lost

The question being on the motion that Assembly Bill No 652 be made a special order of business for Tuesday, April 9, 1963, at 11 a m

Motion carried by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Lanterman, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Versey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—None

CONSIDERATION OF ASSEMBLY BILL NO. 675

Mr Petris was granted unanimous consent to take up Assembly Bill No 675, previously ordered temporarily passed on the second reading file

Assembly Bill No. 675—An act to amend Sections 7651, 7726 and 8351 of the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax Law

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted

Amendment No. 1

In the first line of the title of the printed bill, strike out "7651, 7726", and insert "7403, 7651, 7726, 7727, 8105"

Amendment No. 2

On page 1, line 1, strike out "7651", and insert "7403"

Amendment No. 3

On page 1, between lines 2 and 3, insert

"7403 All export certificates required to be filed with the board under Section 7402 shall be completed and be filed with the board within ~~90 days~~ *three months* after the close of the calendar month in which the fuel is exported Failure to file the certificate within the time required ~~by this section~~ shall not preclude the distributor from filing a claim for refund under Article 2 (commencing at Section 8126), Chapter 7, of this part with respect to the tax paid by the distributor on motor vehicle fuel which has been exported

SEC 2 Section 7651 of said code is amended to read:"

Amendment No. 4

On page 2, line 1, strike out "SEC 2", and insert "SEC 3"

Amendment No. 5

On page 2, between lines 15 and 16, insert

"SEC 4 Section 7727 of said code is amended to read:

7727 The board shall forthwith ascertain as best it may the amount of the distributions and shall determine immediately the license tax on the amount, adding to the license tax a penalty of ~~50~~ *25* percent of the amount of the tax, and shall give the unlicensed distributor notice of this determination as prescribed by Section 7493, provided, however, that where the board shall determine that failure to secure a license was due to reasonable cause, such penalty may be waived. Provisions of Sections 7699 and 7700 shall be applicable with respect to the finality of the determination and the right of the unlicensed distributor to petition for a redetermination

SEC 5 Section 8105 of said code is amended to read:

8105 All applications for refund under Section 8101 based upon exportation of motor vehicle fuel from this State shall be filed with the Controller within three months ~~from the date of exportation~~ *after the close of the calendar month in which the fuel is exported. The Controller for good cause may extend for not more than six months the time for which the claim for refund may be filed on account of the exportation, provided a request therefor is filed with the Controller within or prior to the period for which the extension may be granted* All other applications for refund provided under said section, except where an extension of time has been granted, shall be filed within 13 months from the date of the purchase of the motor vehicle fuel Any application filed after the time prescribed shall not be considered for any purpose by the Controller, the State Treasurer, or the State"

Amendment No. 6

On page 2, line 16, strike out "SEC 3", and insert "SEC 6"

Request for Unanimous Consent

Mr Petris was granted unanimous consent to offer a further amendment before sending the bill to reprint and engrossment.

Motion to Amend

Mr Petris moved the adoption of the following amendment

Amendment No. 1

On page 2, line 4, of the printed bill, strike out "becomes", and insert "become"

Amendment read, and adopted

Bill ordered reprinted, engrossed, removed from the Consent Calendar pursuant to Joint Rule No 22 2, and returned to the second reading file

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 765
And reports the same correctly engrossed.

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1404
And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means.

Committee on Education

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Education reports
Senate Bill No 78
With the recommendation: Do pass

GARRIGUS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Education reports
Assembly Bill No 198
Assembly Bill No. 617
Assembly Bill No 1037
Assembly Bill No 1545
With the recommendation: Do pass

GARRIGUS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Education reports
Assembly Bill No 107
With the recommendation Do pass, and be re-refetred to the Committee on Ways and Means

GARRIGUS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 5, 1963

MR. SPEAKER. Your Committee on Education reports
House Resolution No 94
With the recommendation Be adopted, and be re-referred to the Committee on Ways and Means

GARRIGUS, Chairman

Above resolution re-referred to the Committee on Ways and Means

Committee on Social Welfare

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER: The Chairman of your Committee on Social Welfare reports
Senate Bill No 7
With author's amendments with the recommendation: Amend, and re-refer to the Committee on Social Welfare

BURTON, Chairman

SECOND READING OF SENATE BILL NO. 7 (PURSUANT TO RULE NO. 59.5)

Senate Bill No. 7—An act to add Section 14515 to the Health and Safety Code to amend Section 29607 of the Government Code, and to add Section 4726 to the Welfare and Institutions Code, relating to medical care for indigents

Bill read second time.

Motion to Amend

Mr Burton moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, as amended in the Senate on February 21, 1963, after the first "to", insert "amend Section 3447 of and to".

Amendment No. 2

In line 4 of the title, strike out "medical care for indigents.", and insert "public assistance, and declaring the urgency thereof, to take effect immediately"

Amendment No. 3

On page 1, strike out lines 20 and 21, and insert

"SEC 3 Section 3447 of the Welfare and Institutions Code is amended to read

3447. Aid shall not be ~~denied~~ *received* under the provisions of this chapter ~~to~~ *by* any person who owns, in addition to property authorized by Chapter 6 (commencing with Section 450) of Division 1 of this code, personal or real property, or both, the county-assessed valuation of which, less all encumbrances thereon of record, is in excess of five thousand dollars ($5,000) Aid shall not be denied under the provisions of this chapter to any blind person with a plan for achieving self-support on the ground that he owns personal property in addition to that authorized in Chapter 6 (commencing with Section 450) of Division 1 of this code, provided, that such additional property is necessary to implement his plan for achieving self-support; and provided that the county-assessed valuation of such additional personal property does not exceed five thousand dollars ($5,000)

The term "personal property," insofar as applicants or recipients of aid under this chapter are concerned, shall not include a policy or policies of life insurance on the life of the applicant or recipient which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars ($1,000)

No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient

Funds for readers, or an educational scholarship, or both, which have been awarded by a high school, college, or university to any recipient of aid under this chapter while he is regularly attending any public

school in this State, the University of California, or any other institution of higher learning in this State, shall not be deemed property, income, or resource of the recipient for any purpose and no deduction therefor shall be made from the recipient's amount of aid

SEC 4 Section 4726 is added to said code, to read."

Amendment No. 4

On page 1, after line 28, insert

"SEC 5 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are

Section 3447 of the Welfare and Institutions Code was amended by the Legislature at the current session to revise the property qualifications for recipients of aid to the potentially self-supporting blind, and the measure which effected the change (A B 58) contained an urgency clause By inadvertence a change was included in the section that could lead to an interpretation entirely inconsistent with the Legislature's intention This act will correct the language and clarify the legislative intent, and in order that it may operate to prevent any confusion in the administration of the section, it is essential that this act take effect immediately."

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Social Welfare

REPORTS OF STANDING COMMITTEES

Committee on Civil Service and State Personnel

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER The Chairman of your Committee on Civil Service and State Personnel reports

Assembly Bill No 1008

With author's amendments with the recommendation Amend, and re-refer to the Committee on Civil Service and State Personnel

MEYERS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1008 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1008—An act to amend Section 22754 of, and to add Article 7 (commencing with Section 22850) to Chapter 1 of Part 5 of Division 5 of the Government Code, relating to coverage under the Meyers-Geddes State Employees' Medical and Hospital Care Act, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Mr Meyers moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 20, 1963, strike out "Section 22754 of," and insert "Sections 22754, 22810, 22814, 22816, 22825 and 22840 of, to add Sections 22831, 22832, and 22842,"

Amendment No. 2

In line 5 of the title, after the first comma, insert "making an appropriation therefor,".

Amendment No. 3

On page 1, strike out lines 14 through 16, and insert "any officer or employee who is a member of the State Employees' Retirement System pursuant to a contract, of a contracting agency, except persons employed on an intermittent,".

Amendment No. 4

On page 2, line 38, strike out "public", and insert "contracting"

Amendment No. 5

On page 2, line 48, strike out the period, and insert ", other than a school district or a county superintendent of schools"

(1) "Employer" means the State and any contracting agency employing an employee

Amendment No 6

On page 2, between lines 48 and 49, insert

"SEC 2 Section 22810 of said code is amended to read

22810 An employee or annuitant may, in the manner and under such eligibility rules as the board may by regulation prescribe, enroll in an approved health benefits plan, either as an individual or for self and family, *except that an employee of a contracting agency, or an annuitant who retired while such an employee or is the beneficiary of such an employee, may enroll only in a health benefits plan for which the board has contracted* The regulations may provide for the exclusion of employees on the basis of the nature and type of their employment or conditions pertaining thereto, such as, but not limited to, short term appointments, seasonal or intermittent employment, and employment of a like nature, but no employee or group of employees shall be excluded solely on the basis of the hazardous nature of the employment Any such enrollment shall authorize the deduction of the contributions required under this part from the employee's or annuitant's salary or retirement allowance

Any annuitant who, at the time he became an annuitant, was enrolled in a health benefits plan, may continue his enrollment as provided by regulations of the board, without discrimination as to premium rates or benefit coverage

The board shall by rule and regulation, make such provision as it deems necessary to eliminate or minimize the impact of adverse selection which would affect any plans approved or contracted for, because of enrollment of annuitants who acquired that status prior to ~~the effective date of this part~~ *January 1, 1962, or, with respect to annuitants of a contracting agency, the date on which participation begins*

~~Enrollments in a health benefits plan under this part may not be effective prior to January 1, 1962 If any employee or annuitant is participating in an approved plan immediately prior to his enrollment under this part, and if he chooses to enroll in the same plan, his enrollment for purposes of the State's contribution shall not interrupt continuous coverage under the plan~~

SEC 3 Section 22814 of said code is amended to read

22814 An employee enrolled in a health benefits plan who is removed or suspended without pay and later reinstated or restored to duty on the ground that such removal or suspension was unjustified, unwarranted or illegal shall not be deprived of coverage or benefits for the interim, but any contributions otherwise payable by the ~~State~~ *employer* which were actually paid by him shall be restored to the same extend and effect as though such removal or suspension had not

taken place, and any other equitable adjustments necessary and proper under the circumstances shall be made in premiums, subscription charges, contributions and claims.

SEC. 4. Section 22816 of said code is amended to read:

22816. An employee enrolled in a health benefits plan under this part who is granted a leave of absence without pay under the State Civil Service Act and the rules of the State Personnel Board, or other comparable leave, shall be entitled to have his coverage and the coverage of any family members continued for the duration of the leave of absence upon his application, but only upon assuming payment of the contributions otherwise required of the ~~State~~ *employer* on account of his enrollment.

SEC. 5. Section 22825 of said code is amended to read:

22825. The ~~State of California~~ *employer* and each employee or annuitant shall contribute a portion of the cost of providing for each employee and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

The ~~State's~~ *employer's* contribution shall be the amount necessary to pay the cost of a basic health benefits plan, or five dollars ($5) per month for each employee or annuitant, whichever is the lesser. The ~~State's~~ *employer's* contribution to the basic health benefits plan to each employee shall commence on the first day of the calendar month next following the completion of six months of employment by the ~~State or the University of California,~~ *employer;* provided the employment has not been interrupted by a break of more than one month, except that absence for military service shall not be considered a break.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him under the plan less the portion thereof to be contributed by the ~~State~~ *employer*.

SEC. 6. Section 22831 is added to said code, to read:

22831. Each contracting agency shall contribute to the State Employees' Contingency Reserve Fund, an amount sufficient to bear all the administrative costs incurred by the board in providing to the employees and annuitants of such agency the health benefits provided by this part. The amount of the contributions required by this section shall be determined by the board, and may include an appropriate share of overhead costs of the program. Such contracting agency shall in addition contribute to said fund for each of its employees and annuitants the same amount as is required of the State under subdivision (2) of Section 22826.

SEC. 7. Section 22832 is added to said code, to read:

22832. The contributions required of a contracting agency, along with contributions withheld from salaries of its employees, shall be forwarded monthly, no later than the 10th day of the month for which the contribution is due, and shall be deposited in the State Employees' Contingency Reserve Fund.

SEC. 8. Section 22840 of said code is amended to read:

22840 For all plans which the ~~State~~ *board* has approved or entered into a contract, there shall be maintained in the State Treasury a State Employees' Contingency Reserve Fund to which shall be credited, from time to time as determined by the board, amounts determined by the board and contributed under Section 22826 to provide an adequate contingency reserve. The income derived from any dividends, rate adjustments, or other refunds by a plan shall be credited to the fund

The board may invest funds in the State Employees' Contingency Reserve Fund in accordance with the provisions of law governing its investment of the Retirement Fund.

The State Employees' Contingency Reserve Fund may be utilized to defray increases in future rates, to reduce the contributions of employees and annuitants and the ~~State~~ *employers*, or to increase the benefits provided by any plan to the extent that amounts in the account are derived from that plan, as determined from time to time by the board Said fund is appropriated for such purposes to the extent of all amounts credited to it other than the ~~State's~~ *employers'* contribution for administrative expenses, and for administrative expense to the extent of the ~~State's~~ *employers'* contribution for such purpose

~~The total amount to be credited to the State Employees' Contingency Reserve Fund for all purposes other than administrative expense for any one fiscal year shall not exceed 3 percent of the total of all contributions of the State and employees and annuitants during any fiscal year.~~

The total credited to the State Employees' Contingency Reserve Fund at any time, for all purposes other than administrative expense, shall be limited, in the manner and to the extent the board may find to be most practical, to a maximum of 10 percent of the total of the contributions of the ~~State~~ *employers* and employees and annuitants in any fiscal year. The board may undertake such action as will insure that the maximum amount prescribed for the fund is approximately maintained.

SEC 9 Section 22842 is added to said code, to read:

22842 Contributions of employees and annuitants of contracting agencies, and contributions of such employer not credited to the State Employees' Contingency Reserve Fund for purposes specified in Section 22826, shall be utilized for payment of premiums and other charges required to be paid to carriers, and said fund is continuingly appropriated for such purpose to the extent of such contributions Such amounts shall be suitably identified and remitted monthly to the carriers by warrant of the State Controller upon claims filed by the board."

Amendment No. 7

On page 2, line 49, strike out "SEC 2", and insert "SEC 10".

Amendment No. 8

On page 3, strike out lines 5 through 48, and insert

"22850 A contracting agency and its employees and annuitants shall be subject to this part upon the filing with the board of a resolution of its governing body electing to be so subject The resolution shall be adopted by a majority vote and shall be filed on or before July 1 of any year to be effective on the beginning date of the next contract term.

22851 A contracting agency subject to this part shall perform such function in enrollment of its employees and submit such necessary reports as may be required by the board

22852 Notwithstanding any other provision of this part to the contrary, an employee or annuitant of a contracting agency shall not be entitled in a health benefits plan under this part at any time while he is covered under any plan or program offering prepaid hospital and medical care maintained by the contracting agency or to which such agency makes any contribution on behalf of its employees or annuitants

22853 A contracting agency which has elected to be subject to this part may elect to cease to be so subject by resolution adopted by a majority vote of its governing body and filed with the board on or before August 1 of any year, to be effective at the end of the current contract term Coverage of its employees and annuitants shall terminate on that date

22854 The board may by resolution terminate the participation of a contracting agency if it fails for three months after demand by the board to perform any act required by this part or board rules

SEC 11 There is hereby appropriated from the Contingency Reserve Fund twenty thousand dollars ($20,000) or as much thereof as may be necessary for costs of administration during the fiscal year 1963-64 The amount expended pursuant to this appropriation shall be repaid to the Contingency Reserve Fund by the agencies which contract for coverage pursuant to the provisions of this act during the first two years of such contract"

Amendment No. 9

On page 3, line 49, strike out "SEC 3", and insert "SEC 12".

Amendment No. 10

On page 3, line 50, strike out "SEC 4", and insert "SEC 13"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Civil Service and State Personnel

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Education reports

Senate Bill No 726

With the recommendation That the bill be re-referred to the Committee on Agriculture

GARRIGUS, Chairman

Above bill re-referred to the Committee on Agriculture

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 1121

With the recommendation That the bill be re-referred to the Committee on Finance and Insurance

GARRIGUS, Chairman

Above bill re-referred to the Committee on Finance and Insurance

Committee on Government Organization

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Government Organization reports

Assembly Bill No 729
Assembly Bill No 839
Assembly Bill No 1479

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

MARKS, Chairman

Above bills ordered to second reading.

Committee on Social Welfare

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Social Welfare reports

Assembly Bill No 23

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

BURTON, Chairman

Above bill ordered to second reading.

Committee on Government Organization

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Government Organization reports

Assembly Bill No 1193

With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

MARKS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Government Organization reports

House Resolution No 156

With the recommendation Be adopted

MARKS, Chairman

Above resolution ordered on file.

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Government Organization reports

Assembly Bill No 732
Assembly Bill No 1200

With amendments with the recommendation Amend, and re-refer to the Committee on Government Organization

MARKS, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Government Organization reports

Assembly Bill No 397

With amendments with the recommendation Be amended, and that the bill, as amended, be returned to the committee, and the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study.

MARKS, Chairman

Above bill ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 54
Assembly Bill No 995

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1139
Assembly Bill No 1442
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 674	Assembly Bill No 1119
Assembly Bill No 936	Assembly Bill No 1452
Assembly Bill No 1118	Assembly Bill No 1459

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 499	Assembly Bill No 1288
Assembly Bill No. 949	Assembly Bill No 1312
Assembly Bill No 1266	Assembly Bill No 1502
Assembly Bill No 1267	

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No 1117
And reports the same correctly engrossed

POWERS, Chairman

Above bill ordered to the Consent Calendar

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time.

Assembly Bill No. 2270: By Messrs Mihas, Burgener, and Alquist—An act to amend Sections 18674, 18736, 18737, 18738 5, and 18745 of the Business and Professions Code, relating to boxing

Held at desk by order of the Speaker.

Assembly Bill No. 2271: By Mr Z'berg—An act to amend Section 954 of the Penal Code, relating to consolidation of criminal proceedings.

Held at desk by order of the Speaker.

Assembly Bill No. 2272: By Mr Asheraft—An act to validate the organization and acts of community services districts and municipal water districts, declaring the urgency thereof, to take effect immediately.

Held at desk by order of the Speaker

REQUEST TO CONSIDER AND ACT ON BILL WITHIN 30 CALENDAR DAYS

The following request to consider and act on a bill within 30 calendar days after its introduction, filed with the Chief Clerk pursuant to the provisions of Joint Rule No 10 8, was received, and read

Request to Consider and Act on Bill Within 30 Calendar Days

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Pursuant to Joint Rule No 10 8, I request permission to introduce a resolution providing that the following bill may be heard in committee, and acted upon by the Assembly before 30 calendar days have elapsed

Assembly Bill No. 2272—An act to validate the organization and acts of community services districts and municipal water districts, declaring the urgency thereof, to take effect immediately

HALE ASHCRAFT

Above request ordered transmitted to the Committee on Rules

INTRODUCTION OF GUEST

Mr Donovan introduced his wife, Mrs Peggy Donovan, to the Members of the Assembly, who joined in welcoming her on her visit to the Assembly Chamber.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 2273: By Mr Ashcraft—An act to add Article 15 5 (commencing with Section 73930) to Chapter 10 of Title 8 of the Government Code, relating to municipal courts

Held at desk by order of the Speaker.

Assembly Bill No. 2274: By Mr Bane—An act to add Article 17 (commencing with Section 31880) to Chapter 3, Part 3, Division 4, Title 3 of the Government Code, relating to the County Employees Retirement Law of 1937.

Held at desk by order of the Speaker.

Assembly Bill No. 2275: By Mr Ryan—An act to amend Sections 34050 and 34323 of the Government Code, relating to elections in cities.

Held at desk by order of the Speaker

Assembly Bill No. 2276: By Mr Ryan—An act to add Chapter 2 1 (commencing with Section 10112) to Division 12 of the Streets and Highways Code, relating to reclamation

Held at desk by order of the Speaker

Assembly Bill No. 2277: By Mr Quimby—An act to add Section 37 to the Municipal Water District Act of 1911 (Chapter 671 of the statutes of 1911), relating to municipal water districts.

Held at desk by order of the Speaker.

Assembly Bill No. 2278: By Mr Foran—An act to repeal Section 690 11 of, and to add Section 690.11 to, the Code of Civil Procedure, relating to exemptions from attachments and execution.

Held at desk by order of the Speaker.

Assembly Bill No. 2279: By Mr Quimby—An act to add Section 6389 to the Revenue and Taxation Code, relating to sales tax exemptions

Held at desk by order of the Speaker

Assembly Bill No. 2280: By Mr Z'berg—An act to amend Sections 12001, 13490, 15003, 15701, 68500 5, 68841, 68891, 69140, and 10204, to repeal Section 12051 and Article 1 (commencing with Section 11550) of Chapter 6, Part 1, Division 3, Title 2, and to add Article 1 (commencing with Section 11550) to Chapter 6, Part 1, Division 3, Title 2, of the Government Code, to amend Sections 7011, 8005, and 19428 of the Business and Professions Code, Section 27003 of the Education Code, Sections 1156, 1705, and 3800 of the Harbors and Navigation Code, Section 21203 of the Public Utilities Code, Section 303 of the Unemployment Insurance Code, and Section 101 of the Welfare and Institutions Code, and to repeal Sections 70 5 and 80 of the Labor Code, relating to compensation for state officers

Held at desk by order of the Speaker

Assembly Bill No. 2281: By Mr Pattee—An act to add Sections 1108 5, 1108 6, 1108 7, 1108 8, 1108 9, 1109, 1109 1, 1109 2, and 1109 3 to the Agricultural Code, relating to egg containers

Held at desk by order of the Speaker.

Assembly Bill No. 2282: By Mr. Thomas—An act to add Section 27421 to the Government Code, relating to the duties of county assessors.

Held at desk by order of the Speaker

Speaker pro Tempore Presiding

At 10 46 a m , Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding

Assembly Bill No. 2283: By Messrs Waite, Moreno, Bane, Crown, Dills, Donovan, Elliott, Foran, Gonsalves, Johnson, McMillan, Monagan, Waldie, and Young—An act to add Sections 3949 and 5139 to the Public Utilities Code, relating to safety operations of city and household goods carriers

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2284: By Messrs Carrell, Moreno, Bane, Crown, Dills, Donovan, Elliott, Foran, Gonsalves, Johnson, McMillan, Monagan, and Young—An act to amend Section 3546 of the Public Utilities Code, relating to safety operations of highway permit carriers.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2285: By Mr Henson—An act to amend Section 836 of the Penal Code, relating to arrest.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2286: By Messrs Veysey, Hinckley, Ryan, Lanterman, Ashcraft, Barnes, and Flournoy—An act to amend Sections 13851, 13852 and 13853 of the Education Code, relating to the retirement board of the State Teachers' Retirement System, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2287: By Messrs Meyers, Crown, Soto, Belotti, Allen, Booth, Britschgi, Burton, Mrs. Davis, Messrs. Dills, Elliott, Foran, Gaffney, Marks, McMillan, Rumford, Ryan, Thomas, and Zenovich—An act to add Chapter 4.2 (commencing with Section 1970) to Part 7 of Division 2 of the Labor Code, relating to contracts of state and all other public agencies.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2288: By Mr Warren—An act to add Division 12 (commencing with Section 30000) to the Financial Code, relating to general credit provisions

Held at desk by order of the Speaker pro Tempore.

Assembly Concurrent Resolution No. 60: By Messrs. Moreno, Soto, Allen, Pattee, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Mrs Davis, Messrs Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mobas, Mills, Monagan, Mulford, Petris, Powers, Quimby, Ryan, Song. Stanton, Stevens, Thelin, Thomas, Unruh, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich (Senators Arnold, Backstrand, Begovich, Bradley, Burns, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Geddes, Gibson, Grunsky, Holmdahl, Lagomarsino, McAteer, McCarthy, Miller, Murdy, Nisbet, O'Sullivan, Petersen, Pittman, Quick, Rattigan, Rees, Regan, Rodda, Schrade, Sedgwick, Short, Stiern, Sturgeon, Symons, Teale, Way, Weingand, and Williams, coauthors)—Relative to Father Jumpero Serra.

Referred by the Speaker pro Tempore to Committee on Rules.

Assembly Concurrent Resolution No. 61: By Mr. Deukmejian—Relative to the designation and appointment of Lyra LuVaile as Poet Laureate of California

Referred by the Speaker pro Tempore to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Mr Cologne

House Resolution No. 197

Relative to the death of Joe W Rice

WHEREAS, Joe W. Rice served the County of Riverside for the past ten and one-half years as its Sheriff, and

WHEREAS, The County of Riverside was blessed with one of the best law enforcement agencies in the State of California during the term of his service, a record attributable directly to the hard work, endless perseverance and matchless devotion to duty of this great peace officer, and

WHEREAS, He consistently maintained a position of public favor, rolling up impressive victories at the polls each election time and in his last election garnered 52,000 votes as against 21,000 for all of his four opponents, and

WHEREAS, Joe W Rice distinguished himself as a champion against Communism and spent many hours of his time lecturing throughout the county in a sincere effort to create an awareness of this threat, and

WHEREAS, Joe W Rice was an F B I agent excelling in marksmanship, a lawyer, and a civic patron; and

WHEREAS, Joe W Rice had an outstanding record working with young people and especially with the Boy Scouts and gave untold hours of time helping boys of all ages to meet the problems of our day and to avoid the entanglements of the law which he was dedicated to enforce, and

WHEREAS, Joe W Rice was, by his own words "no politician" but was a man who was given to service of the public to a greater degree and could count more friends than any politician in his position; and

WHEREAS, On March 31, 1963, Joe W Rice died leaving a widow, Louise, and a hundred thousand friends who will miss the warm spirit of this truly great man, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly wish by this resolution to express their great sorrow at the passing of one of the State's outstanding law enforcement officers and to extend their sincere sympathy to his wife, Louise Rice, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Louise Rice

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Messrs Gaffney, Foran, Mills, Bane, Belotti, Britschgi, Burton, Crown, Elliott, Kennick, Meyers, Thomas, and Waldie

House Resolution No. 198

Relative to congratulating the Port of San Francisco on the observance of its centennial year

WHEREAS, The Port of San Francisco is one of the world's foremost maritime centers, serving as the gateway for all of the Pacific, giving California world stature as a maritime state, and

WHEREAS, The Port of San Francisco marks its origin with the signing of the Oulton Bill by Governor Leland Stanford on April 24, 1863, which established a board of state harbor commissioners to administer San Francisco's harbor, and

WHERLAS, The Harbor Commissioners in those early years faced seemingly unsurmountable obstacles to the development of facilities to accommodate the needs of the expanding agriculture and commerce of California and neighboring states, and

WHEREAS, San Francisco and all California can be justly proud of the efforts of members of the San Francisco Port Authority to keep pace with the technological improvements in cargo handling, pier and terminal construction, and transportation by adoption of a master plan for development and expansion of all facilities including the new "superterminal" in the Islais Creek area, scheduled for operation in 1964, the World Trade Center, the West Coast's only major mart devoted exclusively to import-export commerce; and the Mission Rock Terminal, the largest overwater pier on the Pacific Coast, and

WHEREAS, The development of the harbor by the Port Authority and its predecessor, the Harbor Commission, has been financed entirely from port income and by self-liquidating bonds without the use of any state, municipal or other tax resources, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly congratulate and commend the San Francisco Port Authority on the observance of the port's centennial year under state administration, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the San Francisco Port Authority and to Mr Cyril Magnin, President of the San Francisco Port Authority and each of the members, H A Taghaferri, D D S, Claude Jinkerson, J Warnock Walsh and James J Rudden

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 2164

Mr Bane was granted unanimous consent that Assembly Bill No 2164 be withdrawn from the Committee on Ways and Means, and re-referred to the Committee on Education

CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 61

At 10 52 a m , on motion of Mr Burton, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called, and the urgency clause to Assembly Bill No 61 was adopted by the following vote·

AYES—Allen, Alquist, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Conrad, Crown, Danielson, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, and Zenovich—63

NOES—Ashcraft, Badham, Chapel, Collier, Cologne, Dannemeyer, and Milias—7

The question being on the passage of Assembly Bill No 61.

Bill passed by the following vote

AYES—Allen, Alquist, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Conrad, Crown, Danielson, Davis, Deukmejian, Dills, Donovan, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Williamson, Winton, Young, Z'berg, and Zenovich—63

NOES—Ashcraft, Badham, Chapel, Collier, Cologne, Dannemeyer, and Milias—7

Bill ordered transmitted to the Senate

RESOLUTIONS

The following resolution was offered

By Messrs Burton, Crown, Unruh, and Bane

House Resolution No. 199

Commending Adolph P Schuman

WHEREAS, Adolph P Schuman is the founder and president of the Lilli Ann Corporation of San Francisco, one of the nation's leading manufacturers of women's apparel , and

WHEREAS, As past president of the San Francisco Manufacturers and Wholesalers Association, he has received national recognition for advanced marketing and sales *programs in the industry* , and

WHEREAS, Mr Schuman was awarded the decoration of the French Legion of Honor shortly after World War II for his single-handed efforts in rehabilitating the French textile industry, and is also a holder of the Italian Star of Solidarity, and

WHEREAS, In 1959, Mr Schuman was appointed by Governor Edmund G Brown as a Member of the San Francisco World Trade Center Authority, which is the state agency responsible for the promotion of domestic and international trade for California, and

WHEREAS, As chairman and representative of the Authority, Mr Schuman was presented the "Diploma of Prestige of France" by the French National Committee of Prestige and Propaganda, and

WHEREAS, In 1962, Secretary of Commerce Hodges appointed Mr Schuman as Chairman of the San Francisco Regional Export Expansion Council, and

WHEREAS, In 1963, Mr. Schuman was reappointed by Governor Brown to another four-year term as a member of the World Trade Center Authority, and was again elected chairman of the state agency, now, therefore, be it

Resolved by the Assembly of the State of California, That the members take this opportunity to commend Adolph P Schuman on his outstanding record of public service and express the appreciation of the people of the State of California, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mr Schuman

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

Speaker pro Tempore Bee announced that the Assembly will work Monday through Thursday of next week, and will be adjourned on Good Friday, April 12, 1963

COMMUNICATIONS FROM CHIEF CLERK

The following communications from the Chief Clerk were received

Hon Jesse M Unruh
Speaker of the Assembly

DEAR MR SPEAKER Amendment No 5 to Assembly Bill No 1374, on page 7, line 49 failed to strike out the colon after the word "follows", which would cause two colons to appear in succession in the bill We have, with your permission, deleted the superfluous colon

ARTHUR A OHNIMUS, Chief Clerk

April 5, 1963

Hon Jesse M Unruh
Speaker of the Assembly

DEAR MR SPEAKER In Amendment No 1 to Assembly Bill No 1334 the period after "session" should be deleted to make the amendment fit the bill Otherwise two periods will appear in succession

ARTHUR A OHNIMUS, Chief Clerk

EXPLANATION OF ABSENCE

April 5, 1963

The reason for missing some roll calls this morning is because I was attending a legislative meeting

CHARLES W MEYERS

ADJOURNMENT

At 10 58 a m, on motion of Mr Waldie, the Speaker pro Tempore declared the Assembly adjourned until 11 a m. Monday, April 8, 1963

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FIFTY-FIFTH LEGISLATIVE DAY

SIXTY-SIXTH CALENDAR DAY
(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Monday, April 8, 1963

The Assembly met at 11 a m
Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk
Assistant Clerk Timothy Lenuechi reading

ROLL CALL

The roll was called, and the following answered to their names

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brtschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vetsey, Waite, Waldie, Warren, Whetmore, Williamson, Wilson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79.

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev. Robert R Ferguson

Everlasting and Gracious God, As we enter this "Holy Week," keep us aware of its historical significance, and also its contemporary implications Only by the highest of our deeds and actions are days holy May we be inspired by Him who lived in another section of the world, under different circumstances, and yet spoke to mankind of love, self-sacrifice, justice, mercy, and peace Give us grace to be worthy of Him and his march through the centuries, who came not to storm and break down lives, but to elevate them
In His holy name we pray —AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr. Stevens then led the Assembly in the pledge of allegiance to the Flag

REQUEST FOR UNANIMOUS CONSENT

Speaker pro Tempore Bee was granted unanimous consent that a photographer be permitted to take pictures at the Assembly rostrum of Miss Linda Unruh, the daughter of Speaker Unruh; and Miss Lori Bee, the daughter of the Speaker pro Tempore

WELCOME EXTENDED

Speaker pro Tempore Bee welcomed the families of the Members of the Assembly, and especially, the Pages, who were present at this day's session.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Danielson, seconded by Mr Greene

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness.

Mr. Cusanovich, on motion of Mr Conrad

INTRODUCTION OF GUESTS

Speaker pro Tempore Bee introduced Mrs Mary Thomas, the wife of Assemblyman Vincent Thomas, and Mr and Mrs Loker; and Miss Debbie Loker of San Pedro to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

Speaker pro Tempore Bee introduced Mrs Margaret Johnson, the wife of Assemblyman Harvey Johnson, and their grandsons, Ricky and Mike Johnson, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

COMMUNICATIONS

The following communications were presented by the Chief Clerk from

Chas Onthank, President, Transport Supply Co, of Portland, Oregon, relative to legislation Referred by the Speaker pro Tempore to the Committee on Transportation and Commerce.

Howard S Green of Alhambra, relative to Assembly Joint Resolution No 16 Referred by the Speaker pro Tempore to the Committee on Rules

D Vinovich of West Covina, relative to smog control legislation Referred by the Speaker pro Tempore to the Committee on Public Health

Mrs M J Humphrey of Covina, relative to smog control legislation Referred by the Speaker pro Tempore to the Committee on Public Health.

The following communication was presented by the Chief Clerk, and ordered printed in the Journal.

HEADQUARTERS, DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF SUPPORT SERVICES
WASHINGTON, April 1, 1963

In Reply Refer to SPTS-MA

Hon Arthur A Ohnimus
Chief Clerk of the Assembly
California Legislature
State Capitol, Sacramento

DEAR MR CHAIRMAN The letter which you addressed to the President on March 11, 1963, has been forwarded to this Office for further reply concerning Assembly Joint Resolution No 3, adopted by the Legislature of the State of California for the establishment of a national cemetery on United States government-owned property at former Camp Elliott Naval Reservation, or at another suitable location

While it is true that available space at Fort Rosecrans National Cemetery is rapidly being used, there are many areas in the country, including all of New England, the States of Michigan and Ohio, and vast areas of the West, in which there are no national cemeteries An overall administration policy has been adopted which precludes the use of government-owned land at Camp Elliott or at any other location for the establishment of a national cemetery

For many years the Secretary of the Army, to whom responsibility for the national cemetery system is assigned, took the position that decisions on whether or not new national cemeteries should be established were matters of public policy for the Congress to decide While numerous bills were introduced in every session of Congress after World War II providing for new cemeteries at specific locations, virtually none was enacted into law.

Finally, a review of the entire national cemetery program was conducted within the executive branch of government in the fall of 1961 As a result of this study it was determined that any expansion of the national cemetery system, with the exception of Arlington, would not be in accord with the program of the President. A brief resume summarizing the facts that led to this decision is enclosed

Sincerely yours,

JAMES C MACFARLAND
Colonel, QMC
Chief, Memorial Division

Resumé

Future of the National Cemetery System

OFFICE OF SUPPORT SERVICES
DEPARTMENT OF THE ARMY, April 1, 1963

In response to a request from the Chairman of the Committee on Interior and Insular Affairs, House of Representatives, a thorough review of the national cemetery program was conducted in the fall of 1961

In brief, the study pointed out that national cemeteries came into being during the Civil War to provide for the burial of soldiers who had died in the service Subsequently, eligibility for interment has been widened until now fewer than 10 percent of those buried are persons who died on active duty in the Armed Forces and their families More than 90 percent of those interred are veterans and their dependents Over 40,000,000 persons, about one-fourth of our total population, are eligible for burial in national cemeteries

The study also showed that the privilege of burial in a national cemetery is effectively available to only a small part of those who are legally entitled to interment In general, about 83 percent of the persons interred had lived within a 50-mile radius of the cemeteries The close relationship between proximity and the use made of national cemeteries also is shown by the fact that 87 percent of all burials occur in nine installations located close to large metropolitan areas.

While some relief from these circumstances would result from a planned general expansion of the cemetery system or from piecemeal extension of existing facilities, these approaches to the problem would be inherently discriminatory against the large number of veterans living in areas not conveniently accessible to national cemeteries; and the enormous cost of furnishing burial facilities for even a fraction of the more than 40,000,000 presently eligible individuals would be prohibitive

Interested committees of Congress, heads of government agencies and national commanders of veterans' organizations were informed in letters dated February 12, 1962, that, for the reasons summarized above, any expansion of the national cemetery system, with the exception of Arlington, would not be in accord with the program of the President

The following communication, identical copies of which were submitted by Congressman H Allen Smith and Congressman Bob Wilson, was ordered printed in the Journal

POST OFFICE DEPARTMENT
SPECIAL ASSISTANT TO THE POSTMASTER GENERAL
WASHINGTON, D C, April 1, 1963

Hon. H. Allen Smith
House of Representatives
Washington, D C.

DEAR CONGRESSMAN: We are sorry to advise that it proved impossible to include a Tournament of the Roses Parade commemorative stamp, in which you had previously expressed interest, in our limited stamp program

As a result of an unusually large number of outstanding subjects suggested for commemorative stamps for 1963 and early 1964, the task of choosing recommendations by the Citizens' Stamp Advisory Committee, and deciding on stamps on our part, has been especially difficult

Too, as I am sure you can appreciate, we must give very serious consideration to the precedent that would be created by a particular issue Were we to issue a stamp for the Tournament of Roses Parade, it would be very difficult to turn down requests for other annual events, such as the Mardi Gras, the Mummers Parade, etc

We very much appreciate your interest in our philatelic program and are sorry our reply cannot be more favorable. I can assure you that the proposal was given full and detailed consideration by our advisory committee and the department

Sincerely yours,

JAMES F KELLEHER
Special Assistant to the
Postmaster General

The following letter of transmittal was presented by the Chief Clerk, and ordered printed in the Journal

Letter of Transmittal
Report of Los Angeles City Committee on Governmental Efficiency Relative to the City Housing Authority

CITY OF LOS ANGELES
April 4, 1963

California State Legislature
State Capitol, Sacramento

GENTLEMEN

I HEREBY CERTIFY that the attached report of the Governmental Efficiency Committee in connection with an investigation into certain matters pertaining to the Housing Authority of the City of Los Angeles, was adopted by the Council of the City of Los Angeles at its meeting held on April 4, 1963

Also enclosed are transcripts of the meetings held on March 21, 1963, and March 25, 1963, relative thereto

Respectfully yours,

WALTER C. PETERSON, City Clerk
By CHARLES J. POST, Deputy

Above transmitted report referred by the Speaker pro Tempore to the Committee on Judiciary

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time

Assembly Bill No. 2289: By Mr Thomas—An act to amend Section 591 of the Streets and Highways Code, relating to highway routes

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2290: By Mr Flournoy—An act to amend Sections 18061, 18070, 18073, and 18162 of the Streets and Highways Code, relating to municipal street lighting districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2291: By Messrs Knox and Mills—An act to add Article 2 5 (commencing with Section 12530) to Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code, relating to health care plans

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolutions were offered

By Messrs Rumford and Mulford

House Resolution No. 200

Relative to commending Claude B Hutchison on his many years of public service

WHEREAS, The Members of the Assembly have recently learned that Claude B Hutchison will soon retire after two terms as Mayor of Berkeley, and

WHEREAS, An able administrator and imaginative advisor, Claude B Hutchison is also a man of letters, with degrees from the University of Missouri, the University of Sofia, Bulgaria, and the University of California, a brilliant scholar, and a talented teacher, and

WHEREAS, Prior to his becoming Mayor of Berkeley in 1955, he had already become world famous in educational, economic and agricultural circles, and had been retired as Dean of the University of California's College of Agriculture and Vice President of the University, and

WHEREAS, Also before becoming Mayor of Berkeley, he had served on the California State Board of Agriculture, on the Board of Governors of the Commonwealth Club, as Chairman of the California State Soil Conservation Commission, and as President of the Association of Land-Grant Colleges and Universities, and had been a member of numerous civic and professional organizations, and

WHEREAS, Claude B Hutchison has performed outstandingly not only for the City of Berkeley but for all the Bay area through the Association of Bay Area Governments, the East Bay Waterfront Planning Committee, and the Alameda County Mayors' Conference; now, therefore, be it

Resolved by the Assembly of the State of California, That its members commend Claude B Hutchison, on his retirement as Mayor of the City of Berkeley, for his many years of diligent, devoted and significant public service, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Claude B Hutchison

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Messrs Mulford and Rumford:

House Resolution No. 201

Relative to commending Mrs Lee Breckinridge Thomas on her years of devoted public service

WHEREAS, Members of the Assembly have recently learned that Mrs Lee Breckinridge Thomas will soon be retiring as a member of the Berkeley City Council after 13 years of effective and devoted public service, and

WHEREAS, Mrs Thomas has served with distinction on many committees of the city council, including, among others, the important Legislative Committee, the Joint Architectural Committee, and various committees engaged in the study of problems of mutual concern to the University of California and the City of Berkeley, and

WHEREAS, Mrs Thomas has been active in the California Prison Association, and is a past vice president of that organization, and has served as a member of the Executive Committee of the Berkeley Community Chest, as a member of the Republican State Central Committee, as a member of the Pension Board of the City of Berkeley, as a member of the Alameda County Grand Jury, and as a member of many women's organizations devoted to the service of the community and Nation, now, therefore, be it

Resolved by the Assembly of the State of California, That its members commend Mrs Lee Breckinridge Thomas on her many years of devoted public service,

and hope that in the years ahead her talents and experience will continue to be available for the benefit of her fellow citizens, and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a suitably prepared copy of this resolution to Mrs Lee Breckinridge Thomas

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced:

Assembly Bill No. 2292: By Mr. Willson—An act to amend Section 1215 of the Civil Code, relating to recordation of real property

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2293: By Mr Willson—An act to amend Section 70 of, and to add Section 70 2 to, the Civil Code and to add Section 26860 to the Government Code, relating to marriages.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2294: By Mr Johnson—An act to add Section 584 2 to the Probate Code, relating to executors and administrators.

Held at desk by order of the Speaker pro Tempore.

INTRODUCTION OF GUESTS

Mr Badham introduced his daughter, Sherri, and a group of her fellow members of the Campfire Girls from the John Cabrillo School; accompanied by his wife, Mrs Ann Badham; and Mrs. Van Johnston and Mrs. Woodruff Sommers of Sacramento, whereupon the Members of the Assembly joined in welcoming them on their visit to the Assembly Chamber.

Mr Veysey introduced his wife, Mrs Janet Veysey, and his son, John Veysey, to the Members of the Assembly, and announced that his other sons, Tom and Mark, are serving as Pages; whereupon the Members of the Assembly joined in welcoming the members of the Veysey family upon their visit to the Assembly Chamber

Mr. Gonsalves introduced his sister, Mrs Mable Mello; her children, Christine, Mary, Alvin, and Mike Mello of Artesia; and his own sons, Joe, Jack, Frank, Anthony, and David Gonsalves, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

Mr Flournoy introduced his mother and father, Mr and Mrs. William R Flournoy of Wilton, Connecticut, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

Mr Dymally introduced his son, Mark Dymally, and Brian James and Ronald Ridgle of Los Angeles to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 38—An act to amend Sections 18464 and 18471 of the Elections Code, relating to canvass of election returns,

Assembly Bill No. 409—An act to add Section 13656 to the Education Code, relating to paid holidays for classified school employees,

And reports the same correctly enrolled, and presented to the Governor at 2 p m, April 5, 1963.

POWERS, Chairman

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Joint Resolution No. 8—Relative to the Auburn Dam and Folsom South Canal,

And reports the same correctly enrolled, and presented to the Secretary of State on the 5th day of April, 1963, at 2 p m

POWERS, Chairman

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 226
Assembly Bill No. 1008

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 675
Assembly Bill No 679
Assembly Bill No 737
Assembly Bill No 1135
Assembly Bill No 1446
Assembly Bill No 1462

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file.

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 1379
Assembly Bill No 1544

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file.

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 1120

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered returned to second reading file.

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 69
Assembly Bill No 1464
Assembly Bill No. 1472

And reports the same correctly engrossed.

POWERS, Chairman

Above bills re-referred to the Committee on Judiciary.

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1
Assembly Bill No 816
And reports the same correctly re-engrossed

POWERS, Chairman

Above bills ordered returned to second reading file

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined
Assembly Joint Resolution No 27
And reports the same correctly re-engrossed

POWERS, Chairman

Above resolution ordered to the Consent Calendar

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 822	Assembly Bill No 1345
Assembly Bill No 1181	Assembly Bill No 1614
Assembly Bill No 1335	Assembly Bill No 1616

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 756
And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Education

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER. The Chairman of your Committee on Transportation and Commerce reports
Assembly Bill No 1705
With author's amendments with the recommendation Amend, and re-refer to the Committee on Transportation and Commerce

CARRELL, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1705 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1705—An act to amend Sections 9253, 9400, and 9404 of the Vehicle Code, relating to registration and weight fees

Bill read second time

Motion to Amend

Mr Lunardi moved the adoption of the following amendments

Amendment No. 1

On page 1, line 8, of the printed bill, before "In", insert "(1)"

Amendment No. 2

On page 1, line 13, strike out the colon, and insert " Whenever a camper is temporarily attached to a motor vehicle designed to transport property, such motor vehicle shall be subject to the fees imposed by this section The camper shall be deemed to be a load, and fees imposed by this section upon the motor vehicle shall be based upon the unladen weight of such motor vehicle, exclusive of the camper"

Amendment No. 3

On page 2, line 21, after "pipe dolly," insert "logging dolly".

Amendment No. 4

On page 2, line 41, insert

"(2) In addition to any other registration fee there may be paid the following fee for registration of any commercial motor vehicle with an unladen weight of less than 3,000 pounds—Fee—$10"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Transportation and Commerce

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER. The Chairman of your Committee on Finance and Insurance reports

Assembly Bill No 563

With author's amendments with the recommendation Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 563 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 563—An act to amend Sections 3212, 3212.5 and 3212.6 of the Labor Code, relating to workmen's compensation

Bill read second time

Motion to Amend

Mr Cologne moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 34, of the printed bill, strike out "and", and insert "any"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance

REPORTS OF STANDING COMMITTEES

Committee on Civil Service and State Personnel

ASSEMBLY CHAMBER, April 2, 1963

MR SPEAKER The Chairman of your Committee on Civil Service and State Personnel reports

Assembly Bill No 1594

With author's amendments with the recommendation Amend, and re-refer to the Committee on Civil Service and State Personnel

MEYERS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1594 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1594—An act to amend Section 22754 of, and to add Sections 22753.5, 22818, 22830 and 22842 to, the Government Code, relating to the eligibility of municipal court judges to participate in a health benefits plan under the Meyers-Geddes State Employees' Medical and Hospital Care Act, declaring the urgency thereof, to take effect immediately

Bill read second time.

Motion to Amend

Mr Meyers moved the adoption of the following amendment.

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "1963", and insert "1964"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Civil Service and State Personnel

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 4, 1963

MR. SPEAKER Your Committee on Transportation and Commerce reports

Senate Bill No 30
Senate Bill No 64

With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

CARRELL, Chairman

Above bills re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Senate Bill No 277
Senate Bill No 278
Senate Bill No 279
Senate Bill No 283

With recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

CARRELL, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 286

With recommendation: Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CARRELL, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 66
Assembly Bill No 1402
Assembly Bill No 1445
Assembly Bill No 1533

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

CARRELL, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports:

Assembly Bill No 1596

With amendments with the recommendation Amend, and be re-referred to the Committee on Transportation and Commerce

CARRELL, Chairman

Above bill ordered to second reading

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports Assembly Bill No 296

With amendments with the recommendation Amend, and do pass, as amended

ALLEN, Chairman

Above bill ordered to second reading

Committee on Ways and Means

ASSEMBLY CHAMBER, April 5, 1963

MR SPEAKER The Chairman of your Committee on Ways and Means reports Assembly Bill No 266

With author's amendments with the recommendation Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 266 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 266—An act to amend Sections 4000, 4020, and 4160 of, to repeal Sections 4001 and 4002 of, and to add Sections 4001 and 4012 to, the Welfare and Institutions Code, relating to aid to the disabled

Bill read second time.

Motion to Amend

Mr. Burton moved the adoption of the following amendments:

Amendment No. 1

On page 4, line 13, of the printed bill, as amended in the Assembly on March 25, 1963, after "least", insert "three years"

Amendment No. 2

On page 4, line 14, after "year", insert "of which was immediately prior to the date of application"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports Assembly Bill No 1401

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CARRELL, Chairman

Above bill ordered to second reading

Committee on Criminal Procedure

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER The Chairman of your Committee on Criminal Procedure reports Assembly Bill No 791

With author's amendments with the recommendation Amend, and re-refer to the Committee on Criminal Procedure

WINTON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 791 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 791—An act to amend Section 273a of the Penal Code, relating to mistreatment of children

Bill read second time

Motion to Amend

Mr Kennick moved the adoption of the following amendment·

Amendment No. 1

On page 1 of the printed bill, as amended in the Assembly on March 21, 1963, strike out lines 12 to 24, inclusive, and insert "punishable by imprisonment in the county jail not exceeding one year, or in the state prison for not less than one year nor more than 10 years."

Amendment read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Criminal Procedure

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER The Chairman of your Committee on Governmental Efficiency and Economy reports

Assembly Bill No 65

With author's amendments with the recommendation Amend, and re-refer to the Committee on Governmental Efficiency and Economy

McMILLAN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 65 (PURSUANT TO RULE NO 59 5)

Assembly Bill No. 65—An act to amend Sections 12701 1, 12714, and 12716 of the Business and Professions Code, relating to weighmasters

Bill read second time

Motion to Amend

Mr. Porter moved the adoption of the following amendment

Amendment No. 1

On page 2 of the printed bill, as amended in the Assembly on March 14, 1963, strike out lines 3 to 5, inclusive

Amendment read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 153
House Resolution No 195

With amendments with the recommendation Be amended, and that the resolutions, as amended, be returned to the committee, and the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

BANE, Chairman

Above resolutions ordered on file

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO 76

Pursuant to Rule No 76, the following bills were this day on the second reading file

Assembly Bills Nos. 816, 1379, 1544, 1446, 1, 1120, 1135, 1462, 675, 679, and **737.**

Assembly Bills Nos 816, 1379, 1544, 1, and 675 ordered to third reading

Assembly Bills Nos 1446, 1120, 1135, 1462, 679, and 737, ordered to the Consent Calendar

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1264—An act to add Article 7 (commencing with Section 29270) to Chapter 2 of Division 15 of the Elections Code, relating to election petitions

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Elections and Reapportionment, were read, and adopted

Amendment No. 1

Strike out lines 1 and 2 of the title of the printed bill, and insert "An act to add Section 34093 to the Government Code relating"

Amendment No. 2

In line 3 of the title, strike out "election", and insert "municipal"

Amendment No 3

On page 1, strike out lines 1 to 6, inclusive, and insert

"SECTION 1 Section 34093 is added to the Government Code, to read

34093 As used in this section, "petition" means any petition prescribed, by statute or city charter, as a necessary prerequisite to the institution of proceedings by the city, and includes, but is not limited to, initiative petitions, referendum petitions, recall petitions, petitions pertaining to the annexation of territory to a city, the consolidation of cities, or the dissolution of a city, and petitions to institute proceedings under an improvement act

Every person is punishable by a fine not exceeding"

Amendment No. 4

On page 1, strike out lines 11 and 12, and in line 13, strike out 'city", and insert "tures to, any petition '

Amendment No. 5

On page 1, line 18, strike out "29271."

Amendment No. 6

On page 2, strike out lines 3 and 4, and insert "petition knowing '

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 268—An act to add Section 424 to the Elections Code, relating to duplicate affidavits of registration

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1334—An act to add Section 4051 5 to the Elections Code, relating to municipal referendum.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 473—An act to add Section 323 to the Elections Code, relating to the registration of voters

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Elections and Reapportionment, were read, and adopted

Amendment No. 1

On page 1, lines 5 and 6, of the printed bill, strike out ", until January 1, 1965, and shall, after January 1, 1965,"

Amendment No. 2

On page 1, line 10, strike out "telephone number,"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1195—An act to amend Section 14207 of the Elections Code, relating to the hours for voting.

Bill read second time, and ordered engrossed

Assembly Bill No. 1196—An act to amend Sections 310 and 321 of the Elections Code, relating to the registration of voters

Bill read second time, and ordered engrossed

Assembly Bill No. 322—An act to amend Section 1300.16 of the Agricultural Code, relating to marketing orders.

Bill read second time, and ordered engrossed

Consideration of House Resolution No. 178

By Mr Waite

House Resolution No. 178—Congratulating Mrs Grace Andrews

Resolution read

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Rules, was read, and adopted

Amendment No. 1

In the first "*Resolved*" clause of the measure, as printed on pages 1571 and 1572 of the Assembly Daily Journal for March 28, 1963, in line 3, following "success", strike out "and", and insert "in"

House Resolution No. 178, as Amended

By Mr Waite

House Resolution No. 178

Congratulating Mrs. Grace Andrews

WHEREAS, Mrs Grace Andrews has been elected 1962 Woman of the Year by the Women's Council of Burbank, which is composed of representatives of 38 women's clubs of Burbank, and

WHEREAS, Mrs Andrews has actively participated in many worthwhile civic and community programs, particularly in the field of social welfare, and

WHEREAS, She has been honored by being chosen to hold a number of responsible positions as President of Leilani Chapter Children's Home Society, residential

chairman for the American Cancer Society, President of the Community Visiting Nurses Association, President of the Burbank High School PTA Council, John Muir Finance chairman, vice chairman and chairman of the Home Service Committee of the American Red Cross, vice president and recording secretary of St Joseph Hospital Guild, chairman of Holiday Inn, and handicraft chairman, commissary chairman and junior advisor of the Woman's Club of Burbank, and

WHEREAS, She has also served as residential chairman of the United Appeal, and as a member of the board of trustees of the Burbank Retarded Children's Center, and the Burbank Symphony Board, and

WHEREAS, She has taken part in community health programs as a nurse in the polio clinics, Charity League Pediatric Clinic, and St Joseph Prenatal Clinic, and

WHEREAS, Despite her numerous civic and charitable activities, Grace Andrews has also found time to be a homemaker and an active member of the First Presbyterian Church, now, therefore, be it

Resolved by the Assembly of the State of California, That the members extend their heartiest congratulations to Mrs. Grace Andrews on her selection as Burbank's Woman of the Year for 1962, and wish her continued success in future participation in the community affairs of Burbank; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mrs Grace Andrews

Resolution, as amended, ordered to the Consent Calendar

NOTE—Later this day, House Resolution No 178 was removed from the Consent Calendar *See* page 1942

Assembly Bill No. 925—An act to amend and renumber Section 10239 4 of, to add Article 6 5 (commencing with Section 10269) to Chapter 3 of Part 1 of Division 4 of, and to repeal Sections 10238 7, 10238 8, 10238 9, 10239, 10239 1, 10239 2, and 10239 3 of, the Business and Professions Code, relating to real estate transactions

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 907—An act to amend Section 13108 of the Health and Safety Code, relating to fire protection

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Ways and Means, was read, and adopted·

Amendment No. 1

On page 1 of the printed bill, as amended in the Assembly on March 13, 1963, strike out lines 15 to 17, inclusive, and insert "protection district to enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program The State Fire Marshal and"

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 95—An act to add Section 6742 to Article 7 of Chapter 1 of Part 4 of Division 6 of the Welfare and Institutions Code, relating to apprehension of persons who have escaped from mental institutions in other jurisdictions

Bill read second time, and ordered to third reading

Assembly Bill No. 507—An act to amend Section 442 of the Agricultural Code, relating to milk and milk products

Bill read second time, and ordered to third reading

Assembly Bill No. 676—An act to amend Sections 8952, 10051, 10052, and 10053 of, and to add Sections 8953, 8954, 8955 and 10054 to, the Revenue and Taxation Code, relating to state taxes

Bill read second time, and ordered to third reading

Assembly Bill No. 783—An act to amend Section 644 1 of the Military and Veterans Code, relating to award of the Federal Service Ribbon

Bill read second time, and ordered to third reading

Assembly Bill No. 786—An act to add Section 643 3 to the Military and Veterans Code, relating to awarding of a State Service Ribbon

Bill read second time, and ordered to third reading

Assembly Bill No. 1186—An act to amend Section 1061, and to repeal Sections 1361 and 1423 of, the Education Code, relating to schools

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Education, was read, and adopted

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in the Assembly on March 20, 1963, after "1", insert ", and the board shall notify the county superintendent of schools of the day and time selected"

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1042—An act to amend Section 11002 of the Education Code, relating to length of school day in the public school system

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1474—An act to amend Section 13119 of the Education Code, relating to school district personnel.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Education were read, and adopted:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out "College Association", and insert "Association of Schools and Colleges"

Amendment No 2

On page 1, line 15, strike out "a", and insert "his"

Bill ordered reprinted, and engrossed

Assembly Bill No. 198—An act to add Section 13502 5 to the Education Code, relating to salaries of certificated employees

Bill read second time, and ordered engrossed.

Assembly Bill No. 617—An act to amend Section 13470 of the Education Code, relating to bereavement leave of absence

Bill read second time, and ordered engrossed.

Assembly Bill No. 1037—An act to amend Section 2229 of the Education Code, relating to the public school system

Bill read second time, and ordered engrossed

Assembly Bill No. 1545—An act to amend Sections 31230, 31231, and 31233 of the Education Code, relating to scholarships

Bill read second time, and ordered engrossed

Assembly Bill No. 729—An act to amend and renumber Section 23788.5 of, and to repeal Section 23788 of, the Business and Professions Code, relating to alcoholic beverages

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 839—An act to amend and renumber Section 13409 of the Government Code, as added by Chapter 2121 of the Statutes of 1961, relating to purchases for local agencies

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1479—An act to amend Section 23426 of the Business and Professions Code, relating to club licenses

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 23—An act to amend Section 1500 of the Welfare and Institutions Code, relating to needy children

Bill read second time

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr. Burton was granted unanimous consent that Rule No. 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Social Welfare, were read, and adopted

Amendment No. 1

In the heading of the printed bill, after "Burton," insert "Stanton,"

Amendment No. 2

Strike out line 1 of the title, and insert

"An act to repeal Section 1500 of, to add Sections 1500, 1500.1, 1500.2, 1500.3, 1500.4, 1500.6, 1523.7, 1550.2, and 1552.4 to, and to amend Section 1503 of, the Welfare and Institutions"

Amendment No. 3

In line 2 of the title, after "children", insert ", and making an appropriation therefor"

Amendment No. 4

On page 1, strike out line 1, and insert

"SECTION 1 Section 1500 of the Welfare and Institutions Code is repealed

~~1500 As used in this chapter, "needy child" means a needy person under the age of 18 years who has been deprived of parental support or care by the reason of death, continued absence from the home, or physical or mental incapacity of a parent. a needy person under the age of 18 years who has been relinquished to a county adoption agency, or a needy person under the age of 18 years who has been relinquished for adoption to an organization licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption if such person relinquished to such licensed organization was receiving assistance under this chapter at the time of such relinquishment or subsequent to relinquishment has been found by the organization to be unplaceable for adoption. No child deprived of parental support because of separation or desertion shall be considered a "needy child" if the period of absence is less than three months.~~

~~A child who is otherwise eligible and who is over 16 years of age shall not be granted assistance under this chapter unless:~~

~~1. He is regularly attending school, or~~

~~2. He is disabled, or~~

~~3. He is employed and contributing to the family.~~

SEC 2 Section 1500 is added to said code, to read:

1500 Aid, services, or both, shall be granted under the provisions of this chapter, and subject to the regulations of the state department, to families with related children under the age of 18 years, in need thereof because they have been deprived of parental support or care due to

(a) The death, physical or mental incapacity, or incarceration of a parent; or

(b) The divorce, separation or desertion of his parent or parents and resultant continued absence of a parent from the home for these or other reasons; or

(c) The unemployment of his parent or parents

SEC 3 Section 1500.1 is added to said code, to read:

1500.1 Aid and services shall also be provided under this chapter to or in behalf of any child under the age of 18 who lacks parental support and care and who:

(a) Has been relinquished, for purposes of adoption, to a county adoption agency or an organization licensed by the department as an adoption agency, or

(b) Has been found to be in need of protection and care by persons other than his parents and has been removed from the home, custody or control of his parents and placed in foster care for purposes of providing such care and protection.

For purposes of this chapter, "foster care" means care other than in the home of his parent or relative, as these terms are used in Title IV of the Federal Social Security Act.

SEC. 4 Section 1500 2 is added to said code, to read.

1500 2 Aid may not be granted under the provisions of this chapter to or in behalf of any child over the age of 16 unless·

(a) He is regularly attending school, or a training program, or

(b) He is physically or mentally disabled, or

(c) He is employed and contributing to the family, or applying his earnings to a plan approved by the county department for his further education or preparation for future employment.

SEC 5 Section 1500 3 is added to said code, to read·

1500 3 Aid may not be granted under the provisions of this chapter to or in behalf of persons whose need and deprivation are due to parental separation or desertion which has endured for less than three months.

SEC. 6. Section 1500 4 is added to said code, to read

1500.4 For the purposes of this chapter, "unemployed parent" means a natural parent, adoptive parent, or stepparent with whom the child is living, and who·

(a) Is not working but is available for and seeking employment, or, as a result of unemployment, is available for training essential to future self-support, as provided in Section 1523 7; or

(b) Is working less than the number of hours considered usual for the industry when operating fully

SEC 7 Section 1500 6 is added to said code, to read

1500 6 As used in this chapter, the term "needy child" means a child living in a family as described in Section 1500, or a child as described in Section 1500 1

SEC 8 Section 1503 of said code is amended to read·

1503 It is the object and purpose of this chapter to provide aid for children whose dependency is caused by circumstances defined in Section 1500 and to keep children in their own homes wherever possible and to provide the best substitute for their own homes for those children who must be given foster care.

Those engaged in the administration of aid under this chapter are responsible to the community for its effective, humane, and economical administration

It is the intent of the Legislature that the employment and self-maintenance of parents of needy children be encouraged to the maximum extent and that this chapter shall be administered in such a way that needy children and their parents will be encouraged and inspired to assist in their own maintenance The State Department of Social Welfare shall take all ~~necessary~~ steps *necessary* to implement this section.

For the purposes of this chapter the value of supplies, equipment ~~and other items~~, *tools of the trade, motor vehicles within reasonable values established by the department when used for work or to seek work, and other personal property directly connected with efforts to become self-supporting,* which are a part of a program to assist in the maintenance and self-support shall not be considered as personal property as established by Section 1521

SEC 9 Section 1523 7 is added to said code, to read:

1523 7 An unemployed parent shall not be denied aid for himself and his family for failing to seek employment or for failure to be available for work training if

(a) He keeps currently registered for employment with the local office of the State Department of Employment, or other placement services or job sources customary in the industry in which he is normally employed, and

(b) He does not refuse, without good cause, to accept suitable employment or assignment to a community work or training project Good cause for refusal of suitable employment shall be deemed to exist when.

(1) The offer of employment is not for a specific job at a stated wage comparable to the prevailing wage for that type of work in the community, or is less than the social insurance benefits which he would be entitled to receive, whichever is the greater, or

(2) The job or assignment is not within the technical ability or the physical or psychological capacity of the person, as established, when necessary, by competent professional authority, or

(3) The job is available because of a bona fide labor dispute, the existence of which has been established by the State Department of Employment, or

(4) Acceptance would be an unreasonable or inconsistent act because of hardships imposed upon the person or his family due to illness, hours and working conditions, or remoteness or inaccessibility; interruption of a program in process for permanent rehabilitation or self-support, or conflicting with an imminent likelihood of re-employment at his regular work

SEC 10 Section 1550 2 is added to said code, to read:

1550 2 When aid is granted under this chapter to an unemployed parent and his family, whenever practical or feasible such parent or other employable family member shall be assigned to a community work or training project established and conducted under the provisions of Section _____ of this code

SEC 11 Section 1552 4 is added to said code, to read

1552 4 To the extent practical and feasible, aid granted under this chapter shall be paid semimonthly, if the greater portion of industry within the area customarily pays its employees semimonthly

SEC 12 This act shall become operative on January 1, 1964 ''

Amendment No. 5

On page 1, strike out lines 2 to 21, inclusive, and strike out page 2

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 732—An act to amend Section 23039 of the Business and Professions Code, relating to alcoholic beverages

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Government Organization, were read, and adopted

Amendment No. 1

On page 1, line 16, of the printed bill, strike out "state or county fairgrounds, racetracks, or", and insert "fairgrounds, racetracks,"

Amendment No. 2

On page 1, line 18, after "cense", insert ", or premises in which food services are a substantial part of the licensed business"

Bill ordered reprinted engrossed, and to be re-referred to the Committee on Government Organization.

Assembly Bill No. 1200—An act to add Section 11380 3 to the Government Code, relating to administrative regulations

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Government Organization, were read, and adopted

Amendment No 1

On page 1, line 9, of the printed bill, after "Legislature", insert "during the prior general session".

Amendment No. 2

On page 1, lines 10 and 11, strike out "after the agency procured its introduction or attempted to influence its passage"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Government Organization.

Assembly Bill No. 397—An act to amend Section 24070 of the Business and Professions Code, relating to alcoholic beverages

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Government Organization, was read, and adopted

Amendment No. 1

On page 1, line 19, of the printed bill, strike out "1969", and insert "1965"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Government Organization, and the subject matter to be referred to the Rules Committee for assignment to the proper interim committee

SECOND READING OF SENATE BILLS

Senate Bill No. 29—An act to amend Section 5715 1 of the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to third reading

Senate Bill No. 712—An act to amend Sections 911 2, 912, 913, 914, 915, 915 5, 916, 916 5, and 919 of the Agricultural Code, relating to agricultural and vegetable seeds

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 50—An act to amend Sections 30225 and 30750 of the Streets and Highways Code, relating to bridges constructed under the California Toll Bridge Authority Act and their financing, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to third reading

Senate Bill No. 78—An act to add Division 18.5 (commencing with Section 25410) to, to amend Section 8454 of; and to repeal Chapter 6 (commencing with Section 1401) of Division 4, Chapter 7 (commencing with Section 2551) of Division 5, Chapter 8 (commencing with Section 22200) of Division 16, Article 4 (commencing with Section 5701) of Chapter 5 of Division 6, Article 5 (commencing with Section 7801) of Chapter 2 of Division 7, and Article 8 (commencing with Section 15651) of Chapter 2 of Division 11, of, and to repeal Sections 989, 7751, 8403, 17004, and 20802 of; the Education Code, relating to junior colleges

Bill read second time, and ordered to third reading

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No. 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means:

Assembly Bills Nos. 816, 1544, and **1.**

Senate Bill No. 712.

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees

Assembly Bill No.	*Committee*
2267	Civil Service and State Personnel
2268 and **2269**	Municipal and County Government
2270	Governmental Efficiency and Economy
2271	Criminal Procedure
2272	Municipal and County Government
2273	Judiciary
2274	Municipal and County Government
2275	Elections and Reapportionment
2276	Municipal and County Government
2277	Water
2278	Judiciary
2279	Revenue and Taxation
2280	Civil Service and State Personnel
2281	Agriculture
2282	Revenue and Taxation
2283 and **2284**	Public Utilities and Corporations
2285	Criminal Procedure
2286	Education
2287	Manufacturing, Oil, and Mining Industry
2288	Finance and Insurance

Senate Bill No.	*Committee*
17	Judiciary
80	Criminal Procedure
193	Water
290	Municipal and County Government
308	Agriculture
316	Governmental Efficiency and Economy
323	Criminal Procedure
344	Municipal and County Government
355 and 356	Water
378	Governmental Efficiency and Economy
447	Criminal Procedure
623 and 624	Judiciary
644	Ways and Means
659	Public Utilities and Corporations
664 through 666	Municipal and County Government
668 through 671	Municipal and County Government
673 through 678	Municipal and County Government
714	Criminal Procedure
791	Elections and Reapportionment
823	Water

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND RULE NO. 59

Mr Belotti was granted unanimous consent that Rule No 59 be temporarily suspended for the purpose of setting Assembly Bill No 816 for hearing in the Committee on Ways and Means this afternoon

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 5, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to

Senate Bill No 16

J. A BEEK, Secretary of the Senate
By R W. LYONS, Chief Assistant Secretary

SENATE CHAMBER, April 5, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 17
Assembly Bill No 55
Assembly Bill No 232
Assembly Bill No 350
Assembly Bill No 384
Assembly Bill No 385
Assembly Bill No 455
Assembly Bill No 456
Assembly Bill No 488
Assembly Bill No 570
Assembly Bill No 612
Assembly Bill No 643
Assembly Bill No 684
Assembly Bill No 696
Assembly Bill No 716
Assembly Bill No 849
Assembly Bill No 850
Assembly Bill No 852
Assembly Bill No 902
Assembly Bill No 904
Assembly Bill No 906
Assembly Bill No 946

J A BEEK, Secretary of the Senate
By GARY POSZ, Assistant Secretary

Above bills ordered enrolled

SENATE CHAMBER, April 5, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Assembly Concurrent Resolution No 72
Assembly Concurrent Resolution No 38

J A BEEK, Secretary of the Senate
By GARY POSZ, Assistant Secretary

Above resolutions ordered enrolled

SENATE CHAMBER, April 5, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No 16
Assembly Bill No 35
Assembly Bill No 407
Assembly Bill No 720

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GARY POSZ, Assistant Secretary

Above bills ordered to unfinished business file

SENATE CHAMBER, April 5, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 102
Senate Bill No 178
Senate Bill No 446
Senate Bill No 590
Senate Bill No 626
Senate Bill No 682
Senate Bill No 689
Senate Bill No 704
Senate Bill No 768
Senate Bill No 778

J A BEEK, Secretary of the Senate
By GARY POSZ, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time

Senate Bill No. 102—An act to add Section 1444 to the Probate Code, relating to summary proceeding for minors

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 178—An act to add Section 1276 5 to the Penal Code, relating to bail

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 446—An act to add Chapter 3 5 (commencing with Section 175) to Division 1, Title 1, of the Government Code, relating to the common boundary between the States of Arizona and California, and ratifying an interstate compact between Arizona and California

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 590—An act to amend Section 25302 of the Elections Code, relating to election to judicial office

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 626—An act to amend Section 28107 of the Government Code, relating to compensation of local officers

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 682—An act to repeal Section 5257 of the Education Code, relating to maintenance of kindergarten where attendance is below minimum

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 689—An act to add Chapter 13 (commencing with Section 47900) to Part 9, Division 14, of the Water Code, relating to an alternative method of collecting assessments levied by a water storage district.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 764—An act to amend Section 28111 of the Government Code, relating to compensation for public service in Fresno County.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 768—An act to amend Section 395.1 of the Military and Veterans Code, relating to employment rights of veterans.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 778—An act to amend Sections 9, 17, 18, 19, and 20 of, and to amend and renumber Sections 21 and 22 of, and to add Sections 21, 21.1, 21.2, 21.3, 21.4, 21.5, 21.6, 21.7, 21.8, 21.9, 21.10, 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.17, 21.18, 21.19, 21.20, 21.21 and 21.22 to, the Orange County Water District Act (Chapter 924, Statutes of 1933), relating to the Orange County Water District

Held at desk by order of the Speaker pro Tempore.

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 5, 1963

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted

Senate Joint Resolution No. 2
Senate Concurrent Resolution No. 26

J. A. BEEK, Secretary of Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolutions were read

Senate Joint Resolution No. 2—Relative to excluding California state employees from the Hatch Act (Hatch Political Activities Act of August 2, 1939, as amended)

Held at desk by order of the Speaker pro Tempore

Senate Concurrent Resolution No. 26—Relative to requesting the Division of Highways in the Department of Public Works to study the needs and feasibility of adding certain routes to the State Highway System in Merced County

Held at desk by order of the Speaker pro Tempore

ANNOUNCEMENT

Mr. Donovan announced that members desiring to become coauthors of a series of nine bills relative to social welfare and public assistance, which he had previously introduced, should come to his desk, where digests of the bills and signature sheets would be available for preparation of amendments adding coauthors to the bills

INTRODUCTION OF GUESTS

Mr Quimby introduced his Mother, Mrs M B Quimby of San Bernardino; and his Aunt and Uncle, Mr and Mrs William Ketchum of Riverside, to the Members of the Assembly who joined in welcoming them on their visit to the Assembly Chamber

Speaker pro Tempore Bee introduced the sister and brother-in-law of Assemblyman John Moreno Mr and Mrs Edward Amador, and their children, Vicky, Ricky, Eddie, Lisa, and Terry Amador, of Whittier to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 329—An act to amend Section 6413 of the Financial Code, relating to savings and loan associations

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No 329?

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, strike out "declaring the urgency thereof, to take effect immediately"

Amendment No. 2

On page 1, strike out lines 18 and 19, and strike out all of page 2, and insert "The commissioner may exercise this authority only if federal chartered associations have the authority to receive funds within the first 20 days of any calendar month and credit dividends from the first day of the same month on such funds"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 329 by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Fenell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Assembly Bill No 329 ordered enrolled

INTRODUCTION OF GUEST

Mr. Veneman introduced his son, John Veneman, who is celebrating his 12th birthday today, whereupon the Members of the Assembly joined in welcoming John upon his visit to the Assembly Chamber, and in extending birthday greetings to him on this day.

CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 145—An act to add Section 26608.1 to, and to amend Section 71265, of the Government Code, relating to service of process.

The question being Shall the Assembly concur in the following Senate amendments to Assembly Bill No 145?

Amendment No. 1

On page 1, line 11, of the printed bill, after "act", insert "or a certificate setting forth the facts as ascertained by him"

Amendment No. 2

On page 1, line 14, strike out "26606-26609", and insert "26606-26608 1, 26609"

Amendment No. 3

On page 1, line 15, strike out '26608 1, and the", and insert "and"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 145 by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—Beilenson and Ferrell—2

Assembly Bill No 145 ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 825—An act to amend Section 6369 of the Revenue and Taxation Code, relating to the exemption of medicine from sales and use taxes.

Bill read third time, and passed by the following vote·

AYES—Allen, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 332—An act to amend Section 4081 of the Business and Professions Code, relating to pharmacy

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan,

Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 113—An act to amend Section 50 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, commencing with Section 49, of the Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton Stevens, Thelin, Thomas, Veneman Vevsey, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None.

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox Lanterman, Lunardi, Marks, McMillan, Meyers Milias, Mills, Monagan Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waldie Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—78

NOES—None

Bill ordered transmitted to the Senate

INTRODUCTION OF GUESTS

Speaker pro Tempore Bee introduced Mrs Virginia Unruh, the wife of Assembly Speaker Jesse M Unruh, to the Members of the Assembly, who joined in welcoming her on her visit to the Assembly Chamber.

Speaker pro Tempore Bee introduced his wife, Mrs Jean Bee, and her friend, Elizabeth Lee of Hayward, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 544—An act to amend Sections 7155 and 12300 of the Fish and Game Code, relating to Yurok Indians

Bill read third time

Speaker Presiding

At 11 55 a m , Hon Jesse M. Unruh, Speaker of the Assembly, presiding

The question being on the passage of the bill

Bill passed by the following vote·

AYES—Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Wilhamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—71

NOES—Allen, Badham, Dannemeyer, Lanterman, and Moreno—5

Bill ordered transmitted to the Senate.

Assembly Bill No. 1182—An act to amend the heading of Chapter 6 (commencing with Section 12550) of Title 2 of Part 4, and Section 12550 of, and to add Section 12551 to, the Penal Code, relating to sale of firearms and other guns to minors

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—75

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 534—An act to add Section 11161 5 to the Penal Code, relating to reports by physicians and surgeons

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—75.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1139—An act to amend Section 16755 of the Business and Professions Code, relating to restraint of trade.

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers,

Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr. Speaker—75

NOES—None.

Bill ordered transmitted to the Senate

Consideration of House Resolution No. 156

By Messrs Britschgi, Alquist, Mihas, Ryan, and Stanton·

House Resolution No. 156—Relative to bids on state contracts

NOTE. The full text of House Resolution No 156 appears at page 1200 of the Assembly Daily Journal for March 19, 1963

Resolution read.

Resolution Placed on Inactive File

On request of Mr Britschgi, House Resolution No 156 was ordered placed on the inactive file

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Mr. Britschgi was granted unanimous consent that the following communications from the Director of Finance be ordered printed in the Journal:

COMMUNICATIONS FROM DIRECTOR OF FINANCE

Communication

STATE OF CALIFORNIA
DEPARTMENT OF FINANCE
SACRAMENTO, April 8, 1963

Hon. Carl A Britschgi
Member of the Assembly
California State Legislature
State Capitol, Sacramento

HOUSE RESOLUTION No 156

DEAR MR BRITSCHGI Thank you for your time in meeting with the staff of this department and the representative of the Fortune Electronics Company on the above resolution. As a result of the hearing by the Committee on Government Organization and that meeting, this department will proceed as follows.

1. The Purchasing Division will proceed to award a contract for electronic parts for Area 1 in accordance with Bid F 1266 to the low bidder.
2. As soon as possible bids will be requested for electronic parts required for Areas 2 and 3 without any requirement as to the location of outlets for the successful bidder
3. In the future when requesting bids for electronic parts we will find other means to assure prompt delivery rather than requiring the successful bidder to maintain outlets at any particular location in the State.

This policy will have no effect upon other purchases where it is generally agreed that a local supply is required, such as perishable food products.

Your attention is directed to the attached copy of a letter to Chairman Marks concerning our policy on resolutions

Very truly yours,

HALE CHAMPION
Director of Finance

cc: Hon Milton Marks
Hon. Alfred E Alquist
Fortune Electronics
Arnold Carver
B R Cheyney
Dellver Seastrom

Communication

(COPY)

STATE OF CALIFORNIA
DEPARTMENT OF FINANCE
SACRAMENTO, April 8, 1963

Hon Milton Marks, Chairman
Assembly Committee on Government Organization
State Capitol, Sacramento

HOUSE RESOLUTIONS

DEAR MR MARKS In the discussion on House Resolution No 156 heard by your committee on April 4, 1963, you requested this department to furnish you with a statement as to the consideration which would be given by the Department of Finance to instructions contained in the House Resolution

It is the policy of this department to give serious consideration to information contained in any resolutions passed by the Legislature. However, since such resolutions do not have the force of law, and since the legislative branch is constitutionally separate from the executive branch, this department is not authorized to commit itself to obey the instructions contained in any such resolution

In the case of House Resolution No 156, it is my understanding that arrangements have been made which are acceptable to the author.

Very truly yours,

HALE CHAMPION
Director of Finance

cc Hon Carl Britschgi
Hon Alfred E Alquist
Fortune Electronics
Arnold Carver
B R Cheyney
Dellver Seastrom

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1442—An act to add Section 23701o to the Revenue and Taxation Code, relating to bank and corporate franchise and income tax exemptions

Bill read third time

Hon. Robert W. Crown Presiding

At 12 14 p m , Hon Robert W Crown, Member of the Assembly from the 14th District, presiding

The question being on the passage of the bill.
Bill passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Ferrell, Flournoy, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, and Zenovich—70.
NOES—Burton—1.

Bill ordered transmitted to the Senate

THIRD READING OF SENATE BILLS

Senate Bill No. 15—An act to add Division 20 (commencing with Section 71000) to the Water Code, thereby revising and consolidating the law relating to municipal water districts, including provisions for the supervision, regulation, and conduct of such districts, and to repeal the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911)

Bill read third time, and presented by Mr Cologne.
Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—75
NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 165—An act to add Chapter 3 5 (commencing with Section 53920) to Part 3, Division 16 of the Water Code, relating to county waterworks districts

Bill read third time, and presented by Mr. Booth
Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—77
NOES—None

Bill ordered transmitted to the Senate

REQUEST FOR UNANIMOUS CONSENT

Mr Casey was granted unanimous consent to take up House Resolution No 179, on the Consent Calendar—First Legislative Day, for purpose of amendment

CONSIDERATION OF HOUSE RESOLUTION NO. 179

By Mr Casey (Coauthor: Senator Stiern)

House Resolution No. 179—Relative to congratulating John Loustalot on his being selected as Sportsman of the Year in Kern County

NOTE The full text of House Resolution No 179 appears at page 1605 of the Assembly Daily Journal for April 1, 1963

Resolution read

Member Made Coauthor of House Resolution No. 179

Mr Casey was granted unanimous consent that Mr Wilhamson be placed upon House Resolution No 179 as a coauthor

House Resolution No 179, as amended, ordered removed from the Consent Calendar, and placed upon the third reading file

CONSIDERATION OF CONSENT CALENDAR

Acting Speaker Crown announced that the next roll call would be on the first item on the Consent Calendar

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 596—An act to repeal and add Chapter 6 (commencing with Section 28190), Division 21 of the Health and Safety Code, relating to bakeries and bakery products

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee Beilenson, Belotti, Booth, Britschgi, Burgener. Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 891—An act to amend Sections 15010 5 and 15031 of, and to add Section 15010 6 to, the Corporations Code, relating to the dissolution of partnerships.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi,

Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 463—An act to add Sections 5074, 7151, 7153 1, 7153 2, 7153 3 and 7153 4 to, and amend Sections 7150, 7152, 7153, 7154 and 7170 of, and repeal Sections 7151, 7154 5 and 7169 of, the Financial Code, and to add Section 783 to the Civil Code, relating to savings and loan associations, and declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

The question being on the passage of the bill
Bill passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 742—An act to repeal Section 646 of, and to add Section 646 to, the Financial Code, relating to banks and trust companies

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 797—An act to amend Section 588a of the Penal Code, relating to depositing injurious matter upon the highway

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Dnnielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 727—An act to amend Section 1317 of the Financial Code, relating to loan limits for nondepartmental banks.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1206—An act to amend Sections 1357, 1360 1 and 1362 of the Financial Code, and to amend Sections 1172, 1173, 1192.1 and 1194 5 of the Insurance Code, relating to legal investments for savings banks and incorporated insurers

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1123—An act to amend Section 22350 of the Vehicle Code, relating to regulation of speed

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris,

Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1270—An act to amend Section 21655 of the Vehicle Code, relating to slower moving vehicles

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1555—An act to amend Section 27182 of the Streets and Highways Code, relating to bridge and highway districts

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Joint Resolution No. 26—Relative to the necessity of federal aid in eliminating water pollution caused by the sewage disposal practice of Tijuana, Mexico

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79
NOES—None

Resolution ordered transmitted to the Senate

Assembly Joint Resolution No. 29—Relative to establishment of a federal water pollution control research facility in California

Resolution read, and adopted by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne,

Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Resolution ordered transmitted to the Senate

Consideration of House Resolution No. 176

By Mr Young

House Resolution No. 176—Relative to the death of Hale Humphrey

NOTE The full text of House Resolution No 176 appears at page 1562 of the Assembly Daily Journal for March 28, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Consideration of House Resolution No. 184

By Messrs Whetmore, Dannemeyer, and Badham

House Resolution No. 184—Memorializing Frank Vessels, Sr

NOTE The full text of House Resolution No 184 appears at pages 1607 and 1608 of the Assembly Daily Journal for April 1, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Consideration of House Resolution No. 185

By Mr Veysey

House Resolution No. 185—Relative to commending the Honorable L J Mouser

NOTE The full text of House Resolution No 185 appears at page 1609 of the Assembly Daily Journal for April 1, 1963

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan,

Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Consideration of House Resolution No. 187

By Mr Collier

House Resolution No. 187—Relating to congratulating the *San Marino Tribune*

NOTE The full text of House Resolution No 187 appears at page 1654 of the Assembly Daily Journal for April 2, 1963

Resolution read, and adopted by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Consideration of House Resolution No. 188

By Mr. Waite

House Resolution No. 188—Commending Stephen Perry.

NOTE The full text of House Resolution No 188 appears at page 1692 of the Assembly Daily Journal for April 3, 1963

Resolution read, and adopted by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Consideration of House Resolution No. 194

By Mr Henson·

House Resolution No. 194—Relative to commending the Beneficencia Mexicana of Santa Paula

NOTE The full text of House Resolution No 194 appears at page 1689 of the Assembly Daily Journal for April 3, 1963

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi,

Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vessey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 124—An act to amend Section 5513 of the Fish and Game Code, relating to the use of gaffs

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Berlenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vessey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

INTRODUCTION OF GUESTS

Acting Speaker Crown introduced Mrs Marie Porter, the wife of Assemblyman Carley V Porter, and their son, Carl Porter, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Mr Knox was granted unanimous consent that the following opinion of the Legislative Counsel be ordered printed in the Journal:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, April 3, 1963

Hon John T Knox
Assembly Chamber

Transit Districts—No. 13715

Question

DEAR MR KNOX: You have asked us whether Assembly Bill No 889, as introduced, would affect any municipally owned transportation system

Opinion

No

Analysis

Assembly Bill No 889 would amend Section 24505 of the Public Utilities Code to refine the term "transit", as that term is used in the law with regard to transit districts in the Counties of Alameda or Contra Costa (Pt 1 (commencing with Sec 24501), Div. 10, P U C) The bill would add the following language which we have indicated by underlining to that section

"24505 'Transit' means the transportation of passengers and their incidental baggage by any means *other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual*

passenger fare-paying basis Nothing in this section shall be construed to prohibit a district from leasing its buses to private certified public carriers or to prohibit a district from providing school bus service for the transportation of pupils between their homes and schools ''

The law with regard to transit districts in the Counties of Alameda or Contra Costa Counties is applicable only to such districts. It has no application to any municipally owned transportation system. Thus, we would conclude that Assembly Bill No 889 would not affect any municipally owned transportation system

Very truly yours,

A C MORRISON
Legislative Counsel
By STANLEY M LOURIMORE
Deputy Legislative Counsel

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Mr Elliott was granted unanimous consent that the following communication be ordered printed in the Journal·

COMMUNICATION FROM CONGRESSMAN ROOSEVELT

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, D C , April 2, 1963

The Honorable Edward E Elliott
Assemblyman of the State Legislature
Sacramento, California

DEAR ED Please forgive my delay in acknowledging the Assembly Concurrent Resolution which you presented to me as a tribute to Mother I cannot tell you how much I do appreciate having it, and I would like to extend my gratitude and thanks to all the Members of the California State Assembly for their kindness and thoughtfulness I have sent the resolution out to my district office so it may be seen by my constituents

Again, with much appreciation and thanks,

Sincerely yours,

JAMES ROOSEVELT, M C

MEMBER EXCUSED FOR BALANCE OF DAY

At 12 26 p m , on motion of Mr Holmes, Mr Conrad was excused for the balance of this legislative day

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 2295: By Mr Britschgi—An act to add Chapter 4 5 (commencing with Section 4660) to Division 2 of the Public Utilities Code, relating to the regulations of for-hire vessel operators

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2296: By Mr Britschgi—An act to amend Sections 35108, 35251, 35255, 35256, 35258, and 35300, and to add Sections 35404 1, 35404 2, and 35414 2, and to repeal Section 35111 of, the Streets and Highways Code, relating to the Parking District Law of 1951

Held at desk by order of the Acting Speaker

Assembly Bill No. 2297: By Mr Britschgi—An act to add Chapter 6 (commencing with Section 35750) to Part 4 of Division 18 of the Streets and Highways Code, relating to the Parking District Law of 1951.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2298: By Mr Britschgi—An act to add Chapter 7 (commencing with Section 35800) to Part 4 of Division 18 of the Streets and Highway Code, relating to the Parking District Law of 1951.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2299: By Messrs Britschgi and Pattee—An act to add Section 1267 to the Code of Civil Procedure, relating to eminent domain.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2300: By Messrs Rumford and Mulford—An act making an appropriation to the City of Berkeley for the development of a small craft harbor.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2301: By Messrs Donovan and Mills—An act to add Section 21107 5 to, and to repeal Section 21107 5 of, the Vehicle Code, relating to privately owned and maintained roads

Held at desk by order of the Acting Speaker

Assembly Bill No. 2302: By Mr Donovan—An act to amend Section 20801 5 of the Education Code, relating to school district support and management

Held at desk by order of the Acting Speaker

Assembly Bill No. 2303: By Messrs Donovan and Willson—An act to amend Section 6506 of the Penal Code, relating to compensation of counsel appointed to represent persons accused of narcotic addiction

Held at desk by order of the Acting Speaker

Assembly Bill No. 2304: By Messrs Donovan and Willson—An act to amend Sections 634, 5503, 5602 and 5355 5 of the Welfare and Institutions Code, relating to appointment of attorneys and fixing of their compensation by the court

Held at desk by order of the Acting Speaker

Assembly Bill No. 2305: By Messrs Donovan and Willson—An act to amend Section 987a of the Penal Code, relating to compensation of assigned counsel by the county

Held at desk by order of the Acting Speaker

Assembly Bill No. 2306: By Mr Quimby—An act to add Section 4011 6 to the Penal Code, relating to removal of prisoner from county or city jail

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2307: By Mr Carrell—An act to amend Section 24070 of the Business and Professions Code, relating to alcoholic beverages

Held at desk by order of the Acting Speaker

Assembly Bill No. 2308: By Mr Gonsalves—An act to amend Sections 3051a and 3068 of the Civil Code, and to add Section 22857 of the Vehicle Code, relating to liens

Held at desk by order of the Acting Speaker

Assembly Bill No. 2309: By Mr Garrigus—An act to amend Section 1300 16 of the Agricultural Code, relating to marketing orders

Held at desk by order of the Acting Speaker

Assembly Bill No. 2310: By Mr Beilenson—An act to add Chapter 11 (commencing with Section 25950) to Division 20 of the Health and Safety Code, and to amend Sections 274, 275, and 276 of the Penal Code, relating to abortion

Held at desk by order of the Acting Speaker

Assembly Bill No. 2311: By Mr Powers—An act to amend Sections 7512 7513, 7521, 7526 1, 7526 2, 7526 3, 7526 4, 7527, 7529, 7538, 7544 12, 7544 14, 7544 24, and 7544 26 of, to add Sections 7513 1, 7515, 7515 1, 7515 2, 7515 3, 7515 4, 7515 5, 7515 6, 7516, 7520 1 and 7544 27 to, and to repeal Sections 7544 11, 7544 22 and 7548 of, the Business and Professions Code, relating to private detectives.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2312: By Mr Dymally—An act to add Section 1958 to the Government Code, relating to compensation to survivors of peace officer killed in performance of duties

Held at desk by order of the Acting Speaker

Assembly Bill No. 2313: By Mr Dymally—An act to amend Sections 190, 217, and 245 of the Penal Code, relating to killing and injury of peace officers

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2314: By Mr Petris—An act to add Section 14694 1 to the Education Code, relating to discontinuance of district retirement salary plans

Held at desk by order of the Acting Speaker

Assembly Bill No. 2315: By Mr Bagley—An act to repeal Section 14772 of the Revenue and Taxation Code, relating to inheritance tax appraisers

Held at desk by order of the Acting Speaker

Assembly Bill No. 2316: By Mr Bagley—An act declaring certain tide and submerged lands conveyed to the County of Marin by Chapter 497 of the Statutes of 1959 to be free from the public trust for navigation, commerce, and fisheries, and from any trust, requirement or condition that such lands can be used for street purposes and authorizing the sale of said lands by the State Lands Commission

Held at desk by order of the Acting Speaker

Assembly Bill No. 2317: By Mr Monagan—An act to amend Section 31680 of the Government Code, relating to employment of retired county employees

Held at desk by order of the Acting Speaker

Assembly Bill No. 2318: By Mr Monagan—An act to amend Section 28114 of the Government Code, relating to public service in counties

Held at desk by order of the Acting Speaker

Assembly Bill No. 2319: By Messrs Mills, Ryan, and Powers—An act to add Sections 23794 and 23795 to the Business and Professions Code, relating to alcoholic beverages

Held at desk by order of the Acting Speaker

Assembly Bill No. 2320: By Messrs Kennick, Alquist, Song, Soto, Allen, Bane, Booth, Britschgi, Carrell, Casey, Chapel, Cologne, Dills, Dymally, Ferrell, Frew, Gaffney, Holmes, Johnson, Lunardi, Meyers, Monagan, Moreno, Pattee, Quimbly, Stanton, Waldie, and Whetmore—An act to add Article 11 (commencing with Section 3851) to Chapter 1 of Division 2 of the Public Utilities Code, relating to the leasing of motor vehicles.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2321: By Messrs Kennick, Holmes, Dills, Moreno, Alquist, Bane, Beilenson, Carrell, Casey, Danielson, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Gonsalves, Johnson, Knox, McMillan, Meyers, Powers, Rumford, Song, Soto, Stanton, Thomas, Waldie, Warren, Williamson, Willson, and Zenovich—An act to add Section 2020.001 to the Welfare and Institutions Code, relating to old age assistance, and making an appropriation

Held at desk by order of the Acting Speaker

Assembly Bill No. 2322: By Mr Cologne—An act to add Section 598 to the Streets and Highways Code, relating to state highway routes

Held at desk by order of the Acting Speaker

Assembly Bill No. 2323: By Mr Casey—An act to add Chapter 3.6 (commencing with Section 31240) to Division 22 of the Education

Code, relating to fellowships for graduate study, and making an appropriation therefor.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2324: By Mr Veneman—An act to add Section 17199 to the Education Code, relating to accounting system

Held at desk by order of the Acting Speaker

Assembly Bill No. 2325: By Mr Belotti—An act to add Section 54916 to the Government Code, relating to street lighting, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Acting Speaker

Assembly Bill No. 2326: By Mr Meyers—An act to amend Section 17771 of the Business and Professions Code, relating to trading stamps

Held at desk by order of the Acting Speaker

Assembly Constitutional Amendment No. 41: By Mr Dymally—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article VII, relating to clemency powers

Held at desk by order of the Acting Speaker

RESOLUTIONS

The following resolutions were offered:

By Messrs Danielson and Thelin

House Resolution No 202

Relative to disbursal of construction payments

WHEREAS, Homeowners and home purchasers throughout the State are being solicited to construct homes or home improvements, and

WHEREAS, Financially irresponsible contractors and builders contract to provide these services and then either fail to pay their subcontractors or materialmen or fail to complete the improvements, and

WHEREAS, The homeowner can be required to satisfy both the statutory liens imposed on his property by the subcontractors or materialmen and also to repay the same amount to the lender providing construction funds, and

WHEREAS, Financial lending institutions and builders' disbursal controls are not regulated as to their construction fund disbursal procedures, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to assign for study to an appropriate interim committee the subject of the disbursal of construction payments to contractors and materialmen and the rights and remedies of the homeowner when a builder or contractor fails to perform, including any laws relating thereto, and the needed revision thereof, and to direct such interim committee to report thereon to the Assembly not later than the fifth legislative day of the 1965 Regular Session of the Legislature.

Resolution read, and referred by the Acting Speaker to the Committee on Rules

By Mr Hinckley

House Resolution No. 203

Relating to commending John Farrell Hosfield

WHEREAS, In 1917, John "Jack" Farrell Hosfield joined Lodge No 836 of the Benevolent and Protective Order of Elks, and

WHEREAS, During the intervening years he has become one of the most respected and popular members of that organization, and

WHEREAS, Jack Hosfield's career in the Elks is one distinguished in numerous respects, and

WHEREAS, He has been secretary of Lodge No 836 for 38 years, an indication of the high esteem in which he is held by his fellow lodge members, and

WHEREAS, He has attended every Grand Lodge Convention since 1925, was Exalted Ruler of the San Bernardino Lodge in 1932-33 when the lodge won the district ritualistic championship, the only time in its history, is the only honorary life member of the Arizona State Elks Association outside that state, and in 1952 was elected to an honorary life membership in Lodge No 836; and

WHEREAS, He has been father, mother, brother and friend to hundreds of Elk members and is affectionately known as "Mr Elk" through Southern California Elkdom, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly commend Jack Hosfield on his outstanding record as a member and officer of the Benevolent and Protective Order of Elks in California and wish him happiness, success and good health in the future, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Jack Hosfield

Resolution read, and referred by the Acting Speaker to the Committee on Rules.

By Mr Hinckley

House Resolution No. 204

Relative to the death of Ronald E Davis

WHEREAS, The Members of the Assembly have heard with regret of the death of Highway Patrolman Ronald E Davis on August 18, 1962 in the performance of his duties, and

WHEREAS, Officer Davis was born on August 2, 1934, in Texas and received his elementary and high school education in Crosbyton, Texas, and later attended Cabrillo Junior College at Watsonville, California, and

WHEREAS, He served in the United States Navy from 1952 to 1956 and was appointed to the California Highway Patrol Academy on September 11, 1961, serving in the Barstow area of the State until his death, and

WHEREAS, Officer Davis, while responding to an injury accident at high speed, was confronted with a car pulling out to pass and as a result had to swerve off the highway to avoid striking oncoming vehicles and received the injuries causing his untimely death; and

WHEREAS, It is fitting that the Assembly should honor the memory of this officer who lost his life in the performance of his duties, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly express their regret at the passing of Ronald E Davis, and extend their sympathies to his widow, Mrs Sharel Ann Davis, his son Mark Allen Davis, and his daughter, Lenore Ann Davis, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mrs Sharel Ann Davis

Resolution read, and referred by the acting Speaker to the Committee on Rules

By Mr. Thelin

House Resolution No. 205

Relative to the California Unemployment Compensation Fund

WHEREAS, Section 326 of the Unemployment Insurance Code provides

"The department shall investigate and report upon the degree of unemployment hazard in various industries and occupations and their cost to the Unemployment Fund It shall recommend to employers in industries or occupations showing an excessive cost to that fund, means for stabilizing employment It shall also, if necessary, recommend to the Legislature a higher rate of contribution for any classification of industries or occupations in which unemployment is excessive or chronic"

, and

WHEREAS, The report of the actuary for the calendar year 1961 on the condition of the California Unemployment Compensation Fund prepared by Woodward and *Fondiller*, Inc, consulting actuaries, which is the most recent report in this regard, notes that the cumulative deficiency of negative balances on June 30, 1960 was two

hundred thirty-three million dollars ($233,000,000) and that a total of 32 employers each with negative accounts of one million dollars ($1,000,000) or more represented 41 percent of all negative reserves, and

WHEREAS, No recommendation has as yet been submitted to the Legislature for a higher rate of contribution for any classification of industries or occupations in which unemployment is excessive or chronic, and

WHEREAS, The situation would indicate that the implementation of Section 326 by the Department may well be warranted; now, therefore, be it

Resolved by the Assembly of the State of California, That the Department of Employment is hereby requested to review the situation above outlined and indicate what, if any, action should be taken in regard to this problem under Section 326 of the Unemployment Insurance Code, and that a report thereon should be submitted to the Legislature no later than the fifth legislative day of the 1965 Regular Session of the Legislature, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Director of Employment

Resolution read, and referred by the Acting Speaker to the Committee on Rules

By Mr Bane:

House Resolution No. 206

Interim study of municipal airports

WHEREAS, Modern airports handling large aircraft, both jet and piston powered, are facilities that serve whole regions of the State, although they are primarily owned and operated by single municipalities, and

WHEREAS, The effect of noise from air operations and the need of air space for proper operation of such large modern aircraft transcend the boundaries of local government; and

WHEREAS, The federal government has for a number of years recognized that local airports were of such importance to the national welfare that federal aid was justified, and

WHEREAS, There is a statewide benefit derived from the operation of an adequate airport system in California, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is requested to assign to an appropriate committee for interim study the subject of the extent of the State's interest in municipal airports and to direct the committee to report its findings and recommendations thereon to the Assembly by the fifth calendar day of the 1965 Regular Session

Resolution read, and referred by the Acting Speaker to the Committee on Rules

By Mr Waldie

House Resolution No. 207

Relating to a study of the disposition of court revenues

Resolved by the Assembly of the State of California, That the Committee on Rules is hereby directed to assign to an appropriate interim committee for study the subject of the laws relating to the disposition of fines, forfeitures and other moneys received by municipal and justice courts, including the feasibility of depositing such moneys in a special fund in the county treasury to be used for court expenditures, and be it further

Resolved, That the committee to which such study is assigned shall report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1965 Regular Session of the Legislature

Resolution read and referred by the Acting Speaker to the Committee on Rules

By Mr Deukmejian

House Resolution No. 208

Relating to a study of aviation education

WHEREAS, The Legislature of California created a program of aviation education in the schools and colleges of California in 1946, that has resulted in flight activities for youth in many communities, and

WHEREAS, Responsibility for the effectiveness and safety of these flight operations resides with the Department of Education consultant assigned to the task; and

WHEREAS, The Department of Education upon the recommendation of a Legislative Interim Committee accepted an on-loan aircraft for use in performance of its aviation education responsibilities since 1956; and

WHEREAS, The use of light aircraft since the inception of the aviation education program both for aviation education activities and transportation of administrative personnel has demonstrated the economy and practicability of a state-owned aircraft for transportation to over 400 communities of California not serviced by airlines, now therefore be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to refer to the appropriate interim committee for study the subject of reimbursing the State Department of Education consultant for his costs and review the need for changes in the Education Code provisions to help provide more safety and educational effectiveness for the airport and flight features of the school and college aviation program and to consider the need for replacement of the on-loan aircraft being used by the Department of Education for its aviation work program, and to direct such interim committee to report thereon to the Assembly not later than the fifth legislative day of the 1965 Regular Session.

Resolution read, and referred by the Acting Speaker to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 268	Assembly Bill No 1042
Assembly Bill No 729	Assembly Bill No 1334
Assembly Bill No 839	Assembly Bill No 1479

And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 198	Assembly Bill No 1195
Assembly Bill No 322	Assembly Bill No. 1196
Assembly Bill No 617	Assembly Bill No 1545
Assembly Bill No 1037	

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 1374

And reports the same correctly engrossed.

POWERS, Chairman

Above bill re-referred to the Committee on Revenue and Taxation.

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 1278

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Agriculture

Committee on Rules

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER The Chairman of your Committee on Rules reports Assembly Joint Resolution No 17

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Rules

BANE, Chairman

SECOND READING OF ASSEMBLY JOINT RESOLUTION NO. 17 (PURSUANT TO RULE NO. 59.5)

Assembly Joint Resolution No. 17—Relative to urging the federal government to utilize the services of senior citizens as members of the National Service Corps

Resolution read

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr Kennick was granted unanimous consent that **Rule No. 101 be** temporarily suspended for the purpose of permitting amendments which add coauthors to the resolution

Motion to Amend

Mr Kennick moved the adoption of the following amendments·

Amendment No. 1

In line 1 of the heading of the printed measure, after "Chapel," insert "Quimby,"

Amendment No. 2

In line 3 of the heading, strike out "and Geddes", and insert , Geddes, Farr, and McAteer"

Amendment No 3

On page 1, strike out lines 1 to 8, inclusive, and insert

WHEREAS, There are numerous opportunities for the use of older persons in paid and voluntary employment in occupations where shortages of skilled persons exist, and"

Amendment No. 4

On page 1, line 12, strike out "proposed National Service Corps", and insert 'federal government"

Amendment No. 5

On page 1, line 16, strike out as members of the National Service Corps", and insert "to these efforts"

Amendment No. 5 5

On page 1, lines 23 and 24, strike out "that can be made"

Amendment No. 6

On page 2, line 1, strike out "have indicated their interest', and insert 'are interested"

Amendment No. 7

On page 2, line 3, strike out "of the people"

Amendment No. 8

On page 2, lines 6 and 7, strike out ", upon creation of the National Service Corps,"

Amendment No. 9

On page 2, line 8, strike out "as members of the corps", and insert "in the aforementioned efforts"

Amendment No. 10

On page 2, lines 12 and 13, strike out 'selected for participation as members of the National Service Corps", and insert 'who volunteer their services to these efforts"

Amendment No. 11

On page 2, lines 23 and 24, strike out "the Governor's Advisory Committee on Children and Youth."

Amendment No 12

On page 2, line 25, after "Education," insert "and"

Amendment No. 13

On page 2, line 26, strike out ", the di-" , and strike out lines 27 to 29, inclusive, and insert a period

Amendments read, and adopted

Resolution ordered reprinted, engrossed, and to be re-referred to the Committee on Rules

INTRODUCTION OF GUESTS

Mr Williamson introduced his wife, Jean Williamson, and his brother and sister-in-law, Mr and Mrs Alvin Williamson, of Bakersfield, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Mr Cologne was granted unanimous consent that the following opinion of the Legislative Counsel be ordered printed in the Journal

OPINION OF LEGISLATIVE COUNSEL

COPY

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, April 3, 1963

Hon L M Backstrand
Senate Chamber

Municipal Water District Act Codification—No. 13666

Question

DEAR SENATOR BACKSTRAND You have asked whether Senate Bill No 15, as amended in Senate March 6, 1963, makes any substantive changes in the law

Opinion and Analysis

Senate Bill No 15 was drafted, at your request, by this office to codify the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911) in the same manner as the many other codification bills were prepared on behalf of the California Code Commission Thus, in preparing the bill, the objective of this office was to restate the provisions of the Municipal Water District Act of 1911 in more concise and clear language, deleting any obsolete provisions, and eliminating ambiguities and inconsistencies in the provisions of the act To the best of our knowledge no substantive changes in the law were made in the preparation of this codification bill

The amendments to Senate Bill No. 15 adopted in the Senate on March 5th and 6th merely corrected certain technical errors in the bill

which resulted in its original printing in Preprint Bill form and in the preparation of the Preprint Bill for introduction in the Senate. No substantive changes were made in said amendments

Very truly yours,

A C. MORRISON
Legislative Counsel
By RAY H WHITAKER
Principal Deputy

HOUSE RESOLUTION NO. 178 REMOVED FROM CONSENT CALENDAR

On request of Mr Waite, House Resolution No 178 was ordered removed from the Consent Calendar, and placed on the third reading file

INTRODUCTION

Mr Thomas introduced his daughter, Mary Virginia Thomas; his son, Vincent Thomas, Jr, and their friend, Miss Kathy Loker of San Pedro, all of whom are serving as Pages; to the Members of the Assembly, who joined in welcoming them to the Assembly Chamber.

ANNOUNCEMENTS RELATIVE TO COMMITTEE MEETINGS

Announcements were made that the following committees would meet at 2 p m today, instead of at 1 30 p m ·

Public Health (Rumford), in Room 5168.
Ways and Means (Crown), in Room 4202
Civil Service and State Personnel (Meyers), in Room 2117

Mr Willson announced that the Committee on Judiciary would meet at 3 p m, in Room 2170

Mr. Lunardi announced that there would be no meeting of the Committee on Military and Veterans Affairs today.

ADJOURNMENT

At 12 38 p m, on motion of Mr. Winton, Acting Speaker Crown, declared the Assembly adjourned until 10 a m, Tuesday, April 9, 1963

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FIFTY-SIXTH LEGISLATIVE DAY

SIXTY-SEVENTH CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Tuesday, April 9, 1963

The Assembly met at 10 a m.
Hon Jesse M Unruh, Speaker of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk
Assistant Clerk Charles Winner reading.

ROLL CALL

The roll was called, and the following answered to their names.

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev Robert R. Ferguson

God, Our Father, Thou dost teach, that forgiveness is one of the deep therapies which each of us needs May we have no alienations between ourselves and Thee, our families, or with one another So often we have dull minds but sharp tongues. may we not allow ourselves the seeming luxury but deteriorating factor of harboring ill will toward another for past grievances Keep our minds warm and our hearts rational With our total being may we desire to fulfill to the best of our abilities the strategic tasks which lie before us
In our Lord's name we pray —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Jesse M Unruh, Mr Alquist then led the Assembly in the pledge of allegiance to the Flag

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr. Kennick, seconded by Mr Stevens

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness·

Mr Cusanovich, on motion of Mr Mulford

COMMUNICATIONS

The following communications were presented by the Chief Clerk from

Fred Frost of Santa Barbara, relative to Assembly Joint Resolution No 16 Referred by the Speaker to the Committee on Rules

Mrs Jean W. Brown of Los Angeles, relative to Assembly Joint Resolution No 16 Referred by the Speaker to the Committee on Rules

John Pakish of Richmond relative to minimum wages Referred by the Speaker to the Committee on Industrial Relations

A L Buck and Pauline Buck, relative to social security Referred by the Speaker to the Committee on Social Welfare

COMMUNICATION FROM CAPITOL CORRESPONDENTS ASSOCIATION

The following communication was presented by the Speaker, and ordered printed in the Journal.

CAPITOL CORRESPONDENTS ASSOCIATION
STATE CAPITOL, SACRAMENTO, April 8, 1963

Speaker of the Assembly
Assembly Chamber, State Capitol
Sacramento, California

DEAR MR SPEAKER The following-named person is eligible for accreditation as representative of Radio and Television at the General Session of the Legislature of 1963

KXTV ---------- Dave Browne

SQUIRE BEHRENS, President

Standing Committee
Morrie Landsberg, Chairman
De Van L Shumway
Richard Rodda

APPROVAL OF PRESS CREDENTIAL

By unanimous consent, accreditation of the above representative of radio and television was approved by the Assembly

COMMUNICATION FROM CHIEF CLERK

The following communication from the Chief Clerk was received·

April 8, 1963

Hon Jesse M Unruh
Speaker of the Assembly

DEAR MR SPEAKER Amendment No 8 to Assembly Bill No 1596, in line 1, failed to delete the colon and to insert a period In order that the amendment properly fit the bill, with your permission we have deleted the colon and inserted a period at the end of the line

ARTHUR A OHNIMUS, Chief Clerk

REQUEST TO CONSIDER AND ACT ON BILL WITHIN 30 CALENDAR DAYS

The following request to consider and act on a bill within 30 calendar days after its introduction, heretofore filed with the Chief Clerk pursuant to the provisions of Joint Rule No 10 8, was received, and read

Request to Consider and Act on Bill Within 30 Calendar Days

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Pursuant to Joint Rule No 10 8, I request permission to introduce a resolution providing that the following bill may be heard in committee, and acted upon by the Assembly before 30 calendar days have elapsed

Assembly Bill No. 2193—An act to amend Sections 18, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 41, 42, 43, 44, 45, 46, 47, 49 5, 51, 52, 53, 54, 57, 62, 66, 67, 71, 77, 80, 84, 86 and 87 of, and to repeal Sections 63, 64 and 65 of, and to add Sections 74 and 88 to the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), relating to the San Diego Unified Port District, declaring the urgency thereof, to take effect immediately

JAMES R MILLS

Above request ordered transmitted to the Committee on Rules

RESOLUTIONS

The following resolution was offered

By Mr Marks.

House Resolution No. 209

Relative to alcoholic beverages

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is directed to assign to the appropriate interim committee for study and report to the Legislature at its 1965 Regular Session the subject of the state statutes pertaining to the sale of alcoholic beverages, including, but not limited to, the Alcoholic Beverage Control Act The committee shall study all facts and circumstances relating to the subject of this resolution and shall make appropriate recommendations as to the advisability or necessity for new or additional legislation in this area, and shall report its findings and recommendations to the Legislature by the fifth calendar day of the 1965 Regular Session

Resolution read, and referred by the Speaker to the Committee on Rules

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time

Assembly Bill No. 2327: By Mr Z'berg—An act to amend Section 54661 of the Government Code, relating to the issuance, sale and exchange of refunding bonds by local agencies

Held at desk by order of the Speaker

Assembly Bill No. 2328: By Mr Z'berg—An act to amend Section 12851 of the Public Utilities Code, relating to the issue, sale and exchange of refunding bonds by municipal utility districts

Held at desk by order of the Speaker

Assembly Bill No. 2329: By Mr. Alquist—An act to add Section 61720 to the Government Code, relating to improvement districts

Held at desk by order of the Speaker.

Assembly Bill No. 2330: By Mr Alquist—An act to amend Section 38792 of the Government Code, relating to dog licenses.

Held at desk by order of the Speaker

Assembly Bill No. 2331: By Mr Veysey—An act to amend Section 1273 of the Unemployment Insurance Code, relating to unemployment insurance

Held at desk by order of the Speaker

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Joint Resolution No. 13—Relative to pensions for veterans of World War I,

Assembly Joint Resolution No. 14—Relating to Red Bluff Diversion Dam boat bypass;

Assembly Concurrent Resolution No. 42—Relative to the career of U S Senator James A McDougall,

Assembly Concurrent Resolution No. 44—Relative to the Civil War Centennial Commission;

And reports the same correctly enrolled, and presented to the Secretary of State on the 8th day of April, 1963, at 3 30 p m

POWERS, Chairman

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 41—An act to amend Section 755 of the Elections Code, relating to new resident voting;

Assembly Bill No. 43—An act to amend Sections 10219 and 10301 of the Elections Code, relating to ballot designation,

Assembly Bill No. 44—An act to amend Sections 6490, 6499, 6511, 6512, 6580, 6620, 6652, 6653, 6657, 6658, and 6659 of the Elections Code, relating to the conduct of elections,

Assembly Bill No. 71—An act to amend Sections 310 and 321 of the Elections Code, relating to affidavits of registration;

Assembly Bill No. 150—An act to repeal Section 2025 01 of, and to add Section 443 1 to, the Welfare and Institutions Code, relating to inconsequential resources of welfare recipients;

Assembly Bill No. 182—An act to amend Section 18535 of, and to add Section 20089 to, the Elections Code, relating to recount of ballots,

Assembly Bill No. 380—An act to add Sections 15413, 15414 and 15415 to the Elections Code, relating to vote-tabulating devices,

Assembly Bill No. 383—An act to amend Section 15400 of the Elections Code, relating to vote-tabulating devices,

Assembly Bill No. 605—An act to add Section 15416 to the Elections Code, relating to vote-tabulating equipment,

Assembly Bill No. 777—An act to amend Section 220 of the Military and Veterans Code, relating to manner of commissioning officers of the California National Guard,

Assembly Bill No. 778—An act to amend Section 222 of the Military and Veterans Code, relating to the qualifications of commissioned officers of the California National Guard,

Assembly Bill No. 779—An act to amend Section 225 of the Military and Veterans Code, relating to appointment of warrant officers of the California National Guard,

Assembly Bill No. 780—An act to amend Section 226 of the Military and Veterans Code, relating to arms and equipment for officers of the California National Guard;

Assembly Bill No. 781—An act to amend Section 232 of the Military and Veterans Code, relating to officers of the National Guard,

Assembly Bill No. 782—An act to amend Section 250 of the Military and Veterans Code, relating to enlistment in the California National Guard;

Assembly Bill No. 784—An act to amend Section 161 of the Military and Veterans Code, relating to qualifications and appointment of the Assistant Adjutant General,

Assembly Bill No. 785—An act to amend Section 162 of the Military and Veterans Code, relating to qualifications and appointment of the Adjutant General;

And reports the same correctly enrolled, and presented to the Governor at 3.30 p m, April 8, 1963

POWERS, Chairman

Committee on Government Organization

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER: Your Committee on Government Organization reports.

Assembly Bill No 24

With amendments with the recommendation: Amend, and re-refer to the Committee on Government Organization

MARKS, Chairman

Above bill ordered to second reading.

Committee on Education

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER The Chairman of your Committee on Education reports:

Assembly Bill No 404
Assembly Bill No 1515

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 404 AND 1515 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 404—An act to add Sections 1539, 13059, 13581.1, and 13723.4 to, to amend Section 13055 of, and to repeal Section 13059 of, the Education Code, relating to school personnel

Bill read second time

Motion to Amend

Mr Winton moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "1539," insert "13058.1,".

Amendment No. 2

On page 2, line 20, strike out "is", and insert "was".

Amendment No. 3

On page 2, strike out lines 21 and 22, and insert "duct on or before February 1, 1963, to perform any of the services designated"

Amendment No. 3.5

On page 2, line 28, strike out "January", and insert "July".

Amendment No. 4

On page 3, between lines 22 and 23, insert

"SEC. 3. Section 13058.1 is added to said code, to read

13058.1. Any person who, on the effective date of this section, is serving in a position requiring certification qualifications pursuant to the provisions of subdivisions (m), (n) and (o) of Section 13055 in effect immediately prior to the effective date of this section, shall be deemed to be an employee in a position requiring certification qualifications for as long as he holds such position after the effective date of this section."

Amendment No. 5

On page 3, line 23, strike out "SEC 3", and insert "SEC 4"

Amendment No. 6

On page 3, line 43, strike out "4", and insert "5"

Amendment No. 7

On page 4, line 4, strike out "SEC 5", and insert "SEC 6"

Amendment No. 8

On page 4, line 6, after "qualifications", insert "and not specifically exempted from the classified service according to the provisions of Sections 13581 and 13712".

Amendment No. 9

On page 4, strike out line 7, and insert "required by those sections and shall"

Amendment No. 10

On page 4, line 13, strike out "6", and insert "7"

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education

Assembly Bill No. 1515—An act to add Section 3353 6 to the Education Code, relating to school districts.

Bill read second time.

Motion to Amend

MR. Waite moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 3353 6 to", and insert "amend Section 3124 of, and to add Section 3353 5 to,"

Amendment No 2

On page 1, strike out lines 1 to 7, inclusive, and insert

"SECTION 1 Section 3124 of the Education Code is amended to read

3124 When the augmented county committee includes in its plans and recommendations proposals for the division of the school property of an existing district under Sections 3121 and 3123, such proposal shall be deemed to be an integral part of the plans and recommendations and a favorable vote by a majority of the voters on the question of reorganization, as provided in Sections 3151 to 3169, inclusive, shall be deemed to be a favorable vote upon the plans and recommendations as a whole; provided, however, that if the plans and recommendations *specify that an inequity will arise from the division of real property, then the plans and recommendations may* require the incurring of a bonded indebtedness *or an override tax exceeding the rates otherwise prescribed by law* in any district or portion of a district remaining upon the unification or other reorganization in order to provide funds to equalize the division of the school property among the newly organized districts, then the proposition for the incurring of such bonded indebtedness, *or override tax,* shall be submitted as a separate proposition to the electors of the district or portion thereof which is to incur such indebtedness at the same election at which the proposition of approving the plans and recommendations is submitted to vote of the electors of the proposed unified or otherwise reorganized districts. ~~The~~

In the event that the incurring of bonded indebtedness is required, the plans and recommendations shall not be deemed to have been approved unless the proposition of incurring such indebtedness is approved by two-thirds ($\frac{2}{3}$) vote of the voters of the district or portion thereof which is to incur such indebtedness voting on such proposition at said election. The proceedings for the issuance and sale of said bonds shall be taken in substantial conformity with the provisions of Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, of this code except that said bond election shall be called and canvassed by the county superintendent of schools and the proposition submitted thereat shall be

"Shall _____ __ district incur a bonded indebtedness in the aggregate principal amount of _____ dollars ($_____) for the purpose of paying its share of the equitable adjustment resulting from the reorganization of said school district?"

The county superintendent of schools shall certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district. all proceedings had in the premises and said board of supervisors shall cause said bonds to be issued and sold as provided in Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, of this code except that the proceeds of sale of said bonds shall be deposited to the credit of the reorganized district entitled to such proceeds pursuant to said plans and recommendations.

SEC. 2 Section 3353.5 is added to said code, to read

3353.5 (a) When part of the territory of a school district is formed into a unified school district pursuant to a reorganization under this chapter and the resulting distribution of real property is not in the ratio of the assessed valuation of the territory formed into a unified school district and the remainder of the territory of the district from which the unified district is formed, and the augmented committee has determined that the procedure prescribed by Section 3124 is unsuitable to the situation, the augmented committee may provide, as a part of the plan and recommendations for reorganization, that compensation shall be made in an amount and in a manner which, in the judgment of the augmented committee, will provide equity in the distribution between the new district and the district from which it is formed of liability for outstanding bonded indebtedness and real property, subject to limitations prescribed by this section. The manner of compensation shall be limited to cash payment The total cash payment required of the district which is made the debtor for such purposes shall not exceed the lesser of the following amounts

(1) The creditor district's share of the outstanding bonded indebtedness transferred to or remaining with the district after the division, reduced by the value of the real property which was transferred to or remained with the creditor district in the division

(2) The cost to the creditor district of acquiring real property meeting state standards for school purposes multiplied by the fraction which the assessed valuation of property transferred to or remaining with the debtor district after the division bears to the total assessed valuation of the district from which the unified district was formed prior to the division

(b) The augmented county committee shall, at the request of the governing board of the debtor district, provide for the payment of any cash payment liabilities created under this section in the form of annual installments which, in any one year, shall not exceed the lesser of the following amounts

(1) The debtor district's current annual bond interest and redemption payment requirements arising in connection with its share of the outstanding bonded indebtedness of the district from which the unified district was formed, and which was transferred to or remained with the debtor district in connection with the division.

(2) The amount of the indebtedness incurred by the creditor district to acquire *real properties* meeting state standards which is repaid in that year, multiplied by the ratio which that part of the assessed valuation of the district from which the

unified district was formed and which was transferred to or remained with the debtor district bears to the total of such assessed valuation

(c) Notwithstanding the provisions of subdivision (b) no annual installment therein provided for shall require the total tax rate of the debtor district for payment of its bond interest and redemption obligations and its cash payment obligations under this section to exceed the total tax rate of the creditor district required for payment of its bond interest and redemption obligations reduced by three cents

If the creditor district becomes obligated to repay state school building aid loans received, no annual installment provided for in subdivision (b) shall require the total tax rate of the debtor district required for repayment of its bond interest and redemption obligations and its cash payment obligations to the creditor district under this section to exceed the "40-cent tax amount" utilized pursuant to Chapter 10 of Division 14 to compute the creditor district's repayment obligation to the State, reduced by three cents

(d) If the new unified district is formed pursuant to such plans and recommendations, such provisions shall be binding on the governing boards of the districts affected The governing board of the district required to make a cash payment may provide for raising necessary funds for such purposes by the district tax or by submitting to the voters of the district a proposition for the issuance of bonds of the district The rate of district tax required to provide funds for the purposes of making such payments shall be in addition to the maximum rate of tax for such district fixed or established by or under Sections 20751 or 20803

The issuance and sale of bonds of the district for the purpose of raising money for the purposes of this section shall be deemed to be a purpose for which bonds may be issued and sold pursuant to Chapter 7 (commencing with Sections 21701) of Division 16 of this code

(e) Cash payments received pursuant to this section by a newly formed unified school district shall be credited to its building fund and shall be expended only for capital outlay purposes

The provisions of this section shall apply to plans and recommendations under which any unified district was formed for all purposes on or after July 1, 1962

The amount due from the debtor district shall be deemed outstanding bonded indebtedness of the debtor district for the purposes of determining the eligibility of that district for an apportionment under the State School Building Aid Law of 1952 and shall be included in determining the eligible bonded debt service of such district under Section 19601 1, and in the bond interest and redemption obligation referred to in subdivisions (b) and (c) of this section

It shall be presumed that no inequity arises under this section or under Section 3124 if the creditor district, at the time of the division, can provide adequate school facilities for pupils, meeting all state standards, without incurring bonded indebtedness to the exient which would make it eligible for state school building aid "

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Education reports.

Assembly Bill No 1383
Assembly Bill No 1659
Assembly Bill No 2164

With the recommendation Do pass

GARRIGUS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Education reports

Senate Bill No. 414

With the recommendation: Do pass

GARRIGUS, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Education reports.
Assembly Bill No 653
Assembly Bill No 770
With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

GARRIGUS, Chairman

Above bills re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Education reports
Assembly Bill No 813
With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

GARRIGUS, Chairman

Above bill re-referred to the Committee on Ways and Means.

Committee on Ways and Means

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Ways and Means reports
Assembly Bill No 49
With amendments with the recommendation Amend, and do pass, as amended

CROWN, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Ways and Means reports
Assembly Bill No 1286
With the recommendation Do pass

CROWN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Ways and Means reports
Senate Bill No 327
With the recommendation Do pass

CROWN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 8, 1963

MR. SPEAKER: Your Committee on Ways and Means reports.
Assembly Bill No 686
With the recommendation Do pass
Pursuant to the provisions of Joint Rules Nos. 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CROWN, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER The Chairman of your Committee on Ways and Means reports:
Assembly Bill No 87
With author's amendments with the recommendation Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 87 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 87—An act to add Chapter 6 (commencing with Section 570) to Division 2 of the Education Code, relating to cultural

enrichment programs for young people under language, cultural, or economic handicaps, and making an appropriation

Bill read second time

Motion to Amend

Mr Dymally moved the adoption of the following amendments

Amendment No. 1

On page 2 of the printed bill, as amended in the Assembly on April 3, 1963, between lines 11 and 12, insert

"(b) "Department" means the State Department of Education"

Amendment No. 2

On page 2, line 12, strike out "(b)", and insert (c)"

Amendment No. 3

On page 2, line 19, strike out the second "Enrichment"

Amendment No. 4

On page 2, line 29, after the period, insert "The consultant shall be appointed by the Chairman of the Commission of Compensatory Education, with the approval of the commission"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Ways and Means reports

Assembly Bill No 521

With amendments with the recommendation Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

Above bill ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 1264

And reports the same correctly engrossed

POWERS, Chairman

Above bill ordered returned to second reading file

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 1186

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered returned to second reading file

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 473

Assembly Bill No 1474

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 65
Assembly Bill No 791
Assembly Bill No 907
And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 397
And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Government Organization, and the subject matter referred to the Committee on Rules for assignment to the proper interim committee

Committee on Public Health

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER. Your Committee on Public Health reports:
Assembly Bill No. 828
With the recommendation Do pass.
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar.

RUMFORD, Chairman

Above bill ordered to second reading

INTRODUCTION OF GUESTS

Mr. Barnes introduced his wife, Mrs Marvel F Barnes, his daughter, Mrs Deane Lees; and his baby granddaughter, Gwen Lees, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Mr Garrigus was granted unanimous consent that the following communication be ordered printed in the Journal

COMMUNICATION FROM AMHERST COLLEGE

AMHERST COLLEGE
DEPARTMENT OF ENGLISH
AMHERST, MASSACHUSETTS, April 4, 1963

The Honorable Charles B. Garrigus
Chairman, Assembly Committee on Education
California State Legislature
State Capitol, Sacramento, California

DEAR MR GARRIGUS On behalf of Amherst College I have the honor to thank you for the handsomely printed copy of the resolution passed by the California Legislature in memory of Robert Frost

Within the year Amherst College will start construction of the new library which is to bear Mr Frost's name A copy of your resolution

will be a much prized addition to the collection of documents by and about Mr Frost that will have a place of honor in the new library

The resolution eloquently expresses the greatness of Robert Frost as a poet and as an American and we are most grateful to you for sending us a copy

I shall see that the second copy is transmitted to Mrs Joseph Ballantine, Mr Frost's daughter I am sure she will be as pleased and honored as we are

Sincerely yours,

G ARMOUR CRAIG, Chairman
Department of English

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file

Assembly Bills Nos. 1264, 473, 1186, and 1474.

Assembly Bills Nos 473 and 1474 ordered to third reading.

Assembly Bills Nos 1264 and 1186 ordered to the Consent Calendar

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 286—An act to add Section 9409 to the Vehicle Code, relating to vehicle weight fees

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 66—An act to amend Section 405 of the Vehicle Code, relating to motor-driven cycles

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 28, 1963, after "of", insert ", and to add Section 2420 to,".

Amendment No. 2

On page 1, line 5, strike out "10 gross", and insert "15 gross brake".

Amendment No 3

On page 1, strike out lines 7 and 8, and insert

"SEC 2. Section 2420 is added to said code, to read

2420 Upon request of the California Highway Patrol, manufacturers of motorcycles shall furnish a certification of gross brake horsepower to the department If any manufacturer of motorcycles fails to comply with such request within 30 days from the date such request has been deposited in the mail, then and in that event no person shall sell or offer for sale the particular make and model of motorcycle for which the certification was requested"

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1402—An act to add Section 27801 to the Vehicle Code, relating to equipment on motorcycles

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted·

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "a lawfully positioned", and insert "the"

Amendment No. 2

On page 1, line 10, strike out "on such motorcycle", and insert "when depressed by the weight of the operator"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1445—An act to amend Section 24602 of, and to repeal Section 24009 of, the Vehicle Code, relating to vehicle equipment.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted·

Amendment No 1

On page 1, line 15, of the printed bill, after the comma, insert "stop,".

Amendment No. 2

On page 1, line 18, after the period, insert "Voltage tests shall be conducted with the engine operating"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1533—An act to amend Section 27459 of the Vehicle Code, relating to snowtread tires

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce, was read, and adopted:

Amendment No. 1

On page 1, line 8, strike out "4,000", and insert "5,000".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1596—An act to amend Sections 220, 9263, 9264, 9551, 9552, 11500, 11501, 11502, 11504, 11507, 11509, 11510, 11511, 11512, 11513, 11514, 11516, 11518, 11519, 11520 and 11521 of, and to amend the title of Chapter 3 (commencing with Section 11500) of Division 5 of, the Vehicle Code, relating to automobile wreckers

Bill read second time

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr. Lunardi was granted unanimous consent that Rule No 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor to the bill

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted

Amendment No. 1

In line 1 of the heading of the printed bill, strike out "Mr Lunardi", and insert "Messrs Lunardi and Kennick".

Amendment No. 2

In line 2 of the title, strike out "11511,"

Amendment No. 3

In line 5 of the title, after "of," insert "and to repeal Section 11511 of, and to add Section 11511 to,".

Amendment No. 4

On page 2, line 25, after "first", insert "set"

Amendment No. 5

On page 2, line 34, after "dismantler", insert a comma

Amendment No. 6

On page 4, line 20, strike out "wrecker ', and insert "dismantler".

Amendment No. 7

On page 4, line 32, after "code ," insert "or has purchased, or concealed, or had in his possession, or has otherwise acquired or disposed of a vehicle, knowing the same to be stolen , or has failed to meet and maintain the requirements for issuance of an automobile dismantler license and certificate and special plates as provided for in this code ,"

Amendment No. 8

On page 5, line 1, strike out "amended to read ", and insert "repealed "

Amendment No. 9

On page 5, strike out lines 2 to 18, inclusive

Amendment No. 10

On page 5, between lines 18 and 19, insert

"SEC 15 Section 11511 is added to said code, to read . .

11511 In any administrative disciplinary proceeding to revoke, suspend, or refuse to renew an automobile dismantler license, proof that a vehicle reported stolen to a law enforcement agency was thereafter found in the possession of, or upon the premises of a licensed automobile dismantler shall constitute in evidence a prima facie presumption that such licensee had knowledge that such vehicle was stolen This presumption may be rebutted by satisfactory evidence that the licensee made reasonable inquiry to ascertain that the person from whom he bought or received the said vehicle had the legal right to sell or deliver the said vehicle to the licensee, that he had properly reported acquisition of the vehicle as required by this code, and that he has maintained business records sufficient to identify the vehicle "

Amendment No. 11

On page 5, line 19, after "SEC ", strike out "15", and insert "16"

Amendment No. 12

On page 5, line 28, strike out "16", and insert "17".

Amendment No. 13

On page 5, line 44, strike out "17", and insert "18".

Amendment No. 14

On page 6, line 9, strike out "18", and insert "19".

Amendment No. 15

On page 6, line 24, strike out "19", and insert "20".

Amendment No. 16

On page 6, line 37, strike out "license", and insert "licensee".

Amendment No. 17

On page 6, line 43, strike out "20", and insert "21"

Amendment No. 18

On page 6, line 48, strike out "21", and insert "22".

Amendment No. 19

On page 8, line 3, strike out "dismantler's", and insert "dismantlers".

Amendment No. 20

On page 8, line 27, strike out "22", and insert "23".

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Transportation and Commerce

Assembly Bill No. 296—An act to add Section 459 to the Elections Code, relating to information pertaining to voters

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Elections and Reapportionment were read, and adopted:

Amendment No. 1

On page 1, line 9 of the printed bill, after "party", insert "for all voters allowed to participate in the subsequent general election"

Amendment No. 2

On page 1, line 17, after "committee", insert "for all voters prior to the subsequent general election"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1401—An act to amend Section 20007 of the Vehicle Code, relating to accident reports

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce was read, and adopted:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "without unnecessary delay", and insert "immediately"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Consideration of House Resolution No. 183

By Mr Carrell.

House Resolution No. 183—Relative to a study of transportation.

Resolution read

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Rules, were read, and adopted.

Amendment No. 1

In the resolution, as printed on page 1607 of the Assembly Journal for April 1, 1963, in the third "WHEREAS" clause, first line, strike out 'well"

Amendment No. 2

Strike out the fourth "WHEREAS" clause

Amendment No. 3

In the fifth "WHEREAS" clause, first line, after "conducted", insert "by the State of California".

House Resolution No. 183, as Amended

By Mr Carrell

House Resolution No. 183

Relative to a study of transportation

WHEREAS, The Los Angeles Metropolitan area and the southland counties suffer from inadequate transportation and lack of co-ordinated transit facilities; and

WHEREAS, This area has the most explosive population growth in our State, and

WHEREAS, There are existing facilities, designed to serve these areas, and

WHEREAS, There have not been engineering or detailed cost studies conducted by the State of California to determine the feasibility of the utilization and the expansion of existing facilities, and

WHEREAS, The State Legislature has the power to determine the legal jurisdiction, financing, and taxing of the jurisdictions involved in the southland counties, and

WHEREAS, There are many political subdivisions involved in the areas, and

WHEREAS, There is a need for the development of a comprehensive plan of co-ordinated transportation in the southland counties, responsible to the will and needs of the people, now, therefore, be it

Resolved by the Assembly of the State of California That the Assembly Committee on Rules is directed to refer to the appropriate interim committee for study the subject of financing and establishing a jurisdictional authority which will implement and co-ordinate a transportation system for the Los Angeles Metropolitan and Southland areas, and to direct such interim committee to report thereon to the Assembly not later than the fifth calendar day of the 1965 Regular Session

Resolution, as amended, re-referred to the Committee on Rules; and the subject matter referred to the Committee on Rules for assignment to the proper interim committee

Consideration of House Resolution No. 195

By Messrs Veysey and Casey.

House Resolution No. 195—Relating to an interim study of the State Teachers' Retirement System

Resolution read

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Rules, were read, and adopted·

Amendment No. 1

In the resolution, as printed on pages 1741 and 1742 of the Assembly Journal for April 3, 1963, in the fourth "WHEREAS" clause, in the first line, strike out "Retiring", and insert 'Some returning"

Amendment No. 2

In the seventh "WHEREAS" clause, first line, after "not a", insert "fully".

House Resolution No. 195, as Amended

By Messrs Veysey and Casey.

House Resolution No. 195

Relating to an interim study of the State Teachers' Retirement System

WHEREAS, The State Teachers' Retirement System is a large and complex system, which has 200,000 accounts and is paying benefits on 24,000 of these accounts, and

WHEREAS, The Teachers Retirement Board and employees of the system have three different funds to keep track of; and

WHEREAS, The system is over two years behind in posting to members' accounts, and audits indicate a high percentage of errors in computing benefits, and

WHEREAS, Some retiring teachers have been required to wait as long as six months after applying for retirement to commence receiving benefits, and

WHEREAS, The Teachers Retirement Board is composed of the members of the State Board of Education and the appointive members of the Retirement Investment Board, and the members of the Retirement Investment Board and the members of the State Board of Education lack sufficient time to devote to the retirement system, and

WHEREAS, Counties are slow in reporting to the system the required information on members and the accounts of the State Controller do not balance with the accounts of the State Teachers' Retirement System, and

WHEREAS, The system's problems are complicated by the fact that it is not a fully funded system, and by the fact that different provisions applying to members who are also members of a local teachers' retirement system make computation of benefits and administration of the state system more complicated, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Rules Committee is directed to assign to an appropriate interim committee the subject matter of this resolution for study of the problems referred to herein, including any laws relating thereto, and the needed revision thereof, with authority to contract, if necessary, with a private organization to conduct a management survey of the State Teachers' Retirement System, and that such committee report its findings to the Assembly by not later than the 5th calendar day of the 1965 Regular Session, including in the report its recommendations for appropriate legislation

Resolution, as amended, re-referred to the Committee on Rules; and the subject matter referred to the Committee on Rules for assignment to the proper interim committee

SECOND READING OF SENATE BILLS

Senate Bill No. 277—An act to add Sections 108 and 26458 to, and to amend Section 26503 of, and repeal Section 26500 of, the Vehicle Code, relating to air brakes

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 278—An act to amend Sections 26304, 26450 and 26451 of, and to add Section 26311 to, the Vehicle Code, relating to brakes on vehicles

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 279—An act to amend Sections 2251, 8153, 8163, 9261, 12505, 16376, 21359, 22359, 22361, 34011, 35104, 35411, and 35415 of the Vehicle Code, and to amend Section 12155 of the Insurance Code, and to amend Section 1696 3 of the Labor Code, relating to vehicles, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to the Consent Calendar

Senate Bill No. 283—An act to amend Section 280 of the Vehicle Code, relating to darkness

Bill read second time, and ordered to the Consent Calendar.

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 8, 1963

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No. 79
Senate Bill No 370
Senate Bill No 371
Senate Bill No 412
Senate Bill No 413
Senate Bill No 485
Senate Bill No 497
Senate Bill No 509
Senate Bill No 563
Senate Bill No 741
Senate Bill No 756

J. A BEEK, Secretary of the Senate
By GORDON F. ENGLISH, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time

Senate Bill No. 79—An act to add Sections 13101 1, 13101 2, 13101 3, 13101.4, and 13101 5 to, and amend Sections 13102, 13103, 13108, and 13173 of, the Education Code, relating to the licensing of school personnel

Held at desk by order of the Speaker.

Senate Bill No. 370—An act to add Part 12 (commencing with Section 15900) to Division 3 of Title 2 of the Government Code, relating to the economic policy of the State.

Held at desk by order of the Speaker

Senate Bill No. 371—An act to add Title 7 1 (commencing with Section 66500) to the Government Code, relating to the Bay Area Transportation Study Commission

Held at desk by order of the Speaker

Senate Bill No. 412—An act to amend Section 188 3 of the Streets and Highways Code, relating to the State Highway Fund

Held at desk by order of the Speaker

Senate Bill No. 413—An act to amend Sections 12154, 12155, and 12157 of the Fish and Game Code, relating to forfeiture of bail

Held at desk by order of the Speaker

Senate Bill No. 485—An act to amend Section 13386 of, and to add Sections 13301 1, 13386 1, 13386 2, 13386 3, 13386 4, 13386 5, 13386.6, 13386 7, 13386 8, and 13386 9 to, the Health and Safety Code, relating to clothes cleaning equipment and establishments.

Held at desk by order of the Speaker

Senate Bill No. 497—An act to amend and renumber Section 143.01 of the Welfare and Institutions Code, relating to public assistance

Held at desk by order of the Speaker

Senate Bill No. 509—An act to repeal Part 6 (commencing with Section 35800), Division 24 of the Health and Safety Code, relating to housing for elderly persons of low income.

Held at desk by order of the Speaker.

Senate Bill No. 563—An act to amend Section 7162 of the Fish and Game Code, relating to sport fishing licenses

Held at desk by order of the Speaker

Senate Bill No. 741—An act to amend Sections 8210 and 8211 of the Fish and Game Code, relating to salmon

Held at desk by order of the Speaker

Senate Bill No. 756—An act to amend Section 1060 of the Government Code, relating to residence and offices of state officers

Held at desk by order of the Speaker

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 8, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No 32
Senate Concurrent Resolution No 43

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolutions were read:

Senate Concurrent Resolution No. 32—Relative to small craft harbors

Held at desk by order of the Speaker.

Senate Concurrent Resolution No. 43—Relative to the preservation of ancient Indian burial grounds and artifacts and relics of Indian culture in California

Held at desk by order of the Speaker.

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 8, 1963

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to

Senate Bill No. 48
Senate Bill No 53
Senate Bill No 115

J A BEEK, Secretary of the Senate
By R W. LYONS, Chief Assistant Secretary

SENATE CHAMBER, April 8, 1963

MR SPEAKER I am directed to inform you honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No. 339
Assembly Bill No 535

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

Above bills ordered to unfinished business file.

SENATE CHAMBER, April 8, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 319
Assembly Bill No 344
Assembly Bill No 490
Assembly Bill No 493
Assembly Bill No 511
Assembly Bill No 708
Assembly Bill No. 798
Assembly Bill No. 855
Assembly Bill No 890

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

Above bills ordered enrolled

REFERENCE OF BILLS TO COMMITTEE

Speaker Unruh referred the following bills to the following committees

Assembly Bill No	*Committee*
2289	Transportation and Commerce
2290	Municipal and County Government
2291	Finance and Insurance
2292 through 2294	Judiciary
2295	Public Utilities and Corporations
2296 through 2298	Municipal and County Government
2299	Judiciary
2300	Natural Resources, Planning, and Public Works
2301	Municipal and County Government
2302	Education
2303 through 2306	Criminal Procedure
2307	Government Organization
2308	Finance and Insurance
2309	Agriculture
2310	Public Health
2311	Governmental Efficiency and Economy
2312 and 2313	Criminal Procedure
2314	Education
2315	Government Organization
2316	Manufacturing, Oil, and Mining Industry
2317 and 2318	Municipal and County Government
2319	Government Organization
2320	Public Utilities and Corporations
2321	Social Welfare
2322	Transportation and Commerce
2323 and 2324	Education
2325	Municipal and County Government
2326	Governmental Efficiency and Economy

Assembly Constitutional Amendment No	*Committee*
41	Criminal Procedure

Senate Bill No	
102	Judiciary
178	Criminal Procedure
446	Interstate Co-operation
590	Elections and Reapportionment
626	Municipal and County Government
682	Education
689	Water
764	Municipal and County Government
768	Military and Veterans Affairs
778	Water

Senate Joint Resolution No	
2	Rules

Senate Concurrent Resolution No	
26	Transportation and Commerce

RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION

The following resolution was offered.

By Mr Barnes.

Resolved, That Assembly Bill No 2164 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage

Resolution read

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Barnes, Beilenson, Belotti, Booth, Brutsche, Burgener, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Marks, McMillan, Meyers, Milias, Mills, Monagan, Mulford, Petris, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—58

NOES—None

Article IV, Section 15 of the Constitution was declared dispensed with

CONSIDERATION OF ASSEMBLY BILL NO. 2164

Assembly Bill No. 2164—An act to amend Section 19615 5 of the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill No. 2164—An act to amend Section 19615.5 of the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—59
NOES—None

The question being on the passage of the bill

Bill passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Bagley, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Porter, Powers, Quimby, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—59
NOES—None

Bill ordered transmitted to the Senate

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 16—An act to add Section 35416 to of the Vehicle Code, relating to length of combination of vehicles

The question being Shall the Assembly concur in the following Senate amendment to Assembly Bill No 16?

Amendment No. 1

On page 1, line 11, of the printed bill, as amended in the Assembly on March 12, 1963, after the period, strike out This section shall apply only to those combinations of" and strike out lines 12 to 14, inclusive

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No 16 by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Donovan, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Marks, Meyers, Milias, Mills, Monagan, Moreno, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—59
NOES—None

Assembly Bill No 16 ordered enrolled

Assembly Bill No. 35—An act to amend Section 22517 of the Vehicle Code, relating to opening and closing doors of a motor vehicle

The question being Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 35?

Amendment No. 1

On page 1, line 4, of the printed bill, as amended in the Assembly on February 21, 1963, strike out "vehicular".

Amendment No. 2

On page 1, line 6, strike out "vehicular"

Amendment No. 3

On page 1, line 8, strike out "vehicular"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 35 by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Crown, Danielson, Dunnemeyer, Davis, Deukmejian, Donovan, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—62

NOES—None

Assembly Bill No 35 ordered enrolled

Assembly Bill No. 407—An act to add Sections 4191 and 4384.5 to the Agricultural Code, relating to fees

The question being Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 407?

Amendment No. 1

On page 2, line 6, of the printed bill, strike out "on", and insert "or"

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No 407 by the following vote.

AYES—Allen, Alquist, Ashcraft, Bagley, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Crown, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—63

NOES—None

Assembly Bill No 407 ordered enrolled

Assembly Bill No. 720—An act to add Sections 5473 10 and 5473 11 to the Health and Safety Code, relating to sewer service charges

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No 720?

Amendment No 1

On page 1 of the printed bill, after line 17, insert

"The lien provided herein shall have no force or effect until recorded with the county recorder and when so recorded shall have the force, effect and priority of a judgment lien and continue for three years from the time of recording unless sooner released or otherwise discharged."

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No 720 by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Crown, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene,

Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—62

NOES—None

Assembly Bill No 720 ordered enrolled

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1378—An act to add Section 224r to the Civil Code, relating to disbursements in adoption proceedings

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Bagley, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas Veneman, Veysey, Waite, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—66

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 675—An act to amend Sections 7403, 7651, 7726, 7727, 8105 and 8351 of the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax Law

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—70

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1195—An act to amend Section 14207 of the Elections Code, relating to the hours for voting

Bill read third time

Motion to Amend

Mr Petris moved the adoption of the following amendment.

Amendment No. 1

On page 1, line 4, of the printed bill, after "machines", insert ", in those precincts within the county where the votes are tabulated by an electronic tabulating device or in which voting machines are used"

Amendment read, and adopted

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 322—An act to amend Section 1300 16 of the Agricultural Code, relating to marketing orders

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Crown, Danielson,

Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Moreno, Mulford, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thomas, Veneman, Veysey, Waite, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—67

NOES—Hinckley, Holmes, and Pattee—3

Bill ordered transmitted to the Senate

Assembly Bill No. 95—An act to add Section 6742 to Article 7 of Chapter 1 of Part 4 of Division 6 of the Welfare and Institutions Code, relating to apprehension of persons who have escaped from mental institutions in other jurisdictions

Bill read third time, and passed by the following vote

AYES—Allen, Ashcraft, Bagley, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—70.

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 507—An act to amend Section 442 of the Agricultural Code, relating to milk and milk products

Bill read third time, and passed by the following vote:

AYES—Allen, Ashcraft, Bagley, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—70

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 676—An act to amend Sections 8952, 10051, 10052, and 10053 of, and to add Sections 8953, 8954, 8955 and 10054 to, the Revenue and Taxation Code, relating to state taxes

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 783—An act to amend Section 644 1 of the Military and Veterans Code, relating to award of the Federal Service Ribbon

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves Greene, Henson Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 786—An act to add Section 643 3 to the Military and Veterans Code, relating to awarding of a State Service Ribbon

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Ferrell, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers Milias, Monagan, Moreno, Mulford, Pattee, Petris, Porter Powers, Quimby Rumford, Song, Soto, Stevens Thelin, Thomas, Veysey, Waite, Warren, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—66

NOES—Collier, Mills, and Waldie—3

Bill ordered transmitted to the Senate

POINT OF ORDER

Mr Cologne arose to the following point of order That the hour having arrived, consideration of the special order of business was in order.

Ruling by Speaker

Speaker Unruh ruled the point of order well taken

CONSIDERATION OF SPECIAL ORDER

The hour having arrived, Assembly Bill No 652 was taken up

Assembly Bill No. 652—An act to add Article 9 (commencing with Section 18149) to Chapter 13, Part 10 of Division 2, of, and add Sections 24474 and 24498 to, the Revenue and Taxation Code, relating to taxation on the basis of income from corporate stock distributions, to take effect immediately

Bill read third time

Motion to Amend

Mr Petris moved the adoption of the following amendment

Amendment No. 1

On page 1 of the printed bill, as amended in the Assembly on March 12, 1963, strike out lines 8 to 14, inclusive, and insert

"18149 Gross income does not include the fair market value of not exceeding 10 full shares of divested stock (as defined in Section 18149 2) received by a

shareholder of the distributing corporation who was a shareholder of record on March 1, 1962"

Amendment read

Point of Order

Mr Cologne arose to the following point of order That he did not have a copy of the amendment at his desk

Inquiry by Speaker

Speaker Unruh inquired of Mr Petris if his amendment added more than 25 words

Reply by Mr Petris

Mr Petris replied that it did, but that a copy of the amendment was being placed on each member's desk, pursuant to the provisions of Rule No 77

The question being on the adoption of the amendment by Mr Petris

Speaker pro Tempore Presiding

At 10 58 a m , Hon. Carlos Bee, Speaker pro Tempore of the Assembly, presiding

Demand for Previous Question

Messrs Mills, Meyers, Garrigus, Knox, and Ryan demanded the previous question Demand sustained

The question being on the adoption of the amendment by Mr Petris

Roll Call Demanded

Messrs Marks, Holmes, and Mulford demanded a roll call

The roll was called, and the amendment refused adoption by the following vote

AYES—Alquist, Bane, Burton, Davis, Dills, Dymally, Elliott, Foran, Frew, Henson, McMillan, Meyers, Petris, Powers, Song, Stanton, Warren, Williamson, Young, Z'berg, and Zenovich—21

NOES—Allen, Ashcraft, Badham, Bagley, Barnes, Bee, Bellenson, Beloth, Booth, Britschgi, Burgener, Carrell Casey, Chapel, Collier, Cologne Conrad, Crown, Danielson, Dannemeyer, Deukmejian, Donovan, Ferrell, Flournoy, Gaffney, Garrigus, Gonsalves, Greene, Hinckley, Holmes, Johnson, Kennick, Knox Lanterman, Lunardi, Marks, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Quimby, Rumford, Ryan, Soto, Stevens, Thelin, Thomas, Veneman, Vesser, Waite, Waldie, Whetmore, Willson, Winton, and Mr Speaker—57

Motion to Continue Consideration for 30 Days

Mr Winton moved that consideration of Assembly Bill No 652 be continued for 30 days

Mr Burton seconded the motion

Demand for Previous Question

Messrs Petris, Bane, Holmes, Pattee, and Chapel demanded the previous question Demand sustained

The question being on the motion that consideration of Assembly Bill No 652 be continued for 30 days

The roll was called

Call of the Assembly

Pending the announcement of the vote, Mr Unruh moved a call of the Assembly

Mr Winton seconded the motion

Motion carried Time, 11 51 a m

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent members

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 113

Mr Waldie was granted unanimous consent that Assembly Rule No 113 be temporarily suspended for the purpose of placing a call of the Assembly on any matter before the House

INTRODUCTION OF GUESTS

Mr Mulford introduced his wife, Mrs Virginia Mulford, their children, Don, Patty, and Donna Mulford, and Miss Patty McDonald of Oakland to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

Mr Winton introduced his daughter, Sally Sue Winton; and her friend from the University of California at Santa Barbara, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 198—An act to add Section 13502 5 to the Education Code, relating to salaries of certificated employees

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Bane, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Denkmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Foran, Gaffney, Garrigus, Gonsalves, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Song, Soto, Stevens, Thomas, Veneman, Vessey, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Zenovich, and Mr Speaker—63

NOES—Flournoy and Thelin—2

Bill ordered transmitted to the Senate

Assembly Bill No. 617—An act to amend Section 13470 of the Education Code, relating to bereavement leave of absence

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Badham, Bane, Bee, Beilenson, Belotti, Booth, Burton, Carrell, Casey, Chapel, Crown, Danielson, Dannemeyer, Dills, Elliott, Ferrell, Foran, Gaffney, Garrigus, Gonsalves, Greene, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mills, Moreno, Porter, Quimby, Rumford, Song, Soto, Stanton, Thomas, Veneman, Vessey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, and Zenovich—50.

NOES—Burgener, Denkmejian, Donovan, Henson, Hinckley, Holmes, Lanterman, Powers, and Thelin—9.

Bill ordered transmitted to the Senate

Assembly Bill No. 1037—An act to amend Section 2229 of the Education Code, relating to the public school system

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Chapel, Collier, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—69

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1545—An act to amend Sections 31230, 31231, and 31233 of the Education Code, relating to scholarships

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bane, Barnes, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Crown, Danielson, Dannemeyer, Donovan, Dymally, Elliott, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Knox, Marks, McMillan, Meyers, Milias, Monagan, Moreno, Mulford, Petris, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Thomas, Veneman, Veysey, Waite, Warren, Williamson, Young, Z'berg, and Zenovich—54

NOES—Badham, Bee, Collier, Conrad, Davis, Deukmejian, Flournoy, Holmes, Lanterman, Lunardi, Mills, Pattee, Stevens, Thelin, Waldie, Whetmore, Willson, and Winton—18

Bill ordered transmitted to the Senate

CALL OF THE ASSEMBLY DISPENSED WITH ON MOTION TO CONTINUE CONSIDERATION OF ASSEMBLY BILL NO. 652 FOR 30 DAYS

At 12 09 p m , on motion of Mr Unruh, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called

Call of the Assembly

Pending the announcement of the vote, Mr Unruh moved a call of the Assembly.

Mr Petris seconded the motion

Motion carried Time 12 11 p m

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent members

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 113

Mr. Waldie was granted unanimous consent that Assembly Rule No 113 be temporarily suspended for the purpose of placing a call of the Assembly on any matter before the House

o

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Consideration of House Resolution No. 178

By Mr Waite

House Resolution No. 178—Congratulating Mrs Grace Andrews

NOTE The full text of House Resolution No 178 as amended on April 8, 1963, appears at pages 1906 and 1907 of the Assembly Daily Journal for April 8, 1963

Resolution read, and adopted

Consideration of House Resolution No. 179

By Messrs Casey and Williamson (Coauthor Senator Stiern)

House Resolution No. 179—Relative to congratulating John Loustalot on his being selected Sportsman of the Year in Kern County

NOTE The full text of House Resolution No 179 appears at page 1605 of the Assembly Daily Journal for April 1, 1963, and the amendment adding a co-author appears at page 1925 of the Assembly Daily Journal for April 8, 1963

Resolution read, and adopted

THIRD READING OF SENATE BILLS

Senate Bill No. 350—An act to amend Section 2151 of, and to repeal Sections 2153 and 2154 of, the Agricultural Code, relating to swine

Bill read third time, and presented by Mr Williamson

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Z'berg, Zenovich, and Mr Speaker—75

NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 29—An act to amend Section 5715 1 of the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately

Bill read third time, and presented by Mr Casey

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias Mills, Monagan, Moreno, Mulford, Pattee Petris, Porter, Powers, Quimby, Rumford, Ryan, Song Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77

NOES—None

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Wilson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—77

NOES—None

Bill ordered transmitted to the Senate

CALL OF THE ASSEMBLY DISPENSED WITH ON MOTION TO CONTINUE CONSIDERATION OF ASSEMBLY BILL NO. 652 FOR 30 DAYS

At 12 15 p m , on motion of Mr Unruh, further proceedings under the call of the Assembly were dispensed with

The names of the absentees were called, and the motion that consideration of Assembly Bill No 652 be continued for 30 days carried by the following vote.

AYES—Alquist, Bane, Bee, Beilenson, Booth, Burton, Crown, Danielson, Davis, Dills, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Johnson, Kennick, McMillan, Meyers, Mills, Moreno, Petris, Porter, Powers, Quimby, Rumford, Song, Soto, Stanton, Waite, Warren, Williamson, Wilson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—43

NOES—Allen, Ashcraft, Badham, Bagley, Barnes, Belotti, Britschgi, Burgener, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Dannemeyer, Deukmejian, Donovan, Flournoy, Hinckley, Holmes, Knox, Lanterman, Lunardi, Marks, Milias, Monagan, Mulford, Pattee, Ryan, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, and Whetmore—36

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 50—An act to amend Sections 30225 and 30750 of the Streets and Highways Code, relating to bridges constructed under the California Toll Bridge Authority Act and their financing, declaring the urgency thereof, to take effect immediately

Bill read third time, and presented by Mr Young

Urgency Clause

Urgency clause read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Wilson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne,

Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Potter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 78—An act to add Division 18 5 (commencing with Section 25410) to; to amend Section 8454 of; and to repeal Chapter 6 (commencing with Section 1401) of Division 4, Chapter 7 (commencing with Section 2551) of Division 5, Chapter 8 (commencing with Section 22200) of Division 16, Article 4 (commencing with Section 5701) of Chapter 5 of Division 6, Article 5 (commencing with Section 7801) of Chapter 2 of Division 7, and Article 8 (commencing with Section 15651) of Chapter 2 of Division 11, of, and to repeal Sections 989, 7751, 8403, 17004, and 20802 of; the Education Code, relating to junior colleges.

Bill read third time, and presented by Mr Casey

Bill passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Potter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevsey, Waite, Warren, Whetmore, Williamson, Willson, Winton, Young, Zenovich, and Mr Speaker—77

NOES—None

Bill ordered transmitted to the Senate

CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)

Assembly Bill No. 532—An act to amend Sections 43730, 44000, 44001, 44002, 44003, 44004, 44030, 44031, 44081, 44105, 45400, 45900, 46175, 46355, 46500, 47800, 47801, 47805, 47807, 47808, 47809 and 47810 of, and to amend the title of Chapter 6 (commencing with Section 44000) of Part 6 of Division 14 of, to add Sections 43006, 43007, and 44032 to, and to add Article 10 (commencing with Section 46375) to Chapter 2 of Part 9 of Division 14 of, and to add Section 45102 to, the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately

The question being Shall the Assembly concur in the following Senate amendments to Assembly Bill No 532?

Senate Amendments of April 2, 1963—Set No. 1
Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on February 28 1963, strike out "44030, 44031," and insert "43730, 44000, 44001, 44002, 44003, 44004, 44030, 44031, 44081, 44105,"

Amendment No. 2

In line 2 of the title, after "of," insert "and to amend the title of Chapter 6 (commencing with Section 44000) of Part 6 of Division 14 of,"

Amendment No. 3

In line 3 of the title, after "43006", insert ", 43007,"

Amendment No. 3 5

On page 1, line 11, after "to", insert "the State, the department, or"

Amendment No. 4

On page 1, between lines 20 and 21, insert

"SEC 1 1 Section 43007 is added to said code, to read

43007 If tolls or charges are levied and collected in order to provide, in whole or in part, for the payment of amounts due under more than one contract, such tolls and charges may be fixed, levied and collected in such a manner as to, as nearly as practicable, charge the lands served under a particular contract with the amounts due under such contract The assessment commissioners appointed under Chapter 2 (commencing with Section 46150) of Part 9 of this division may apply this principle in determining the portion of the total benefits to accrue to the district under a particular contract which will be realized by each parcel of land in separate ownership in the district

SEC 1 2 Section 43730 of said code is amended to read

43730 An action to determine the validity of bonds, assessments, contracts, including contracts with *the State, the department,* or the United States, the adoption of a project or the taking of any other action by the district or by the board under the provisions of this division may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure

SEC 1 3 The title of Chapter 6 (commencing with Section 44000) of Part 6 of Division 14 of said code is amended to read.

CHAPTER 6 CO-OPERATION WITH THE UNITED STATES *and the State*

SEC 1 4 Section 44000 of said code is amended to read

44000 Any district may co-operate and contract with *the State, the department,* or the United States under *any laws of the State or* the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or under any other act of Congress heretofore or hereafter enacted authorizing or permitting the co-operation or contract

SEC 1 5 Section 44001 of said code is amended to read

44001 The co-operation and contract may be for any or all of the following purposes

(a) Construction, acquisition, purchase, extension, operation, or maintenance of works for irrigation, drainage, storage, flood control, generation and distribution of hydroelectric energy incidental thereto, or any of these.

(b) A water supply.

(c) Assumption as principal or guarantor of indebtedness to *the State, the department, or* the United States

(d) To carry out the terms of any contract between the district and *the State, the department,* or the United States.

SEC 1 6 Section 44002 of said code is amended to read

44002 Any contract made between a district and *the State, the department, or* the United States may designate and describe the land which is to be served with water from the waterworks or system contemplated under the contract and, in that case, only such land may be charged with any of the assessments mentioned in this chapter

SEC 1 7 Section 44003 of said code is amended to read

44003 The board may provide by contract with *the State, the department, or* the United States for the delivery and distribution of water for the land of the district under any *laws of the State or* acts of Congress and under any rules and regulations established thereunder

SEC 1 8 Section 44004 of said code is amended to read

44004 Before entering into any contract with *the State, the department, or* the United States, the board shall make a report complying with the provisions of Sections 42275 to 42280, inclusive, and setting forth the substantial terms and provisions of the proposed contract The report may be either the original report of the board or a supplemental or additional report and may embody other features in addition to the proposed contract"

Amendment No. 5

On page 1, line 22, after "with", insert "the State, the department, or"

Amendment No. 6

On page 2, line 20, after "with", insert "the State, the department, or".

Amendment No. 7

On page 2, line 32, after "with", insert "the State, the department, or"

Amendment No. 8

On page 2, after line 52, insert

"SEC. 45. Section 44081 is amended to read

44081. Provision may be made in the contract between the district and *the State, the department, or* the United States for the refusal of water service to any land which may become delinquent in the payment of any assessment levied for the purpose of carrying out any contract between the district and *the State, the department, or* the United States

SEC. 46. Section 44105 of said code is amended to read

44105. A contract between the district and *the State, the department, or* the United States may provide that the district shall not be dissolved nor shall the boundaries be changed except upon written consent of *the State, the department, or* a specified official of the United States filed with the official records of the district if the consent of *the State, the department or* the United States official is given and land is excluded, the areas excluded shall be free from all liens and charges for payments to become due to *the State, the department, or* the United States under the contract."

Senate Amendments of April 2, 1963—Set No. 2

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on February 28, 1963, strike out "45900, 46175, 46355", and insert "45400, 45900, 46175, 46355, 46500"

Amendment No. 2

In line 5 of the title, after the second "of," insert "and to add Section 45102 to,".

Amendment No. 3

On page 2, after line 52, insert

SEC. 45. Section 45102 is added to said code, to read

45102. Notwithstanding the provisions of Section 45100, whenever in any district (1) a report and recommendation as to a project, or a report as to a contract with the United States, has been adopted by the voters at an election held pursuant to Part 5 (commencing with Section 42200) of this division or Chapter 6 of Part 6 (commencing with Section 44000) of this division, (2) an assessment to finance the project or the contract has been levied and assessed and remains unpaid in whole or in part, and (3) in the judgment of the board it is for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the project or charges pursuant to the contract, the board may, by a resolution adopted by a two-thirds vote of its members, authorize the issuance of bonds in an amount not exceeding the amount of the assessment remaining unpaid, without calling or holding any special election pursuant to Section 45100 or Chapter 2 (commencing with Section 45250) of this part. The resolution shall be submitted to the department and shall become effective if and when it is approved by the department. When any such resolution has been approved by the department, a copy thereof shall be filed with the county treasurer of each affected county. If bonds are thus authorized by a resolution of the board, the bonds shall be in substantially the form set forth in Section 45557, with such changes therein as may be necessary in view of the absence of a special bond election.

The provisions of this section shall apply to all districts, including any district in which a report and recommendation as to a project, or a report as to a contract with the United States, has been adopted at an election held at any time heretofore, and shall apply in the case of any assessment at any time heretofore or hereafter levied and assessed, if the assessment remains unpaid in whole or in part at the time of adoption of the resolution of the board authorizing the issuance of bonds.

SEC. 46. Section 45400 of said code is amended to read.

45400. If a majority of the votes cast at the election are in favor of the issuance of bonds, *or if a resolution authorizing the issuance of bonds has been adopted and approved in accordance with Section 45102,* the board shall cause bonds in the amount stated in the order calling the election *or in such resolution, as the case may be* to be executed and delivered together with the assessment list segregated as to affected counties, to the treasurer."

Amendment No. 4

On page 3, line 7, strike out "bonds"

Amendment No. 5

On page 4, between lines 40 and 41, insert

"SEC 8 5 Section 46500 of said code is amended to read

46500 The assessment list of each county shall remain open for payment in the office of the county treasurer of the affected counties for a period of 30 days and shall continue to remain open thereafter until such time, if ever, as the board makes an order calling a special election for the issuance of bonds to be secured by the assessment *or until such time as the board files with the county treasurer a resolution, adopted and approved in accordance with Section 45102, authorizing the issuance of bonds to be secured by the assessment* If the result of the election, *if any is called*, is that the proposal to issue bonds is defeated, *or if no bonds are issued within six months after such a resolution has been so filed*, the assessment list shall again become open"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 532 by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brtschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford Ryan, Song Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—77.

NOES—None

Assembly Bill No 532 ordered enrolled

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 1573—An act to amend Section 11580 2 of the Insurance Code, relating to uninsured motorist coverage

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes Bee, Beilenson, Belotti, Booth, Brtschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 564—An act to amend Section 22352 of the Vehicle Code, relating to speed limits

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brtschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemever, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan,

Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1461—An act to add Section 110 to, and to amend Sections 21804 and 22352 of, the Vehicle Code, relating to alleys

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 936—An act to amend Sections 13011, 13020, and 13021 of the Water Code, relating to water pollution control

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton Stevens Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Joint Resolution No. 27—Relative to pollution of New River

Resolution read, and adopted by the following vote.

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes Bee, Beilenson, Belotti, Booth, Britschgi. Burgener, Burton, Carrell, Casey, Chapel Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy. Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens Thelin, Thomas, Veneman, Veysey, Waite, Waldie Warren, Whetmore, Williamson, Willson Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Resolution ordered transmitted to the Senate

Assembly Bill No. 1019—An act to amend Section 6732 of the Business and Professions Code, relating to the practice of engineering

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne,

Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1117—An act to amend Sections 10252 5, 10253 5, and 10305 of the Business and Professions Code, relating to the regulation of real estate and business opportunity licensees

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1118—An act to repeal Sections 10154, 10155 and 10216 of the Business and Professions Code, relating to limited real estate salesman's license

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79

NOES—None

~~Bill ordered transmitted to the Senate~~

NOTE Later this day, a motion to reconsider Assembly Bill No. 1118 on the next legislative day was offered by Mr Lanterman *See* page 1992.

Assembly Bill No. 1119—An act to amend Sections 10206, 10223, 10326, and 10586 of, and amend and renumber Section 10222 (as added by Chapter 886 of the Statutes of 1961) of, the Business and Professions Code, relating to real estate, business opportunity, and mineral, oil and gas licenses

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers,

Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1452—An act to amend Sections 11013.1 and 11013.4 of the Business and Professions Code, relating to subdivided lands

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1459—An act to amend Section 43.7 of the Civil Code, relating to personal rights

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

~~Bill ordered transmitted to the Senate~~

NOTE—Later this day a motion to reconsider Assembly Bill No. 1459 on the next legislative day was offered by Mr. Willson. *See* page 1992. Also, *see* page 1993, where reconsideration was refused.

Assembly Bill No. 674—An act to amend Section 6452 of the Revenue and Taxation Code, relating to sales and use taxation

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79
NOES—None

Bill ordered transmitted to the Senate

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 194—An act to amend Section 10500 of the Water Code, relating to the appropriation of water by the Department of Water Resources

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 85—An act to amend Sections 5081 and 5083 of, and to add Sections 5081.1, 5081.2 and 5081.3 to, the Business and Professions Code, relating to the practice of accountancy

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79

NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 436—An act to amend Section 7074 of, add Section 7138 to, and repeal Section 7085 of, the Business and Professions Code, relating to contractors

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—79

NOES—None

Bill ordered transmitted to the Senate

REPORTS OF STANDING COMMITTEES

Committee on Public Health

ASSEMBLY CHAMBER, April 8, 1963

MR. SPEAKER: The Chairman of your Committee on Public Health reports

Assembly Bill No. 594	Assembly Bill No. 1364
Assembly Bill No. 1011	Assembly Bill No. 1617
Assembly Bill No. 1047	Assembly Bill No. 1622

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Public Health

RUMFORD, Chairman

SECOND READING OF ASSEMBLY BILLS (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 594—An act to amend Sections 24379, 24386, 24388, 24389, 24392, and 24393 of the Health and Safety Code, relating to motor vehicle air pollution control

Bill read second time

Motion to Amend

Mr. Rumford moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on April 2, 1963, after "24389," insert "24390, 24391,".

Amendment No. 2

On page 4, line 16, strike out "certificate", and insert "certified"

Amendment No. 3

On page 4, strike out lines 27 to 32, inclusive, and in line 33, strike out "SEC 6", and insert

"SEC 6 Section 24391 of said code is amended to read

24391 *(a)* No used motor vehicle upon transfer of registered owner shall be registered after one year after the certification date when the principal vehicle location for the motor vehicle is a county, or a portion of a county, wherein the provisions of this section are operative, unless and until the motor vehicle is equipped with a certified device

(b) No used motor vehicle, except those specifically exempted, shall be registered after one year after the certification date for any certified device, other than a device to control the emission of pollutants from the crankcase, unless and until it is equipped with such a device in accordance with an installation schedule established by the board

SEC. 7".

Amendment No. 4

On page 5, strike out lines 1 to 7, inclusive, and in line 8, strike out "(a)", and insert

"SEC 8 Section 24393 of said code is amended to read.

24393 (a)"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health

Assembly Bill No. 1011—An act to amend Section 2193 of the Business and Professions Code, relating to medicine

Bill read second time

Motion to Amend

Mr McMillan moved the adoption of the following amendment:

Amendment No. 1

On page 2, lines 8 and 9, of the printed bill, strike out ", one year of which must be in a hospital in this State"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health

Assembly Bill No. 1047—An act to amend Section 11166 12 of the Health and Safety Code, relating to narcotic prescriptions.

Bill read second time.

Motion to Amend

Mr Monagan moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 18 and 19, and insert "(b) Pharmaceutical preparations in solid or liquid form containing not more than 2½ milligrams diphenoxylate and not less than 25 micrograms atropine sulfate per dosage unit"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health

Assembly Bill No. 1364—An act to amend Section 17970 of the Health and Safety Code, relating to entry and inspection of housing

Bill read second time

Motion to Amend

Mr Donovan moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "17970", and insert "17972"

Amendment No. 2

On page 1, strike out line 1, and insert "Section 17972 of the Health and Safety Code is amended to read:

17972 No person authorized by this article to enter buildings shall enter any dwelling ~~between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants~~ without a proper written order executed and issued by a court having jurisdiction to issue the order *unless (1) he has cause to suspect that a nuisance exists in the dwelling; (2) the inspection which such person seeks to make is to determine whether conditions exist within the dwelling which this part, or the rules or regulations adopted pursuant to it, proscribe, rather than to seize evidence for use in a criminal prosecution; (3) and the inspection is made between the hours of 8 a m and 6 p m. of any day.*"

Amendment No. 3

On page 1, strike out lines 2 to 12, inclusive

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health

Assembly Bill No. 1617—An act to add Section 2396 5 to the Business and Professions Code, relating to the practice of medicine

Bill read second time

Motion to Amend

Mr. Z'berg moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 10, of the printed bill, after "approved", insert "during the academic year 1961-62".

Amendment No. 2

On page 1, strike out lines 18 to 22, inclusive.

Amendment No. 3

On page 2, line 1, strike out "(d)", and insert "(c)"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health

Assembly Bill No. 1622—An act to add Section 4227.5 to the Business and Professions Code, relating to records of transactions in dangerous drugs

Bill read second time

Motion to Amend

Mr Winton moved the adoption of the following amendment

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "pharmacist", and insert "dispenser"

Amendment read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Public Health

REPORTS OF STANDING COMMITTEES

Committee on Public Health

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Public Health reports

Assembly Bill No 417
Assembly Bill No 1630

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

RUMFORD, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER The Chairman of your Committee on Public Health reports

Senate Bill No 62

With author's amendments with the recommendation Amend, and re-refer to the Committee on Public Health

RUMFORD, Chairman

SECOND READING OF SENATE BILL NO. 62 (PURSUANT TO RULE NO 59.5)

Senate Bill No. 62—An act to amend Sections 13162, 13163 and 13166 of, and to repeal Section 13164 of, the Health and Safety Code, relating to fire extinguisher sales licenses

Bill read second time

Motion to Amend

Mr Rumford moved the adoption of the following amendments.

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended in the Senate March 25, 1963, strike out ", and to repeal Section 13164 of,"

Amendment No. 2

On page 1, strike out line 26

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Public Health.

REPORTS OF STANDING COMMITTEES

Committee on Public Health

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Public Health reports
Assembly Bill No 668
With amendments with the recommendation Amend, and do pass, as amended

RUMFORD, Chairman

Above bill ordered to second reading

Committee on Municipal and County Government

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Municipal and County Government reports
Assembly Bill No 1236
With the recommendation That the bill be returned in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

KNOX, Chairman

Subject matter of the above bill referred to the Committee on Rules

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Municipal and County Government reports
Assembly Bill No 1171
Assembly Bill No 1728
With amendments with the recommendation Amend, and do pass, as amended

KNOX, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR. SPEAKER Your Committee on Municipal and County Government reports

Assembly Bill No 1331	Assembly Bill No 1626
Assembly Bill No 1416	Assembly Bill No 1665

With the recommendation Do pass

KNOX, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Municipal and County Government reports
Assembly Bill No 1629
Assembly Bill No. 1638
Assembly Bill No 231
With the recommendation Do pass, as amended
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

KNOX, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Municipal and County Government reports
Assembly Bill No 1108
With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

KNOX, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Municipal and County Government reports

Assembly Bill No 894	Assembly Bill No 1640
Assembly Bill No 897	Assembly Bill No 1667

With the recommendation Do pass
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar.

KNOX, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Municipal and County Government reports Senate Bill No 613

With the recommendation Do pass

KNOX, Chairman

Above bill ordered to second reading

Committee on Civil Service and State Personnel

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Civil Service and State Personnel reports Assembly Bill No 1586

With amendments with the recommendation Amend, and do pass, as amended

MEYERS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Civil Service and State Personnel reports Assembly Bill No 1279
Assembly Bill No 1566

With amendments with the recommendation: Amend, and re-refer to the Committee on Civil Service and State Personnel

MEYERS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Civil Service and State Personnel reports Assembly Bill No 502

With the recommendation Do pass

MEYERS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Civil Service and State Personnel reports Assembly Bill No 1008

With amendments with the recommendation Amend, and re-refer to the Committee on Civil Service and State Personnel

MEYERS, Chairman

Above bill ordered to second reading

Committee on Social Welfare

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER The Chairman of your Committee on Social Welfare reports Assembly Bill No 480

With author's amendments with the recommendation Amend, and re-refer to the Committee on Social Welfare.

BURTON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 480 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 480—An act to amend Section 455 of the Welfare and Institutions Code, relating to public assistance

Bill read second time

Motion to Amend

Mr Burton moved the adoption of the following amendments.

Amendment No. 1

On page 1, line 14, of the printed bill, as amended in the Assembly on April 1, 1963, after "value of the property", insert "or to his share of the assessed value if the property is owned with a person other than the spouse"

Amendment No. 2

On page 1, line 18, after "property", insert "or his share of such market value if owned with a person other than the spouse"

Amendments read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Social Welfare

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Social Welfare reports

Assembly Bill No 1560

With amendments with the recommendation Amend, and do pass, as amended

BURTON, Chairman

Above bill ordered to second reading

Committee on Education

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 1145

Assembly Bill No 1468

With amendments with the recommendation Amend, and do pass, as amended

GARRIGUS, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER The Chairman of your Committee on Education reports

Assembly Bill No 956

With author's amendments with the recommendation Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 956 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 956—An act to add Chapter 10 (commencing with Section 12840) to Division 9 of the Education Code, relating to school census.

Bill read second time

Motion to Amend

Mr Alquist moved the adoption of the following amendments

Amendment No. 1

On page 1 of the printed bill, strike out lines 6 to 11, inclusive, and insert

"12840 As used in this chapter, "board" means a county board of education or the governing board of any school district The governing board of each school district shall constitute a permanent census board for the district The governing board of each school district shall, under its regulations, or by agreement with a county board of education, under its regulations, cause a census of the children in the district to be taken and amended from day to day."

Amendment No. 2

On page 1, line 13, strike out "county or city and county", and insert "district"

Amendment No 3

On page 1, line 16, strike out "county or city and county", and insert "district".

Amendment No. 4

On page 1, line 17, strike out "given", and insert "giving"

Amendment No. 5

On page 2, line 9, strike out "county or city and county", and insert "school district".

Amendment No. 6

On page 2, line 10, strike out "make such reports and"

Amendment No. 7

On page 2, line 11, after "require", insert "to complete the census and its reports"

Amendment No. 8

On page 2, after line 15, insert

"12844 Information pertaining to mental or physical defects, including blindness or deafness, shall not be recorded on the record of any child whose parents object thereto in writing on the grounds that recording such information conflicts with the tenets and practice of a well-recognized church or religious denomination of which they are adherents or members."

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Social Welfare reports

Senate Bill No. 19

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

BURTON, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 4, 1963

MR SPEAKER Your Committee on Social Welfare reports

Assembly Bill No 1397
Assembly Bill No. 1565

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

BURTON, Chairman

Above bills ordered to second reading

Committee on Judiciary

ASSEMBLY CHAMBER, April 9, 1963

MR. SPEAKER Your Committee on Judiciary reports

Assembly Bill No 995
Assembly Bill No 1246

With the recommendation Do pass

WILLSON, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, April 9, 1963

MR. SPEAKER Your Committee on Judiciary reports

Assembly Bill No 1503

With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

WILLSON, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER The Chairman of your Committee on Judiciary reports

Assembly Bill No 1531
Assembly Bill No 1795

With author's amendments with the recommendation Amend, and re-refer to the Committee on Judiciary

WILLSON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1531 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1531—An act to add Section 230 to the Labor Code, relating to jury duty

Bill read second time

Motion to Amend

Mr Williamson moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 3, of the printed bill, after "employees" insert "of an employer who employs more than 10 persons".

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary.

RE-REFERENCE OF ASSEMBLY BILL NO. 1795

Speaker pro Tempore Bee raised the point of order that 30 calendar days after the introduction of Assembly Bill No 1795 have not elapsed pursuant to Article IV, Section 2(a), of the Constitution; and, therefore, ordered the bill re-referred to the Committee on Judiciary

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Judiciary reports

Assembly Constitutional Amendment No 15

With amendments with the recommendation Amend, and re-refer to the Committee on Judiciary

WILLSON, Chairman

Above resolution ordered on file

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Judiciary reports

Assembly Bill No 772
Assembly Bill No 1556
Assembly Bill No 1731

With amendments with the recommendation Amend, and re-refer to the Committee on Judiciary

WILLSON, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Judiciary reports

Assembly Bill No 1718

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

WILLSON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Judiciary reports

Assembly Bill No 1141

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

WILLSON, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER. Your Committee on Judiciary reports

Senate Bill No 49
Senate Bill No 127

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

WILLSON, Chairman

Above bills ordered to second reading

Committee on Municipal and County Government

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Municipal and County Government reports

Assembly Bill No 1627

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

KNOX, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Municipal and County Government reports

Assembly Bill No 1439
Assembly Bill No 1673

With amendments with the recommendation Amend, and re-refer to the Committee on Municipal and County Government

KNOX, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Municipal and County Government reports

Assembly Constitutional Amendment No 10

With amendments with the recommendation Amend, be adopted, as amended

KNOX, Chairman

Above resolution ordered on file

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 286

And reports the same correctly engrossed

POWERS, Chairman

Above bill ordered to the Consent Calendar.

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Joint Resolution No 17

And reports the same correctly engrossed

POWERS, Chairman

Above resolution re-referred to the Committee on Rules

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 563
Assembly Bill No 732
Assembly Bill No 1200
Assembly Bill No 1554
Assembly Bill No. 1694

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee.

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined. Assembly Bill No 266

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No 1705

And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 111—An act to repeal the California Water Storage and Conservation District Act (Chapter 1238, Statutes of 1941), relating to water storage and conservation districts,

Assembly Bill No. 491—An act to add Section 46 to the Water Conservation Act of 1927 (Chapter 91 of Statutes 1927), relating to the use of the last equalized assessment roll,

Assembly Bill No. 494—An act to amend Section 35003 of the Water Code, relating to water district elections,

Assembly Bill No. 799—An act to amend Section 3076 of the Labor Code, relating to apprenticeship,

And reports the same correctly enrolled, and presented to the Governor at 12 m, April 9, 1963

POWERS, Chairman

Committee on Rules

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Rules recommends

That the request of Mr Ashcraft for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 2(a), of the Constitution as it pertains to Assembly Bill No 2272 be granted

BANE, Chairman

RESOLUTIONS

The following resolution was offered

By Mr Ashcraft

Resolution to Invoke Constitutional Provision

Resolved, That, pursuant to Article IV, Section 2(a), of the Constitution, Assembly Bill No 2272 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—77

NOES—None

Article IV, Section 2(a) of the Constitution was declared dispensed with

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1601—An act to add Section 19705 to the Government Code, relating to political activities of state employees

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dunnemeyer, Davis, Dills, Dymally, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—72
NOES—None

Bill ordered transmitted to the Senate

MOTION TO RECONSIDER ASSEMBLY BILL NO. 1459 ON NEXT LEGISLATIVE DAY

Mr Willson moved to reconsider on the next legislative day the vote whereby Assembly Bill No 1459 was this day passed (Assembly Journal, page 1981)

Assembly Bill No 1459 ordered to the unfinished business file

Parliamentary Inquiry

Mr Conrad arose to the following parliamentary inquiry Since Assembly Bill No 1459 was on the Consent Calendar today, would not the vote on the whole Consent Calendar be affected by the motion to reconsider?

Reply by Speaker pro Tempore

Speaker pro Tempore Bee replied that the motion to reconsider would pertain to Assembly Bill No 1459 only, and would not affect the other items on the Consent Calendar

NOTE—Later this day, the above motion to reconsider Assembly Bill No 1459 was taken up *See* page 1993

MOTION TO RECONSIDER ASSEMBLY BILL NO. 1118 ON NEXT LEGISLATIVE DAY

Mr Lanterman moved to reconsider on the next legislative day the vote whereby Assembly Bill No 1118 was this day passed (Assembly Journal, page 1979)

Assembly Bill No 1118 ordered to the unfinished business file.

ANNOUNCEMENTS OF COMMITTEE MEETINGS

Mr. Winton announced that the Committee on Criminal Procedure would meet promptly at 1 30 p.m. this afternoon, in Room 4202.

Mr Williamson announced that the Committee on Public Utilities and Corporations would meet at 2 p m this afternoon, instead of at 1 30 p m., as scheduled

Mrs Davis announced that the Committee on Fish and Game would meet at 2 p m this afternoon, instead of at 1 30 p m, as scheduled.

MOTION TO TAKE UP MOTION TO RECONSIDER VOTE ON ASSEMBLY BILL NO. 1459

Mr Winton moved to take up on this day the motion to reconsider the vote on Assembly Bill No 1459

Mr Bagley seconded the motion

Parliamentary Inquiry

Mr Conrad arose to the following parliamentary inquiry Does not such a motion first require a temporary suspension of the Rules?

Reply by Speaker pro Tempore

Speaker pro Tempore Bee replied that Rule No 112 would first have to be temporarily suspended by a two-thirds vote of those present and voting

Motion to Temporarily Suspend Rule No 112 to Take Up Motion to Reconsider Vote on Assembly Bill No. 1459

Mr Winton moved that Rule No 112 be temporarily suspended for the purpose of taking up the motion to reconsider the vote on Assembly Bill No 1459, on this day

Mr Bagley seconded the motion

Motion to suspend Rule No 112 carried by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Conrad, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Quimby, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Winton, Young, and Zenovich—67

NOES—Flournoy, Stanton, and Willson—3

MOTION TO RECONSIDER ASSEMBLY BILL NO. 1459

In compliance with a motion given, Mr Willson moved that the vote whereby Assembly Bill No 1459 was passed be reconsidered

Assembly Bill No 1459 refused reconsideration by the following vote·

AYES—Petris and Willson—2

NOES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Ferrell, Foran, Frew, Gaffney, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lunterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Quimby, Rumford, Ryan, Song, Soto, Stevens Thelin, Thomas, Veneman, Veysey, Waite, Warren, Whetmore, Williamson, Winton, Young, Zenovich, and Mr Speaker—68

Assembly Bill No 1459 ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 2332: By Mr. Foran—An act to amend Sections 538, 540, 542, and 690 11 of the Code of Civil Procedure, relating to attachment

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2333: By Messrs Veneman and Burgener—An act to amend Section 771 of the Insurance Code, relating to sale and loan insurance

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2334: By Mr Marks—An act to add Sections 11016 and 54953 1 to the Government Code, relating to meetings of public agencies

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2335: By Mrs Davis—An act to add Sections 12881, 12881 3, and 12881 5 to the Water Code, relating to state financial assistance for local water projects

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2336: By Mr Whetmore—An act to amend Section 2924 of, and to add Section 2924 1 to, the Civil Code, relating to delinquent mortgage payments by home owners.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2337: By Mr Chapel—An act conveying in trust certain tidelands and submerged lands lying under the waters of the Pacific Ocean to the County of Los Angeles in furtherance of navigation and commerce and the fisheries and providing for the government, management and control thereof and reserving rights to the State.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2338: By Mr Chapel—An act to amend Section 1 of Chapter 303 of the Statutes of 1943, relating to tide lands, submerged lands and filled tidelands of the City of Avalon

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2339: By Mr Flournoy—An act to amend Section 18455 of the Education Code, relating to the public schools

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2340: By Mr Dymally—An act to add Section 21367 52 to the Government Code, relating to death benefits under the State Employees' Retirement System

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2341: By Messrs Quimby, Allen, Hinckley, Garrigus, Alquist, Asheraft, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Casey, Cologne, Crown, Danielson, Dannemeyer, Mrs Davis, Messrs Deukmejian, Donovan, Dymally, Ferrell, Foran, Frew, Gonsalves, Greene, Henson, Holmes, Johnson, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Moreno, Pattee, Porter, Powers, Song, Stanton, Stevens, Thomas, Veneman,

Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Young, Z'berg, and Zenovich—An act to add Section 13026 to the Water Code, relating to detergents

Held at desk by order of the Speaker pro Tempore

Assembly Concurrent Resolution No. 62: By Mr Belotti (Senator Christensen, coauthor)—Relative to the Golden Anniversary of Humboldt State College

Referred by the Speaker pro Tempore to Committee on Rules

Assembly Concurrent Resolution No. 63: By Messrs Thomas, Greene, and Petris (Senators Donnelly, Dolwig, and Gibson, coauthors)—Relative to making additional funds available to the Legislative Audit Committee

Referred by the Speaker pro Tempore to Committee on Rules

Assembly Joint Resolution No. 38: By Mr Willson—Relative to representation of defendants financially unable to obtain an adequate defense

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolutions were offered:

By Mr Willson:

House Resolution No. 210

Relative to the double-decking of freeways

WHEREAS, The tremendous increase in population in California and the consequent increase in motor vehicle traffic has resulted in the overcrowding of metropolitan freeways, and

WHEREAS, The location of new freeways to supplement those already in existence will take additional rights-of-way and will cause the displacement of people and businesses, now, therefore, be it

Resolved by the Assembly of the State of California, That the Department of Public Works is requested to determine the problems involved in, and the probable cost of, double decking freeways in metropolitan areas, and be it further

Resolved, That a report be furnished to this body on or before the fifth legislative day of the 1965 Regular Session, and be it further

Resolved, That the Chief Clerk of the Assembly is requested to send copies of this resolution to the Director of Public Works and to the Administrator of Highway Transportation

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Messrs Moreno, Soto, Song, Burton, Gonsalves, Young, and Zenovich

House Resolution No. 211

Relative to proclaiming October 28, 1963, as Appreciation of the Foreign-born Day

WHEREAS, The United States is dedicated to the concepts of liberty and equality, and

WHEREAS, This dedication has attracted to our country a great number of freedom-seeking people from all parts of the world, and

WHEREAS, According to the census of 1960, there are 3,903,726 people of foreign-born origin now residing in California, and

WHEREAS, These people have enriched our cultural heritage and enhanced our material welfare through ideas and labor and it is therefore fitting and proper that we be ever mindful of the heritage left by foreign-born settlers in our State, and

WHEREAS, October 28, 1963, is the 77th anniversary of the raising of the Statue of Liberty in New York Harbor and is celebrated as "Appreciation of the Foreign-born Day", now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly request the Governor to proclaim October 28, 1963, as Appreciation of the Foreign-born Day and urge all Californians toward a greater awareness of the contribution to our society made by our foreign-born Americans; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Honorable Edmund G Brown, Governor of the State of California

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

ADJOURNMENT

At 12.39 p.m., on motion of Mr Unruh, the Speaker pro Tempore declared the Assembly adjourned until 10 a m, Wednesday, April 10, 1963

JESSE M. UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FIFTY-SEVENTH LEGISLATIVE DAY

SIXTY-EIGHTH CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Wednesday, April 10, 1963

The Assembly met at 10 a m
Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk
Assistant Clerk Ronald Collins reading

ROLL CALL

The roll was called, and the following answered to their names

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brtitschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—79

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev Robert R Ferguson

Gracious God and Eternal Father, May we not be afraid to speak of right and duty for fear of sounding pious We confess our decisions can be so often swayed by our prejudices rather than a sense of rightness May we not allow our pride to become an idol, our laziness lull us to false security with second-rate goals, or our busyness and activity be confused with accomplishment May we be quiet long enough to hear that still small voice within, which says, "This is the way, walk ye in it"

We pray in our Lord's name —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee Mr Winton then led the Assembly in the pledge of allegiance to the Flag

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Kennick, seconded by Mr Young

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness

Mr Cusanovich, on motion of Mr Conrad

INTRODUCTION OF GUESTS

Speaker pro Tempore Bee introduced Mrs Nancy Henson, the wife of Assemblyman Burt M Henson, and their daughter, Lynn Henson, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

ANNOUNCEMENT

Mr Marks announced that he had at his desk for introduction an Assembly constitutional amendment providing that salaries of county boards of supervisors shall not exceed salaries of Legislators, and invited all members who desired to become coauthors of the measure to come to his desk and affix their signatures

COMMUNICATIONS

The following communications were presented by the Chief Clerk from

Mr and Mrs W M Crissinger of Cathedral City, relative to Assembly Joint Resolution No 16 Referred by the Speaker pro Tempore to the Committee on Rules

Mr and Mrs Ernest L Spohn of Redding, relative to Assembly Joint Resolution No 16 Referred by the Speaker pro Tempore to the Committee on Rules

ANNOUNCEMENT

Mr Lunardi announced that he had at his desk for introduction an Assembly concurrent resolution relative to a study of agricultural assessments, and invited all members who desired to become coauthors of the measure to come to his desk, and affix their signatures

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time

Assembly Bill No. 2342: By Mr Allen—An act to add Section 6460 1 to the Streets and Highways Code, relating to the Improvement Act of 1911

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2343: By Mr Allen—An act to add Section 5360 2 to the Streets and Highways Code, relating to streets and alleys

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2344: By Mr Kennick—An act to amend Section 17503 of the Education Code, relating to school district salary expenditures.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2345: By Mr Knox—An act to amend Section 265 of the Revenue and Taxation Code, relating to property tax exemptions

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2346: By Mr Johnson—An act to add Section 11535 5 to the Business and Professions Code, relating to subdivision maps

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolution was offered

By Mr Bee

House Resolution No 212

Relating to an interim study of the age of admission of children to kindergarten or the first grade

WHEREAS, Studies show that as a result of earlier maturation, girls do better work in school than boys in the elementary grades and to a lesser extent in the secondary grades, and

WHEREAS, Under the existing law the minimum age for entering kindergarten or the first grade is the same for girls and boys, and

WHEREAS While the average girl in the first grade is ready to read early in the school year, the average boy is not ready until later in the year, and many boys, faced with this competition and, often, initial school failure, are discouraged and fail to learn to read well even after they have the maturation to do so, and

WHEREAS, Allowing school districts to admit girls to enter kindergarten or the first grade at an earlier age than boys would tend to ameliorate the effect which the maturation differences have on the learning abilities of boys and girls of the same age, now, therefore, be it

Resolved by the Assembly of the State of California, That the Rules Committee assign to the appropriate interim committee for investigation and study the subject of admitting boys to kindergarten or the first grade at minimum age which differs from that of girls, and that such committee submit a report of its findings, together with its recommendation, to the Assembly not later than the fifth day of the 1965 Regular Session

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 1401
Assembly Bill No 1402
Assembly Bill No 1445
Assembly Bill No 1533

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No 296

And reports the same correctly engrossed

POWERS, Chairman

Above bill ordered returned to second reading file

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No 66

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered returned to second reading file

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No 23
Assembly Bill No 888

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No 1195

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered to third reading

Committee on Public Utilities and Corporations

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Public Utilities and Corporations reports Assembly Bill No 1494

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

WILLIAMSON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Public Utilities and Corporations reports Assembly Bill No 1421

With the recommendation Do pass

WILLIAMSON, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Public Utilities and Corporations reports Assembly Bill No 1504

With amendments with the recommendation Amend, and do pass, as amended

WILLIAMSON, Chairman

Above bill ordered to second reading

Committee on Natural Resources, Planning, and Public Works

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Natural Resources, Planning, and Public Works reports

Assembly Bill No 1576
Assembly Bill No 1577
Assembly Bill No 1561

With the recommendation Do pass

Z'BERG, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 9 1963

MR SPEAKER Your Committee on Natural Resources, Planning, and Public Works reports

Assembly Bill No 1628

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

Z'BERG, Chairman

Above bill ordered to second reading

Committee on Fish and Game

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Fish and Game reports

Senate Bill No 444

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

DAVIS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Fish and Game reports

Assembly Bill No 792

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

DAVIS, Chairman

Above bill ordered to second reading

Committee on Criminal Procedure

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Criminal Procedure reports

Assembly Bill No 602

With the recommendation Do pass

WINTON, Chairman

Above bill ordered to second reading

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file

Assembly Bills Nos. 66, 1402, 1445, 1533, 296, and 1401

Assembly Bill No 296 ordered to third reading

Assembly Bills Nos 66, 1402, 1445, 1533, and 1401 ordered to Consent Calendar

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 24—An act creating the California Emancipation Proclamation Centennial Commission, prescribing its powers and duties, and making an appropriation therefor

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Government Organization, were read, and adopted

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out ", and making an appropriation therefor"

Amendment No. 2

On page 1, line 18, after the period, insert "The Governor shall appoint as members of the commission citizens of this State who reflect a bipartisan interest in the growth of our country and State"

Amendment No. 3

On page 2, strike out lines 1 to 5, inclusive

Amendment No. 4

On page 2, line 6, strike out "6" and insert "5"

Amendment No. 5

On page 2, line 12, strike out "7", and insert "6"

Amendment No. 6

On page 2, line 17, strike out "8", and insert "7"

Amendment No. 7

On page 2, line 20, after the period, insert "All funds collected by the commission must be accounted for in a notarized written report to the State Treasurer before the expiration date of the commission"

Amendment No. 8

On page 2, line 21, strike out "9", and insert "8"

Amendment No. 9

On page 2, line 25, strike out "10", and insert "9"

Amendment No. 10

On page 2, line 33, strike out "11", and insert "10"

Amendment No. 11

On page 2, after line 35, insert

"SEC. 11. The commission shall expire December 31, 1963."

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Government Organization

Assembly Bill No. 1383—An act to add Section 13465.1 to the Education Code, relating to employment in the public schools

Bill read second time, and ordered engrossed

Assembly Bill No. 1659—An act to add Section 6423.1 to the Education Code, relating to mentally gifted minors

Bill read second time, and ordered engrossed

Assembly Bill No. 49—An act to add Division 1.5 (commencing with Section 160) to the Labor Code, relating to automation and technological developments, creating the California Commission on Manpower, Automation and Technology, prescribing its powers and duties

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted

Amendment No. 1

On page 3, line 18, of the printed bill, as amended in the Assembly on March 26, 1963, strike out "other", and "and technical".

Amendment No. 2

On page 3 strike out line 31, and insert "shall not reveal nor make them available for public inspection in any manner so as to disclose information concerning an individual company or concern"

Amendment No. 3

On page 3, line 41, strike out "Survey and study", and insert "study"

Amendment No. 4

On page 4, line 1, strike out "Conduct", and insert "Study and analyze".

Amendment No. 5

On page 4, line 7, strike out "Undertake", and insert "Recommend"

Amendment No. 6

On page 5, line 1, after "agreements", insert "and contract".

Amendment No. 7

On page 5, line 3, after the comma, insert "or any private organization or individual".

Amendment No. 8

On page 5, line 5, strike out the period, and insert ", or conduct surveys"

Bill ordered reprinted, and re-engrossed

Assembly Bill No. 1286—An act to amend Section 14359 of the Education Code, relating to the State Teachers' Retirement System

Bill read second time, and ordered to third reading

Assembly Bill No 686—An act to add Section 13864 1 to the Education Code, relating to state teachers' retirement

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 521—An act to amend Section 75075 of the Government Code, relating to the retirement of judges

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Ways and Means, was read, and adopted

Amendment No. 1

On page 1, lines 5 and 6, of the printed bill, strike out "or prior to attaining the age of 70 years", and insert "the day of attainment of the age of 70 years, or prior thereto"

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 828—An act to amend Sections 26211, 26234, 26243, 26288, 26290, 26292, and 26330 of, to repeal Sections 26289 and 26290 5 of, and to add Sections 26218, 26219, 26220, 26250 5, 26276, 26289, 26289 5, 26290 5, and 26304 to the Health and Safety Code, relating to drugs and devices

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 417—An act to amend Section 7113 of the Health and Safety Code, relating to autopsies

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Public Health, was read, and adopted

Amendment No. 1

On page 1, line 7, of the printed bill, as amended in the Assembly on March 26, 1963, strike out "instrument," and insert "instrument, or"

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1630—An act to amend the Title of Chapter 6 (commencing with Section 25000) of Division 20 of, to amend Sections 25000, 25001, 25002, 25004, and 25007 of, the Health and Safety Code, relating to health and safety

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Public Health, were read, and adopted

Amendment No. 1

On page 2, line 5, of the printed bill, after "septic tanks," insert "chemical toilets,"

Amendment No. 2

On page 2, line 18, strike out "is", and insert "in"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 668—An act to amend Section 13144 1 of, and to add Sections 13144 2, 13144 3, and 13144 4 to, the Health and Safety Code, relating to fire protection

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Public Health, was read, and adopted

Amendment No. 1

On page 1, line 4, of the printed bill, after "of", insert "construction"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1171—An act to add Sections 51520 and 51562 to the Government Code, relating to transfer of city functions

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Municipal and County Government, was read, and adopted

Amendment No 1

On page 1, line 14, of the printed bill, after "ment", insert "and collection services for a city without compensation from such city"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1728—An act to add Article 4 (commencing with Section 11250) to Chapter 1 of Part 2 of Division 4 of the Business and Professions Code, relating to subdivisions

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted·

Amendment No. 1

On page 1, line 12, of the printed bill, strike out "each deed contains restrictions, duly recorded," and strike out lines 13, 14, and 15, and insert "the deed on sale of each of said lots by such person or his successors in interest affirmatively imposes the said restriction either by setting them forth in full or by incorporating them therein by reference to the record thereof"

Amendment No. 2

On page 1, line 17, strike out "condition", and insert "restrictions"

Amendment No. 3

On page 1, line 18, after the period, insert "The restrictions shall not apply to a sale or other transfer made pursuant to a power of sale in a trust deed or other encumbrance or pursuant to foreclosure proceedings"

Amendment No. 4

On page 1, line 20, strike out "who met the con-", strike out line 21, and, on page 2, strike out lines 1, 2, and 3, and insert ", where the deed under which he acquired title met the requirements of Section 11250, or by his successors in interest, shall be exempt from the requirements of Section 11250"

Amendment No. 5

On page 2, line 4, strike out "sale", and insert "deed"

Amendment No. 6

On page 2, line 6, strike out "provisions", and insert "requirements"

Amendment No. 7

On page 2, line 8, strike out "purchaser", and insert "grantee"

Amendment No. 8

On page 2, after line 16, insert

"11254 The commissioner or any person who owns a lot within the subdivision involved, may bring an action to enjoin a person from advertising lots or offering them for sale or resale in violation of the provisions of this article"

Bill ordered reprinted, and engrossed.

Assembly Bill No. 1331—An act to amend Section 11004 of the Business and Professions Code, relating to community apartment project

Bill read second time, and ordered engrossed

Assembly Bill No. 1416—An act to add Section 5780 19 to the Public Resources Code, relating to park and recreation districts, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading

Assembly Bill No. 1626—An act to add Section 27013 to the Government Code, relating to local agency funds

Bill read second time, and ordered engrossed

Assembly Bill No. 1665—An act to add Section 4794 1 to the Health and Safety Code, relating to bond elections in county sanitation districts, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered engrossed

Assembly Bill No. 1629—An act to add Section 5780 19 to the Public Resources Code, relating to recreation and park districts

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "5780 19", and insert "5780 20"

Amendment No. 2

On page 1, line 1, strike out "5780 19", and insert "5780 20".

Amendment No. 3

On page 1, line 3, strike out "5780 19", and insert "5780 20"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1638—An act to amend Sections 29400, 29401, 29402, 29404, 29405, 29406, 29407, 29408, 29430, 29431, 29432, 29433, 29435, 29436, 29437, 29438, 29439, and 29440 of the Government Code, relating to county officers' special funds

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "19407", and insert "29407".

Amendment No. 2

In line 2 of the title, strike out "19433, 19435," and insert "29433, 29435,"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 231—An act to amend Sections 13, 14, 15, 17, and 37 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951, as amended), relating to taxation and bonds of the Napa County Flood Control and Water Conservation District, declaring the urgency thereof, to take effect immediately

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Municipal and County Government, was read, and adopted·

Amendment No. 1

On page 2, line 26, of the printed bill, as amended in the Assembly on April 3, 1963, strike out "for", and insert "by"

Bill ordered reprinted, re-engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1108—An act to add Article 1 5 (commencing with Section 53010) to Chapter 1, Part 1, Division 2, Title 5 of the Government Code, relating to process against public agencies

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted:

Amendment No 1

On page 1, lines 8 and 9, of the printed bill, strike out "county, city and county, city,"

Amendment No. 2

On page 1, line 11, after "corporation", insert ", except that it does not include a county, city and county, or city"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means.

Assembly Bill No. 894—An act to amend Section 34324 of the Health and Safety Code, relating to housing authorities

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 897—An act to add Section 34316 1 to the Health and Safety Code, relating to security for deposits of funds of housing authorities.

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 1640—An act to amend Sections 61754, 61755 and 61757 of the Government Code, to amend Sections 6782, 6783, 6786, 6940 6, 6940 9, 6941 6, 13902 and 14152 of the Health and Safety Code, to amend Sections 16651 and 16653 of the Public Utilities Code, to amend Section 37206 of the Water Code and to amend Section 24 of the Municipal Water District Law of 1911 (Chapter 671 of the Statutes of 1911), relating to county taxation of public service districts.

Bill read second time, and ordered to the Consent Calendar.

Assembly Bill No. 1667—An act to add Section 25100 6 to the Government Code, relating to county boards of supervisors

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1586—An act to amend Section 21153 of the Government Code, relating to state employees' retirement

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Civil Service and State Personnel, was read, and adopted

Amendment No. 1

On page 2 of the printed bill, following line 5, insert
"The State Personnel Board shall report annually to the Governor and to each house of the Legislature concerning the use of the authority given by this section"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1279—An act to add Sections 71602.1 and 72115 to the Government Code, relating to the qualifications of marshals and constables

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Civil Service and State Personnel, were read, and adopted·

Amendment No. 1

On page 1, lines 5 and 6, of the printed bill, strike out "by the State Personnel Board", and insert "in a manner prescribed by the Judicial Council"

Amendment No. 2

On page 1, line 8, after "section", insert ' nor shall this section apply to any county in which the sheriff is ex officio the marshal or constable"

Amendment No. 3

On page 1, line 12, strike out "by the State Personnel Board", and insert 'in a manner prescribed by the Judicial Council"

Amendment No. 4

On page 1, line 15, after "section", insert ", nor shall this section apply to any county in which the sheriff is ex officio the marshal or constable"

Amendment No. 5

On page 1, after line 15, insert
"SEC 3 This act shall become operative January 1, 1965"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Civil Service and State Personnel

Assembly Bill No. 1566—An act to add Section 18934 1 to the Government Code, relating to state employment

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Civil Service and State Personnel, was read, and adopted:

Amendment No. 1

On page 1, line 6, of the printed bill, after "illness", insert ", but the applicant shall furnish such statement either orally or in writing at the time of examination or interview

It is declared to be the policy of the State to provide state employment for such handicapped persons to the extent that such employment is practicable and compatible with efficient personnel requirements."

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Civil Service and State Personnel

Assembly Bill No. 502—An act to repeal Sections 20750.15, 20750.25, 20750.35, and 20750.45 of, and to amend Sections 20750.1, 20750.2, 20750.3, and 20750.4 of, the Government Code, relating to the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered engrossed

Assembly Bill No. 1008—An act to amend Sections 22754, 22810, 22814, 22816, 22825 and 22840 of, to add Sections 22831, 22832, and 22842 and to add Article 7 (commencing with Section 22850) to Chapter 1 of Part 5 of Division 5 of the Government Code, relating to coverage under the Meyers-Geddes State Employees' Medical and Hospital Care Act making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Civil Service and State Personnel, was read, and adopted

Amendment No. 1

On page 3, line 36, of the printed bill, as amended in the Assembly on April 3, 1963, strike out "extend", and insert "extent"

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Civil Service and State Personnel

Assembly Bill No. 1560—An act to add Chapter 13 (commencing with Section 6370) to Division 7 of Title 1 of the Government Code, relating to programs financed with public funds

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Social Welfare, was read, and adopted

Amendment No. 1

On page 1 of the printed bill, after line 15 insert

"This chapter shall not apply to the indigent aid program provided for under Chapter 2 (commencing with Section 2500) of Division 4 of the Welfare and Institutions Code, or to care provided to any person in a county hospital where no state or federal funds are paid to the county to reimburse it for all or any portion of the costs incurred by it in providing such care"

Bill ordered reprinted, and engrossed.

Assembly Bill No. 1145—An act to amend Section 11006 of, and to add Section 11008 to, the Education Code, relating to the minimum day for elementary schools.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Education, was read, and adopted

Amendment No. 1

On page 1, strike out lines 8 and 9, of the printed bill, and insert "classes of an elementary school, including special day and evening classes which constitute a summer school, shall conform to the minimum school day for"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1468—An act to amend Section 20802 of the Education Code, relating to junior colleges.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Education, was read, and adopted

Amendment No. 1

On page 1, line 11, of the printed bill, after "agreement", insert "and is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any lease agreement for plant and equipment"

Bill ordered reprinted, and engrossed.

Assembly Bill No. 1397—An act to add Section 405 to the Welfare and Institutions Code, relating to public social services.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Social Welfare, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, after "act", insert "to amend Section 401 of, and".

Amendment No 2

On page 1, strike out lines 1 and 2, and insert

"SECTION 1 Section 401 of the Welfare and Institutions Code is amended to read

401 The State Department of Social Welfare may authorize the payment of state funds to defray ~~part of~~ *in whole or in part* the cost of a project undertaken by the welfare department of any county *or by the welfare departments of a group of counties or by the State Department of Social Welfare in behalf of county welfare departments generally* if the project is consistent with the purpose of this chapter and meets the criteria established pursuant to Chapter 402 Any county will be expected to meet at least the cost of equipment, supplies and facilities required by the staff engaged in carrying out any project approved pursuant to this chapter, *except that state funds may be*

used to defray the entire cost of any project which is undertaken by a group of counties or is directed by the State Department of Social Welfare in behalf of county welfare departments generally or is directed by a recognized institution of higher learning To the extent this section authorizes the State Department of Social Welfare or a recognized institution of higher learning to undertake and direct a project in behalf of county welfare departments, the provisions of Section 402 shall not apply to such projects

SEC. 2 Section 405 is added to said code, to read:"

Amendment No. 3

On page 1, line 3, strike out "For the purpose of conducting", and insert "To enable it to conduct and administer"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 1565—An act to add Chapter 14 (commencing with Section 6980) to Division 7 of Title 1 of the Government Code, relating to the recovery of public funds

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Social Welfare, were read, and adopted

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "federeal", and insert "federal".

Amendment No. 2

On page 1, after line 15, insert

"This chapter shall not apply to the indigent aid program provided for under Chapter 2 (commencing with Section 2500) of Division 4 of the Welfare and Institutions Code, or to care provided to any person in a county hospital where no state or federal funds are paid to the county to reimburse it for all or any portion of the costs incurred by it in providing such care"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 995—An act to repeal Section 16724 of the Business and Professions Code, relating to restraint of trade

Bill read second time, and ordered to third reading

Assembly Bill No. 1246—An act to amend Sections 1419 and 1422 of the Labor Code, relating to employment practices

Bill read second time, and ordered to third reading

Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending the second paragraph of Section 11 of Article VI thereof, relating to municipal and justice courts

Resolution read.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Judiciary, were read, and adopted

Amendment No. 1

In line 4 of the title of the printed measure, after "11 of", insert ", and to add Section 11 2 to,"

Amendment No. 2

On page 1, strike out lines 7 and 8, and insert "amended as follows
First, that the second paragraph of Section 11 of Article VI be amended to read."

Amendment No. 3

On page 2, after line 11, insert
"Second, that Section 11 2 be added to Article VI, to read
SEC 11 2 In addition to assignments which the chairman of the Judicial Council may make pursuant to Section 1a of this article, he may assign a judge of a justice court to act temporarily as a judge of a municipal court to hear and decide matters in the municipal court which are within the jurisdiction of a justice court."

Resolution ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary

Assembly Bill No. 772—An act to add Sections 2953 1, 2953 2, 2953 3 and 2953 4 to, the Civil Code, relating to instruments setting forth security interests in real property

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Judiciary, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 2953 4", and insert ", 2953 4, and 2953 5"

Amendment No. 2

On page 1, line 3, strike out "article", and insert "section"

Amendment No. 3

On page 1, lines 5 and 6, strike out "or other voluntarily created contractual lien or security interest"

Amendment No. 4

On page 2, line 9, after "type", insert ", or, if typewritten, in capital letters and underlined,"

Amendment No. 5

On page 2, strike out lines 12 to 15, inclusive, and insert
"(b) A notice in at least 8-point bold type, or, if typewritten, in capital letters, shall appear immediately below the legend required by subdivision (a) of this section reading as follows "

Amendment No. 6

On page 2, line 26, strike out "actual contract"

Amendment No. 7

On page 2, line 29, after "type", insert ", or, if typewritten, in capital letters"

Amendment No. 8

On page 2, strike out line 30, and insert "the space reserved for the signature of the person whose security interest is to be subordinated, reading"

Amendment No. 9

On page 2, line 39, after "type", insert ", or, if typewritten, in capital letters and underlined,".

Amendment No. 10

On page 2, strike out lines 41 to 44, inclusive, and insert

"(b) A notice in at least 8-point bold type, or, if typewritten, in capital letters, shall appear immediately below the legend required by subdivision (a) of this section reading as follows "

Amendment No. 11

On page 3, line 9, after "type", insert "or, if typewritten, in capital letters,"

Amendment No. 12

On page 3, lines 10 and 11, strike out "notice required by Civil Code Section 2953 3(b)", and insert "space reserved for the signature of the person whose security interest is to be subordinated,".

Amendment No. 13

On page 3, strike out lines 18 to 22, inclusive, and insert

"2953 4 (a) Any subordination clause and any subordination agreement which is executed after the effective date of this act and which does not substantially comply with the provisions of Section 2953 2 or Section 2953 3 shall be voidable upon the election of the person whose security interest is to be subordinated or his successor-in-interest exercised within two years of the date on which the instrument to which his security interest is subordinated is executed

(b) The person whose security interest was to be subordinated or his successor-in-interest shall exercise his election to void the subordination clause or subordination agreement provided by subdivision (a) of this section by recording a notice stating that the provisions of Civil Code Section 2953 2 or Civil Code Section 2953 3 have not been complied with, and that he is the holder of the security instrument which is or was to become subordinated and that he elects to avoid the effect of the subordination clause or subordination agreement

SEC 3 Section 2953 5 is added to said code, to read

2953 5 (a) Sections 2953 1 through 2953 4 shall not apply to any subordination clause or subordination agreement which expressly states that the subordinating loan shall exceed twenty-five thousand dollars ($25,000).

(b) Sections 2953 1 through 2953 4 shall not apply to any subordination clause or subordination agreement which is executed in connection with a loan which exceeds twenty-five thousand dollars ($25,000)."

Amendment No. 14

On page 3, line 23, strike out "5", and insert "6"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary

Assembly Bill No. 1556—An act to add Section 71600 5 to the Government Code, relating to the salaries of justice court judges.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Judiciary, was read, and adopted

Amendment No. 1

On page 1 line 1, of the printed bill, strike out "said code," and insert "the Government Code,"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary

Assembly Bill No. 1731—An act to amend Sections 73793, 74043, 74553, 74663 and 74823 of the Government Code, relating to municipal courts

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Judiciary, were read, and adopted

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "73793, 74043, 74553, 74663 and 74823 of", and insert "70046 1, 70055 1, 73793, 74043, 74045, 74049, 74553, 74558, 74561, 74663 and 74823 of, and to add Sections 73796, 74066 and 74826 to,"

Amendment No. 2

In line 2 of the title, strike out "municipal".

Amendment No. 3

On page 1, strike out lines 1 and 2, and insert

"SECTION 1. Section 70046 1 of the Government Code is amended to read:

70046 1 In a county with a population of 290,000 or more and under 295,000, the annual salary of regular official reporters shall be ~~nine thousand six hundred dollars ($9,600)~~ *ten thousand six hundred dollars ($10,600)* and the compensation of official phonographic reporters pro tempore shall be at the rate of forty dollars ($40) a day, or any fractional part thereof

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 2 Section 70055 1 of said code is amended to read

70055 1. In a county with a population of 290,000 or more and under 295,000, the fee required by Section 70053 shall be ~~eight dollars and fifty cents ($8.50)~~ *nine dollars and fifty cents ($9 50)*.

SEC 3. Section 73793 of said code is amended to read."

Amendment No. 4

On page 2, strike out line 8, and insert

"SEC 4. Section 73796 is added to said code, to read

73796 Sections 72194 and 72195 shall apply to this court except that the fee provided in Section 72195 shall be forty dollars ($40) a day Official reporters of the municipal court appointed pursuant to Section 72194 shall receive forty dollars ($40) a day for the days they are actually on duty under order of the court

SEC 5 Section 74043 of said code is amended to read."

Amendment No. 5

On page 2, strike out line 38, and insert

"SEC 6 Section 74045 of said code is amended to read:

74045 Official reporters in such municipal court, appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of ~~nine thousand six hundred dollars ($9,600)~~ *ten thousand six hundred dollars ($10,600)* a year, which shall be a charge against the general fund of the county. During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC 7. Section 74049 of said code is amended to read.

74049 In any civil action or proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300), in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of ~~eight dollars and fifty cents ($8.50)~~ *nine dollars and fifty cents ($9.50)* shall be paid to the clerk of the municipal court, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances

(a) Upon the filing of a complaint or complaint in intervention where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the principal amount of the prayer of the complaint being answered, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300)

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300)

SEC 8 Section 74553 of said code is amended to read.".

Amendment No. 6

On page 2, line 44, after "($45)", insert a comma

Amendment No. 7

On page 3, line 19, after "I", insert a comma

Amendment No. 8

On page 3, strike out line 30, and insert

"SEC 9. Section 74558 of said code is amended to read·

74558 In any civil action or proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300), in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of ~~eight dollars and fifty cents ($8.50)~~ *nine dollars and fifty cents ($9.50)* shall be paid to the clerk of the municipal court, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances·

(a) Upon the filing of a complaint or complaint in intervention where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300)

(b) Upon the filing of an answer where the principal amount of the prayer of the complaint being answered, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300)

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the principal

amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300)

SEC 10. Section 74561 of said code is amended to read

74561 Official reporters in such municipal court, appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of ~~nine thousand six hundred dollars ($9,600)~~ *ten thousand six hundred dollars ($10,600)* a year, which shall be a charge against the general fund of the county During the hours which the court is open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity

SEC 11 Section 74663 of said code is amended to read "

Amendment No. 9

On page 4, strike out line 8, and insert

"SEC 12 Section 74666 is added to said code, to read

74666 Sections 72194 and 72195 shall apply to this court except that the fee provided in Section 72195 shall be forty dollars ($40) a day Official reporters of the municipal court appointed pursuant to Section 72194 shall receive forty dollars ($40) a day for the days they are actually on duty under order of the court

SEC 13 Section 74823 of said code is amended to read "

Amendment No. 10

On page 4, after line 37, insert

"SEC 14 Section 74826 is added to said code, to read

74826 Sections 72194 and 72195 shall apply to this court except that the fee provided in Section 72195 shall be forty dollars ($40) a day Official reporters of the municipal court appointed pursuant to Section 72194 shall receive forty dollars ($40) a day for the days they are actually on duty under order of the court"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary

Assembly Bill No. 1718—An act to add Section 71140 2 to the Government Code, relating to judges of municipal courts.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Judiciary, was read, and adopted.

Amendment No. 1

On page 1, line 4, of the printed bill, after "contrary," insert "in the County of Sacramento"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1141—An act to amend Section 605 of the Code of Civil Procedure and Section 1089 of the Penal Code, relating to alternate jurors

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1627—An act to amend Section 5782 5 of the Public Resources Code, relating to recreation and park districts

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted

Amendment No. 1

On page 2, line 11, of the printed bill, strike out "adequate"

Amendment No. 2

On page 2, line 12, strike out "controls", and insert "control"

Amendment No. 3

On page 2, line 14, strike out "and adequate"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1439—An act to amend Section 8 of, and to add Section 10 1 to, San Mateo County Flood Control District Act, relating to flood control districts

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Municipal and County Government, were read, and adopted·

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 10.1", and insert "Sections 10 1 and 10 2".

Amendment No. 2

In line 2 of the title, after "Act", insert "(Chapter 2108, Statutes of 1959)".

Amendment No. 3

On page 2, between lines 16 and 17, insert

"3 To levy taxes or assessments for any improvements to be made within a zone within which one or more subzones are established pursuant to Section 10 1 of this act in the manner provided by, and subject to the limitations of, that section."

Amendment No. 4

On page 2, line 17, strike out "3", and insert "4".

Amendment No. 5

On page 2, line 30, after "zone", insert "or subzone".

Amendment No. 6

On page 2, line 32, after "zone", insert "or subzone".

Amendment No. 7

On page 2, line 33, after "zone", insert "or subzone".

Amendment No. 8

On page 2, line 34, strike out "one"

Amendment No. 9

On page 2, line 38, after "zone", insert "or subzone".

Amendment No. 10

On page 2, line 40, after "zone", insert "or subzone"

Amendment No. 11

On page 2, line 42, after "zone", insert "or subzone"

Amendment No. 12

On page 2, line 44, after "zone", insert "or subzone"

Amendment No. 13

On page 2, line 49, after "Act", strike out the comma

Amendment No. 14

On page 3, line 5, after "established", insert "Notice of the intention to form any such subzone or subzones within a zone shall be given in the same manner as the notice of hearing on the formation of a zone pursuant to Section 10 of this act"

Amendment No. 15

On page 3, line 20, after "mentioned", insert "In the event that any tax or assessment for improvements is thereafter levied within a zone established pursuant to Section 10 of this act which contains one or more such subzones, the property within each such subzone shall be taxed or assessed to pay that percentage of the improvement costs determined to be the percentage of benefit to the property within such subzone by reason of such improvements"

Amendment No. 16

On page 3, line 27, strike out "may be"

Amendment No. 17

On page 3, line 29, after "zone", insert "shall be effective for the purpose of determining the percentage of principal and interest on any such bonded indebtedness to be borne by such subzone except with respect to a bonded indebtedness approved by the voters after the formation of such subzone"

Amendment No. 18

On page 3, line 32, after "zone", insert ", or for increasing the maximum tax rate within the zone or subzone,"

Amendment No. 19

On page 3, after line 39, insert

"SEC 3 Section 10.2 is added to said act, to read

10.2 In any fiscal year in which a tax or assessment is to be levied within a zone or subzone which contains part or all of the territory of any city, any such city may, if the express approval of the board is obtained, pay, in lieu of such tax or assessment to be levied in such city, from any funds of the city available therefor, an amount equal to the total taxes or assessments which would otherwise be derived from the taxable property of such city by the levy of the tax or assessment during such fiscal year within the zone or subzone containing such taxable property of such city In the event that the payment in lieu of taxes or assessments herein provided for is made by a city prior to the commencement of any fiscal year, no tax or assessment levied within the zone or subzone containing the taxable property of such city shall be levied or collected within the territory of the city during such fiscal year In the event that a city elects to, and does, with the approval of the board, make any such payment in lieu of a tax or assessment for any one fiscal year for the purpose herein provided, such city shall continue to be obligated to make such payments in lieu of such tax or assessment in succeeding fiscal years unless on or before February 1st of any year the legislative body of such city notifies the board that the city will not make such payments during subsequent fiscal years commencing on the July 1st after the giving of such notice"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government

Assembly Bill No. 1673—An act to add Section 65809 to the Government Code, relating to zoning ordinances.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Municipal and County Government, was read, and adopted.

Amendment No. 1

On page 1, line 7, of the printed bill, strike out the period, and insert ", unless it is felt by the governing body of the city that such variance would be contrary to the public welfare"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XXXIV thereof, relating to low rent housing projects

Resolution read

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Municipal and County Government, was read, and adopted.

Amendment No. 1

On page 2, line 10, of the printed measure, strike out "on", and insert "or".

Resolution ordered reprinted, engrossed, and to be re-referred to the Committee on Constitutional Amendments pursuant to Rule No 67 1

SECOND READING OF SENATE BILLS

Senate Bill No. 414—An act to amend Section 13146 of the Education Code, relating to credentials for public school teachers

Bill read second time, and ordered to third reading

Senate Bill No. 327—An act authorizing a grant to the Browns Valley Irrigation District for recreation in connection with the Virginia Ranch Dam Project, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to third reading.

Senate Bill No. 613—An act to amend Section 33481 of the Health and Safety Code, relating to community redevelopment

Bill read second time, and ordered to third reading

Senate Bill No. 19—An act to add Section 118 1 to the Welfare and Institutions Code, relating to public assistance recipients

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Social Welfare, was read, and adopted

Amendment No. 1

On page 2 of the printed bill, as amended in the Assembly on March 19, 1963, after line 4, insert

"SEC 2 Section 1181 of the Welfare and Institutions Code shall not be construed to impose liability on any person to support a recipient of public assistance, to

extend the liability of any person to support a recipient of public assistance beyond what is required under sections of the Welfare and Institutions Code in effect on January 1, 1963, or to impose any new or additional criminal liability on any person in connection with an application for or receipt of public assistance"

Bill ordered reprinted, and to be re-referred to the Committee on Ways and Means.

Senate Bill No. 49—An act to amend Section 629 of the Code of Civil Procedure, relating to motion for directed verdict as a condition of judgment notwithstanding verdict

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 127—An act to amend Sections 6151 and 6152 of the Business and Professions Code, relating to the unlawful solicitation and procurement of business for attorneys

Bill read second time, and ordered to the Consent Calendar

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means

Assembly Bills Nos. 1659 and **502**, subsequent to engrossment.

Assembly Bills Nos. 828 and **1246.**

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees:

Assembly Bill No.	*Committee*
2327 through **2330**	Municipal and County Government
2331	Finance and Insurance
2332	Judiciary
2333	Finance and Insurance
2334	Government Organization
2335	Water
2336	Finance and Insurance
2337 and **2338**	Manufacturing, Oil, and Mining Industry
2339	Education
2340	Civil Service and State Personnel
2341	Water

Assembly Joint Resolution No.	
38	Rules

Senate Bill No	*Committee*
79	Education
370	Ways and Means
371	Transportation and Commerce
412	Transportation and Commerce
413	Fish and Game
485	Governmental Efficiency and Economy
497	Social Welfare
509	Public Health
563	Fish and Game
741	Fish and Game
756	Government Organization

Senate Concurrent Resolution No	
32	Natural Resources, Planning, and Public Works
43	Natural Resources, Planning, and Public Works

INTRODUCTION OF GUESTS

Speaker pro Tempore Bee introduced Jack and Mary Gonsalves, the brother and sister-in-law of Assemblyman Joe A Gonsalves, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 9, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 282
Assembly Bill No 393
Assembly Bill No 572
Assembly Bill No 1016
Assembly Bill No 2112

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bills ordered enrolled

SENATE CHAMBER, April 9, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Assembly Concurrent Resolution No 35

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

Above resolutions ordered enrolled

SENATE CHAMBER, April 9, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No 916

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bill ordered to unfinished business file

SENATE CHAMBER, April 9, 1963

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 169
Senate Bill No 188
Senate Bill No 309
Senate Bill No 600
Senate Bill No 662
Senate Bill No 813

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time

Senate Bill No. 169—An act to amend Sections 10060 and 10061 of the Health and Safety Code, relating to vital statistics

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 188—An act authorizing the Department of Parks and Recreation, Division of Beaches and Parks, to exchange property belonging to the State for property belonging to the Santa Cruz Port District

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 309—An act to amend Section 5088 of the Penal Code, relating to the Correctional Industries Commission

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 600—An act to add Title 6 (commencing with Section 1350) to Part 4, Division Second, of the Civil Code, to add Section 783 to the Civil Code, to add Section 752b to the Code of Civil Procedure, to add Section 2188 3 to the Revenue and Taxation Code, and to amend Section 11535 of the Business and Professions Code and Section 659 of the Civil Code, relating to condominiums

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 662—An act to add Section 25100 5 to the Corporations Code, and to add Section 11004 5 to the Business and Professions Code, relating to corporate securities

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 813—An act to add Sections 2504 1, 2584 1, and 25458 6, to the Education Code, relating to junior college district organization

Held at desk by order of the Speaker pro Tempore

ASSEMBLY BILL NO. 298 PLACED UPON INACTIVE FILE

On motion of Mr Henson, **Assembly Bill No. 298** was ordered placed upon the inactive file

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar.

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 1446—An act to amend Section 1147 of the Probate Code, relating to public administrators

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—73.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1120—An act to amend Sections 10133.1, 10133.2, and 10145 of, and to add Sections 10251.5, 10265, and 10514.8 to, the Business and Professions Code, relating to the regulation of real estate, business opportunity, and mineral, oil and gas licensees

Bill read third time and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1135—An act to amend Section 7091 of the Business and Professions Code, relating to contractors

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—73.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1462—An act to add Section 5558 to the Business and Professions Code, relating to the practice of architecture

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore Williamson, Willson, Winton, Young, Z'berg, and Zenovich—73
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 679—An act to amend Sections 8752, 8753, 8754, 8755, 8776, 8782, 8801, 8804, 9255, 9352 and 9353 of the Revenue and Taxation Code, relating to the Use Fuel Tax Law

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—73

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 737—An act to amend Sections 7656, 9854, 30185 and 32253 of the Revenue and Taxation Code, relating to state taxes

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—73.

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 268—An act to add Section 424 to the Elections Code, relating to duplicate affidavits of registration

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—73

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1334—An act to add Section 4051 5 to the Elections Code, relating to municipal referendum

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z berg, and Zenovich—73

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 925—An act to amend and renumber Section 10239 4 of, to add Article 6 5 (commencing with Section 10269) to Chapter 3 of Part 1 of Division 4 of, and to repeal Sections 10238 7, 10238 8, 10238 9, 10239, 10239 1, 10239 2, and 10239 3 of, the Business and Professions Code, relating to real estate transactions

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, and Zenovich—73

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1042—An act to amend Section 11002 of the Education Code, relating to length of school day in the public school system

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, and Zenovich—73

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 729—An act to amend and renumber Section 23788 5 of, and to repeal Section 23788 of, the Business and Professions Code, relating to alcoholic beverages

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, and Zenovich—73

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 839—An act to amend and renumber Section 13409 of the Government Code, as added by Chapter 2121 of the Statutes of 1961, relating to purchases for local agencies

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers,

Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—73
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1479—An act to amend Section 23426 of the Business and Professions Code, relating to club licenses

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes, Bee, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Fenelli, Flournoy, Foran, Frew, Geffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—73.
NOES—None

Bill ordered transmitted to the Senate

NAME PLACED UPON ROLL CALL ON ASSEMBLY BILL NO. 1446

Mr. Foran was granted unanimous consent that he be recorded as voting "Aye" on Assembly Bill No 1446

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

Assembly Bill No. 2347: By Mr Greene—An act to amend Section 986 3 of the Military and Veterans Code, relating to veterans

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2348: By Messrs Kennick and Carrell—An act to add Chapter 3 5 (commencing with Section 11600) to Division 5 of the Vehicle Code, relating to automotive repair dealers

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2349: By Mr Z'berg—An act to amend Sections 74182, 74183, 74184, 74185, 74185 5, 74185 6, 74186, 74187, 74188, 74189, 74190 and 74191 of the Government Code, relating to municipal courts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2350: By Messrs Ashcraft, Monagan, Lunardi, Barnes, and Belotti—An act to add Section 34503 to the Water Code, relating to California water districts

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2351: By Mr Veneman—An act to add Section 15007 5 to the Education Code, relating to joint exercise of the power of eminent domain by a school district and another public agency.

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolution was offered.

By Messrs Cologne and Hinckley

House Resolution No. 213

Relative to a study of an alternate Route 66E

Resolved by the Assembly of the State of California, That the Department of Public Works is hereby requested to make a study of the feasibility of a road through San Bernardino and Riverside Counties by way of the Cities of Banning, Whitewater, Twentynine Palms and Needles or Parker to Arizona as an alternate State Highway Route 66E, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Public Works

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Messrs Moreno and Soto.

House Resolution No. 214

Relative to the observance of the Cinco de Mayo

WHEREAS, One of the great days in Mexican history, celebrated by Mexicans at home and in foreign countries, is known as the Cinco de Mayo, or the Fifth of May, and

WHEREAS, The day is the anniversary of the battle of Guadaloupe near Puebla, which was fought in 1862 by a Mexican force of about two thousand against a French force of six thousand, and

WHEREAS, The victory achieved by the vastly outnumbered Mexican forces fired the hearts of people everywhere and is considered a monument to the courage, fortitude and resolve of the Mexican people, and

WHEREAS, The Fifth of May is thus an appropriate time for the people of this State to salute our good neighbor to the south and to pay honor to those of her people who have come to California and contributed so much of their labor, culture and ideals to the development of our State, now, therefore, be it

Resolved by the Assembly of the State of California, That all Californians be urged to observe the Fifth of May as a time to pay honor to our friends in the Great Nation which borders us on the south

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Ergrossment and Enrollment

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 87
Assembly Bill No 480
Assembly Bill No 594

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to committee

Committee on Finance and Insurance

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER: Your Committee on Finance and Insurance reports:

Assembly Bill No 929

With the recommendation: That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

MILLS, Chairman

Subject matter of the above bill referred to the Committee on Rules.

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Finance and Insurance reports

Senate Bill No 33

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

MILLS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Finance and Insurance reports

Senate Joint Resolution No 5

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

MILLS, Chairman

Above resolution ordered on file

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Finance and Insurance reports

Assembly Bill No 1343

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

MILLS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Finance and Insurance reports

Assembly Bill No 1375

With amendments with the recommendation Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

Above bill ordered to second reading

Committee on Public Health

ASSEMBLY CHAMBER, April 8, 1963

MR SPEAKER Your Committee on Public Health reports

Assembly Bill No 1409

With amendments with the recommendation Amend, and do pass, as amended

RUMFORD, Chairman

Above bill ordered to second reading

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 339—An act to amend Section 1000 of the Probate Code, relating to preliminary distribution of estates

The question being Shall the Assembly concur in the following Senate amendment to Assembly Bill No 339

Amendment No. 1

On page 1, line 3 of the printed bill as amended in the Assembly on February 27, 1963, strike out "two", and insert "three"

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No 339 by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bane, Barnes Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Cologne, Conrad, Crown, Danielson, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran,

Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Potter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Versey, Waite, Waldie, Whetmore, Williamson, Willson, Young, Z'berg, and Zenovich—70

NOES—None

Assembly Bill No 339 ordered enrolled

Name Placed Upon Roll Call on Senate Amendment to Assembly Bill No. 339

Mr Allen was granted unanimous consent that he be recorded as voting "Aye" on concurrence in the Senate amendment to Assembly Bill No 339

Assembly Bill No. 535—An act to amend Section 31407 of the Vehicle Code, relating to farm labor vehicles

The question being. Shall the Assembly concur in the following Senate amendments to Assembly Bill No 535?

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Assembly on March 12, 1963, strike out "fire extinguishers on"

Amendment No 2

On page 1, line 21, after "(c)", insert "Be"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 535 by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Banc, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Potter, Powers, Quimby, Rumford Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Versey, Waite, Waldie, Warren, Williamson, Willson, Young, Z'berg, and Zenovich—73

NOES—None

Assembly Bill No 535 ordered enrolled

NAME PLACED UPON ROLL CALL ON ASSEMBLY BILL NO. 1446

Mr Holmes was granted unanimous consent that he be recorded as voting "Aye" on Assembly Bill No 1446

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1195—An act to amend Section 14207 of the Elections Code, relating to the hours for voting

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Banc, Bee, Beilenson, Belotti, Booth, Britschgi, Burton, Carrell, Casey, Conrad, Crown, Danielson, Dannemeyer, Dills, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Johnson, Kennick, Knox, Marks, McMillan, Meyers, Mills, Monagan, Mulford, Petris, Potter, Powers, Quimby, Rumford, Ryan Song, Soto, Stanton, Thomas, Veneman, Waite, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—56

NOES—Ashcraft, Badham, Barnes, Burgener, Chapel, Colbier, Cologne, Davis, Deukmejian, Donovan, Flournoy, Hinckley, Holmes, Lanterman, Lunardi, Moreno, Pattee, and Stevens—18

Bill ordered transmitted to the Senate

Vote Changed Upon Roll Call on Assembly Bill No. 1195

Mr Ryan was granted unanimous consent that he be recorded as voting "Aye," instead of "No," on Assembly Bill No 1195

Assembly Bill No. 1196—An act to amend Sections 310 and 321 of the Elections Code, relating to the registration of voters

Bill read third time, and, on request of Messrs Petris and Mulford, ordered passed on file, and to retain its place on file

Assembly Bill No. 1474—An act to amend Section 13119 of the Education Code, relating to school district personnel

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dunnemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Lanterman, Marks, McMillan, Meyers, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevoda, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

NOES—None

Bill ordered transmitted to the Senate

REPORTS OF STANDING COMMITTEES

Committee on Municipal and County Government

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER The Chairman of your Committee on Municipal and County Government reports.

Senate Bill No 645

With author's amendments with the recommendation Amend, and re-refer to the Committee on Municipal and County Government

KNOX, Chairman

SECOND READING OF SENATE BILL NO. 645 (PURSUANT TO RULE NO. 59.5)

Senate Bill No. 645—An act to repeal Chapter 1 (commencing with Section 29000) of, and to add Chapter 1 (commencing with Section 29000) to, Division 3 of Title 3 of the Government Code, relating to county budgets and tax levies.

Bill read second time.

Motion to Amend

Mr Knox moved the adoption of the following amendment

Amendment No. 1

On page 7 of the printed bill, as amended in the Senate on March 19, 1963, between lines 48 and 49 insert

"29082.5 If such hearing is requested on or before the first day of the budget hearings, the board shall set aside at least one day during the hearing period at which any authorized officer of any city within the county may appear and be heard on matters pertaining to the financing of streets, roads, and highways both within and without the incorporated areas of the county."

Amendment read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Municipal and County Government

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time

Assembly Bill No. 2352: By Mr. Mills—An act to amend Section 87 of the Agricultural Code, relating to fairs

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2353: By Mr Lanterman—An act to add Part 1 5 (commencing with Section 30098) to Division 12 of the Water Code, relating to county water districts

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2354: By Mr Waldie—An act to amend Section 28006 of the Corporations Code, relating to retirement systems

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2355: By Messrs Waite, Moreno, Casey, and Zenovich—An act to amend Section 7102 of, and to add Section 7156 5 to, the Financial Code, relating to savings and loan associations

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2356: By Mr Elliott—An act to add Section 103 2 to the Welfare and Institutions Code, relating to public assistance

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2357: By Mr Petris—An act to add Section 4085 3 to the Business and Professions Code, relating to the practice of pharmacy.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2358: By Mr Petris—An act to add Chapter 7 (commencing with Section 3201) to Part 5 of Division 1 of the Revenue and Taxation Code, relating to tax payment loans

Held at desk by order of the Speaker pro Tempore

Assembly Constitutional Amendment No. 42: By Messrs Marks, Mills, Dills, Belotti, Alquist, Barnes, Britschgi, Casey, Chapel, Crown, Dannemeyer, Dymally, Frew, Holmes, Knox, Lunardi, Monagan, Pattee, Ryan, Stanton, Veysey, and Williamson—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending the first paragraph of Section 5 and amending subdivision 1 of Section 7½ of Article XI thereof relating to the compensation of members of county boards of supervisors

Held at desk by order of the Speaker pro Tempore

Assembly Concurrent Resolution No. 64: By Messrs Unruh, Allen, Soto, Badham, Bane, Booth, Burgener, Carrell, Casey, Collier, Conrad, Crown, Dannemeyer, Dills, Elliott, Flournoy, Gaffney, Johnson, Lanterman, Marks, Moreno, Powers, Stanton, Stevens, Thelin, Waldie, Williamson, Willson, Winton, Young, and Zenovich—Relative to the Long Beach tidelands

Held at desk by order of the Speaker pro Tempore

RESOLUTIONS

The following resolutions were offered.

By Messrs Mulford, Marks, and Britschgi.

House Resolution No 215

Relative to state purchases

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is requested to refer for study to an appropriate interim committee the subject of the property acquisition procedures for the various departments and agencies in the state government and that such interim committee shall report to the Assembly its findings and recommendations no later than the fifth legislative day of the 1965 Regular Session of the Legislature

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Mr Marks

House Resolution No 216

Honoring Stan Musial on the occasion of the Fourth Annual Baseball Gang Dinner of the San Francisco Press and Union League Club

WHEREAS, The Press and Union League Club of San Francisco holds an annual baseball gang dinner in recognition of the achievements of one of the great sport personalities in baseball, and

WHEREAS, The Fourth Annual Baseball Gang Dinner of the Press and Union League Club will be celebrated on April 24, 1963, and

WHEREAS, The honored guest on this occasion will be Stan Musial, who has won acclaim by his many friends and followers in California and throughout the Nation for his athletic prowess and contribution to baseball, and

WHEREAS, During his many years as a player he has received numerous awards including selection on three occasions as "Most Valuable Player" of the National League; and

WHEREAS, Citizens of California, by reason of the membership of the cities of San Francisco and Los Angeles in the National League, have had an opportunity to witness this great athlete in action, now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof salute Stan Musial as a great athlete, an outstanding citizen, and one of the best-liked personalities in the nation and congratulate the San Francisco Press and Union League Club on their sponsorship of this annual event paying tribute to our National sport; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Stan Musial and to the San Francisco Press and Union League Club

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 473—An act to add Section 323 to the Elections Code, relating to the registration of voters

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Miias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vesey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—77

NOES—None

Bill ordered transmitted to the Senate

UNFINISHED BUSINESS (RESUMED)

MOTION TO RECONSIDER ASSEMBLY BILL NO. 1118 WAIVED

Mr Lanterman waived his motion to reconsider the vote whereby Assembly Bill No 1118 was passed

Assembly Bill No 1118 ordered transmitted to the Senate

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER: Your Committee on Transportation and Commerce reports

Assembly Bill No 960
Assembly Bill No 1297
Assembly Bill No 597

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bills be placed on the Consent Calendar

CARRELL, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 1481

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

CARRELL, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 1398
Assembly Bill No 1723

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

CARRELL, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 214
Assembly Bill No 215
Assembly Bill No 216

With the recommendation: That the bills be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

CARRELL, Chairman

Subject matter of the above bills referred to the Committee on Rules

ASSEMBLY CHAMBER, April 9, 1963

MR SPEAKER Your Committee on Transportation and Commerce reports

Assembly Bill No 91

With amendments with the recommendation Amend, and re-refer to the Committee on Transportation and Commerce

CARRELL, Chairman

Above bill ordered to second reading

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 502
Assembly Bill No 1659
And reports the same correctly engrossed.

POWERS, Chairman

Above bills re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1331
Assembly Bill No 1383
Assembly Bill No 1626
Assembly Bill No 1665
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 894
Assembly Bill No 1141
Assembly Bill No 1640
Assembly Bill No 1667
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 404
Assembly Bill No 956
Assembly Bill No 1011
Assembly Bill No 1047
Assembly Bill No 1364
Assembly Bill No 1515
Assembly Bill No 1581
Assembly Bill No 1617
Assembly Bill No 1622
And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ANNOUNCEMENT

Mr Mulford announced a Republican Caucus at 8 15 a m tomorrow morning, April 11, 1963

MEMBER EXCUSED FOR BALANCE OF DAY

At 11 10 a m , on motion of Mr Waldie Mr Quimby was excused for the balance of the legislative day, because of legislative business elsewhere

APPROVAL OF JOURNALS

On motion of Mr Waldie, the Assembly Daily Journals for Monday, April 1, 1963, Tuesday, April 2, 1963, Wednesday, April 3, 1963, Thursday, April 4, 1963, and Friday, April 5, 1963, were approved, as corrected by the Minute Clerk

COMMITTEE MEETING ANNOUNCEMENTS

Mr Crown announced that the following subcommittees of the Committee on Ways and Means would meet today:

At 1 30 p m , Subcommittee 3A (Winton, Chairman), in Room 4168
At 3 45 p m , Subcommittee 6B (Bane, Chairman), in Room 4168

ADJOURNMENT

At 11 12 a m , on motion of Mr Waldie, the Speaker pro Tempore declared the Assembly adjourned until 9 30 a m , Thursday, April 11, 1963

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FIFTY-EIGHTH LEGISLATIVE DAY

SIXTY-NINTH CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Thursday, April 11, 1963

The Assembly met at 9 30 a m
Hon Robert W Crown, Member of the Assembly from the 14th District, presiding
Chief Clerk Arthur A. Ohnimus at the desk
Assistant Clerk William Greene reading

ROLL CALL

The roll was called, and the following answered to their names

Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Fenell, Flournoy, Foran, Fiew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kenmck, Knox, Lauterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Vevser, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—76

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev Robert R Ferguson

O Thou Who Art Our Creator and Redeemer, Give to us the spiritual discernment to know something of the mysteries of this Holy Week Thy Son didst embody humility by washing the dirty feet of men, didst create an eternal fellowship through the Last Supper, allowed goodness to be crucified, but didst reveal that Thy love overcomest our evil, and that death is but the launching platform into eternal life with Thee.

May we live in the realism of Good Friday and with the everlasting hope of Easter morning.

We pray in our Master's name —AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Acting Speaker Robert W Crown, Mr Conrad then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Conrad, seconded by Mr Danielson.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness·

Mr Cusanovich, on motion of Mr Conrad

Mr Quimby, on motion of Mr Waldie.

The following members were granted leaves of absence for the day, because of legislative business elsewhere.

Mr Bee, on motion of Mr. Waldie.

Mr. Warren, on motion of Mr Waldie

REPORT

The following letter of transmittal and report was presented by the Speaker from.

Ronald W Cox, Associate Superintendent of Public Instruction, transmitting the Report of the State Department of Education Relative to the Operation, Effect, and Extent of Compliance With the Provisions of Education Code Section 17503 Referred by the Acting Speaker to the Committee on Education

COMMUNICATIONS

The following communications were presented by the Chief Clerk from

Mrs L Amelio of Monterey. relative to Assembly Joint Resolution No 16 Referred by the Acting Speaker to the Committee on Rules.

Amelia Bash of Marina, relative to Assembly Joint Resolution No. 16 Referred by the Acting Speaker to the Committee on Rules

Joseph S Young of Calabasas, relative to grievances Referred by the Acting Speaker to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 668	Assembly Bill No 1468
Assembly Bill No 1145	Assembly Bill No 1586
Assembly Bill No 1171	Assembly Bill No 1728

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Bill No 49

And reports the same correctly re-engrossed

POWERS, Chairman

Above bill ordered returned to second reading file

Committee on Manufacturing, Oil, and Mining Industry

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Manufacturing, Oil, and Mining Industry reports

Senate Bill No 569

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

KENNICK, Chairman

Above bill ordered to second reading

Committee on Livestock and Dairies

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Livestock and Dairies report

Assembly Bill No 603

With amendments with the recommendation Amend, and re-refer to the Committee on Livestock and Dairies

BELOTTI, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Livestock and Dairies reports

Assembly Bill No 1448

With the recommendation Do pass

BELOTTI, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Livestock and Dairies reports

Assembly Bill No 1571

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

BELOTTI, Chairman

Above bill ordered to second reading

Committee on Social Welfare

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER The Chairman of your Committee on Social Welfare reports

Assembly Bill No 614

Assembly Bill No 1752

With author's amendments with the recommendation Amend, and re-refer to the Committee on Social Welfare

BURTON, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 614 AND 1752 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 614—An act to add Section 1633 to the Welfare and Institutions Code, relating to care of children

Bill read second time

Motion to Amend

Mr Cologne moved the adoption of the following amendments

Amendment No. 1

On page 1, line 4, of the printed bill, after "1620", insert ", and no probation officer,"

Amendment No 2

On page 1, line 11, after "licensee", insert "or probation officer".

Amendment No. 3

On page 1 after line 17, insert

"After review of the report of the FBI and the State Bureau of Criminal Identification and Investigation, the Director of the Department of Social Welfare may exempt any person so in charge from the provisions of this section provided the report reveals no conviction involving a felony or a sex offense and further provided the director believes the person in charge to be of such good character as to justify the placement"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Social Welfare

Assembly Bill No. 1752—An act to amend Section 103.4 of the Welfare and Institutions Code, relating to public assistance

Bill read second time

Motion to Amend

Mr Lymally moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "avoid any action which", strike out line 16, and in line 17, strike out "side the State", and insert "inform the recipient as to the length of time and the circumstances under which he can remain outside of the State and remain qualified for aid"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Social Welfare.

REPORTS OF STANDING COMMITTEES

Committee on Industrial Relations

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Industrial Relations reports

Assembly Bill No 978

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ELLIOTT, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Industrial Relations reports

Assembly Bill No 1294

With amendments with the recommendation Amend, and re-refer to the Committee on Industrial Relations

ELLIOTT, Chairman

Above bill ordered to second reading

Committee on Education

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 888

With amendments with the recommendation Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means

GARRIGUS, Chairman

Above bill ordered to second reading

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports Assembly Bill No 1116

With amendments with the recommendation Amend, and do pass, as amended

ALLEN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports Assembly Constitutional Amendment No 19

Without recommendation and be re-referred to Committee on Constitutional Amendments

ALLEN, Chairman

Above resolution re-referred to the Committee on Constitutional Amendments

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports Assembly Bill No 1197

With the recommendation Do pass and be re-referred to the Committee on Ways and Means

ALLEN, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports Assembly Bill No 1360

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ALLEN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports Senate Bill No 167

With the recommendation Do pass, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ALLEN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Elections and Reapportionment reports Senate Bill No 100

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

ALLEN, Chairman

Above bill ordered to second reading

Committee on Ways and Means

ASSEMBLY CHAMBER, April 10 1963

MR SPEAKER The Chairman of your Committee on Ways and Means reports Assembly Bill No 502

With author's amendments with the recommendation Amend, and re-refer to the Committee on Ways and Means

CROWN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 502 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 502—An act to repeal Sections 20750 15, 20750 25, 20750 35, and 20750 45 of, and to amend Sections 20750 1, 20750 2, 20750 3, and 20750 4 of, the Government Code, relating to the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

Bill read second time

Motion to Amend

Mr Z'berg moved the adoption of the following amendments

Amendment No. 1

In line 3 of the title of the printed bill, strike out "and 20750 4", and insert "20750 4, 21251 1, and 21253"

Amendment No. 2

On page 2, line 9, after "equal to", insert "6 71"

Amendment No. 3

On page 2, line 14, after "equal to", insert "11 82"

Amendment No. 4

On page 2, line 18, after "equal to", insert "10 85"

Amendment No. 5

On page 2, line 22, after "equal to", insert "19 03"

Amendment No. 6

On page 2, between lines 23 and 24, insert

"SEC 9. Section 21251 1 of said code is amended to read

21251 1 The current service pension for a state miscellaneous member, for a prison member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is a pension derived from the contributions of the State, or of the contracting agency, sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service except service in a category of membership other than that of a state miscellaneous member, prison member, or local miscellaneous member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction			
	Men		Women	
55	~~.718853~~	*.705869*	~~.731150~~	*.727366*
55¼	~~.730633~~	*.718126*	~~.745022~~	*.738872*
55½	~~.742413~~	*.730383*	~~.756794~~	*.750377*
55¾	~~.754193~~	*.742639*	~~.767966~~	*.761882*
56	~~.765972~~	*.751896*	~~.779138~~	*.773388*
56¼	~~.778772~~	*.768215*	~~.791247~~	*.785846*
56½	~~.791572~~	*.781594*	~~.803356~~	*.798303*
56¾	~~.801372~~	*.794942*	~~.815465~~	*.810760*

Age of retirement	Fraction			
	Men		Women	
57	~~.817171~~	*.808291*	~~.827575~~	*.823218*
57¼	~~.831099~~	*.822857*	~~.840729~~	*.836730*
57½	~~.845027~~	*.837423*	~~.853883~~	*.850243*
57¾	~~.858955~~	*.851988*	~~.867037~~	*.863756*
58	~~.872883~~	*.866554*	~~.880191~~	*.877268*
58¼	~~.888067~~	*.882473*	~~.891512~~	*.891957*
58½	~~.903251~~	*.898391*	~~.902833~~	*.906646*
58¾	~~.918435~~	*.914310*	~~.923161~~	*.921334*
59	~~.933617~~	*.930228*	~~.937476~~	*.936023*
59¼	~~.950213~~	*.947671*	~~.953107~~	*.952017*
59½	~~.966809~~	*.965114*	~~.968738~~	*.968012*
59¾	~~.983405~~	*.982557*	~~.981369~~	*.984006*
60	~~1.000000~~	*1.000000*	~~1.000000~~	*1.000000*
60¼	~~1.015325~~	*1.016252*	~~1.015900~~	*1.016109*
60½	~~1.030650~~	*1.032504*	~~1.031800~~	*1.032218*
60¾	~~1.015975~~	*1.048757*	~~1.047700~~	*1.048327*
61	~~1.061300~~	*1.065009*	~~1.063600~~	*1.064437*
61¼	~~1.077306~~	*1.081989*	~~1.080390~~	*1.081300*
61½	~~1.093312~~	*1.098969*	~~1.097180~~	*1.098163*
61¾	~~1.109318~~	*1.115949*	~~1.113970~~	*1.115026*
62	~~1.125323~~	*1.132929*	~~1.130760~~	*1.131890*
62¼	~~1.142175~~	*1.150810*	~~1.148610~~	*1.149654*
62½	~~1.159027~~	*1.168690*	~~1.166460~~	*1.167418*
62¾	~~1.175879~~	*1.186571*	~~1.184310~~	*1.185183*
63	~~1.192729~~	*1.204452*	~~1.202160~~	*1.202947*
63¼	~~1.210559~~	*1.223090*	~~1.221951~~	*1.221462*
63½	~~1.228389~~	*1.241727*	~~1.240342~~	*1.239976*
63¾	~~1.246219~~	*1.260364*	~~1.259133~~	*1.258491*
64	~~1.264050~~	*1.279002*	~~1.278522~~	*1.277006*
64¼	~~1.283051~~	*1.299477*	~~1.299052~~	*1.297302*
64½	~~1.302052~~	*1.319652*	~~1.319582~~	*1.317599*
64¾	~~1.321053~~	*1.340427*	~~1.340112~~	*1.337896*
65 and over	~~1.340055~~	*1.360902*	~~1.360612~~	*1.358192*

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the State Employees' Retirement System with respect to state miscellaneous members on July 1, ~~1961~~ *1962* and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 10. Section 21253 of said code is amended to read

21253. The prior service pension for a state miscellaneous member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is an annual pension derived from the contributions of the State, or of the contracting agency, equal to the sum of the following

(a) The fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of prior service, except service in a category of membership other than that of a state miscellaneous, local miscellaneous or prison member, with which he is entitled to be credited at retirement

Age of retirement	Fraction			
	Men		Women	
55	~~.690464~~	*.677992*	~~.721540~~	*.716471*
55¼	~~.703098~~	*.691064*	~~.736015~~	*.728294*
55½	~~.715732~~	*.704137*	~~.747181~~	*.740116*
55¾	~~.728366~~	*.717210*	~~.758947~~	*.751938*
56	~~.740998~~	*.730282*	~~.770414~~	*.763761*
56¼	~~.751881~~	*.741680*	~~.782807~~	*.776627*
56½	~~.768761~~	*.759079*	~~.795380~~	*.789492*
56¾	~~.782647~~	*.773478*	~~.807862~~	*.802358*
57	~~.796531~~	*.787876*	~~.820316~~	*.815224*
57¼	~~.811822~~	*.803776*	~~.833072~~	*.829256*
57½	~~.827113~~	*.819676*	~~.847598~~	*.843288*
57¾	~~.842404~~	*.835577*	~~.861224~~	*.857331*
58	~~.857695~~	*.851477*	~~.874850~~	*.871353*
58¼	~~.871580~~	*.869076*	~~.889765~~	*.886698*
58½	~~.891465~~	*.886676*	~~.901680~~	*.902042*
58¾	~~.908350~~	*.904275*	~~.919595~~	*.917386*
59	~~.925233~~	*.921874*	~~.931509~~	*.932731*
59¼	~~.943925~~	*.941406*	~~.950882~~	*.949548*
59½	~~.962617~~	*.960937*	~~.967255~~	*.966366*
59¾	~~.981309~~	*.980468*	~~.983628~~	*.983183*
60	~~1.000000~~	*1.000000*	~~1.000000~~	*1.000000*
60¼	~~1.015608~~	*1.016573*	~~1.016181~~	*1.016429*
60½	~~1.031216~~	*1.033146*	~~1.032368~~	*1.032858*
60¾	~~1.046824~~	*1.049718*	~~1.048552~~	*1.049288*
61	~~1.062433~~	*1.066291*	~~1.064735~~	*1.065717*
61¼	~~1.079275~~	*1.084226*	~~1.082366~~	*1.083534*
61½	~~1.096117~~	*1.102160*	~~1.099997~~	*1.101351*
61¾	~~1.112959~~	*1.120094*	~~1.117628~~	*1.119168*
62	~~1.129800~~	*1.138029*	~~1.135257~~	*1.136985*
62¼	~~1.148034~~	*1.157496*	~~1.154504~~	*1.156333*
62½	~~1.166268~~	*1.176962*	~~1.173751~~	*1.175680*
62¾	~~1.184502~~	*1.196428*	~~1.192998~~	*1.195028*

Age of retirement	Fraction			
	Men		Women	
63	~~1.202735~~	*1.215895*	~~1.212246~~	*1.214376*
63¼	~~1.225503~~	*1.237055*	~~1.233305~~	*1.235409*
63½	~~1.247271~~	*1.258216*	~~1.251364~~	*1.256442*
63¾	~~1.269039~~	*1.279376*	~~1.275123~~	*1.277474*
64	~~1.291806~~	*1.300536*	~~1.296181~~	*1.298507*
64¼	~~1.303321~~	*1.323622*	~~1.319581~~	*1.321406*
64½	~~1.324836~~	*1.346707*	~~1.342681~~	*1.344306*
64¾	~~1.346351~~	*1.369792*	~~1.365781~~	*1.367206*
65 and over	~~1.367865~~	*1.392878*	~~1.388879~~	*1.390105*

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the State Employees' Retirement System with respect to state miscellaneous members on July 1, ~~1961~~ *1962* and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members

(b) In respect to prior service consisting of service other than as a state miscellaneous, local miscellaneous or prison member, the pension computed pursuant to the provisions for computation of prior service of members of the category in which the prior service was rendered

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section ''

Amendment No. 7

On page 2, line 24, strike out "9", and insert "11"

Amendment No. 8

On page 2, line 25, strike out "10", and insert "12"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file

Assembly Bills Nos. 49, 417, 1630, 668, 1171, 1728, 1629, 1638, 231, 1586, 1560, 1145, 1468, 1718, and **1627.**

Assembly Bills Nos 49, 668, 1171, 1728, 1586, 1145, and 1468 ordered to third reading

Assembly Bill No 1560 ordered to third reading, subsequent to engrossment

Assembly Bills Nos 417 and 231 ordered to the Consent Calendar, subsequent to re-engrossment.

Assembly Bills Nos 1630, 1629, 1638, 1718, and 1627 ordered to the Consent Calendar, subsequent to engrossment

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1494—An act to amend Sections 21685 and 21686 of the Public Utilities Code, relating to accounting funds

Bill read second time, and ordered to the Consent Calendar.

Assembly Bill No. 1421—An act to amend Section 31595 of the Government Code, and to amend Section 1372 of the Financial Code, relating to investments of county retirement systems

Bill read second time, and ordered engrossed

Assembly Bill No. 1504—An act to add Section 6408 to the Corporations Code, relating to foreign corporations

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Public Utilities and Corporations, was read, and adopted.

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "_____dollars ($____)", and insert "twenty dollars ($20)"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1576—An act authorizing a grant to the Placer County Water Agency for recreation in connection with the Middle Fork American River Project

Bill read second time, and ordered engrossed

Assembly Bill No. 1577—An act authorizing a grant to the Nevada Irrigation District for recreation in connection with four proposed reservoirs

Bill read second time, and ordered engrossed

Assembly Bill No. 1561—An act authorizing the conveyance of certain real property to the City of Los Angeles

Bill read second time, and ordered engrossed.

Assembly Bill No. 1628—An act to amend Sections 5780.17 and 5780.30 of the Public Resources Code, relating to recreation and park districts

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 792—An act to amend Sections 8780, 11027 and 11029 of the Fish and Game Code, relating to fishing.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Fish and Game, were read, and adopted.

Amendment No. 1

In line 1 of the title of the printed bill, after "Sections", insert "8660,"

Amendment No. 2

On page 1, strike out line 1, and insert

"SECTION 1 Section 8660 of the Fish and Game Code is amended to read

8660 Nothing in this chapter authorizing the use of nets in District 19, *or* 19A, ~~or 19B~~ shall authorize the use of any net within 750 feet of any pier, wharf, jetty, or breakwater, except that dip nets may be used subject to the provisions of Section 8870

SEC 2 Section 8780 of said code is".

Amendment No. 3

On page 1, line 11, after "19," insert "19A, 19B,"

Amendment No. 4

On page 1, line 15, strike out "live bait only", and insert "bait only Such nets may not be used within 750 feet of Seal Beach Pier, Belmont Pier, or Rainbow Pier"

Amendment No. 5

On page 2, line 4, strike out "SEC. 2", and insert "SEC 3"

Amendment No. 6

On page 2, line 14, strike out "SEC 3", and insert "SEC 4"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 692—An act to add Section 1193 5 to the Penal Code, relating to the death sentence

Bill read second time, and ordered engrossed.

Assembly Bill No. 1343—An act to amend Section 28 of the Vehicle Code, relating to repossession of vehicles.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Finance and Insurance, was read, and adopted

Amendment No. 1

On page 1, line 7, of the printed bill, after "notify", insert "by the most expeditious means available"

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1375—An act to add Section 1692 1 to the Insurance Code, relating to insurance.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Finance and Insurance, was read, and adopted

Amendment No. 1

On page 1, line 17, of the printed bill, strike out "shall", and insert "may"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance

Assembly Bill No. 1409—An act to amend Sections 18205, 18206, 18210, 18250, 18276, 18277, 18300, 18325, 18370, and 18425 of, and to add Sections 18007.5, 18014, 18257 and 18276.5 to, the Health and Safety Code, relating to mobilehomes and mobilehome parks.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Public Health, were read, and adopted

Amendment No. 1

On page 2 of the printed bill, strike out lines 33 to 41, inclusive, and insert "18210. If any person who holds an annual permit violates any provision of the permit or of this part, the permit may be suspended by the enforcement agency. This section does not, however, authorize the suspension of a permit of any mobilehome park existing on September 15, 1961, for any violation of this part which was not a violation of the law which this part supersedes."

Amendment No. 2

On page 3, line 3, after "the", insert "registration"

Amendment No. 3

On page 3, strike out lines 31 to 34, inclusive, and insert "(b) Any mobilehome in which the occupants use any water heater, clothes washer, or clothes dryer, requiring plumbing, mechanical, gas or electrical connections unless such appliance is within the mobilehome or an approved building. No such appliance outside the mobilehome shall be interconnected with the plumbing, mechanical, gas or electrical system of the mobilehome."

Bill ordered reprinted, and engrossed

Assembly Bill No. 960—An act to amend Section 9805 of the Vehicle Code, relating to sale of vehicles

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1297—An act to amend Section 26709 of the Vehicle Code, relating to mirrors on vehicles

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 597—An act to add Article 6 (commencing with Section 31530) to Chapter 5 of Division 13 of the Vehicle Code, relating to transportation of empty boxes

Bill read second time, and ordered to the Consent Calendar

Assembly Bill No. 1481—An act to amend Section 25260 of the Vehicle Code, relating to warning lights on vehicles

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce, was read, and adopted

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "Vehicles", and insert "Public utility vehicles, and vehicles of duly authorized representatives of a public utility,".

Bill ordered reprinted, engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 1398—An act to add Section 2419 to the Vehicle Code, relating to replacement of flares

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Transportation and Commerce, was read, and adopted

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "as", and insert "is"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 1723—An act to amend Section 30609 of the Streets and Highways Code, relating to the use of toll revenues from San Francisco Bay toll bridges

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted

Amendment No. 1

On page 2, line 7, of the printed bill, strike out "30300", and insert "30790"

Amendment No. 2

On page 2, line 10, strike out "1," and insert "31,"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 91—An act to amend Sections 12507, 12509, 12512, 12513, and 12514 of the Vehicle Code, relating to age limits for drivers' licenses

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Transportation and Commerce, were read, and adopted·

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 22, 1963, strike out "12507,"

Amendment No. 2

On page 1, strike out lines 1 to 22, inclusive

Amendment No. 3

On page 1, strike out line 23, and insert
"SECTION 1 Section 12509 of the Vehicle Code is amended to read ".

Amendment No. 4

On page 1, line 24, after "12509", insert "(a)"

Amendment No. 5

On page 1, line 25, strike out "16", and insert "18"

Amendment No. 6

On page 2, strike out lines 6 to 12, inclusive, and insert ", a California licensed driver 18 years of age or over, but the applicant need not be so accompanied"

Amendment No. 7

On page 2, strike out lines 16 to 19, inclusive

Amendment No. 8

On page 2, between lines 19 and 20, insert
"(b) Any person 16 years of age but less than 18 may apply for an apprentice driver's license The department for good cause may issue to the applicant an apprentice driver's license which shall entitle the applicant while having the license in his immediate possession to drive a motor vehicle upon the highways until he has attained the age of 18 years when accompanied by and under the immediate supervision of an instructor in automobile driver training in a public, private or parochial school of the secondary level, or is accompanied by an instructor licensed under the provisions of Chapter 1 (commencing with Section 11100) of DIVISION 5 of the Vehicle Code, or is accompanied by a California licensed driver over 25 years of age "

Amendment No. 9

On page 2, line 20, strike out "SEC 3", and insert "SEC 2"

Amendment No. 10

On page 2, line 21, after "Sections", insert "12509,"

Amendment No. 11

On page 2, line 22, strike out "operator's", and insert "driver's".

Amendment No. 11.5

On page 2, line 24, strike out "SEC. 4", and insert "SEC. 3".

Amendment No. 12

On page 2, line 27, strike out "16", and insert "14"

Amendment No. 13

On page 2, line 28, strike out "18", and insert "16".

Amendment No. 14

On page 3, strike out lines 5 to 24, inclusive, and insert
"(3) Transportation facilities are inadequate, and use of a motor vehicle is necessary in the transportation to and from the employment of the applicant and the applicant's income from such employment is essential in the support of the family, or where the applicant's operation of a motor vehicle is essential to an enterprise from which an appreciable portion of the income of the family will be

derived The application shall be accompanied by a signed statement from the parents or the guardian, setting forth the reasons a permit is necessary under this subsection

(b) Upon application, successful completion of tests and compliance with Sections 17700 to 17705, inclusive, the department may issue a junior permit to any person 16 years of age, but less than 18, who establishes eligibility as required by this section A person is eligible when, in the opinion of the department, any one or more of the following circumstances exist

(1) School or other transportation facilities are inadequate for regular attendance at school and at activities authorized by the school The application for a junior permit shall be accompanied by a signed statement from the school principal verifying such facts A junior permit issued under this subsection shall be restricted to operating a vehicle from residence to the school and return

(2) Reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary due to illness of a family member The application shall be accompanied by a signed statement from a physician familiar with the condition, containing a diagnosis and probable date when sufficient recovery will have been made to terminate the emergency

(3) Transportation facilities are inadequate, and the operation of a motor vehicle is necessary in transportation of the applicant to and from employment, or in the normal course of employment, or where the applicant's operation of a motor vehicle is essential to a family enterprise from which an appreciable amount of income is realized

The application shall be accompanied by a signed statement from the employer stating the necessity for granting such a permit, and the conditions under which the applicant will operate a motor vehicle Such application also shall be signed by a parent or guardian certifying that the facts set forth in the application are, to his knowledge, correct

The conditions under which such permit is granted shall be stated on the permit, including the name and address of the employer and the circumstances under which the permittee may operate a motor vehicle

(4) Where the person is a high school graduate

(5) Where the applicant is married or is the head of a household in which there are persons related to him by blood or marriage wholly or principally dependent on him for support"

Amendment No. 15

On page 3, line 25, strike out "(b)", and insert "(c)".

Amendment No. 16

On page 3, line 28, strike out "(c)", and insert "(d)".

Amendment No 16 5

On page 3, line 31, strike out "SEC 5", and insert "SEC 4".

Amendment No. 17

On page 3, strike out lines 47 to 50, inclusive, and insert

"(d) Upon determination that the permittee has operated a motor vehicle in violation of restrictions the department shall revoke such permit if the permittee is under the age of 16 years, and may revoke such permit if the permittee is over the age of 16 years"

Amendment No. 18

On page 4, line 2, strike out "operator's", and insert "driver's"

Amendment No 19

On page 4, after line 7, insert

"SEC 5 This act shall not apply to persons who have reached 16 years of age before January 1, 1964, or who hold a valid instruction permit issued before January 1, 1964, pursuant to Section 12512 of the Vehicle Code"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Transportation and Commerce

SECOND READING OF SENATE BILLS

Senate Bill No. 444—An act to amend Section 6652 of the Fish and Game Code, relating to kelp.

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 33—An act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to amounts required to redeem from judicial sale of real property

Bill read second time, and ordered to the Consent Calendar.

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 10, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended.

Assembly Bill No 598
Assembly Bill No 618
Assembly Bill No 1091

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GORDON F. ENGLISH, Assistant Secretary

Above bills ordered to unfinished business file.

SENATE CHAMBER, April 10, 1963

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted

Assembly Concurrent Resolution No 47

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

Above resolution ordered enrolled

SENATE CHAMBER, April 10, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 265
Assembly Bill No 269
Assembly Bill No 307
Assembly Bill No 497
Assembly Bill No 659
Assembly Bill No 941
Assembly Bill No 942
Assembly Bill No 943
Assembly Bill No 944
Assembly Bill No 959
Assembly Bill No 971
Assembly Bill No 2164

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

Above bills ordered enrolled

SENATE CHAMBER, April 10, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 41
Senate Bill No 137
Senate Bill No 464
Senate Bill No 560
Senate Bill No 708
Senate Bill No 747
Senate Bill No 755
Senate Bill No 766

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

Senate Bill No. 41—An act to amend Section 5829 1 of the Public Resources Code, relating to small craft harbors

Held at desk by order of the Acting Speaker

Senate Bill No. 137—An act to amend Sections 12880 and 12885 of the Water Code, relating to the Davis-Grunsky Act

Held at desk by order of the Acting Speaker

Senate Bill No. 464—An act to add Section 12648 6 to the Water Code, relating to authorization of the Mormon Slough channel improvement project

Held at desk by order of the Acting Speaker

Senate Bill No. 560—An act to amend Section 450 of, and to add Section 450.1 to, the Military and Veterans Code, relating to military courts and disciplinary punishments within the California National Guard, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Acting Speaker

Senate Bill No. 708—An act to amend Section 15807 of the Revenue and Taxation Code, relating to gift tax determinations

Held at desk by order of the Acting Speaker

Senate Bill No. 747—An act to amend Section 14208 of the Elections Code, relating to the hours for voting

Held at desk by order of the Acting Speaker

Senate Bill No. 755—An act to add Section 12648.5 to the Water Code, relating to authorization of New Melones Reservoir and channel improvement project

Held at desk by order of the Acting Speaker

Senate Bill No. 766—An act to amend Section 8054 of the Business and Professions Code, relating to yacht and ship brokers

Held at desk by order of the Acting Speaker

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No. 67, Acting Speaker Crown ordered the following bills re-referred to the Committee on Ways and Means

Assembly Bills Nos. 668, 1586, and **597.**

Assembly Bills Nos. 1560, 1576, 1577, and **1561,** subsequent to engrossment.

REFERENCE OF BILLS TO COMMITTEE

Acting Speaker Crown announced that Speaker Unruh has referred the following bills to the following committees.

Assembly Bill No.	*Committee*
2342 and 2343	Municipal and County Government
2344	Education
2345	Revenue and Taxation
2346	Governmental Efficiency and Economy
2347	Military and Veterans Affairs
2348	Transportation and Commerce
2349	Judiciary
2350	Water

Assembly Bill No.	*Committee*
2351	Judiciary
2352	Ways and Means
2353	Water
2354	Public Utilities and Corporations
2355	Finance and Insurance
2356	Social Welfare
2357	Governmental Efficiency and Economy
2358	Revenue and Taxation

Assembly Constitutional Amendment No	
42	Government Organization

Assembly Concurrent Resolution No.	
64	Rules

Senate Bill No	
169	Public Health
188	Natural Resources, Planning, and Public Works
309	Criminal Procedure
600	Judiciary
662	Judiciary
813	Education

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 916—An act to add Section 3356 to the Health and Safety Code, relating to tuberculosis hospitals and sanatoriums

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No 916?

Amendments of March 28, 1963

Amendment No. 1

On page 1, line 11, of the printed bill, as amended in the Assembly on March 18, 1963, strike out "or"

Amendment No 2

On page 1, line 13, after "thereof", insert ", or (c) the possession of any intoxicating liquor used by a minister of the gospel or priest or rabbi in a religious sacrament or ceremony"

Amendments of April 5, 1963

Amendment No. 1

On page 1, line 13, of the printed bill, as amended in the Senate on March 28, 1963, strike out "or".

Amendment No. 2

On page 1, line 15, after "ceremony", insert "or (d) the service of wine to a patient as part of the hospital's regular menu or bill of fare if the patient is located in a portion of the premises wholly separate and isolated from patients receiving treatment for tuberculosis".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 916 by the following vote.

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Belotti, Booth, Burgener, Carrell, Conrad, Crown, Danielson, Dannemeyer, Dills, Donovan, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Marks, McMillan, Milias, Moreno, Pattee, Petris, Porter, Powers, Rumford, Ryan, Soto, Thelin, Thomas, Veneman, Veysey, Willson, Winton, Young, Z'berg, and Zenovich—47.
NOES—None.

Assembly Bill No 916 ordered enrolled

CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1383—An act to add Section 13465 1 to the Education Code, relating to employment in the public schools.

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Belotti, Booth, Burgener, Burton, Carrell, Conrad, Crown, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Marks, McMillan, Milias, Mills, Monagan, Moreno, Pattee, Petris, Porter, Rumford, Ryan, Song, Soto, Thomas, Veneman, Veysey, Willson, Winton, Young, Z'berg, and Zenovich—51
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1286—An act to amend Section 14359 of the Education Code, relating to the State Teachers' Retirement System

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Belotti, Booth, Burgener, Burton, Carrell, Crown, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Marks, McMillan, Milias, Mills, Monagan, Moreno, Pattee, Petris, Porter, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veysey, Willson, Winton, Young, Z'berg, and Zenovich—52
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1331—An act to amend Section 11004 of the Business and Professions Code, relating to community apartment project

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Belotti, Booth, Burgener, Burton, Carrell, Conrad, Crown, Danielson, Dannemeyer, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Kennick, Marks, McMillan, Milias, Mills, Monagan, Moreno, Pattee, Petris, Porter, Rumford, Ryan, Song, Soto, Stevens, Thomas, Veysey, Willson, Winton, Young, Z'berg, and Zenovich—52
NOES—None

Bill ordered transmitted to the Senate

INTRODUCTION OF GUEST

Acting Speaker Crown introduced Master E Norman George, the nephew of Assemblyman Charles J Conrad, to the Members of the Assembly, who joined in welcoming him on his visit to the Assembly Chamber.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS

Senate Bill No. 414—An act to amend Section 13146 of the Education Code, relating to credentials for public school teachers

Bill read third time, and presented by Mr. Pattee

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Carrell, Collier, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Johnson, Knox, Marks, Meyers, Milias, Mills, Monagan, Moreno, Pattee Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Williamson, Willson, Young, Z'berg, and Zenovich—59

NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 327—An act authorizing a grant to the Browns Valley Irrigation District for recreation in connection with the Virginia Ranch Dam Project, declaring the urgency thereof, to take effect immediately

Bill read third time, and presented by Mr Lunardi

Urgency Clause

Urgency clause read, and adopted by the following vote·

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener Burton, Carrell, Collier, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Henson, Hinckley, Johnson, Knox, Lunardi, Marks, Meyers, Milias, Mills, Monagan Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Soto, Thelin, Thomas, Veneman, Veysey, Waite, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—60

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Collier, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Henson, Hinckley, Johnson, Knox, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Soto, Thelin, Thomas, Veneman, Veysey, Waite, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—60.

NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 613—An act to amend Section 33481 of the Health and Safety Code, relating to community redevelopment

Bill read third time, and presented by Mr Knox.

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Collier, Conrad, Crown, Danielson, Dannemeyer, Davis, Dills, Donovan Dymally, Elliott, Ferrell, Flournoy, Foran, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lunardi, Marks, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Thelin, Thomas, Veneman, Veysey, Waite, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—62.

NOES—None

Bill ordered transmitted to the Senate.

Names Placed Upon Roll Call on Senate Bill No. 613

Messrs Gonsalves, Bane, and Holmes were granted unanimous consent that they be recorded as voting "Aye" on Senate Bill No. 613.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1665—An act to add Section 4794 1 to the Health and Safety Code, relating to bond elections in county sanitation districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Garrigus, Gonsalves, Greene, Hinckley, Holmes, Johnson, Knox, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—68

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote·

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Garrigus, Gonsalves, Greene, Hinckley, Holmes, Johnson, Knox, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—68

NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 296—An act to add Section 459 to the Elections Code, relating to information pertaining to voters

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lunardi, Marks, Meyers, Mihas, Mills Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—71

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1416—An act to add Section 5780 19 to the Public Resources Code, relating to park and recreation districts, and declaring the urgency thereof, to take effect immediately.

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote·

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown,

Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Frew, Gaffney, Garrigus, Gonsalves, Henson, Hinckley, Holmes, Johnson, Knox, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, and Zenovich—69.
NOES—None.

The question being on the passage of the bill.

Bill passed by the following vote

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Collier, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Frew, Gaffney, Garrigus, Gonsalves, Henson, Hinckley, Holmes, Johnson, Knox, Lunardi, Marks, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Thomas, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson Willson, Winton, Young, Z'berg, and Zenovich—69
NOES—None

Bill ordered transmitted to the Senate.

Names Placed Upon Roll Call on Urgency Clause to Assembly Bill No. 1416

Messrs Gonsalves and Cologne were granted unanimous consent that they be recorded as voting "Aye" on the urgency clause to Assembly Bill No. 1416.

Assembly Bill No. 1196—An act to amend Sections 310 and 321 of the Elections Code, relating to the registration of voters.

Bill read third time, and, on request of Messrs. Lanterman and Petris, ordered passed on file, and to retain its place on file.

POINT OF PERSONAL PRIVILEGE

Mr McMillan arose to a point of personal privilege.

Mr. Unruh arose to a point of personal privilege.

Mr. Holmes arose to a point of personal privilege.

Point of Order

Mr Petris arose to the following point of order: That the question on the point of personal privilege had been exhausted; and that further discussion was not in order.

Ruling by Acting Speaker

The Acting Speaker ruled the point of order well taken.

CONSIDERATION OF CONSENT CALENDAR

Acting Speaker Crown announced that the next roll call would be on the first item on the Consent Calendar.

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 1264—An act to add Section 34093 to the Government Code, relating to municipal petitions.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan,

Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1186—An act to amend Section 1061, and to repeal Sections 1361 and 1423 of, the Education Code, relating to schools.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 286—An act to add Section 9409 to the Vehicle Code, relating to vehicle weight fees

Bill read third time, and passed by the following vote.

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None.

Bill ordered transmitted to the Senate.

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 277—An act to add Sections 108 and 26458 to, and to amend Section 26503 of, and repeal Section 26500 of, the Vehicle Code, relating to air brakes.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 278—An act to amend Sections 26304, 26450 and 26451 of, and to add Section 26311 to, the Vehicle Code, relating to brakes on vehicles.

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None

Bill ordered transmitted to the Senate

Senate Bill No. 279—An act to amend Sections 2251, 8153, 8163, 9261, 12505, 16376, 21359, 22359, 22361, 34011, 35104, 35411, and 35415 of the Vehicle Code, and to amend Section 12155 of the Insurance Code, and to amend Section 1696.3 of the Labor Code, relating to vehicles, declaring the urgency thereof, to take effect immediately.

Bill read third time

Urgency Clause

Urgency clause read, and adopted by the following vote·

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None

The question being on the passage of the bill

Bill passed by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74

NOES—None.

Bill ordered transmitted to the Senate

Senate Bill No. 283—An act to amend Section 280 of the Vehicle Code, relating to darkness

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Kennick, Knox, Lanterman, Lunardi, Marks, McMillan,

Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74.

NOES—None.

Bill ordered transmitted to the Senate.

REMARKS ON CONDITION OF FILE

Mr. Allen spoke on the condition of the file

NAME PLACED UPON ROLL CALL ON ASSEMBLY BILL NO. 1264

Mr. Porter was granted unanimous consent that he be recorded as voting "Aye" on Assembly Bill No. 1264.

REQUEST FOR UNANIMOUS CONSENT

Mr. Porter was granted unanimous consent to offer a resolution, at this time.

RESOLUTIONS

The following resolution was offered

By Mr. Porter:

House Resolution No. 217

Relative to congratulating the City of Compton on the Diamond Jubilee of its incorporation

WHEREAS, It has come to the attention of the Assembly of the State of California that the City of Compton, during the week of May 5-11, 1963, is celebrating its 75th Birthday, having been incorporated on May 11, 1888, and

WHEREAS, Compton was the first town to be located on the Temple and Gibson Tract, originally a part of the Rancho San Pedro and the first Spanish rancho grant in Los Angeles County, and

WHEREAS, Compton was founded in 1867 by Griffith Dickenson Compton and other pioneer settlers, being the second oldest American community in Los Angeles County, and

WHEREAS, The City of Compton, having originally been incorporated as a city of the Sixth Class, and having become a chartered city in 1925, has cherished its local independence and right to municipal home rule, and

WHEREAS, The City of Compton, having successfully overcome the serious effects of earthquake and recurring floods, has grown from a small farming community to a modern city of more than 75,000 people; and

WHEREAS, The City of Compton, being centrally located on the coastal plain of Los Angeles County, has always sought to advance the interests of its citizens and of the surrounding area; and

WHEREAS, The City of Compton is presently engaged in the carrying out of plans for expansion and modernization of the entire corporate area, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly congratulate the City of Compton and the Diamond Jubilee Committee on its 75th Anniversary, and commend its citizenry for their outstanding record of civic achievement, and wish for them a bright and prosperous future, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to the members of the City Council of Compton and the General Chairman of the Diamond Jubilee Committee

Request for Unanimous Consent

Mr Porter was granted unanimous consent to take up House Resolution No 217 without reference to committee or file.

Resolution read, and adopted.

MEMBER EXCUSED FOR BALANCE OF DAY

At 10 33 a m , on motion of Mr Conrad, Mr. Collier was excused for the balance of the day, because of legislative business elsewhere.

ANNOUNCEMENT

Mr Waldie announced that his bill relative to the education of neurologically handicapped minors was set for hearing in the Committee on Education at 3 45 p m this afternoon; and requested that any committee members who would be unable to attend the meeting today contact him, in order that due notice could be given to witnesses if it be deemed advisable to postpone the hearing to a later date

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Mrs Davis was granted unanimous consent that the following opinion of the Legislative Counsel be ordered printed in the Journal:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, March 13, 1963

Hon Pauline L Davis
Assembly Chamber

State Water Projects: Recreation—No. 10934

Question

DEAR MRS DAVIS You have asked if the planning function vested in the Department of Water Resources by Section 11911 of the Water Code with respect to recreation and fish and wildlife enhancement and preservation, in connection with state water projects, can be transferred by administrative action to the Department of Parks and Recreation

Opinion

No

Analysis

Section 11911 of the Water Code provides as follows·

"11911 The planning for public recreation use and fish and wildlife preservation and enhancement in connection with state water projects shall be a part of the general project formulation activities of the Department of Water Resources, in consultation and co-operation with the departments and agencies specified in Section 11910, through the advance planning stage, including, but not limited to, the development of data on benefits and costs, recreation land use planning, and the acquisition of land In planning and constructing any project, the department shall, to the extent possible, acquire all lands and locate and construct, or cause to be constructed, the project and all works and features incidental to its construction in such a manner as to permit the use thereof for the preservation and enhancement of fish and wildlife and for recreational purposes upon completion of the project."

As can be seen, the section specifically declares that certain planning for public recreation use and fish and wildlife preservation and enhancement is a part of the general project formulation activities of the Department of Water Resources The department is authorized to consult and co-operate with the agencies referred to in Section 11910 in connection with such planning but is not authorized to transfer that function Those agencies are the Department of Fish and Game, the Department of Parks and Recreation or any division thereof, any federal agency, and any local governmental agency with jurisdiction over the area involved

Thus, the Legislature has specifically vested jurisdiction over certain planning for public recreation use and fish and wildlife preservation and enhancement in connection with state water projects in the Department of Water Resources In view of this specific grant, we are of the opinion that the Department of Water Resources may not transfer to another department that responsibility which has been vested in it by the Legislature.

Very truly yours,

A. C. MORRISON
Legislative Counsel
By (MRS.) ANN MACKEY
Deputy Legislative Counsel

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Mr Marks was granted unanimous consent that the following opinion of the Legislative Counsel be ordered printed in the Journal:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, April 10, 1963

Hon. Milton Marks
Assembly Chamber

Supervisors' Salaries—No. 14682

Question

DEAR MR MARKS: Would Assembly Constitutional Amendment No. 42 operate prospectively only, or would it reduce existing salaries of supervisors?

Opinion

While Assembly Constitutional Amendment No 42 would operate prospectively only, it would apply to future salaries of all supervisors in office on its effective date, as well as those taking office after that date.

Analysis

Assembly Constitutional Amendment No. 42 would amend the Constitution (Art XI, Secs 5 and 7½) to provide that compensation of members of county boards of supervisors shall not exceed the rate of compensation provided for Members of the Legislature

An amendment to the State Constitution submitted by the Legislature takes effect on the date of its adoption by the people (*Johnston v. Wolf* (1929), 208 Cal 286) There is nothing in Assembly Constitutional Amendment No 42 providing that it shall not apply to supervisors in office on that date, nor is there any other provision of the Constitution which would prevent it from applying to such officers No question of retroactive application arises since the amendment would not affect compensation already paid or owing to incumbents, but would merely reduce their compensation thereafter if it otherwise would exceed that paid to the legislators

Very truly yours,

A C. MORRISON
Legislative Counsel
By (MRS) ROSE OLIVER
Deputy Legislative Counsel

RESOLUTIONS

The following resolution was offered·

By Mr. Belotti:

House Resolution No. 218

Relative to commending the Eureka School Safety Patrol and Lieutenant Peter F Procissi on the patrol's safety record

WHEREAS, The Eureka School Safety Patrol was established approximately 15 years ago and, since its establishment, there have been more than 1,500 boys and girls who have been members of the patrol , and

WHEREAS, The Eureka School Safety Patrol is conducted under the auspices of the Eureka Police Department and is under the immediate supervision of Lieutenant Peter F Procissi of that agency , and

WHEREAS, During the 15 years of the patrol's existence, there has never been an accident of any kind at one of the patrolled crossings , and

WHEREAS, This excellent safety record illustrates the useful function performed by all school safety patrols in protecting the safety of the children of this State; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly commend Lieutenant Procissi and the members of the Eureka School Safety Patrol on the excellent safety record established by the patrol, and wish the Lieutenant and the patrol continued success in protecting the safety of the children of Eureka ; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Lieutenant Peter F. Procissi.

Resolution read, and referred by the Acting Speaker to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, April 11, 1963

MR. SPEAKER· Your Committee on Rules recommends

That the request by Mr Mills for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 2(a), of the Constitution as it pertains to Assembly Bill No 2193 be granted

BANE, Chairman

RESOLUTIONS

The following resolution was offered

By Mr Mills

Resolution to Invoke Constitutional Provision

Resolved, That, pursuant to Article IV, Section 2(a), of the Constitution, Assembly Bill No 2193 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed

Resolution read, and adopted by the following vote

AYES—Allen, Alquist, Asheraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Ferrell, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Hinckley, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Potter, Powers, Rumford, Ryan, Song, Soto, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—73

NOES—None

Article IV, Section 2(a) of the Constitution was declared dispensed with

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time

Assembly Bill No. 2359: By Mr Ryan—An act to amend Section 13143 5 of the Health and Safety Code, relating to fires and fire protection

Held at desk by order of the Acting Speaker

Assembly Bill No. 2360: By Mr Veysey—An act to add Section 14121 5 to the Education Code, relating to administration of the State Teachers' Retirement System.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2361: By Mr Dymally—An act to add Section 119 7 to the Welfare and Institutions Code, relating to county welfare directors

Held at desk by order of the Acting Speaker

Assembly Bill No. 2362: By Mr Powers—An act to amend Section 441 of the Revenue and Taxation Code, relating to the time for filing property statements

Held at desk by order of the Acting Speaker

Assembly Bill No. 2363: By Mr Deukmejian—An act to repeal Sections 118 and 1103a of, and to add Sections 118 and 118a to, the Penal Code, and to amend Sections 1844 and 1968 of the Code of Civil Procedure, relating to perjury by contradictory statements and other means

Held at desk by order of the Acting Speaker

Assembly Bill No. 2364: By Messrs Alquist, Gaffney, Ryan, Dymally, and Meyers—An act to add Chapter 21 (commencing with Section 9900) to Division 3 of the Business and Professions Code, relating to the licensing and regulation of persons operating or maintaining stationary powerplants and making an appropriation therefor.

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2365: By Mr Belotti—An act making an appropriation for the Humboldt County Flood Control Project, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Acting Speaker

Assembly Bill No. 2366: By Messrs Stanton, Alquist, and Milias—An act to add Article 8 (commencing with Section 26775) to Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code, relating to transportation of prisoners

Held at desk by order of the Acting Speaker

Assembly Bill No. 2367: By Messrs Barnes and Burgener—An act to amend Sections 7301, 7302, 7305, 7332, 7333, 7391, 7393, 7396 5, and 7400 of, and to add Sections 7390 1 and 7391 1 to, the Business and Professions Code, relating to the practice of cosmetology.

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2368: By Mr Petris (Senator Farr, coauthor)—An act to amend Sections 7002, 7009, 7010, 7055, 7100, 7102, 7501, 8341, and 10376 of, and to add Sections 7052 1, 7054 1, and 7120 to, the Health and Safety Code, relating to cremated remains

Held at desk by order of the Acting Speaker

Assembly Bill No. 2369: By Mr Winton—An act to add Section 4722 4 to the Welfare and Institutions Code, relating to medical assistance to the aged

Held at desk by order of the Acting Speaker

Assembly Bill No. 2370: By Mr Winton—An act to add Section 4722 3 to the Welfare and Institutions Code, relating to medical assistance to the aged

Held at desk by order of the Acting Speaker

Assembly Bill No. 2371: By Mr Winton—An act to add Section 4722 1 to the Welfare and Institutions Code, relating to medical assistance to the aged.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2372: By Mr Stanton—An act to amend Section 204 5 of the Welfare and Institutions Code, relating to records of county hospitals and almshouses

Held at desk by order of the Acting Speaker

Assembly Bill No. 2373: By Messrs. Dymally and Stanton—An act to add Section 923.5 to the Labor Code, relating to teachers.

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2374: By Messrs Mulford and McMillan—An act to add Chapter 4 (commencing with Section 17800) to Part 3 of Division 7 of the Business and Professions Code, relating to marriage, family and child counseling services and making an appropriation therefor

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2375: By Messrs Moreno, Song, Carrell, Dannemeyer, and Gonsalves—An act to add Article 6 (commencing with Section 31530) to Division 13 of the Vehicle Code, relating to transportation of removable containers.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2376: By Mr. Allen—An act to amend Section 318 of the Penal Code, relating to causing person to visit place for gambling or prostitution.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2377: By Messrs Moreno and Dymally—An act to add Section 2163 to the Welfare and Institutions Code, relating to old age assistance

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2378: By Mr Meyers—An act to amend Section 13000 3 of the Water Code, relating to water pollution

Held at desk by order of the Acting Speaker

Assembly Bill No. 2379: By Messrs Meyers, Casey, and Porter—An act to add Section 11010 3 to the Business and Professions Code, and to add Section 5417 to the Health and Safety Code, relating to sewage

Held at desk by order of the Acting Speaker

Assembly Bill No. 2380: By Mr Meyers—An act to amend Section 13020 1 of the Water Code, relating to water pollution.

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2381: By Messrs Meyers and Casey—An act to amend Sections 13011 and 13021 of the Water Code, relating to the State Water Pollution Control Board.

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2382: By Mr Meyers—An act to amend Section 13051 of the Water Code, relating to water pollution

Held at desk by order of the Acting Speaker

Assembly Bill No. 2383: By Mr Meyers—An act to amend Section 13054 3 of the Water Code, relating to water pollution.

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2384: By Messrs Meyers, Casey, and Porter—An act to add Section 13054 6 to the Water Code, relating to sewage discharges

Held at desk by order of the Acting Speaker

Assembly Bill No. 2385: By Messrs Meyers, Casey, and Porter—An act to add Section 13045 to the Water Code, relating to public officers

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2386: By Mr Hinckley—An act to amend Section 1485 of the Water Code, relating to appropriation of water.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2387: By Mr Petris—An act to amend Section 6502 of the Penal Code, and to add Section 11396 to the Health and Safety Code, relating to narcotic addiction

Held at desk by order of the Acting Speaker

Assembly Bill No. 2388: By Mr Petris—An act to amend Section 6506 of the Penal Code, relating to narcotic addiction

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2389: By Mr Meyers—An act to amend Sections 28601 and 28602 of the Public Utilities Code, relating to rapid transit

Held at desk by order of the Acting Speaker

Assembly Bill No. 2390: By Mr Meyers—An act to amend Section 30772 of the Streets and Highways Code, relating to rapid transit

Held at desk by order of the Acting Speaker

Assembly Bill No. 2391: By Mr Meyers—An act to add Section 20364 to the Government Code, relating to retirement benefits for legislative employees.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2392: By Messrs Meyers and Z'berg—An act to add Section 20897 5 to the Government Code, relating to state employees

Held at desk by order of the Acting Speaker

Assembly Bill No. 2393: By Mr Meyers—An act to repeal Sections 20895 and 20896 of, and to add Section 20895 to, the Government Code, relating to the State Employees' Retirement System

Held at desk by order of the Acting Speaker

Assembly Bill No. 2394: By Messrs Meyers, Z'berg, Kennick, and Belotti—An act to amend Section 20860 5 of the Government Code, relating to the State Employees' Retirement System

Held at desk by order of the Acting Speaker

Assembly Bill No. 2395: By Messrs Meyers, Z'berg, Kennick, and Belotti—An act to amend Section 18021 5 of the Government Code, relating to compensation of state employees

Held at desk by order of the Acting Speaker

Assembly Bill No. 2396: By Messrs Meyers, Z'berg, Belotti, and Kennick—An act to amend Section 19258 of the Government Code, relating to state employees.

Held at desk by order of the Acting Speaker.

Assembly Bill No. 2397: By Messrs Meyers, Z'berg, Kennick, and Belotti—An act to add Section 19574 1 to the Government Code, relating to civil service.

Held at desk by order of the Acting Speaker

Assembly Bill No. 2398: By Messrs Meyers, Z'berg, Kennick, and Belotti—An act to amend Section 22790 of the Government Code, relating to major medical plans under the Meyers-Geddes Act

Held at desk by order of the Acting Speaker

Assembly Bill No. 2399: By Messrs Meyers, Z'berg, Kennick, and Belotti—An act to amend Section 18931 of the Government Code, relating to medical examination payments for state civil service employees and applicants, and making an appropriation therefor

Held at desk by order of the Acting Speaker

RESOLUTIONS

The following resolution was offered

By Messrs Gonsalves, Beilenson, Moreno, Whetmore, Alquist, Ferrell, Garrigus, Knox, Mills, Powers, Rumford, Stanton, and Winton:

House Resolution No. 219

Relative to packaging of consumer food products

WHEREAS, It appears to be a common practice for competitive food products to be packaged in a great variety of containers of different sizes, and

WHEREAS, This practice makes it difficult for the consumer to reasonably compare the prices of competitive food products, and

WHEREAS, The benefits of a competitive market are dependent, in large measure, upon informed consumers who are able to judge the relative prices of similar products, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Rules Committee is directed to assign to the appropriate interim committee for study the subject of retail food packaging practices and the need of legislation to require retailers who sell food products to either sell such products packaged in standardized sizes or quantities or to publish the price per unit of such products offered for retail sale, and be it further

Resolved, That the Assembly Rules Committee direct such interim committee to report its findings on the subject matter of this resolution, together with its suggestions for proposed legislation, to the Assembly not later than the fifth legislative day of the 1965 Regular Session of the Legislature

Resolution read, and referred by the Acting Speaker to the Committee on Rules

INTRODUCTION OF GUESTS

Mr. Cologne introduced his wife, Mrs Patricia Cologne, and their children, Steven and Ann Cologne, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.

Assembly Concurrent Resolution No. 38—Relative to a study relating to glass breakage in vehicle accidents,

Assembly Concurrent Resolution No. 52—Commending Y Frank Freeman;

And reports the same correctly enrolled, and presented to the Secretary of State on the 11th day of April, 1963, at 10 a m

POWERS, Chairman

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined·

Assembly Bill No. 17—An act to amend Section 21715 of the Vehicle Code, relating to combinations of vehicles,

Assembly Bill No. 55—An act to add Section 61102 5 to the Government Code, relating to community services districts,

Assembly Bill No. 145—An act to add Section 26608 1 to, and to amend Section 71205, of the Government Code, relating to service of process,

Assembly Bill No. 232—An act to amend Section 1057 of the Code of Civil Procedure, relating to undertakings and bonds,

Assembly Bill No. 329—An act to amend Section 6413 of the Financial Code, relating to savings and loan associations;

Assembly Bill No 350—An act to amend Section 715 of the Harbors and Navigation Code, relating to vessels,

Assembly Bill No. 384—An act to amend Section 2110 5 of the Streets and Highways Code, relating to Highway Users Tax Fund;

Assembly Bill No. 385—An act to amend Sections 12509 and 14606 of, and to repeal Section 12507 of, the Vehicle Code, relating to driver s licenses,

Assembly Bill No. 455—An act to amend Sections 12510 and 12804 of the Vehicle Code, relating to driver's licenses;

Assembly Bill No. 456—An act to amend Section 14601 of the Vehicle Code, relating to driving without a license;

Assembly Bill No. 488—An act to amend Section 42230 of the Vehicle Code, relating to refunds,

Assembly Bill No. 570—An act to amend Section 25300 of the Vehicle Code, relating to warning devices,

Assembly Bill No 612—An act to amend Section 1183 of the Civil Code, relating to proof and acknowledgment of instruments outside the United States,

Assembly Bill No 684—An act to amend Section 17159 of the Vehicle Code, relating to liability of personal representatives for motor vehicles,

Assembly Bill No. 696—An act to amend Sections 19030 and 19037 of the Streets and Highways Code, relating to establishment of highway lighting districts,

Assembly Bill No. 716—An act to amend Section 11809 of, and to add Section 11810 to, the Vehicle Code, relating to vehicle salesman's license;

Assembly Bill No. 850—An act to amend Sections 2213 and 2214 of the Streets and Highways Code, relating to federal-aid secondary highways;

Assembly Bill No. 904—An act to amend Sections 25350 and 25351 of the Vehicle Code, relating to display of lights on commercial and common carrier vehicles.

Assembly Bill No. 849—An act to amend Section 35752 of the Vehicle Code, relating to bridge signs;

Assembly Bill No. 852—An act to amend Section 5204 of the Vehicle Code, relating to display of tab, sticker or other suitable device,

Assembly Bill No. 902—An act to amend Section 21402 of the Vehicle Code, relating to yield right-of-way signs,

Assembly Bill No. 906—An act to amend Section 22111 of the Vehicle Code, relating to the giving of hand signals,

Assembly Bill No. 946—An act to amend Sections 13551 and 14250 of the Vehicle Code, relating to drivers' licenses;

And reports the same correctly enrolled, and presented to the Governor at 10 a m, April 11, 1963

POWERS, Chairman

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 1627
Assembly Bill No 1629
Assembly Bill No 1630
Assembly Bill No 1638
Assembly Bill No 1718

And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 1560

And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined.

Assembly Bill No 231
Assembly Bill No 417

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No 1561
Assembly Bill No 1576
Assembly Bill No 1577

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 1596

And reports the same correctly engrossed

POWERS, Chairman

Above bill re-referred to the Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 960
Assembly Bill No 1297
Assembly Bill No 1628
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to the Consent Calendar

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 692
Assembly Bill No 1421
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered to third reading

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports.
Senate Bill No 120
With amendments with the recommendation Amend, and do pass, as amended

PETRIS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports
Assembly Bill No 1569
With amendments with the recommendation Amend, and re-refer to the Committee on Revenue and Taxation

PETRIS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER April 11, 1963

MR SPEAKER: Your Committee on Revenue and Taxation reports
Assembly Bill No 661
With amendments with the recommendation Amend, and do pass, as amended

PETRIS, Chairman

Above bill ordered to second reading.

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER: The Chairman of your Committee on Revenue and Taxation reports
Assembly Bill No 561
With author's amendments with the recommendation Amend, and re-refer to the Committee on Revenue and Taxation

PETRIS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 561
(PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 561—An act to add Section 2615.7 to the Revenue and Taxation Code, relating to property tax bills.

Bill read second time

Motion to Amend

Mr Ryan moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, after "mailed", insert "delivered, or handed over".

Amendment No. 2

On page 1, line 5, after the period, insert "The words "Notice This is a Duplicate Copy For Information Purposes Only" shall appear in at least 10-point bold type in a place on the face of the copy so as to be readily seen"

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Revenue and Taxation

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Judiciary reports·

Assembly Bill No 806

With amendments with the recommendation Amend, and do pass, as amended

WILLSON, Chairman

Above bill ordered to second reading

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Revenue and Taxation reports·

Assembly Constitutional Amendment No 20

With amendments with the recommendation. Amend, and be adopted, as amended

PETRIS, Chairman

Above resolution ordered on file.

Committee on Judiciary

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER The Chairman of your Committee on Judiciary reports

Assembly Bill No 1661

With author's amendments with the recommendation· Amend, and re-refer to the Committee on Judiciary.

WILLSON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1661 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1661—An act to amend Section 69894.1 of the Government Code, relating to officers and employees of the superior court in counties of over 6,000,000 population.

Bill read second time

Motion to Amend

Mr. Willson moved the adoption of the following amendments·

Amendment No. 1

On page 2, line 8, of the printed bill, after "reporters____", insert "49".

Amendment No. 2

On page 2, line 42, strike out "Six", and insert "Eight".

Amendment No. 3

On page 3, line 11, strike out "attached to classes designated (a), (b), (c), (d), (f), (h),"; strike out line 12; and in line 13, strike out "(ww), (xx), and (zz) of this section".

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Water

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Water reports

Senate Bill No 591

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PORTER, Chairman

Above bill ordered to second reading

Committee on Rules

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Rules reports.

House Resolution No 191

With the recommendation That the resolution be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

BANE, Chairman

Subject matter of the above bill referred to the Committee on Rules

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Rules reports:

Assembly Bill No 1672

With the recommendation Do pass, and be re-referred to the Committee on Ways and Means.

BANE, Chairman

Above bill re-referred to the Committee on Ways and Means

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER The Chairman of your Committee on Revenue and Taxation reports

Assembly Constitutional Amendment No 10

With author's amendments with the recommendation Amend, and re-refer to the Committee on Revenue and Taxation

PETRIS, Chairman

SECOND READING OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO 10 (PURSUANT TO RULE NO. 59.5)

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 23 to Article XX thereof, relating to the conduct of a lottery by the State.

Resolution read

Motion to Amend

Mr Pattee moved the adoption of the following amendment

Amendment No. 1

On page 1, line 10, of the printed measure, after "Equalization", insert "The State Building Standards Commission in the State Department of Finance shall recommend, select and supervise the operation of all electronic and other equipment to be used in such lottery"

Amendment read, and adopted

Resolution ordered reprinted, engrossed, and to be re-referred to the Committee on Revenue and Taxation

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 197
House Resolution No 198

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar

BANE, Chairman

Above resolutions ordered on file

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 199
House Resolution No 201
House Resolution No 216

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar

BANE, Chairman

Above resolutions ordered to the Consent Calendar

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Rules reports

Assembly Concurrent Resolution No 38

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

BANE, Chairman

Above resolution ordered engrossed

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Rules reports

Senate Concurrent Resolution No 2
Senate Concurrent Resolution No 36

With the recommendation Be adopted

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolutions be placed on the Consent Calendar

BANE, Chairman

Above resolutions ordered on file

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Rules reports

House Resolution No 193
House Resolution No 206
House Resolution No 209

With the recommendation That the resolutions be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

BANE, Chairman

Subject matter of the above resolutions referred to the Committee on Rules

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Rules reports

Assembly Bill No 1716

With the recommendation That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study

BANE, Chairman

Subject matter of the above bill referred to the Committee on Rules.

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Rules reports

Senate Joint Resolution No 3

With the recommendation That the resolution be re-referred to the Committee on Revenue and Taxation

BANE, Chairman

Above resolution re-referred to the Committee on Revenue and Taxation.

Committee on Water

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Water reports

Assembly Concurrent Resolution No 49

With the recommendation Be adopted, as amended

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above resolution be placed on the Consent Calendar

PORTER, Chairman

Above resolution ordered on file.

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Water reports

Assembly Bill No 498

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

PORTER, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER. The Chairman of your Committee on Water reports.

Senate Bill No 689

With author's amendments with the recommendation Amend, and re-refer to the Committee on Water.

PORTER, Chairman

SECOND READING OF SENATE BILL NO. 689 (PURSUANT TO RULE NO. 59.5)

Senate Bill No. 689—An act to add Chapter 13 (commencing with Section 47900) to Part 9, Division 14, of the Water Code, relating to an alternative method of collecting assessments levied by a water storage district.

Bill read second time.

Motion to Amend

Mr Porter moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, as amended in the Senate on April 4, 1963, after "district", insert ", declaring the urgency thereof, to take effect immediately"

Amendment No. 2

On page 3, after line 39, insert

"SEC 2 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are

The Rosedale-Rio Bravo Water Storage District is holding off the sale of property on which there are delinquent assessments. However, the district is in need

of the funds covered by these assessments and also will be needing funds for next year If this measure is effective by May, it will be possible to put the assessments which the board can levy for next year's maintenance and operation on the county tax roll which will bring it the money by the first of 1964"

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Water

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER. The Chairman of your Committee on Finance and Insurance reports:

Assembly Bill No 548

With author's amendments with the recommendation Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 548 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 548—An act to repeal Section 634 of the Unemployment Insurance Code, relating to unemployment insurance

Bill read second time

Motion to Amend

Mr. Burton moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal Section 634 of", and insert "amend Sections 634, 976, 976.5, 2602 and 2606 of, and to add Section 677 to"

Amendment No. 2

On page 1, line 2, strike out "repealed", and insert "amended to read:".

Amendment No. 3

On page 1, between lines 2 and 3, insert

"634 (a) "Employment" *for the purposes of this part* does not include service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954

(b) Service performed in the employ of an organization operated for the primary purpose of carrying on a trade or business all of the profits of which are payable to one or more organizations described in subdivision (a) is not exempt under this section For the purposes of this subdivision, "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

SEC 2 Section 677 is added to said code, to read.

677 "Employer" means any employing unit which is a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954, and which, for some portion of a day, has within the current calendar year or had within the preceding calendar year one or more individuals performing service in its employ and pays wages for such service in excess of one hundred dollars ($100) during any calendar quarter

SEC 3 Section 976 of said code is amended to read

976 Employer contributions to the Unemployment Fund shall accrue and become payable by every employer, except an employer as defined by ~~Section 676~~ *Sections 676 and 677*, for each calendar year with respect to wages paid for employment The contributions are due and shall be paid to the department for the Unemployment Fund by each employer in accordance with this division and shall not be deducted in whole or in part from the wages of individuals in his employ.

SEC 4 Section 976 5 of said code is amended to read

976 5. In addition to other contributions required by this division, every employer, except an employer as defined by ~~Section 676~~ *Sections 676 and 677*, shall pay into the Unemployment Fund contributions for each calendar year with respect to wages paid for employment at the rate of five-tenths of 1 percent (0 5%)

SEC 5 Section 2602 of said code is amended to read

2602 (a) Except as otherwise provided, the provisions and definitions of Part 1 of this division apply to this part In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits, and the provisions of Part 1 prevail with respect to unemployment compensation benefits

(b) The provisions of Articles 4 and 5 of Chapter 5 of Part 1, and the provisions of Chapter 6 of Part 1 of this division do not apply to this part

(c) Sections 312, 318, 319, 625, 626, 627, 628, ~~612,~~ *634*, 1251, 1253, 1254, 1255, 1279, 1326 to 1333, inclusive, 1339, and 1340 do not apply to this part

SEC 6 Section 2606 of said code is amended to read

2606 "Employment" for the purposes of this part means : ~~service~~

(a) Service included in "employment" as defined by Part 1 of this division ~~and service~~

(b) Service in agricultural labor, including agricultural labor for an agricultural or horticultural organization.

(c) Notwithstanding any other provision of this division, all service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954, except service performed by an individual as a duly ordained priest, clergyman, rabbi, rector, vicar, pastor, or minister of religion, or by a practitioner who heals the sick by prayer in the practice of religion, or by a reader whose duty it is to conduct regular religious services of a religious organization, or by a member of a religious order in the exercise of duties required by the order, or by any other individual performing service in the practice of religion by designation of the governing body of a religious organization and subject to discipline by, including removal by, such governing body and service performed as a professor, associate professor, lecturer, graduate assistant or research assistant, teacher, instructor, vocational instructor, counselor, activities adviser, dean of a college, dean, associate dean, laboratory technician, librarian, president, vice president, registrar or other member of the faculty or teaching or administrative staff performing similar service to these categories

SEC 7 The provisions of the Unemployment Insurance Code added and amended by this act shall be operative with respect to wages paid on and after October 1, 1963 The provisions of sections of the Unemployment Insurance Code amended by this act as in effect prior to such amendments shall continue to be applicable to wages paid prior to October 1, 1963 "

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER The Chairman of your Committee on Governmental Efficiency and Economy reports

Senate Bill No 617

With author's amendments with the recommendation Amend, and re-refer to the Committee on Governmental Efficiency and Economy

McMILLAN, Chairman

SECOND READING OF SENATE BILL NO. 617 (PURSUANT TO RULE NO. 59 5)

Senate Bill No. 617—An act to amend Sections 17765, 17766, and 17768 of, to amend and renumber Section 17765 1 of, to add Sections

17765 1, 17765 2, 17765 3, 17765 4, 17765 5, 17765 6, 17765 7, 17766 1, 17766 2, 17766.3, 17766 4, and 17773 to, and to repeal Section 17773 of, the Business and Professions Code, relating to trading stamp companies.

Bill read second time

Motion to Amend

Mr McMillan moved the adoption of the following amendment·

Amendment No. 1

On page 4, of the printed bill, as amended in the Senate on March 19, 1963, strike out lines 2 to 5, inclusive, and insert "tory evidence of payment, release, discharge or adequate provision for all of the obligations which have been imposed upon it or arisen under this chapter, including specifically, but not limited to, the provisions of Sections 17766 and 17777, or furnish the commissioner with a bond equal in amount to the money or securities which it has deposited with the State Treasurer One year from the date".

Amendment read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Governmental Efficiency and Economy

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER· Your Committee on Governmental Efficiency and Economy reports Assembly Bill No 1664

With amendments with the recommendation Be amended, and that the bill, as amended, be returned to the committee, and the subject matter be referred to the Committee on Rules for assignment to the proper interim committee for study.

McMILLAN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR. SPEAKER Your Committee on Governmental Efficiency and Economy reports:

Assembly Bill No 57
Assembly Bill No. 65
Assembly Bill No 1201

With the recommendation· Do pass.

McMILLAN, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy reports. Assembly Bill No. 1603

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

McMILLAN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports Senate Bill No 331

With the recommendation· Do pass.

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee recommends that the above bill be placed on the Consent Calendar

McMILLAN, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports
Assembly Bill No 963
Assembly Bill No 1239
Assembly Bill No 1317
With amendments with the recommendation: Amend, and do pass, as amended

McMILLAN, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Governmental Efficiency and Economy reports
Senate Bill No 519
Senate Bill No 520
Senate Bill No 521
With the recommendation · Do pass

McMILLAN, Chairman

Above bills ordered to second reading.

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER The Chairman of your Committee on Governmental Efficiency and Economy reports:
Assembly Bill No 775
Assembly Bill No 1786
Assembly Bill No 1789
With author's amendments with the recommendation. Amend, and re-refer to the Committee on Governmental Efficiency and Economy

McMILLAN, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 775, 1786, AND 1789 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 775—An act to amend Section 7050 of the Business and Professions Code, relating to contractors

Bill read second time

Request for Unanimous Consent to Temporarily Suspend Rule No. 101

Mr. Beilenson was granted unanimous consent that Rule No 101 be temporarily suspended for the purpose of permitting an amendment which adds a coauthor to the bill

Motion to Amend

Mr Beilenson moved the adoption of the following amendments:

Amendment No. 1

In the heading of the printed bill, strike out "Mr Beilenson", and insert "Messrs Beilenson and Henson"

Amendment No 2

In line 1 of the title, strike out "7050 of", and insert "7044 of, and to repeal Section 7050 of,".

Amendment No. 3

On page 1, line 1, strike out "7050", and insert "7044".

Amendment No. 4

On page 1, between lines 2 and 3, insert

"7044. This chapter does not apply to ~~owners~~ *an owner* of property, building or improving structures thereon, or appurtenances thereto, ~~for the occupancy of such owner and not offered for sale, provided that the building does not contain more than three dwelling units in one of which the actual owner resides~~ *to an owner of property who contracts*

for such a project with a licensed contractor, or to an owner of property who does such work himself or with his own employees with wages as their sole compensation, provided that such structure or structures with or without the appurtenances thereto is not intended or offered for sale, is built for the occupancy of such owner-builder, and contains no more than three dwellings or dwelling units of which one dwelling unit shall be the actual domicile of such owner-builder if designed wholly or partially for residential occupancy .

In all actions brought under this chapter, proof of the sale or offering for sale of such structures by the owner-builder within one year after completion of same is presumptive evidence that such structure was undertaken for purposes of sale.

The registrar may take disciplinary action as provided in this chapter against any licensee whenever the grounds or cause for disciplinary action arose upon any project being undertaken on behalf of an owner or the owner's agents by such licensee

SEC. 2 Section 7050 of said code is repealed "

Amendment No. 5

On page 1, strike out lines 3 to 5, inclusive

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy

Assembly Bill No. 1786—An act to amend Section 7051 5 of, and to add Section 7071 6 to, the Business and Professions Code, relating to contractors.

Bill read second time

Motion to Amend

Mr Henson moved the adoption of the following amendments

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "amend Section 7051 5 of, and to add Section 7071 6 to," and insert "add Section 7071 8 to"

Amendment No. 2

On page 1, line 1, strike out "7051 5 of", and insert "7071 8 is added to".

Amendment No. 3

On page 1, strike out line 2, and insert "Code, to read .

7071 8 Except as provided in Section 7071 5, the board shall require, on or after January 1, 1964, as a condition precedent to the issuance, reinstatement, reactivation, or reissuance of a license, and on or after July 1, 1965, as a condition precedent to the renewal of a license, that the applicant file or have on file with the registrar a bond issued by an admitted surety in the sum of one thousand dollars ($1,000), or in lieu thereof, that such applicant post with the registrar a cash deposit in the sum of one thousand dollars ($1000)

SEC 2 This act shall become operative only if Assembly Bill No. 1789 is enacted by the Legislature at the 1963 Regular Session "

Amendment No. 4

On page 1, strike out lines 3 to 19, inclusive, and strike out pages 2 to 4, inclusive

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1789—An act to amend Section 7071 5 of, and to add Section 7071.6 to, the Business and Professions Code, relating to contractors

Bill read second time

Motion to Amend

Mr Henson moved the adoption of the following amendments

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 7071 6", and insert "Sections 7071 6 and 7071 7".

Amendment No. 2

On page 2, strike out lines 31 to 50, inclusive, and on page 3, strike out lines 3 to 16, inclusive

Amendment No. 3

On page 3, strike out lines 22 to 27, inclusive

Amendment No. 4

On page 3, strike out lines 34 to 39, inclusive

Amendment No. 5

On page 3, between lines 43 and 44, insert

"7071 6 Any bond required by this article shall be in favor of the State of California for the benefit of any person damaged as the result of a violation of this chapter by a licensee, for the benefit of any person who, after entering into a construction contract with the licensee, is damaged by the failure of the licensee to perform the contract, and for the benefit of any person furnishing labor, materials, or services used in the direct performance of a construction contract Any person claiming against the bond or cash deposit may maintain an action at law against the licensee and the surety or the cash depository

If the surety desires to make payment without court action, the amount of the bond shall be reduced to the extent of any payments made by the surety in good faith hereunder If the licensee desires to make payment without court action, the licensee may authorize the cash depository, in writing, to pay the claimant and the cash deposit shall be reduced to the extent of any payment made

The claim of any employee of the contractor for wages shall be a preferred claim against any bond or cash deposit

If any bond or cash deposit which may be required is insufficient to pay all claims in full, the sum recovered shall be distributed among all claimants with priority given to claims for wages The partial payment of any claims shall not be considered satisfaction of said claims and the claimants may file for any unpaid balance in any other manner provided by law, and the registrar may continue suspension or revocation of any license involved until such time as said claims and any other claims arising out of an action against such bond or cash deposit are satisfied in full

The aggregate liability of the surety for all claims of said persons shall, in no event, exceed the penal sum of said bond

Upon failure of a licensee to maintain in full force and effect any bond or cash deposit required by this article the registrar shall issue an order suspending or revoking such license, which shall not be reinstated until a new bond or cash deposit has been filed

Any judgment or admitted claim against any bond or cash deposit required by this article shall constitute grounds for disciplinary action against such licensee The board shall require the licensee to file a new bond in an amount not less than three thousand dollars ($3,000) nor more than ten thousand dollars ($10,000) or to increase his cash deposit to such an amount.

SEC 3 Section 7071 7 is added to said code, to read ".

Amendment No. 6

On page 3, line 44, strike out "7071 6", and insert "7071 7".

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER. The Chairman of your Committee on Transportation and Commerce reports

Assembly Bill No 1296

With author's amendments with the recommendation Amend, and re-refer to the Committee on Transportation and Commerce

CARRELL, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1296 (PURSUANT TO RULE NO. 59 5)

Assembly Bill No. 1296—An act to amend Section 21050 of, and to add Article 4 (commencing with Section 21200) to Chapter 1 of Division 11 of, and to repeal Section 25652 of, the Vehicle Code, relating to operation of bicycles.

Bill read second time

Motion to Amend

Mr. Gonsalves moved the adoption of the following amendments.

Amendment No. 1

On page 1, line 6, of the printed bill, after "20000)", insert ", and Sections 2800 and 2801".

Amendment No. 2

On page 1, line 9, after the first "bicycle", insert "upon a highway"

Amendment No. 3

On page 2, line 9, after "bicycle", insert "operated upon any highway"

Amendment No. 4

On page 2, strike out lines 27 and 28, and insert

"(b) No person operating a bicycle upon a highway shall permit any person to ride on the handlebars"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Transportation and Commerce.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Constitutional Amendment No 15

Assembly Constitutional Amendment No 16

And reports the same correctly engrossed.

POWERS, Chairman

Assembly Constitutional Amendment No 15 re-referred to the Committee on Judiciary

Assembly Constitutional Amendment No 16 re-referred to the Committee on Constitutional Amendments, pursuant to Rule No. 76.1.

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 24
Assembly Bill No 521
Assembly Bill No 1008
And reports the same correctly re-engrossed

POWERS, Chairman

Above bills ordered re-referred to committee.

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER. Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 772	Assembly Bill No 1556
Assembly Bill No 1108	Assembly Bill No 1565
Assembly Bill No 1279	Assembly Bill No 1566
Assembly Bill No 1397	Assembly Bill No 1673
Assembly Bill No 1439	Assembly Bill No 1731

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined,
Assembly Concurrent Resolution No 58
And reports the same correctly engrossed

POWERS, Chairman

Above resolution ordered to the Consent Calendar

ASSEMBLY BILL NO. 1401 REMOVED FROM CONSENT CALENDAR

Mr. Donovan was granted unanimous consent that Assembly Bill No 1401 be withdrawn from the Consent Calendar, and be placed upon the third reading file.

INTRODUCTION OF GUEST

Mr Soto introduced his wife, Mrs Nell Soto, to the Members of the Assembly, who joined in welcoming her on her visit to the Assembly Chamber.

ADJOURNMENT

At 10 58 a m , on motion of Mr Waldie, the Acting Speaker declared the Assembly adjourned until 11 a m , Monday, April 15, 1963

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk

CALIFORNIA LEGISLATURE

1963 REGULAR (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

FIFTY-NINTH LEGISLATIVE DAY

SEVENTY-FIRST CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER
Monday, April 15, 1963

The Assembly met at 11 a m
Hon Carlos Bee, Speaker pro Tempore of the Assembly, presiding
Chief Clerk Arthur A Ohnimus at the desk
Assistant Clerk Timothy Lemucchi reading

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr Speaker—73

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. Robert R Ferguson:

O Lord, Our Father, In this post-Easter season, may we not get back in old ruts, but have courage to launch forth along new highways of the spirit May we see clearly that Thy love and truth outlast death, that righteousness will ultimately triumph over all wrong and that our ultimate destiny is never annihilation, but transformation Give us assurance to walk forth facing difficult decisions but with the confidence that the smallest matter can be of utmost importance, and may we endeavor to our maximum abilities to do Thy will, and serve the people of this State
In our Master's name—AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Carlos Bee, Mr. Warren then led the Assembly in the pledge of allegiance to the Flag

WELCOME EXTENDED

Speaker pro Tempore Bee and the other Members of the Assembly joined in welcoming Mr. Cusanovich upon his return to the Assembly Chamber after a recent illness

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Z'berg, seconded by Mr. Henson.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of legislative business elsewhere.

Mr Badham, on motion of Mr Conrad.
Mr. Hinckley, on motion of Mr Conrad.
Mr Soto, on motion of Mr Waldie.
Mr. Thomas, on motion of Mr. Waldie.
Mr Ferrell, on motion of Mr. Waldie
Mr. Kennick, on motion of Mr Waldie

COMMUNICATIONS

The following communications were presented by the Chief Clerk from.

Mrs. M. E. Ramm and Paul F Ramm of Castro Valley, relative to capital punishment Referred by the Speaker pro Tempore to the Committee on Criminal Procedure.

D. L. Keene of San Mateo, relative to Assembly Joint Resolution No. 16. Referred by the Speaker pro Tempore to the Committee on Rules.

Jennifer Robertson of North Hollywood, relative to pornographic literature Referred by the Speaker pro Tempore to the Committee on Criminal Procedure

Amalia D. Apffel and five others, relative to Assembly Bill No. 2368. Referred by the Speaker pro Tempore to the Committee on Public Health.

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

STATE OF CALIFORNIA, PRINTING DIVISION
SACRAMENTO, April 11, 1963

The Honorable Arthur A Ohnimus
Chief Clerk of the State Assembly
State Capitol, Sacramento

DEAR MR OHNIMUS This will advise you that today we deposited $50,000 to the credit of the Legislative Appropriation, covering receipts from sales of legislative publications by the Legislative Bill Room from July 1, 1962 through April 11, 1963

Yours very truly,

VINCENT J. TOOLAN

REPORT

The following letter of transmittal and report were presented by the Chief Clerk from

William E Warne, Director, transmitting the Biennial Report of the Department of Water Resources Referred by the Speaker pro Tempore to the Committee on Water

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 2400: By Mr. Donovan—An act to amend Section 26709 of the Vehicle Code, relating to vehicle equipment.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2401: By Mr Marks (Senator McAteer, coauthor)—An act to amend Section 1 of Chapter 437 of the Statutes of 1935, relating to certain lands held in trust by the City and County of San Francisco

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2402: By Mr Pattee—An act to amend Section 4357 of the Agricultural Code, relating to milk.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2403: By Messrs Donovan, Ashcraft, Barnes, and Burgener—An act to add Sections 73645 01, 73955 1, 74345 01 and 74745 1 to the Government Code, relating to municipal court marshals in San Diego County.

Held at desk by order of the Speaker pro Tempore.

Assembly Concurrent Resolution No. 65: By Messrs Lunardi, Pattee, Holmes, Mrs Davis, Messrs Alquist, Ashcraft, Badham, Bagley, Bane, Barnes, Beilenson, Belotti, Booth, Britschgi, Burgener, Carrell, Casey, Chapel, Collier, Cologne, Dannemeyer, Deukmejian, Donovan, Flournoy, Frew, Gaffney, Garrigus, Greene, Henson, Hinckley, Johnson, Knox, Lanterman, Marks, Monagan, Mulford, Porter, Powers, Quimby, Ryan, Soto, Stevens, Thelin, Thomas, Veneman, Veysey, Waldie, Warren, Whetmore, Williamson, Winton, Young, Z'berg, and Zenovich—Relative to the assessment of agricultural land

Held at desk by order of the Speaker pro Tempore

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No. 16—An act to add Section 35416 to the Vehicle Code, relating to length of combination of vehicles,

Assembly Bill No. 35—An act to amend Section 22517 of the Vehicle Code, relating to opening and closing doors of a motor vehicle,

Assembly Bill No. 344—An act to amend the heading of Article 2 (commencing with Section 32670) of Chapter 3, Part 8, Division 12 of, to amend Sections 32653,

32670, 32671, 32672, 32690, 32715 of, and to add Chapter 2 5 (commencing with Section 37690) to Part 8 of Division 14, Chapter 2 5 (commencing with Section 48900) to Part 10 of Division 14, Chapter 2 5 (commencing with Section 60420) to Part 7 of Division 18, and Chapter 5 5 (commencing with Section 72540) to Part 10 of Division 20 of the Water Code, and to add Section 27 8 to the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), Section 40 5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), and Section 49 6 to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), relating to consolidation of water districts.

Assembly Bill No. 407—An act to add Sections 4191 and 43845 to the Agricultural Code relating to fees.

Assembly Bill No 490—An act to add Section 27200 1 to the Elections Code, relating to recall of special district officers,

Assembly Bill No. 493—An act to add Section 54916 to the Government Code, relating to filing of statement of creation of a California water district, declaring the urgency thereof to take effect immediately.

Assembly Bill No. 511—An act to amend Section 9006 of the Welfare and Institutions Code, relating to community mental health services,

Assembly Bill No. 643—An act to amend Sections 10405, 10406, 10502 and 10503 of the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law.

Assembly Bill No. 708—An act to amend Section 1044 of the Labor Code, relating to the employment of alien librarians by any college or university supported in whole or in part by the State,

Assembly Bill No. 720—An act to add Sections 5473 10 and 5473 11 to the Health and Safety Code, relating to sewer service charges,

Assembly Bill No. 798—An act to amend Section 3078 of the Labor Code, relating to apprenticeship,

Assembly Bill No. 855—An act to amend Sections 33230, 33231 5 and 33232 of the Health and Safety Code, relating to community redevelopment law,

Assembly Bill No. 890—An act to amend Sections 11800, 11802 and 11803 of the Vehicle Code, relating to vehicle salesmen licenses.

And reports the same correctly enrolled, and presented to the Governor at 10 a m, April 15, 1963

POWERS, Chairman

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 792
Assembly Bill No 1343
Assembly Bill No 1481
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file.

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined.
Assembly Constitutional Amendment No 10
And reports the same correctly engrossed

POWERS, Chairman

Above resolution re-referred to the Committee on Revenue and Taxation

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined
Assembly Bill No 1409
Assembly Bill No 1504
And reports the same correctly engrossed

POWERS, Chairman

Above bills ordered returned to second reading file

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 91
Assembly Bill No 502
Assembly Bill No 1375

And reports the same correctly re-engrossed

POWERS, Chairman

Above bills re-referred to committee

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER Your Committee on Engrossment and Enrollment has examined

Assembly Bill No 548
Assembly Bill No 561
Assembly Bill No 614
Assembly Bill No 775
Assembly Bill No 1206
Assembly Bill No 1398
Assembly Bill No 1661
Assembly Bill No 1723
Assembly Bill No 1752
Assembly Bill No 1786
Assembly Bill No 1789

And reports the same correctly engrossed

POWERS, Chairman

Above bills re-referred to committee

Committee on Municipal and County Government

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER. The Chairman of your Committee on Municipal and County Government reports·

Assembly Bill No 54

With author's amendments with the recommendation Amend, and re-refer to the Committee on Municipal and County Government

KNOX, Chairman

SECOND READING OF ASSEMBLY BILL NO. 54 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 54—An act to amend Sections 6515 and 6516 of the Streets and Highways Code, relating to the Improvement Act of 1911 and public works and improvements thereunder

Bill read second time

Motion to Amend

Mr. Allen moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 23, of the printed bill, as amended in the Assembly on April 4, 1963, strike out "inferior", and insert "other"

Amendment read, and adopted

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Municipal and County Government.

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, April 11, 1963

MR SPEAKER· The Chairman of your Committee on Finance and Insurance reports.

Assembly Bill No 1330

With author's amendments with the recommendation· Amend, and re-refer to the Committee on Finance and Insurance

MILLS, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1330 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1330—An act to repeal Chapter 2 (commencing with Section 12420) of Part 6 of Division 2 of the Insurance Code and to amend Sections 5004, 5013, 5501, 6700, 6702, 7255 and 7400 of the Financial Code, relating to real property security transactions.

Bill read second time

Motion to Amend

Mr Willson moved the adoption of the following amendments·

Amendment No. 1

Strike out line 3 of the title of the printed bill, and insert "Sections 5004, 5013, 5501, 6506 and 6553 of, to add Section 6518 to, and to repeal Section 7168 of, the".

Amendment No. 2

In line 4 of the title, strike out "real property".

Amendment No. 3

On page 2, between lines 27 and 28, insert

"SEC. 5 Section 6506 of said code is amended to read·

6506 Shares may be issued as fully paid shares, installment shares, accumulative shares, prepaid shares, ~~or~~ minimum term shares, *or such other form of shares as shall be approved by the commissioner to meet standards and specifications of the Self-employed Individuals Tax Retirement Act of 1962, as from time to time amended, provisions thereof relating to the use of savings accounts, and any successor or related provisions*. ~~Differences between the rates of return or the bases of participation for two or more of such classes of shares may be prescribed in the bylaws.~~

SEC 6 Section 6518 is added to said code, to read:

6518 If only a part of the sum evidenced by a withdrawable share is withdrawn, the sum withdrawn is deemed to be that first received by the association unless otherwise agreed between the shareholder and the association at or prior to the time of such withdrawal

SEC 7. Section 6553 of said code is amended to read

6553 Investment certificates may be issued as full paid investment certificates, installment investment certificates, accumulative investment certificates, minimum term investment certificates, ~~or~~ prepaid investment certificates, *or such other form of investment certificate as shall be approved by the commissioner to meet standards and specifications of the Self-employed Individuals Tax Retirement Act of 1962, as from time to time amended, provisions thereof relating to the use of savings accounts, and any successor or related provisions*

SEC 8 Section 7168 of said code is repealed

~~7168. An association may make loans which provide that payments on account of the principal shall not commence during an initial period not to exceed three years.~~ "

Amendment No. 4

On page 2, strike out lines 28 to 52, inclusive; strike out pages 3 and 4, and on page 5, strike out lines 1 to 10, inclusive.

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, April 11, 1963

MR. SPEAKER: The Chairman of your Committee on Transportation and Commerce reports

Assembly Bill No 1308

With 'author's amendments with the recommendation · Amend, and re-refer to the Committee on Transportation and Commerce

CARRELL, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1308 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1308—An act to add Section 10856 to the Vehicle Code, relating to prospective purchasers.

Bill read second time

Motion to Amend

Mr. Waite moved the adoption of the following amendment

Amendment No. 1

On page 1, line 6, of the printed bill, after "purchaser", insert "unless the prospective purchaser is known by the dealer or his salesman".

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Transportation and Commerce

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

ASSEMBLY CHAMBER, April 11, 1963

MR. SPEAKER Your Committee on Agriculture reports.

Assembly Bill No 1456

Assembly Bill No 1623

With the recommendation Do pass

Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar

PATTEE, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, April 11, 1963

MR. SPEAKER · Your Committee on Agriculture reports ·

Senate Bill No 726

With the recommendation: That the bill be re-referred to the Committee on Livestock and Dairies

PATTEE, Chairman

Above bill re-referred to the Committee on Livestock and Dairies.

Committee on Education

ASSEMBLY CHAMBER, April 12, 1963

MR SPEAKER: Your Committee on Education reports.
Assembly Bill No 756
With the recommendation Do pass

GARRIGUS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 12, 1963

MR SPEAKER Your Committee on Education reports:
Assembly Bill No 845
With the recommendation Do pass

GARRIGUS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER Your Committee on Education reports
Assembly Bill No 1520
With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

GARRIGUS, Chairman

Above bill re-referred to Committee on Ways and Means

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER Your Committee on Education reports:
Assembly Bill No 464
With the recommendation Do pass, and be re-referred to the Committee on Ways and Means

GARRIGUS, Chairman

Above bill re-referred to Committee on Ways and Means

ASSEMBLY CHAMBER, April 12, 1963

MR SPEAKER Your Committee on Education reports
Senate Bill No 834
With the recommendation Do pass

GARRIGUS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER The Chairman of your Committee on Education reports:
Senate Bill No 718
With author's amendments with the recommendation Amend, and re-refer to the Committee on Education

GARRIGUS, Chairman

SECOND READING OF SENATE BILL NO. 718 (PURSUANT TO RULE NO 59.5)

Senate Bill No. 718—An act to repeal Division 4 (commencing with Section 901) and Division 5 (commencing with Section 1601) and Sections 13702, 13704, 21752, 21753, and 21755 of, to amend Sections 812, 5602, 5603, 9252, 14552, 14702, 15505, 15507, 15508, 20803, 21701, and 21751 of, to amend and renumber Sections 2592, 21754, 21756, 21757, 21758, and 21759 of, and to add Division 4 (commencing with Section 911) and Division 5 (commencing with Section 1601) to, and to add Sections 657, 812.5, 820, 5031, 5251.1, 5557, 5904, 7155, 11805, 13702,

15006 1, 15008, 15009, 15805 5, 16002, 16523, 17609 1, 17609 2, 17617, 20205 1, 20205 2, 21752 to, to add Chapter 3 (commencing with Section 871) to Division 3 of, a new article heading immediately preceding Section 5001, and Article 2 (commencing with Section 5011), and Article 3 (commencing with Section 5021) to Chapter 1 of Division 6 of, the Education Code, relating to the establishment, maintenance, government, and operation of schools

Bill read second time

Motion to Amend

Mr Garrigus moved the adoption of the following amendments.

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "901," and insert "901)"

Amendment No. 2

On page 5, line 14, strike out "3160", and insert "3161"

Amendment No. 3

On page 12, line 26, strike out "If", and insert "And if".

Amendment No. 4

On page 14, line 46, strike out "prevalance", and insert "prevalence"

Amendment No. 5

On page 16, line 31, strike out "schools", and insert "school"

Amendment No 6

On page 17, line 45, after 'investigation", insert "as are determined by"

Amendment No. 7

On page 18, line 9, strike out "for membership"

Amendment No. 8

On page 20, line 24, strike out "2", and insert "1"

Amendment No. 9

On page 24, line 40, after "establishment", insert "(or rearrangement, or abolition)".

Amendment No. 10

On page 27, line 6, strike out the second 'or", and insert "of"

Amendment No. 11

On page 27, line 29, after "members," insert 'the declaration shall"

Amendment No. 12

On page 47, line 43, strike out 'Sections 1120 or 1210", and insert "Section 1120".

Amendment No. 13

On page 51, line 1, strike out "are", and insert "is"

Amendment No. 14

On page 53, line 7, after "of", insert "--------,"

Amendment No. 15

On page 53, line 21, strike out "on -------- day of 19---", and insert "on the -------- day of --------, 19---"

Amendment No. 16

On page 53, line 36, after 'of", insert "--------,"

Amendment No. 17

On page 54, line 7, after "on", insert 'the"

Amendment No. 18

On page 55, line 5, strike out the comma

Amendment No. 19

On page 55, line 5, after "event", insert a comma

Amendment No. 20

On page 57, line 37, strike out " (3)"; and strike out line 38, and insert "1304."

Amendment No. 21

On page 57, line 44, strike out the comma.

Amendment No. 22

On page 57, line 47, after "of elections", insert a comma

Amendment No. 23

On page 59, line 45, strike out "sign", and insert "signed"

Amendment No. 24

On page 63, line 1, strike out "school school", and insert "school"

Amendment No. 25

On page 66, line 50, after "indebtedness of", insert "the".

Amendment No. 26

On page 69, line 22, strike out "Is", and insert "Whenever territory is".

Amendment No. 27

On page 70, line 7, strike out "debt", and insert "indebtedness".

Amendment No. 28

On page 74, line 19, after "assessed", insert "valuation of territory of each district proposed to be included in the new district".

Amendment No. 29

On page 74, line 32, strike out "2331 to 2333", and insert "2304 to 2306".

Amendment No. 30

On page 76, lines 1 and 2, strike out ", hold, and conduct".

Amendment No. 31

On page 77, line 10, strike out "committed", and insert "committee"

Amendment No 32

On page 80, line 5, strike out the comma

Amendment No. 33

On page 83, line 4, strike out "post post", and insert "post".

Amendment No. 34

On page 83, line 25, strike out "Section", and insert "Division"

Amendment No. 35

On page 84, strike out lines 7 to 51, inclusive; strike out all of pages 85 to 87, inclusive; and on page 88, strike out lines 1 to 14, inclusive

Amendment No. 36

On page 91, strike out lines 16 and 17

Amendment No. 37

On page 92, line 23, after "time", insert "the"

Amendment No. 38

On page 92, strike out line 37, and insert "Sections 13321 and 13322"

Amendment No. 39

On page 97, line 11, after "tion", insert "at least 30 days"

Amendment No. 40

On page 98, line 12, strike out "currence", and insert "concurrence".

Amendment No. 41

On page 100, strike out line 52, and insert "tion provided in Sections 21702 and 21704"

Amendment No. 42

On page 101, line 31, strike out "21801", and insert "21800".

Amendment No. 43

On page 102, line 49, after "schools", insert a comma.

Amendment No. 44

On page 102, line 50, after "as", insert "provided in Section 1344."

Amendment No. 45

On page 103, line 9, after "schools", strike out "county".

Amendment No. 46

On page 104, strike out lines 5 and 6

Amendment No. 47

On page 105, strike out lines 23 to 25, inclusive

Amendment No 48

On page 105, line 43, strike out "21801", and insert "21800".

Amendment No. 49

On page 106, line 3, after "shall", insert a comma

Amendment No. 50

On page 106, line 3, after "chapter", insert a comma

Amendment No. 51

On page 113, line 41, strike out ", to" and insert "to,"

Amendment No. 52

On page 118, line 50, strike out "Section", and insert "SEC 36 Section".

Amendment No. 53

On page 118, line 51, strike out "SEC 36"

Amendment No. 54

On page 121, between lines 35 and 36, insert

"(i) The purchase of schoolbuses the useful life of which is at least twenty (20) years"

Amendment No. 55

On page 125, after line 13, insert

"SEC 51 If the provisions of DIVISION 18 5 of the Education Code, as added by Senate Bill No 78 of the 1963 Regular Session, conflict with the provisions of this act it is the intent of the Legislature that the provisions of DIVISION 18 5 shall prevail"

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 1223

With amendments with the recommendation Amend, and do pass, as amended

GARRIGUS, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, April 12, 1963

MR SPEAKER Your Committee on Education reports

Assembly Bill No 757

With amendments with the recommendation. Amend, and do pass, as amended

GARRIGUS, Chairman

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE

BILLS ON SECOND READING FILE PURSUANT TO RULE NO. 76

Pursuant to Rule No 76, the following bills were this day on the second reading file.

Assembly Bills Nos. 1504, 792, 1343, 1409, and 1481.

Assembly Bills Nos 1504 and 1409 ordered to third reading

Assembly Bills Nos 792, 1343, and 1481 ordered to the Consent Calendar

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 603—An act to amend Section 635 of the Agricultural Code, relating to modified milk

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Livestock and Dairies, were read, and adopted

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 637 6 to,"

Amendment No. 2

On page 1, line 7, after "to", insert "such"

Amendment No. 3

On page 1, lines 7 and 8, strike out "of composition"

Amendment No. 4

On page 1, line 8, after "requirements", insert "as are"

Amendment No. 5

On page 1, after line 11, insert

"Sec 2 Section 637 6 is added to said code, to read

637 6 All milk products defined in Division 4 of this code which are required to be derived from market milk may be labeled grade A, provided the market milk is of grade A origin"

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Livestock and Dairies

Assembly Bill No. 1448—An act to amend Section 4280 of the Agricultural Code, relating to fluid milk

Bill read second time, and ordered engrossed.

Assembly Bill No. 1571—An act to amend Section 24 of the Agricultural Code, relating to the Department of Agriculture

Bill read second time, and ordered to the Consent Calendar.

Assembly Bill No. 978—An act to amend Section 3374 of the Welfare and Institutions Code, relating to employment opportunities for the blind

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1294—An act to add Section 98 5 to the Labor Code, relating to the Labor Commissioner.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Industrial Relations, were read, ~~and adopted~~:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "two hundred dollars ($200)," and insert "the maximum amount of a case within the jurisdiction of a small claims court as provided in Section 117 of the Code of Civil Procedure,"

Amendment No. 2

On page 1, strike out lines 5 to 10, inclusive, and insert "ceed the maximum amount of a case within the jurisdiction of a small claims court as provided in Section 117 of the Code of Civil Procedure, the Labor Commissioner shall certify in writing to the judge of the small claims court that he has heard and determined the validity of such claims and demands and that the sum specified therein is the amount found due and payable"

~~Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Industrial Relations~~

NOTE—On April 17, 1963 (Assembly Journal, page 2216), the action was rescinded whereby the above committee amendments to Assembly Bill No. 1294 were adopted.

Assembly Bill No. 888—An act to amend Sections 6426, 6427, 11252, 11256, 11301, 11401, 11404, 17261, 17262, 17263, 17301, 17301 3, 17303, 17303 5, 17305 5, 17352, 17353, 17402, 17405, 17411, 17414, 17417, 17453, 17456, 17601, 17602, 17606, 17607, 17611, 17655, 17655 5, 17656, 17660, 17662, 17663 7, 17664, 17665, 17666 2, 17702, 17703, 17704, 17705, 17851, 17904, 17906 2, 17970, 18102, 18103, 18106, 18152, 18153, 18202, 18203, 18254, 18303, 18355, 18358, 18401, 18451, 18452, 18453, 18455, 18456, and 18460, and 20751 of, to amend the heading of Article 3 (commencing with Section 17701) and Article 7 (commencing with Section 17901) of Chapter 3 of Division 14 of, to amend and renumber Article 6 (commencing with Section 17851) of Chapter 3 of Division 14 of, to repeal Sections 6352, 11255, 11257, 17263 1, 17264, 17306, 17401, 17404, 17406, 17407, 17410, 17416, 17612, 17613, 17614, 17615, 17653, 17654, 17666, 17667, 17852, 17901, 17902, 17903, 17903 2, 17907, 17908, 17909, 17951, 17990, 18356, 18357, and 18458 of, to repeal Article 4 (commencing with Section 17751), Article 5 (commencing with Section 17801), and Article 9 (commencing with Section 18001) of Chapter 3 of Division 14 of, to add Sections 6426 1, 11302, 11405, 11406, 17263 1, 17303 6, 17401, 17407, 17601 1, 17603, 17653, 17665 1, 17666 3, 17702 1, and 17706 to, and to add Article 2.5 (commencing with Section 17680), Article 5 (commencing with Section 17853), and Article 7.1 (commencing with Section 17920) to Chapter 3 of Division 14, and Chapter 3 5 (commencing with Section 20910) to Division 16 of, the Education Code, relating to the public school system, making an appropriation, declaring the urgency thereof to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Education, was read, and adopted:

Amendment No. 1

On page 12, of the printed bill, as amended in the Assembly on April 5, 1963, strike out line 51, and insert "received by a district shall not".

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 1116—An act to amend Section 14211 of, and to add Section 14211 5 to, the Elections Code, relating to polling places.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Elections and Reapportionment, was read, and adopted

Amendment No. 1

On page 1, line 5, of the printed bill, after "ballot", insert ", except as otherwise provided by law"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1360—An act to amend Section 1562 of the Elections Code, relating to voting.

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar

Assembly Bill No. 1569—An act to add Section 230 to the Revenue and Taxation Code, relating to the taxation of imports.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation, were read, and adopted:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "Personal property", and insert "Coffee".

Amendment No. 2

On page 1, strike out lines 10 to 12, inclusive.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Revenue and Taxation

Assembly Bill No. 661—An act to add Section 17041 5 to the Revenue and Taxation Code, relating to powers of municipalities to levy and collect income taxes

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Revenue and Taxation, was read, and adopted·

Amendment No. 1

On page 1, after line 9, of the printed bill, insert
"This section shall not be construed so as to prohibit the levy or collection of any otherwise authorized license tax upon a business measured by or according to income or receipts"

Bill ordered reprinted, and engrossed

Assembly Bill No. 806—An act to add Section 1039 to the Welfare and Institutions Code, relating to the appointment of guardians for recipients of public social services.

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Judiciary, was read, and adopted

Amendment No. 1

On page 1, line 6, of the printed bill, after "tenance," insert "and the applicant or recipient cannot secure the services of a private attorney."

Bill ordered reprinted, and engrossed

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1f to Article XIII thereof, relating to property taxation

Resolution read

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Revenue and Taxation, was read, and adopted

Amendment No. 1

On page 2, after line 15, of the printed measure, insert
"(4) If any county, city and county, or city grants a tax exemption or reduces a tax rate pursuant to this section, the tax exemption or the reduced tax rate, as the case may be, shall be applicable for a period of not less than three fiscal years"

Resolution ordered reprinted, engrossed, and to be re-referred to the Committee on Constitutional Amendments pursuant to Rule No. 67.1.

Assembly Bill No. 498—An act to amend and renumber the heading of Chapter 5 (commencing with Section 12878) of Part 6 of Division 6 of the Water Code that was added by Chapter 1800 of the Statutes of 1957, and to repeal the Division 19 (commencing with Section 65000) of the Water Code that was added by Chapter 2019 of the Statutes of 1959, and to add Part 7 (commencing with Section 12950 to Division 6 of the Water Code, and to amend and renumber the heading of Chapter 6 (commencing with Section 12880) of Part 6 of Division 6 of the Water Code as proposed by Assembly Bill No 1054, relating to water development

Bill read second time, and ordered to the Consent Calendar.

Assembly Bill No. 1664—An act to amend Section 25612 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Governmental Efficiency and Economy, were read, and adopted:

Amendment No. 1

On page 1, line 9, of the printed bill, after "beverages", insert "or cigarette smoking".

Amendment No. 2

On page 1, line 10, strike out "women, minors," and insert "minors".

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy; and the subject matter to be referred to the Committee on Rules for assignment to the proper interim committee for study.

Assembly Bill No. 57—An act to add Section 25 to the Business and Professions Code, relating to disciplinary action against licentiates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 65—An act to amend Sections 12701 1, 12714, and 12716 of the Business and Professions Code, relating to weighmasters

Bill read second time, and ordered to third reading.

Assembly Bill No. 1201—An act to amend Sections 1414 and 1415 of the Labor Code, relating to Fair Employment Practice Commission.

Bill read second time, and ordered engrossed

Assembly Bill No. 1603—An act to amend Sections 2920, 5010, 6508, 8525, 8919, 19034 5 of the Business and Professions Code, relating to licensed businesses and professions

Bill read second time, and ordered engrossed, and to be placed on the Consent Calendar.

Assembly Bill No. 963—An act to amend Section 17922 of the Health and Safety Code, relating to State Housing Law

Bill read second time

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Governmental Efficiency and Economy, were read, and adopted:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "1958", and insert "1961".

Amendment No. 2

On page 1, line 9, strike out "1958", and insert "1961"

Amendment No. 3

On page 1, lines 13 and 14, strike out "1959 edition (1960 printing)", and insert "1962 edition".

Bill ordered reprinted, and engrossed.

Assembly Bill No. 1239—An act to amend Sections 1413 and 1414 of the Labor Code, relating to employment practices

Bill read second time

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Governmental Efficiency and Economy, was read, and adopted:

Amendment No. 1

On page 2, lines 17 and 18, of the printed bill, strike out "Fair Employment Practices", and insert "Human Rights"

Bill ordered reprinted, and engrossed

Assembly Bill No. 1317—An act to add Section 24200 1 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Governmental Efficiency and Economy, were read, and adopted.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 24200 1 to", and insert "Chapter 11 1 (commencing with Section 24900) to Division 9 of"

Amendment No. 2

On page 1, strike out line 1, and insert

"SECTION 1 Chapter 11 1 (commencing with Section 24900) is added to Division 9 of the Business and Professions Code, to read

Chapter 11 1 Injunctions

24900 Whenever any licensee has engaged in or is about to engage in an act, practice or conduct which constitutes or will constitute a violation of Chapter 10 (commencing with Section 24749) or Chapter 11 (commencing with Section 24850) of this division or rules of the department relating thereto, and there is then pending before the department, the appeals board or the courts disciplinary action against such licensee for alleged violation of Chapters 10 or 11 or rules of the department relating thereto, and a prior decision imposing disciplinary action against such licensee for violation of said Chapters 10 or 11 or rules of the department relating thereto has been affirmed by the appeals board, the department may apply to a court of competent jurisdiction to restrain and enjoin such licensee from such act, practice, or conduct The court shall have authority to restrain and enjoin such act, practice or conduct Proceedings under this chapter shall be governed by Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure, except that no bond shall be required of the department"

Amendment No. 3

On page 1, strike out lines 2 to 15, inclusive

Bill ordered reprinted, and engrossed

Assembly Concurrent Resolution No. 49—Relative to the contamination of the Salton Sea

Resolution read

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Water were read, and adopted

Amendment No. 1

In lines 1 and 2 of the title of the printed measure, strike out "the contamination", and insert "water quality"

Amendment No. 2

On page 1, lines 6 and 7, strike out "a prime", and insert "an attractive".

Amendment No. 3

On page 1, line 11, strike out "certain".

Amendment No. 4

On page 1, strike out line 16, and insert "WHEREAS, It ap-".

Amendment No. 5

On page 1, line 17, strike out "contamination", and insert "increase of mineral concentration".

Amendment No. 6

On page 1, strike out lines 19 and 20, and insert "and all of this has caused con-"

Amendment No. 7

On page 1, line 23, strike out "has", and insert "and the Colorado River Basin Regional Water Pollution Control Board have"

Amendment No. 8

On page 1, line 24, strike out "the contamination", and insert "and the discharges"

Amendment No. 9

On page 2, line 3, after "problem," insert "and

WHEREAS, The California Legislature recognizes that the federal government reserved specific parcels of land for the purpose of creating a reservoir in Salton Sea for storage of waste and seepage water from irrigated lands, that the economic life of the adjacent valleys depends primarily upon agriculture, that the Salton Sea also receives natural drainage waters from its watershed, and that these are the primary beneficial uses of the Salton Sea, and that corollary to such primary beneficial uses, and for the purpose of allowing residential, commercial, and industrial growth of the valley communities, there is the necessity of providing for regulated disposal of treated domestic and commercial wastes from watershed communities,".

Amendment No. 10

On page 2, line 9, after "Board", insert "and the Colorado River Basin Regional Water Pollution Control Board"

Amendment No. 11

On page 2, strike out line 11, and insert "an attractive recreational and residential community, giving due regard, however, to the above-listed primary and corollary beneficial uses, and be it".

Amendment No. 12

On page 2, line 14, strike out "interstate and".

Amendment No. 13

On page 2, line 16, strike out "interstate and".

Amendment No. 14

On page 2, line 22, after "Board," insert "the Colorado River Basin Regional Water Pollution Control Board,".

Resolution ordered reprinted, engrossed, and to be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

Senate Bill No. 569—An act conveying in trust certain tidelands and submerged lands lying under the waters of the Pacific Ocean to the City of Oceanside in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof, and reserving rights to the State.

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 167—An act to amend Section 8410 of, and to add Section 8475 to, the Elections Code, relating to county central committees.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Elections and Reapportionment, was read, and adopted:

Amendment No. 1

On page 1, line 17, of the printed bill, after "appointed", insert "and the name of the person replaced".

Bill ordered reprinted, and returned to the second reading file

Senate Bill No. 100—An act to amend Section 23300 of the Elections Code, relating to consolidation of elections

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 120—An act to amend Section 2922 of the Revenue and Taxation Code, relating to unsecured property taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Revenue and Taxation were read, and adopted.

Amendment No. 1

On page 1, line 17, of the printed bill, as amended in the Senate on March 12, 1963, strike out "a month to the time of payment"

Amendment No. 2

On page 1, line 18, after "them", insert "on the first day of each month to the time of payment or to the time a court judgment is entered for the amount of the unpaid taxes and penalties, whichever occurs first"

Bill ordered reprinted, and returned to the second reading file

Senate Bill No. 591—An act to amend Section 12008 and to repeal Sections 12009 to 12016, inclusive, of the Water Code, relating to validating proceedings

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 331—An act to repeal Section 3 of Chapter 1347, Statutes of 1961, relating to unfair trade practices

Bill read second time, and ordered to the Consent Calendar.

Senate Bill No. 519—An act to amend Section 2462 of the Business and Professions Code, relating to physical therapy.

Bill read second time, and ordered to third reading.

Senate Bill No. 520—An act to amend Section 4905 of the Business and Professions Code, relating to veterinary medicine.

Bill read second time, and ordered to third reading

Senate Bill No. 521—An act to amend Section 8031 of the Business and Professions Code, relating to certified shorthand reporters

Bill read second time, and ordered to third reading

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 11, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Senate Bill No 133	Senate Bill No 709
Senate Bill No 366	Senate Bill No 710
Senate Bill No 555	Senate Bill No 736
Senate Bill No 621	Senate Bill No 862
Senate Bill No 681	Senate Bill No 863

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 133—An act to amend Sections 13411 and 13956 of, to add Sections 13443 and 13874 to, to repeal Chapter 10 (commencing with Section 14361) of Part 8 of Division 2 of, and to add Chapter 10 (commencing with Section 14371) to Part 8 of Division 2 of, the Revenue and Taxation Code, relating to inheritance taxes.

Held at desk by order of the Speaker pro Tempore

Senate Bill No 366—An act to amend Sections 1129, 1307, 1755 5, and 1760 7 of, and to repeal Section 1760.6 of, the Welfare and Institutions Code, relating to the Youth Authority

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 555—An act to amend Section 8020 of, and to add Section 8023 5 to, the Business and Professions Code, and to add Section 68105 to the Government Code, relating to shorthand reporters, declaring the urgency thereof, to take effect immediately.

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 621—An act to add Chapter 4 (commencing with Section 25500) to Division 13 of the Elections Code, relating to candidates for legislative offices

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 681—An act to amend Section 24002 of, to repeal Sections 24003 and 24004 of, and to add Sections 24003 and 24004 to, the Water Code, relating to irrigation district improvement districts.

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 709—An act to amend Section 13303 of the Revenue and Taxation Code, relating to definition of "estate" or "property".

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 710—An act to amend Section 15402 of the Revenue and Taxation Code, relating to gift tax annual exemption

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 736—An act to amend Section 1516 of the Code of Civil Procedure, relating to unclaimed property

Held at desk by order of the Speaker pro Tempore

Senate Bill No. 862—An act to amend Sections 29, 30, 84 and 200 of the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951), relating to the Solvang Municipal Improvement District

Held at desk by order of the Speaker pro Tempore.

Senate Bill No. 863—An act to amend Sections 5, 26 4, 26 7, 26 9, 26 15 and 32 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405 of the Statutes of 1951), relating to flood control and water conservation in Santa Clara County

Held at desk by order of the Speaker pro Tempore

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 11, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No 549
Assembly Bill No 693
Assembly Bill No 1110

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bills ordered to unfinished business file

SENATE CHAMBER, April 11, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Senate Joint Resolution No 6

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read

Senate Joint Resolution No. 6—Relating to federal legislation for the control of barbiturates and amphetamines

Held at desk by order of the Speaker pro Tempore

MESSAGES FROM THE SENATE

SENATE CHAMBER, April 11, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No 236

J A BEEK, Secretary of the Senate
By GEORGE BEATTIE, Assistant Secretary

Above bill ordered enrolled.

SENATE CHAMBER, April 11, 1963

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No 350

J. A BEEK, Secretary of the Senate
By R W. LYONS, Chief Assistant Secretary

SENATE CHAMBER, April 15, 1963

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Senate Concurrent Resolution No. 49

J A BEEK, Secretary of the Senate
By GORDON F ENGLISH, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read.

Senate Concurrent Resolution No. 49—Relative to the passing of Ernest L. Smith

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

REFERENCE OF BILLS TO COMMITTEE

Speaker pro Tempore Bee announced that Speaker Unruh has referred the following bills to the following committees:

Assembly Bill No.	*Committee*
2359	Public Health
2360	Education
2361	Civil Service and State Personnel
2362	Revenue and Taxation
2363	Criminal Procedure
2364	Governmental Efficiency and Economy
2365	Water
2366	Municipal and County Government
2367	Governmental Efficiency and Economy
2368	Public Health
2369 through **2372**	Social Welfare
2373	Industrial Relations
2374	Governmental Efficiency and Economy
2375	Transportation and Commerce
2376	Governmental Efficiency and Economy
2377	Social Welfare
2378	Water
2379	Municipal and County Government
2380 through **2386**	Water
2387 and **2388**	Criminal Procedure
2389 and **2390**	Public Utilities and Corporations
2391	Rules
2392 through **2399**	Civil Service and State Personnel

Senate Bill No.	*Committee*
41	Natural Resources, Planning, and Public Works
137	Water
464	Water
560	Military and Veterans Affairs
708	Revenue and Taxation
747	Elections and Reapportionment
755	Water
766	Governmental Efficiency and Economy

RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No. 67, Speaker pro Tempore Bee ordered the following bills re-referred to the Committee on Ways and Means:

Assembly Bill No. 1409.

Assembly Bill No. 1201, subsequent to engrossment

Senate Bills Nos. 519, 520, and **521.**

INTRODUCTION OF GUESTS

Speaker pro Tempore Bee introduced Mrs. Marvel Barnes, the wife of Assemblyman E Richard Barnes, and his brothers, Leroy R Barnes of Fairfax, Virginia, and Clifford R Barnes of Washington, D C; to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

Speaker pro Tempore Bee introduced Mr and Mrs Robert Gonsalves of Artesia, the son and daughter-in-law of Assemblyman Joe A Gonsalves, Bob Cardoza of Artesia, his cousin; and Don Van Handel of Buena Park to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

ASSEMBLY BILL NO. 298 WITHDRAWN FROM INACTIVE FILE

Assembly Bill No. 298 was withdrawn from the inactive file, and placed upon the third reading file on request of Mr Henson

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND RULE NO. 59

Mr Knox was granted unanimous consent that Rule No 59 be temporarily suspended for the purpose of setting Assembly Bills Nos 1439 and 2272 for hearing in the Committee on Municipal and County Government today

CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 598—An act to amend Sections 1243, 1244, 1260, 1261, and 1263 of the Business and Professions Code, relating to clinical laboratory technology.

The question being Shall the Assembly concur in the following Senate amendments to Assembly Bill No 598?

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 6, 1963, strike out "Section" and insert : Sections 1243, 1244, 1260, 1261, and".

Amendment No. 2

In line 2 of the title, strike out "technologist trainees", and insert "technology"

Amendment No. 3

On page 1, line 1, strike out "1263", and insert "1243"

Amendment No. 4

On page 1, between lines 2 and 3, insert

"1243. A student or registered clinical laboratory technologist trainee regularly matriculated in any college or university accredited by the ~~Western College Association, Northwest Association of Secondary and Higher Schools~~ *Western Association of Schools and Colleges* or an essentially equivalent accrediting agency, as determined by the department, or in any legally chartered school approved by the department or receiving training in any clinical laboratory approved by the department may perform venipuncture or skin puncture as a part of the necessary training program when done under the direct and responsible supervision of a licensed clinical laboratory technologist, clinical laboratory bioanalyst, or physician and surgeon.

SEC 2 Section 1244 of said code is amended to read

1244. The provisions of this chapter do not apply to bona fide investigational or consultative clinical laboratory procedures performed by members of the faculty in the course of their employment in institutions accredited by the ~~Western College Association, Northwest Association of Secondary and Higher Schools~~ *Western Association of Schools and Colleges* or an essentially equivalent accrediting agency, as determined by the department

SEC 3 Section 1260 of said code is amended to read.

1260. The board shall issue a clinical laboratory bioanalyst's license to each person who is a lawful holder of a degree of bachelor of arts or bachelor of science or equivalent degree issued after a full course of resident instruction in one or more established and reputable institutions maintaining standards equivalent, as determined by the department, to those institutions accredited by the ~~Western College Association, Northwest Association of Secondary and Higher Schools~~ *Western Association of Schools and Colleges* or an essentially equivalent accrediting agency, as determined by the department, with a major work for such degree in one of the biological sciences and whom the board finds by written, oral, and practical examination to be properly qualified The board shall establish by regulation the required courses to be included in the college or university training The additional prerequisites for entrance into the examination for clinical laboratory bioanalyst shall be one of the following

(a) An applicant applying on or after January 1, 1968, must possess a masters degree, or an equivalent degree as determined by the

department, or a higher degree in a biological science, plus a minimum of four years experience as a licensed clinical laboratory technologist, performing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department The quality and variety of this experience as well as the clinical laboratory in which it was obtained, must be satisfactory to the department. The experience as required under this section must have been obtained within the six-year period immediately antecedent to the examination

(b) For an applicant applying on or after the effective date of the amendments made to this section at the 1961 Regular Session of the Legislature, a minimum of five years' experience, at least one year of which shall have been immediately antecedent to admission to the examination, as a licensed clinical laboratory technologist or its equivalent as determined by the department performing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory satisfactory to the department

SEC 4 Section 1261 of said code is amended to read:

1261 The board shall issue a clinical laboratory technologist's license to each person found by it to be properly qualified and it shall hold written, oral, or practical examinations to aid it in judging the qualifications of applicants The examinations for license to work in a clinical laboratory as a technologist shall cover the fields of biochemistry, hematology, and microbiology, except that the examination for a special clinical laboratory technologist's license shall be concerned only with the subject or subjects in which the license is to be issued. The minimum prerequisites for entrance into the examination shall be one of the following

(a) Graduation from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the ~~Western College Association~~ *Western Association of Schools and Colleges* or an essentially equivalent accrediting agency with a baccalaureate and a major in clinical laboratory technique, the last year of which course shall have been primarily clinical laboratory procedure; provided, however, that if the curriculum did not include practical clinical laboratory work, six months as a clinical laboratory technologist trainee or the equivalent as determined by the department in a clinical laboratory approved by the department shall be required; or

(b) Graduation from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the ~~Western College Association~~ *Western Association of Schools and Colleges*, or an essentially equivalent accrediting agency, with a baccalaureate and a major in one of the biological sciences or essential equivalent as may be determined by the department plus one year as a clinical laboratory technologist trainee or the equivalent as determined by the department in a clinical laboratory approved by the department One year of practical experience in a public health laboratory may be accepted if such experience or if university or college

Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Stanton, Stevens, Thelin, Veneman, Waite, Waldie, Warren, Whitmore, Williamson, Young, Z'berg, Zenovich, and Mr. Speaker—68.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 49—An act to add Division 1 5 (commencing with Section 160) to the Labor Code, relating to automation and technological developments, creating the California Commission on Manpower, Automation and Technology, prescribing its powers and duties

Bill read third time

Recommendation of the Governor

A letter from the Governor, relative to consideration of Assembly Bill No. 49 was received

Request for Unanimous Consent

Mr Elliott asked for unanimous consent that the letter from the Governor be withdrawn, and be not printed in the Journal.

Parliamentary Inquiry

Mr Collier arose to the following parliamentary inquiry: What is the question before the House?

Reply by Speaker pro Tempore

Speaker pro Tempore Bee replied that the question was on the request by Mr Elliott to withdraw a letter from the Governor; and that the letter be not printed in the Journal as is required by the Rules.

Parliamentary Inquiry

Mr. Collier arose to the following parliamentary inquiry: What is the reason for the request to withdraw the letter?

Reply by Mr. Elliott

Mr Elliott replied that the urgency provisions have been amended out of the bill, so a letter from the Governor is not necessary for its consideration, at this time.

Objections Withdrawn

Mr Collier withdrew his objections; and the letter was withdrawn

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Brutsché, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—72.
NOES—Collier

Bill ordered transmitted to the Senate.

INTRODUCTION OF GUESTS

Mr Belotti introduced his cousins, George Carrar, Leon Carrar, and Mrs Josephine Melrod of Plainfield, New Jersey, to the Members of the Assembly, who joined in welcoming them on their visit to the Assembly Chamber

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1171—An act to add Sections 51520 and 51562 to the Government Code, relating to transfer of city functions

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—70
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1728—An act to add Article 4 (commencing with Section 11250) to Chapter 1 of Part 2 of Division 4 of the Business and Professions Code, relating to subdivisions

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Garrigus, Gonsalves, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—69
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1145—An act to amend Section 11006 of, and to add Section 11008 to, the Education Code, relating to the minimum day for elementary schools

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74
NOES—None

Bill ordered transmitted to the Senate

NAME PLACED UPON ROLL CALL ON ASSEMBLY BILL NO. 1728

Mr. Meyers was granted unanimous consent that he be recorded as voting "Aye" on Assembly Bill No. 1728.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1468—An act to amend Section 20802 of the Education Code, relating to junior colleges

Bill read third time, and on request of Mr. Moreno, ordered passed on file, and to retain its place on file

Assembly Bill No. 1421—An act to amend Section 31595 of the Government Code, and to amend Section 1372 of the Financial Code, relating to investments of county retirement systems.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—74

NOES—None

Bill ordered transmitted to the Senate

MOTION TO SET ASSEMBLY BILL NO. 692 FOR SPECIAL ORDER

Mr McMillan moved that Assembly Bill No 692 be made a special order of business for Tuesday, April 23, 1963, at 10 a.m.

Motion carried by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—74

NOES—None

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1401—An act to amend Section 20007 of the Vehicle Code, relating to accident reports.

Bill read third time.

Motion to Amend

Mr. Willson moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 13, of the printed bill, as amended in the Assembly on April 9, 1963, strike out "immediately", and insert "without unnecessary delay".

Amendment read, and adopted

Bill ordered reprinted, and re-engrossed.

CONSIDERATION OF CONSENT CALENDAR

Speaker pro Tempore Bee announced that the next roll call would be on the first item on the Consent Calendar.

CONSENT CALENDAR—ASSEMBLY BILLS

Assembly Bill No. 66—An act to amend Section 405 of, and to add Section 2420 to, the Vehicle Code, relating to motor-driven cycles.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr. Speaker—74.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1402—An act to add Section 27801 to the Vehicle Code, relating to equipment on motorcycles

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr. Speaker—74.
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1445—An act to amend Section 24602 of, and to repeal Section 24009 of, the Vehicle Code, relating to vehicle equipment.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Zberg, Zenovich, and Mr. Speaker—74.
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 1533—An act to amend Section 27459 of the Vehicle Code, relating to snowtread tires

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dennemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby,

Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—74.
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 686—An act to add Section 13864.1 to the Education Code, relating to state teachers' retirement.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74.
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 894—An act to amend Section 34324 of the Health and Safety Code, relating to housing authorities.

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74.
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 897—An act to add Section 34316 1 to the Health and Safety Code, relating to security for deposits of funds of housing authorities.

Bill read third time, and passed by the following vote:

AYES—Allen. Alquist, Asheraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox. Lanterman, Lunardi Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—74.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1640—An act to amend Sections 61754, 61755 and 61757 of the Government Code, to amend Sections 6782, 6783, 6786, 6940 6, 6940 9, 6941 6, 13902 and 14152 of the Health and Safety Code, to amend Sections 16651 and 16653 of the Public Utilities Code, to amend Section 37206 of the Water Code and to amend Section 24 of

the Municipal Water District Law of 1911 (Chapter 671 of the Statutes of 1911), relating to county taxation of public service districts

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—74.
NOES—None

Bill ordered transmitted to the Senate

Assembly Bill No. 1667—An act to add Section 25100.6 to the Government Code, relating to county boards of supervisors

Bill read third time, and passed by the following vote·

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—74.
NOES—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 1141—An act to amend Section 605 of the Code of Civil Procedure and Section 1089 of the Penal Code, relating to alternate jurors.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Veysey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr. Speaker—74.
NOES—None.

Bill ordered transmitted to the Senate.

CONSENT CALENDAR—SENATE BILLS

Senate Bill No. 49—An act to amend Section 629 of the Code of Civil Procedure, relating to motion for directed verdict as a condition of judgment notwithstanding verdict.

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Milias, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby,

Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74.
NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 127—An act to amend Sections 6151 and 6152 of the Business and Professions Code, relating to the unlawful solicitation and procurement of business for attorneys

Bill read third time, and passed by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74.
NOES—None

Bill ordered transmitted to the Senate

Senate Joint Resolution No. 5—Relative to itinerant offices for unemployment insurance benefits

Resolution read, and adopted by the following vote:

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74
NOES—None

Resolution ordered transmitted to the Senate

NAME PLACED UPON ROLL CALL ON ASSEMBLY BILL NO. 66

Mr Gonsalves was granted unanimous consent that he be recorded as voting "Aye" on Assembly Bill No 66

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1379—An act to amend Section 232 of the Civil Code, relating to custody and control of children

Bill read third time, and passed by the following vote

AYES—Allen, Alquist, Ashcraft, Bagley, Bane, Barnes, Bee, Beilenson, Belotti, Booth, Britschgi, Burgener, Burton, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Crown, Cusanovich, Danielson, Dannemeyer, Davis, Deukmejian, Dills, Donovan, Dymally, Elliott, Flournoy, Foran, Frew, Gaffney, Garrigus, Gonsalves, Greene, Henson, Holmes, Johnson, Knox, Lanterman, Lunardi, Marks, McMillan, Meyers, Mihas, Mills, Monagan, Moreno, Mulford, Pattee, Petris, Porter, Powers, Quimby, Rumford, Ryan, Song, Stanton, Stevens, Thelin, Veneman, Vevsey, Waite, Waldie, Warren, Whetmore, Williamson, Willson, Winton, Young, Z'berg, Zenovich, and Mr Speaker—74
NOES—None

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

Assembly Bill No. 2404: By Mr Porter—An act to add Chapter 14 (commencing with Section 22300) to Division 8 of the Business and Professions Code, relating to persons engaged in the business of selling at wholesale.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2405: By Mr Porter—An act to add Section 17505 to the Business and Professions Code, relating to selling practices.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2406: By Mr. Belotti—An act authorizing the Division of Beaches and Parks to exchange property belonging to the State for private property in Humboldt County

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2407: By Mr. Dills—An act to amend Sections 2550 and 2552 of the Business and Professions Code, relating to dispensing opticians

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2408: By Mr Monagan—An act to add Section 43008 to the Government Code, and to add Section 155 9 to the Revenue and Taxation Code, relating to property taxation.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2409: By Mr Waldie—An act to add Part 8.5 (commencing with Section 32975) to Division 12 of the Water Code, relating to re-formation and re-creation of county water districts.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2410: By Mr. Frew—An act to amend Section 11041 of the Government Code, relating to state agencies.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2411: By Mr Thelin—An act to amend Section 602 of the Penal Code, relating to trespass.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2412: By Mr. Thelin—An act to amend Section 817 of the Penal Code, relating to classification of certain watchmen and guards as peace officers

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2413: By Mr Thelin—An act to amend Sections 597f and 599e of the Penal Code, relating to animal regulation.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2414: By Messrs. Stanton, Alquist, and Milias—An act authorizing the Director of Water Resources to dispose of property belonging to the State

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2415: By Mr. Bagley—An act to amend Sections 73772 and 73773 of the Government Code, relating to municipal courts.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2416: By Messrs Quimby, Chapel, and Gonsalves—An act to add Chapter 1 5 (commencing with Section 21100) to Division 8 of the Financial Code, relating to licensing pawnbrokers.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2417: By Messrs Quimby and Allen—An act to amend Section 3212 5 of the Labor Code, relating to workmen's compensation.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2418: By Messrs Belotti and Greene—An act to add Section 12027.5 to the Penal Code, relating to weapons.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2419: By Messrs. Stanton, Dymally, Knox, Crown, Beilenson, Burton, Moreno, Petris, Song, and Warren—An act to add Section 24208 to the Education Code, relating to state colleges.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2420: By Mr. Ryan—An act to add Sections 31007 5 and 31010 to the Water Code, relating to county water districts, declaring the urgency thereof, to take effect immediately

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2421: By Mr. Beilenson—An act to add Chapter 3.5 (commencing with Section 277) to Title 9 of Part 1 of, and to amend Sections 274, 275, and 276 of, the Penal Code, relating to abortion.

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2422: By Mr. Chapel—An act to add Section 16002 to the Education Code, relating to school district property.

Held at desk by order of the Speaker pro Tempore

Assembly Bill No. 2423: By Mr. Chapel—An act to amend Section 817 of the Penal Code, relating to the state police

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2424: By Mr. Petris—An act to repeal Article 1 (commencing with Section 4300) of Chapter 4, Division 5, Title 1 of the Government Code, relating to American-made materials

Held at desk by order of the Speaker pro Tempore.

Assembly Bill No. 2425: By Mr Petris—An act to amend Section 69951 of the Government Code, relating to court reporter's fees for transcripts.

Held at desk by order of the Speaker pro Tempore

ANNOUNCEMENT

Mr. Donovan announced that the group visiting the Oroville Dam would leave at 10 a m on Friday, April 19, 1963, and would be back by 5 p m the same day.

RESOLUTIONS

The following resolutions were offered·

By Messrs Dannemeyer, Young, and Danielson

House Resolution No. 220

Relative to interim study of the salary structure of official court reporters

WHEREAS, Under existing laws, the various counties of this State pay varying amounts of compensation to official court reporters, and

WHEREAS, Because the counties attempt to match each other in the compensation paid to official court reporters a vicious circle results, tending to inflate the compensation of such persons, now, therefore, be it

Resolved by the Assembly of the State of California, That the Committee on Rules is requested to refer for study to an appropriate interim committee the subject of the overall salary structure of official court reporters.

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules

By Mr Powers:

House Resolution No. 221

Relative to the retirement of Alfred C Story

WHEREAS, Alfred C Story, who for more than 42 years has served with great wisdom and energy as an employee of the State Printing Office will thus April 30th retire from state service, and

WHEREAS, His career with the State Printing Office has paralleled the growth of this office, starting as an apprentice printer and advancing to linotype operator, supervising copy editor, assistant composing room foreman, and printing layout man, and

WHEREAS, He has been the main force and guiding hand in the initiating and sustaining of a State Printing Office Style Manual which governs the basic style for all state publications, and

WHEREAS During his 42 years of service with the State Printing Office it has been characteristic of Alfred Story to devote more than passing interest to the task at hand, developing new and improved techniques, adding artistic as well as intelligent meaning to the work, giving of his own time to self improvement which in turn benefited the office for which he worked, attending advanced schools of instruction in new processes, and keeping abreast with latest pamphlets and other sources of information, and

WHEREAS, Al Story has been in close contact with countless members and employees of past and present legislative sessions in his 42 years with the printing office, and

WHEREAS, He will always be remembered for his tremendous assistance in the successful printing of hundreds of legislative publications, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly do hereby congratulate Alfred C Story on his retirement and commend him for having had a useful and distinguished career and extend to him every best wish for the future, and be it further

Resolved, That the Secretary of the Assembly be directed to transmit a suitably prepared copy of this resolution to Alfred C Story.

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

ANNOUNCEMENTS OF COMMITTEE MEETINGS

Mr. Marks announced a meeting of the Committee on Government Organization at 8 p.m this evening, in Room 2133.

Mr Rumford announced a meeting of the Committee on Public Health at 1 30 p.m this afternoon, in Room 5168

Mr. Willson announced a meeting of the Committee on Judiciary at 3 p.m this afternoon, in Room 2170

Mr. Porter announced that Ways and Means Subcommittee 1A would meet at 1 30 p m. tomorrow afternoon, in Room 2196

Mr. Crown announced that the Committee on Ways and Means would meet at 1 45 p m. this afternoon, in Room 4202, instead of at 1 30 p m. as originally scheduled; and would meet at 1 30 p m. on Thursday. Because of the heavy schedule of bills set for hearing at these meetings, Mr. Crown urged the prompt attendance of the members at both meetings.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND RULE NO. 59

Mr. Crown was granted unanimous consent that Rule No 59 be temporarily suspended for the purpose of setting Senate Bill No. 14 for hearing in the Committee on Ways and Means this afternoon.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, April 15, 1963

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined.
Assembly Bill No 1201
And reports the same correctly engrossed.

POWERS, Chairman

Above bill re-referred to the Committee on Ways and Means

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 1448
And reports the same correctly engrossed.

POWERS, Chairman

Above bill ordered to third reading.

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 978
Assembly Bill No 1360
Assembly Bill No. 1571
Assembly Bill No. 1603
And reports the same correctly engrossed.

POWERS, Chairman

Above bills ordered to the Consent Calendar

Committee on Criminal Procedure

ASSEMBLY CHAMBER, April 15, 1963

MR. SPEAKER: The Chairman of your Committee on Criminal Procedure reports:
Senate Bill No 368
Senate Bill No. 714
With author's amendments with the recommendation: Amend, and re-refer to the Committee on Criminal Procedure.

WINTON, Chairman

SECOND READING OF SENATE BILLS NOS. 368 AND 714 (PURSUANT TO RULE NO. 59.5)

Senate Bill No. 368—An act to amend Sections 5067, 6200, 6201, 6202, 6203, 6204, 6205, 6206, 6207, and 6208, and the heading of Chapter 9 (commencing with Section 6200) of Title 7, of Part 3 of, the Penal Code, relating to conservation facilities in the Department of Corrections.

Bill read second time.

Motion to Amend

Mr. Winton moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 24, of the printed bill, strike out "article", and insert "chapter".

Amendment No. 2

On page 3, after line 27, insert

"SEC. 12. The heading of Chapter 9 (commencing with Section 6200) of Title 7 of Part 3 of said code, as amended by Assembly Bill No 1060 of the 1963 Regular Session, is amended to read:

CHAPTER 9. ~~THE CALIFORNIA~~ CONSERVATION CENTER *S*

SEC 13 Section 12 of this act shall become operative only if Assembly Bill No 1060 is enacted by the Legislature at its 1963 Regular Session, in which event Section 2 of this act is repealed."

Amendments read, and adopted

Bill ordered reprinted, and to be re-referred to the Committee on Criminal Procedure

Senate Bill No. 714—An act to amend Sections 506, 568, 656, 663, 725, 727, 729, and 781 of the Welfare and Institutions Code, relating to juvenile courts

Bill read second time

Motion to Amend

Mr Winton moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "Sections", insert "500,".

Amendment No. 2

In line 2 of the title, after "of", insert ", and to add Section 517 to,"

Amendment No. 3

On page 1, strike out lines 1 and 2, and insert

"SECTION 1. Section 500 of the Welfare and Institutions Code is amended to read

500 This chapter shall be known and may be cited as the "*Arnold-Kennick* Juvenile Court Law"

SEC 1 5. Section 506 of said code is amended to read.".

Amendment No. 4

On page 1, after line 17, insert

"SEC. 1 7 Section 517 is added to said code, to read:

517. In any case in which, pursuant to this chapter, the court appoints counsel to represent any person who desires but is unable to employ counsel, counsel shall

receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court, to be paid out of the general fund of the county "

Amendments read, and adopted.

Bill ordered reprinted, and to be re-referred to the Committee on Criminal Procedure

REPORTS OF STANDING COMMITTEES

Committee on Criminal Procedure

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER The Chairman of your Committee on Criminal Procedure reports Assembly Bill No 1812

With author's amendments with the recommendation Amend, and re-refer to the Committee on Criminal Procedure

WINTON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1812 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1812—An act to add Sections 146c and 146d to the Penal Code, relating to law enforcement

Bill read second time.

Motion to Amend

Mr Carrell moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 8, of the printed bill, before "members", insert "voting"

Amendment No. 2

On page 1, line 9, after "officers", insert "or firemen".

Amendment No. 3

On page 1, line 13, after "the", insert "voting".

Amendment No. 4

On page 1, line 13, after "officers", insert "or firemen".

Amendment No 5

On page 2, line 4, after "the", insert "voting"

Amendment No. 6

On page 2, line 5, after "officers", insert "or firemen".

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Criminal Procedure

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, April 10, 1963

MR SPEAKER Your Committee on Judiciary reports:

Assembly Bill No 1140

With amendments with the recommendation: Amend, and do pass, as amended

WILLSON, Chairman

Above bill ordered to second reading

Committee on Water

ASSEMBLY CHAMBER, April 15, 1963

MR. SPEAKER: The Chairman of your Committee on Water reports:

Assembly Bill No. 1711

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Water.

PORTER, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1711 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1711—An act to add Division 10.5 (commencing with Section 20200) to the Water Code, relating to the consolidation of water districts.

Bill read second time

Motion to Amend

Mr. Porter moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 10, of the printed bill, after "not", insert "; provided, that the consolidated district shall meet the area requirements contained in the law under which such consolidated district is to operate"

Amendment No. 1.5

On page 2, line 6, strike out the first "the", and insert "a"

Amendment No. 2

On page 2, line 6, strike out the second "the".

Amendment No. 3

On page 2, between lines 6 and 7, insert

"(d) "Principal county" means the county in which a majority of the land of the consolidating districts is located."

Amendment No. 4

On page 2, line 15, strike out "a", and insert "such".

Amendment No. 5

On page 2, between lines 25 and 26, insert

"(e) A determination whether the investigation and report required in Part 2 (commencing with Section 20210) of this division shall be made by the department or the board of supervisors."

Amendment No. 6

On page 2, line 27, strike out "to the department"

Amendment No. 7

On page 2, strike out lines 28 to 32, inclusive, and insert "by the president or secretary to either the department or the board of supervisors of the principal county as set forth in the preliminary consolidation resolution"

Amendment No. 8

On page 2, lines 39 and 40, strike out "if the districts are included entirely within the boundaries of one county,".

Amendment No. 9

On page 2, lines 46 and 47, strike out ", if the districts are included entirely within the boundaries of one county,".

Amendment No. 10

On page 3, line 9, strike out "land", and insert "property".

Amendment No. 11

On page 3, line 11, after "debtedness", insert ", exclusive of bonded indebtedness,".

Amendment No. 12

On page 3, line 19, after "consolidation", insert "and to elect directors of the consolidated district"

Amendment No. 13

On page 3, line 34, after "department", insert "or board of supervisors".

Amendment No. 14

On page 3, line 49, after "thereof", insert "and the voting upon the question of consolidation".

Amendment No. 15

On page 3, line 49, after "be", insert "in each district which proposes to consolidate"

Amendment No. 16

On page 3, line 50, strike out "near", and insert "nearly".

Amendment No. 17

On page 3, strike out line 52, and insert "under which such district has operated"

Amendment No. 18

On page 4, line 3, strike out "a", and insert "the"

Amendment No. 19

On page 4, line 3, strike out "election", and insert "elections".

Amendment No. 20

On page 4, strike out lines 9 to 13, inclusive, and insert "returns canvassed in each district so far as practicable in accordance with the requirements contained in the water district law under which such district has operated, except for the election of directors of the consolidated district as provided in Section 20225"

Amendment No. 21

On page 4, line 50, strike out "Section 20341", and insert "Sections 20341 and 20342".

Amendment No. 22

On page 5, line 3, strike out "land", and insert "property"

Amendment No. 23

On page 5, line 11, after "law", insert ", including the method of assessment,".

Amendment No. 24

On page 5, line 18, strike out "this division, and the", and insert "the district law under which such bonds were authorized The"

Amendment No. 25

On page 5, line 20, after "authorized", insert ", and such bonds shall be paid pursuant to the provisions of Section 20341"

Amendment No. 26

On page 5, after line 44, insert

"20353 This act shall be known and may be cited as the Water District Consolidation Law of 1963."

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Water

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER The Chairman of your Committee on Governmental Efficiency and Economy reports

Assembly Bill No 1782

With author's amendments with the recommendation Amend, and re-refer to the Committee on Governmental Efficiency and Economy

McMILLAN, Chairman

SECOND READING OF ASSEMBLY BILL NO. 1782 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 1782—An act to amend Section 23793 of the Business and Professions Code, relating to alcoholic beverages

Bill read second time

Motion to Amend

Mr Porter moved the adoption of the following amendments·

Amendment No. 1

On page 1, line 3, of the printed bill, after "no", insert "onsale"

Amendment No. 2

On page 1, strike out lines 11 to 17, inclusive, and insert 'facilities, or where the applicant can show that the licensing"

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy

REPORTS OF STANDING COMMITTEES

Committee on Municipal and County Government

ASSEMBLY CHAMBER, April 15, 1963

MR SPEAKER The Chairman of your Committee on Municipal and County Government reports

Assembly Bill No 323
Assembly Bill No 1679

With author's amendments with the recommendation Amend, and re-refer to the Committee on Municipal and County Government

KNOX, Chairman

SECOND READING OF ASSEMBLY BILLS NOS. 323 AND 1679 (PURSUANT TO RULE NO. 59.5)

Assembly Bill No. 323—An act to provide for the creation of the Stockton Metropolitan Transit District, prescribing the powers and duties thereof, and declaring the urgency thereof, to take effect immediately.

Bill read second time

Motion to Amend

Mr Monagan moved the adoption of the following amendments

Amendment No 1

In line 1 of the title of the printed bill, after "act", insert "to add Part 5 (commencing with Section 50000) to Division 10 of the Public Utilities Code,"

Amendment No. 2

On page 1, strike out line 1, and insert

"SECTION 1 Part 5 (commencing with Section 30000) is added to Division 10 of the Public Utilities Code, to read

PART 5 STOCKTON METROPOLITAN TRANSIT DISTRICT

CHAPTER 1 GENERAL PROVISIONS"

Amendment No. 3

On page 1, line 5, strike out "SEC 1 1", and insert "50000"

Amendment No. 4

On page 1, line 5, strike out "act", and insert "part"

Amendment No. 5

On page 1, line 7, strike out "SEC 1 2", and insert "50001"

Amendment No. 6

On page 1, line 8, strike out "act", and insert "part".

Amendment No. 7

On page 1, line 9, strike out "SEC 1 3", and insert ' 50002".

Amendment No. 8

On page 1, line 10, strike out "act", and insert "part"

Amendment No. 9

On page 1, line 11, strike out "SEC 1.4", and insert "50003".

Amendment No. 10

On page 1, line 13, strike out "SEC 1 5", and insert "50004"

Amendment No. 11

On page 1, line 15, strike out "SEC 1 6", and insert "50005"

Amendment No. 12

On page 1, line 17, strike "SEC 1 7", and insert "50006"

Amendment No. 13

On page 2, strike out lines 1 to 4, inclusive

Amendment No. 14

On page 2, strike out line 8, and insert

"50010 It is necessary that a transit district be established in the Stockton metropolitan area which includes the City of Stockton and adjacent territory situated in San Joaquin County in order to meet the transit problem of the area The problem is unique in that presently there are several existing transportation facilities serving various parts of the area but independently operated, without interchange of transportation services, and without possibility of merger The geographic location of the city to the area requiring transportation services makes it necessary to develop a single transit system to protect the public interest

50011. The Stockton Metropolitan Transit District may"

Amendment No. 15

On page 2, line 9, strike out "act", and insert "part"

Amendment No. 16

On page 2, line 11, strike out "SEC 1 11", and insert "50012"

Amendment No. 17

On page 2, line 11, strike out "act", and insert "part"

Amendment No. 18

On page 2, line 15, strike out "SEC. 1.12", and insert "50013".

Amendment No. 19

On page 2, line 15, strike out "act", and insert "part".

Amendment No. 20

On page 2, line 19, strike out "SEC. 1 13", and insert "50014".

Amendment No 21

On page 2, line 22, strike out "act", and insert "part"

Amendment No. 22

On page 2, line 23, strike out "7 18", and insert "50243".

Amendment No. 23

On page 2, line 31, strike out "SEC 2 1", and insert "50020"

Amendment No. 24

On page 2, line 34, strike out "SEC 2 4", and insert "50021".

Amendment No 25
On page 2, line 40, strike out "SEC 2 5", and insert "50025"

Amendment No. 26
On page 2, line 44, strike out "SEC. 2 6", and insert "50026".

Amendment No. 27
On page 2, line 49, strike out "SEC 2 7", and insert "50027"

Amendment No. 28
On page 3, line 3, strike out "SEC 2 10", and insert "50030"

Amendment No. 29
On page 3, line 5, strike out "10", and insert "25"

Amendment No. 30
On page 3, line 7, strike out "SEC 2 11", and insert "50031".

Amendment No. 31
On page 3, line 14, strike out "SEC 2 12", and insert "50032".

Amendment No. 32
On page 3, line 18, strike out "SEC 2 13", and insert "50033".

Amendment No. 33
On page 3, line 24, strike out "SEC. 2 15", and insert "50035".

Amendment No. 34
On page 3, line 29, strike out "SEC 2 16", and insert "50036".

Amendment No. 35
On page 3, line 33, strike out "SEC 2 17", and insert "50037"

Amendment No 36
On page 3, line 37, strike out "SEC 2 18", and insert "50038".

Amendment No. 37
On page 3, line 39, strike out "SEC 2 19", and insert "50039".

Amendment No 38
On page 3, line 41, strike out "SEC 2 20", and insert "50040".

Amendment No. 39
On page 3, line 48, strike out "SEC 2 21", and insert "50041".

Amendment No. 40
On page 4, line 1, strike out "SEC 2 22", and insert "50052"

Amendment No. 41
On page 4, line 4, strike out "SEC 2 23", and insert "50043"

Amendment No 42
On page 4, line 7, strike out "SEC 2 24", and insert "50044".

Amendment No. 43
On page 4, line 10, strike out "SEC 2 25 ', and insert "50045"

Amendment No. 44
On page 4, line 19, strike out "SEC 2 30", and insert "50050"

Amendment No. 45
On page 4, line 28, strike out "SEC 2 35", and insert "50055"

Amendment No. 46
On page 4, line 29, strike out "effecting", and insert "affecting".

Amendment No 47
On page 4, line 42, strike out "SEC 3 1", and insert "50060".

Amendment No. 48

On page 5, line 1, strike out "SEC. 3.2", and insert "50061".

Amendment No. 49

On page 5, line 3, strike out "SEC. 3.3", and insert "50062".

Amendment No. 50

On page 5, line 6, strike out "SEC. 3.4", and insert "50063"

Amendment No. 51

On page 5, line 8, strike out "or affirmation", and insert "in the form set forth in Section 3 of Article XX of the Constitution of California".

Amendment No. 52

On page 5, lines 9 to 12, inclusive, strike out ", that he will support the Constitution of the United States and the State of California, and will faithfully discharge the duties of his office according to the best of his ability".

Amendment No. 53

On page 5, line 14, strike out "SEC. 3.5", and insert "50064".

Amendment No. 54

On page 5, line 21, strike out "SEC. 3.6", and insert "50067".

Amendment No. 55

On page 5, line 25, strike out "they" and insert "the two appointed by the board of supervisors shall hold office for one and three years and the two appointed by the city council shall"

Amendment No. 56

On page 5, line 25, strike out "one, two, three, and four", and insert "two and four"

Amendment No. 57

On page 5, line 29, strike out "SEC. 3.10", and insert "50070".

Amendment No. 58

On page 5, line 32, strike out "SEC. 3.11", and insert "50071".

Amendment No. 59

On page 5, line 36, strike out "SEC. 3.12", and insert "50072"

Amendment No. 60

On page 5, line 40, strike out "SEC. 3.13", and insert "50073".

Amendment No. 61

On page 5, line 42, strike out "act", and insert "part"

Amendment No. 62

On page 5, line 43, strike out "SEC. 3.14", and insert "50074"

Amendment No. 63

On page 5, line 49, strike out "SEC. 3.15", and insert "50075".

Amendment No. 64

On page 6, strike out lines 1 to 10, inclusive

Amendment No. 65

On page 6, line 11, strike out "SEC. 3.17", and insert "50076".

Amendment No. 66

On page 6, line 21, strike out "SEC. 3.18", and insert "50077".

Amendment No. 67

On page 6, line 25, strike out "SEC. 3.19", and insert "50078"

Amendment No. 68

On page 6, line 28, strike out "SEC. 3.20", and insert "50079".

Amendment No. 69

On page 6, line 35, strike out "SEC 3 21", and insert "50080"

Amendment No. 70

On page 6, strike out lines 43 and 44, and insert

"50085 All meetings of the board shall be conducted in a manner prescribed by the Ralph M Brown Act, Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code"

Amendment No. 71

On page 6, line 45, strike out "SEC 3 26 ', and insert "50086".

Amendment No. 72

On page 6, line 47, strike out ' SEC 3 27", and insert "50087"

Amendment No. 73

On page 6, lines 50 and 51, strike out "and for each day any member is engaged in authorized district business other than attendance in meetings of the"

Amendment No. 74

On page 7, line 1, strike out "board '

Amendment No. 75

On page 7, line 1, strike out "twenty dollars ($20)", and insert "fifteen dollars ($15)"

Amendment No. 76

On page 7, lines 1 and 2, strike out "one hundred dollars ($100)", and insert "forty-five dollars ($45)".

Amendment No 77

On page 7, line 6, strike out "SEC 3 28", and insert "50088"

Amendment No. 78

On page 7, line 13, strike out "SEC 3 29", and insert "50089"

Amendment No. 79

On page 7, line 14, strike out "SEC 3 30", and insert "50090"

Amendment No. 80

On page 7, line 23, strike out "SEC 3 35", and insert "50095"

Amendment No. 81

On page 7, line 28, strike out "SEC 3 36 ', and insert "50096".

Amendment No. 82

On page 7, line 31, strike out "SEC 3 37", and insert "50097"

Amendment No. 83

On page 7, line 33, strike out ' SEC 3 38", and insert "50098".

Amendment No. 84

On page 7, lines 33 and 34, strike out "shall hold office for an indefinite term and '.

Amendment No. 85

On page 7, line 34, strike out "only"

Amendment No. 86

On page 7, line 49, strike out "SEC. 3 39 Notwithstanding this article", and insert

"50099. Notwithstanding anything to the contrary in Section 50098".

Amendment No. 87

On page 8, line 4, strike out "SEC 3 40", and insert "50100 '

Amendment No 88

On page 8, line 6, strike out "SEC 3 41", and insert "50101"

Amendment No. 89

On page 8, line 10, strike out "SEC 3 42", and insert "50102".

Amendment No. 90

On page 8, line 12, strike out "SEC 3 43", and insert "50103"

Amendment No. 91

On page 8, line 17, strike out "SEC. 3 44", and insert "50104".

Amendment No. 92

On page 8, line 19, strike out "SEC 3 45", and insert "50105".

Amendment No. 93

On page 8, line 38, strike out "SEC 3 46", and insert "50106".

Amendment No. 94

On page 8, line 43, strike out 'act", and insert "part"

Amendment No. 95

On page 8, line 45, strike out "SEC 3 47", and insert "50107"

Amendment No. 96

On page 9, line 3, strike out "SEC 3 48", and insert "50108"

Amendment No. 97

On page 9, line 9, strike out 'SEC 3 49", and insert "50109"

Amendment No. 98

On page 9, line 15, strike out "SEC. 3 50", and insert "50110".

Amendment No. 99

On page 9, strike out lines 42 to 51, inclusive, on page 10, strike out lines 1 to 51, inclusive, on page 11, strike out lines 1 to 48, inclusive, and on page 12, strike out lines 1 to 37, inclusive, and insert

'50120 Whenever a majority of the employees employed by said transit district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the board, upon determining as provided in Section 50121 that said labor organization represents the employees in the appropriate unit, and the accredited representative shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions and grievance procedures In case of a dispute over the terms of a written contract governing wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the board and the representatives of the employees, the board and the representatives of the employees shall submit said dispute to the decision of the majority of an arbitration board, and the decision of a majority of such arbitration board shall be final The arbitration board shall be composed of two representatives of the transit board and two representatives of the labor organization, and they shall endeavor to agree upon the selection of a fifth member If they are unable to agree, the fifth member shall be designated by the Secretary of the Judicial Council and shall be a person experienced in labor arbitrations The expenses of such impartial arbitrator shall be provided half by the transit board and half by the labor organization

No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color, provided such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence

50121 If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition The State Conciliation Service shall promptly hold a public hearing and may, by decision, establish the boundaries of any collective bargaining unit and provide for an election to determine the question of representation Provided, however, any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the ground that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later.

50122 Whenever any district acquires existing facilities from a publicly or privately owned public utility either in proceedings by eminent domain or otherwise, to the extent necessary for operation of facilities, all of the employees of such

public utility whose duties pertain to the facilities acquired who have been employed by said utility for at least seventy-five (75) days shall be appointed to comparable positions in the district without examination and shall be governed thereafter by the personnel system adopted by the board, and these employees shall be given sick leave, seniority and vacation credits in accordance with the records of the acquired public utility

The provisions of this section shall apply only to those officers or supervisory employees of the acquired utility as shall be designated by the board

50123 Whenever any district acquires existing facilities from a publicly or privately owned public utility, either in proceedings in eminent domain or otherwise, that has a pension plan in operation, members and beneficiaries of such pension plan shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system

Whenever any such facilities are acquired by the district, the board shall consider and take into account the outstanding obligations and liabilities of the publicly or privately owned public utility by reason of such pension plan and shall negotiate an allowance in the purchase price of such utility for the assumption of such obligations and liabilities when acquiring the facilities

50124 The persons entitled to pension benefits as provided for in Section 50123 and the benefits which are provided shall be specified in the agreement or order by which any public utility is acquired by the district

50125 All persons receiving pension benefits from such acquired public utility and all persons entitled to pension benefits under the pension plan of such acquired public utility may become members or receive pensions under the retirement system established by the district by mutual agreement of such persons and the district

50126 Notwithstanding any provisions of the Government Code, the board may authorize payment of any or all of the premiums on any group life, accident and health insurance, health and welfare plan, or pension or retirement plan, on officers or employees of a district Upon authorization by its employees, a district may make deductions from the wages and salaries of its employees

(a) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(b) For the payment of contributions pursuant to any health and welfare, pension, or retirement plan

(c) For any purpose for which deductions may be authorized by employees of any private employer.

CHAPTER 5. RETIREMENT SYSTEM

Article 1 Establishment

50130 The board may establish a retirement system for the officers and employees of the district and provide for the payment of annuities, pensions, retirement allowances, disability payments, and death benefits or any of them

50131 The district may maintain its own retirement fund or may provide for benefits to eligible officers and employees, or their beneficiaries, by means of group insurance, or other insurance, or by such means as in the opinion of the board will satisfactorily provide an adequate and sure method of meeting the payments contemplated by the retirement system

50132 Before establishing any retirement system the board shall secure a report from a qualified actuary, which shall show the cost of the benefits provided by the system, and the prospective assets and liabilities of the system.

50133 The board may adopt all ordinances and resolutions and perform all acts necessary or convenient to the initiation, maintenance, and administration of the retirement system

50134 Nothing in this chapter prevents a district from participating in and making all or part of its employees members of the State Employees' Retirement System by contract entered into between the district and the board of administration of the system under the State Employees' Retirement Law or from participating in the Federal Social Security Act pursuant to Part 4 (commencing with Section 22000), Division 5, Title 2 of the Government Code, and the district may perform all acts necessary or convenient for such participation.

50135 The board may classify and determine the officers and employees who shall be included as members in the retirement system and may change the classification from time to time Membership of all officers and employees so classified and included in the retirement system is compulsory The retirement system shall not apply to members of the board.

Article 2 Benefits and Contributions

50140 The board may prescribe the terms and conditions upon which the officers and employees of the district or their beneficiaries shall be entitled to benefits and the amounts thereof

50141. The retirement allowance may be predicated in part upon service rendered the district by a member prior to the establishment of the retirement system, which service is known as "prior service."

50142 The board shall provide that both the district and the members shall contribute to the retirement system The rate of contribution by an officer or employee of the district becoming a member of the retirement system shall be so fixed as to provide, with accumulated interest and based on tables and assumptions adopted by the board, substantially one-half the value of any retirement allowance granted for service, exclusive of any credits allowed for prior service.

50143 All members of the retirement system shall contribute in the manner and amount fixed by the board and such contributions may be collected by deducting the amounts thereof from the salary, wages, or compensation due such members

50144 Liabilities accruing under the retirement system because of benefits other than such as are the equivalent of contributions by the members, with accumulated interests, shall be met by contributions by the district Prior service or other liabilities of the district may be met by annual appropriations instead of by one appropriation for the total of the liabilities, but until the present value of regular contributions for current service, together with assets then available, equals the present value of all allowances and benefits granted or to be granted under the system, the appropriation for any one year when added to any unused balance of any previous appropriations for such purpose shall not be less than the amount disbursed during that year on account of prior service or other liabilities of the district

50145 If any member withdraws from the retirement system prior to retirement the total amount contributed by him with such interest as may be credited thereto shall be returned to him, provided, however, that the board may prescribe the terms and conditions upon which a member, whose district service is terminated except by death or retirement, may elect to leave his contributions and interest thereon in the retirement fund, and the terms and conditions upon which a retirement allowance may be made to him after such termination based upon his contributions prior to such termination

50146 All money received by any person as an annuity, pension, retirement allowance, disability payment, or death benefit from the retirement system, and all contributions and interest thereon returned to any member of the retirement system, whether in the actual possession of such person or deposited, loaned, or invested by him, is exempt from execution, garnishment, or attachment and is unassignable

Article 3 Retirement Board

50150 The board shall create a retirement board of not more than five members, at least two members of which shall be the elected representatives of the employees, to administer the retirement system, and shall define its powers and duties and the tenure of the members

50151 All members of the retirement board shall serve without pay

50152 The retirement board shall determine the eligibility of officers, employees, and their dependents to participation in the system and shall be the sole authority and judge under such ordinances as may be adopted by the board as to the conditions under which persons may be admitted to and continue to receive benefits of any sort under the retirement system, and may modify allowances for service and disability The determination of the retirement board shall be final and conclusive and shall not be modified or set aside except for fraud or abuse of discretion

50153 If the district maintains its own retirement fund the retirement board shall have exclusive control of the administration, investment, and disbursement of such fund Investment of the fund shall be subject to the terms, conditions, limitations, and restrictions imposed by the laws of this State upon savings banks in the making of investments by savings banks, and cash may be deposited in any licensed national bank or banks in this State or in any bank, banks, or corporations authorized or licensed to do a banking business and organized under the laws of this State

Article 4 Investigation and Penalties

50155 At least once in each four-year period after the establishment of the retirement system the board shall cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation shall make such revision or change of the rates of contribution, the periods and conditions of service, and amounts of retirement allowances as may be necessary

50156 Except as herein provided, no member of the board or of the retirement board, nor any member of the retirement system or employee of the district, shall have any interest direct or indirect in the making of any investment or in the gains or profits accruing therefrom, and no such person, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds, nor shall any such person in any manner use the same except to make such current and necessary payments as are authorized by the retirement board nor shall such a person become an endorser or surety as to, or in any manner an obligor for investments of the retirement fund"

Amendment No. 100

On page 13, line 5, strike out "SEC 6 1", and insert "50160"

Amendment No. 101

On page 13, line 7, strike out "SEC 6 2", and insert "50161"

Amendment No. 102

On page 13, line 10, strike out "SEC. 6 3", and insert "50162".

Amendment No. 103

On page 13, line 14, strike out "act", and insert "part".

Amendment No. 104

On page 13, line 18, strike out "act", and insert "part"

Amendment No. 105

On page 13, line 28, strike out "outside the boundaries of the County of San Joaquin", and insert "within any incorporated city or any county".

Amendment No. 106

On page 13, line 29, strike out "board of supervisors of each", and insert "legislative body of the".

Amendment No. 107

On page 13, line 30, after "affected", insert "city or"

Amendment No. 108

On page 13, line 34, strike out "SEC 6 5", and insert "50165".

Amendment No. 109

On page 13, line 40, strike out "act", and insert "part"

Amendment No. 110

On page 13, strike out line 41, and insert
"50166 No officer or employee of".

Amendment No. 111

On page 13, line 44, after "therefrom", insert "contrary to the provisions of Article 4 (commencing with Section 1090), Chapter 1, Division 4, Title 1 of the Government Code"

Amendment No. 112

On page 13, line 44, strike out "Any violation", and strike out lines 45 to 48, inclusive

Amendment No. 113

On page 14, line 3, strike out "SEC 6 10", and insert "50170".

Amendment No. 114

On page 14, line 11, strike out "SEC 6 11", and insert "50171".

Amendment No. 115

On page 14, line 18, strike out "SEC 6 12", and insert "50172".

Amendment No. 116

On page 14, line 30, strike out "SEC 6 15", and insert "50175"

Amendment No. 117

On page 14, line 39, strike out "SEC. 6.16", and insert "50176".

Amendment No. 118

On page 14, line 47, strike out "SEC. 6 20", and insert "50180"

Amendment No. 119

On page 15, line 8, strike out "SEC. 6 21", and insert "50181".

Amendment No. 120

On page 15, line 9, strike out "act", and insert "part"

Amendment No. 121

On page 15, line 13, strike out "act", and insert "part".

Amendment No. 122

On page 15, line 20, strike out "SEC 6 22", and insert "50182".

Amendment No. 123

On page 15, line 26, strike out "SEC 6 23", and insert "50183"

Amendment No 124

On page 15, line 32, strike out "SEC 6 24", and insert "50184"

Amendment No. 125

On page 15, line 38, after the comma, insert "and to install adequate bus stops, including the painting of curbs,"

Amendment No. 126

On page 15, line 39, after "stream", insert a comma

Amendment No. 127

On page 15, line 40, strike out "SEC 6 25", and insert "50185".

Amendment No. 128

On page 15, line 49, strike out "SEC 6 26", and insert "50186"

Amendment No. 129

On page 15, line 50, strike out "act", and insert "part"

Amendment No. 130

On page 16, line 1, strike out "SEC 6 27", and insert "50187"

Amendment No 131

On page 16, line 8, strike out "SEC 6 28", and insert "50188"

Amendment No. 132

On page 16, line 9, strike out "6 27", and insert "50187"

Amendment No. 133

On page 16, line 14, strike out "SEC 6 29", and insert "50189"

Amendment No. 134

On page 16, line 19, strike out "SEC 6 30", and insert "50190"

Amendment No. 135

On page 16, strike out lines 24 to 30, inclusive

Amendment No 136

On page 16, line 37, strike out "SEC 6 41", and insert "50200"

Amendment No 137

On page 17, lines 2 and 3, strike out "The maturity of said notes shall not exceed two years."

Amendment No. 138

On page 17, line 4, strike out "SEC 6 42 The first", and insert "50201. The".

Amendment No. 139

On page 17, line 10, strike out "two", and insert "four"

Amendment No. 140

On page 17, line 15, strike out "and Section 6 41"

Amendment No. 141

On page 17, strike out lines 20 to 22, inclusive, and insert

"The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code."

Amendment No. 142

On page 17, line 23, strike out "SEC 6 43", and insert "50202"

Amendment No. 143

On page 17, line 24, strike out "20", and insert "two (2)".

Amendment No 144
On page 17, strike out lines 27 to 34, inclusive

Amendment No. 145
On page 17, line 35, strike out "SEC 6 45", and insert "50203"

Amendment No. 146
On page 17, line 36, strike out "act", and insert "part"

Amendment No. 147
On page 18, strike out lines 9 to 49, inclusive

Amendment No. 148
On page 19, line 3, strike out "SEC 6 50", and insert "50205"

Amendment No. 149
On page 19, line 16, strike out "SEC 6 51", and insert "50206"

Amendment No. 150
On page 19, line 20, strike out "SEC. 6 52", and insert "50207"

Amendment No 151
On page 19, line 24, strike out "SEC 6 53", and insert "50208".

Amendment No. 152
On page 19, line 33, strike out "SEC 6 55", and insert "50210"

Amendment No. 153
On page 19, line 39, strike out "providing", and insert "if"

Amendment No. 154
On page 19, line 42, strike out "SEC 6 56", and insert "50211".

Amendment No. 155
On page 19, line 42, after the third "the", insert "transit operation"

Amendment No. 156
On page 19, line 46, strike out "SEC 6 57", and insert "50212"

Amendment No. 157
On page 19, line 47, strike out "Sections 3 16 and 6 55", and insert "Section 50210"

Amendment No 158
On page 20, line 9, strike out "SEC 6 59", and insert "50213"

Amendment No. 159
On page 20, line 13, strike out "SEC 6 60", and insert "50214"

Amendment No. 160
On page 20, line 18, strike out "SEC 6 61", and insert "50215"

Amendment No. 161
On page 20, line 22, strike out "6 60", and insert "50214"

Amendment No. 162
On page 20, line 23, strike out "SEC 6 62", and insert "50216".

Amendment No. 163
On page 20, line 33, strike out "SEC 6 63", and insert "50217".

Amendment No. 164
On page 20, line 37, strike out "SEC 6 64", and insert "50218"

Amendment No. 165
On page 20, line 43, strike out "SEC 6 65", and insert "50219"

Amendment No. 166
On page 20, line 48, strike out "SEC 6 66", and insert "50220".

Amendment No. 167
On page 21, line 3, strike out "act", and insert "part".

Amendment No. 168
On page 21, line 8, strike out "act", and insert "part"

Amendment No. 169
On page 21, strike out lines 10 to 16, inclusive.

Amendment No. 170
On page 21, line 22, strike out "SEC 7.1", and insert "50225".

Amendment No. 171
On page 21, line 29, strike out "SEC. 7 2", and insert "50226".

Amendment No. 172
On page 21, line 42, strike out "SEC. 7.3", and insert "50227".

Amendment No. 173
On page 21, line 46, strike out "SEC 7 4", and insert "50228".

Amendment No. 174
On page 22, line 6, strike out "SEC. 7 5", and insert "50229".

Amendment No. 174.5
On page 22, line 9, strike out "SEC 7 6", and insert "50230".

Amendment No. 175
On page 22, line 18, strike out "SEC. 7 7", and insert "50231".

Amendment No. 176
On page 22, line 30, strike out "SEC. 7.8", and insert "50232".

Amendment No. 177
On page 22, line 33, strike out "SEC. 7 9", and insert "50233".

Amendment No. 178
On page 22, line 47, strike out "SEC. 7.10", and insert "50234".

Amendment No. 179
On page 22, line 49, strike out "SEC 7.11", and insert "50235".

Amendment No. 180
On page 23, line 9, strike out "SEC. 7 12", and insert "50236".

Amendment No. 181
On page 23, line 12, strike out "SEC. 7.13", and insert "50237".

Amendment No. 182
On page 23, line 26, strike out "SEC. 7.15", and insert "50240".

Amendment No. 183
On page 23, line 45, strike out "SEC. 7 16", and insert "50241".

Amendment No. 184
On page 24, line 1, strike out "SEC 7 17", and insert "50242".

Amendment No. 185
On page 24, line 16, strike out "SEC 7 18", and insert "50243".

Amendment No. 186
On page 24, line 32, strike out "SEC 7 20", and insert "50245".

Amendment No. 187

On page 24, line 43, strike out "SEC 7 21", and insert "50246"

Amendment No. 188

On page 25, line 4, strike out "SEC 7 22", and insert "50247".

Amendment No. 189

On page 25, line 14, strike out "SEC 7 25", and insert "50250".

Amendment No. 190

On page 25, line 20, strike out "SEC 7 26", and insert "50251".

Amendment No. 191

On page 25, line 28, strike out "SEC 7 27", and insert "50252".

Amendment No. 192

On page 25, line 35, strike out "SEC 7 28", and insert "50253".

Amendment No. 193

On page 25, line 40, strike out "SEC 7 29", and insert "50254"

Amendment No. 194

On page 25, line 44, strike out "SEC 7 30", and insert "50255".

Amendment No. 195

On page 25, line 48, strike out "SEC 7.31", and insert "50256".

Amendment No. 196

On page 26, line 7, strike out "SEC 7 35", and insert "50260".

Amendment No. 197

On page 26, line 21, strike out "SEC 7 36", and insert "50261"

Amendment No. 198

On page 26, line 29, strike out "SEC 7 48", and insert "50263"

Amendment No. 199

On page 26, line 36, strike out "SEC 7 50", and insert "50265".

Amendment No. 200

On page 26, line 43, strike out "SEC 7 51", and insert "50266".

Amendment No. 201

On page 26, line 47, strike out "act", and insert "part".

Amendment No. 202

On page 27, line 7, strike out "act", and insert "part".

Amendment No. 203

On page 27, strike out line 13, and insert

"CHAPTER 8 ANNEXATION

50270. Territory may be annexed to the district in the manner provided in this chapter.

50271. Whenever the board finds and determines that additional territory will be benefited by annexation to the district, it shall pass a resolution to that effect

50272 The resolution shall be passed by a vote of two-thirds of the members of the board and be approved by the board of supervisors of the county in which the territory is situated

50273 The resolution shall.

(a) Describe the boundaries of the territory proposed to be annexed

(b) Designate the proposed annexation by an appropriate name

(c) Declare that the area to be annexed to the district will be benefited by such annexation

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation.

50274 The resolution, together with the names of the members of the board, voting for and against it shall be published pursuant to Section 6066 of the Government Code in a newspaper published in the territory proposed to be annexed, or if there is no such paper, then in some newspaper of general circulation, circulated in such territory

50275 On the day fixed for hearing or any day to which the hearing is adjourned, the board shall hear and consider any objections presented to the annexation of the territory After the hearing of objections, if it shall be determined by a vote of two-thirds of all the members of the board that the territory proposed to be annexed will be benefited by such annexation, the board shall proceed to fix and determine the boundaries of the territory to be annexed to the district

50276 After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of the members, the board shall order the annexation of the territory so described The resolution, together with the names of the members of the board voting for and against the same shall be spread upon the minutes of the board.

50277 Whenever any territory is annexed to the district it shall thereupon become a part of the district subject to all the liabilities and entitled to all the benefits of the district

CHAPTER 9 DISSOLUTION

60000 If the district operates no transit facilities, or its exterior boundaries become coincident with the boundaries of a single city, the board may call an election at any time for the purpose of submitting to the voters of the district the question of whether the district will be dissolved Upon the filing with the secretary of the district of a petition signed by voters within the district equal in number to at least 25 percent of the total vote cast at the last general statewide election, asking that the question of dissolution of the district be submitted to the voters of the district, the board shall call such an election

60001 The election for the purpose of submitting to the voters of the district the question of whether or not the district shall be dissolved shall be held within 60 days next succeeding the date on which the petition is filed

60002 Notice of any election for dissolution, whether called because of the filing of a petition or ordered by the board without petition, shall be published The date fixed for the election shall not be less than 30 days from the date of the first publication of the notice

60003 The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition the following:

Shall the Stockton Metropolitan Transit	YES	
District be dissolved?	NO	

60004 The board shall canvass the vote If a majority of the votes favor dissolution, the board shall by resolution dissolve the district

60005 The board shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder

60006 Upon dissolution the right, title, and interest to property owned or controlled by the district situated within the limits of any city vests absolutely in the city If such property is situated outside the limits of a city, it vests in the county in which it is situated

60007 The board of supervisors is, ex officio, the governing body of any dissolved district It may levy taxes and assessments and perform other acts necessary to wind up the district affairs and to raise money for the payment of outstanding indebtedness

Sec 2 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into effect immediately The facts constituting such necessity are

The existing transportation facilities serving the Stockton metropolitan area are provided by several privately owned public utilities, one of which serves the City of Stockton and which is presently subsidized by local downtown merchants and business establishments of the city Necessity for such subsidy resulted from failure and refusal on the part of the utility serving the downtown area to arbitrate differences regarding conditions of employment with its employees causing a work stoppage to the detriment of the community served by the utility In order to eliminate the possibility of a further stoppage of public transportation services at the expiration of the present subsidy agreement, it is necessary that this act take effect immediately."

Amendment No. 204

On page 27, strike out lines 15 to 52, inclusive, and strike out pages 28 to 35, inclusive

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government

Assembly Bill No. 1679—An act to add Section 25210 7 to the Government Code, relating to county service areas

Bill read second time.

Motion to Amend

Mr Knox moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "the accumulation of an unappropriated reserve fund", and insert "any appropriation for contingencies to be used"

Amendment read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Municipal and County Government.

COMMUNICATION FROM CHIEF CLERK

The following communication from the Chief Clerk was received:

April 15, 1963

Hon Jesse M Unruh
Speaker of the Assembly

DEAR MR SPEAKER In Amendment No 54 to Senate Bill No 718, the ")" following "years", should be deleted and replaced by a period to make the amendment fit the bill

ARTHUR A OHNIMUS, Chief Clerk

ADJOURNMENT

At 12 20 p m, on motion of Mr Bagley, the Speaker pro Tempore declared the Assembly adjourned until 9 30 a m, Tuesday, April 16, 1963

JESSE M UNRUH, Speaker

ELEANOR K DONOGHUE, Minute Clerk