

1942

ANNUAL LEGISLATIVE SESSIONS AND BUDGETS

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tions of America. It is an attempt by these employers to cause dissension and discord in this crucial time when national unity is most essential to preserve our Republic.

Proposition No. 1 is clearly unconstitutional. While the bill was still before the Legislature, the Attorney General, Mr. Earl Warren, now candidate for governor, rendered an opinion to the effect that the bill was of doubtful constitutionality, and the Legislative Counsel, Mr. Fred Wood, who is the official legal adviser of the State Legislature on these matters, also rendered an opinion that the bill is unconstitutional, at least in part.

For more than thirty years the Supreme Court of California has upheld the right of boycott, both primary and secondary. A primary boycott exists when a group of people decide that they will not patronize a certain individual or firm either by buying goods from him or selling goods to him or by working for him. A secondary boycott means that if a certain individual or firm is manufacturing goods under unfair conditions, either by failure to pay a living wage or under sweatshop conditions generally, any group of citizens may decide not to purchase those particular goods, and furthermore, may decide that they will not deal with any concern which handles those goods. A decision or determination or agreement not to deal with any one whom you do not like is declared to be a constitutional right both by the Supreme Court of California and by the Supreme Court of the United States.

Proposition No. 1 makes it unlawful to refuse to work for an unfair or an un-American employer or to refuse to handle, or to induce any one to refuse to handle or purchase the goods

of such employer, if such employer has a dispute with his employees or labor organization.

Proposition No. 1 affects not only working people and labor unions, but the general public as well. A citizen would be subjected to a suit for damages or for injunction if he, in the exercise of his constitutional right of free speech, makes a statement which even indirectly induces an employer to refrain from selling the product of an unfair employer who is having a dispute with his employees, or causes the public to patronize such store.

The expression by any person of sympathy with a group of workers who are attempting to better their working conditions which directly or indirectly causes loss to such unfair employer, will subject such public spirited and humane person to a suit for damages. No one is exempt from the provisions of Proposition No. 1. It affects the employer, the employee, and the general public.

Proposition No. 1 is a veritable slave bill in that it would compel employees to work against their will. This would introduce into the State of California a condition of involuntary servitude which is contrary to both Federal and State constitutions, and which was abolished many years ago by Abraham Lincoln. This new form of slavery is even more extensive in that it applies to persons of all races, colors and creeds.

C. J. HAGGERTY,
President, California State Federation of Labor.
EDWARD D. VANDELEUR,
Secretary, California State Federation of Labor.
J. W. BUZZELL,
Secretary, Los Angeles Central Labor Council.

ANNUAL LEGISLATIVE SESSIONS AND BUDGETS. Senate Constitutional Amendment 7. Amends Constitution, Article IV, sections 2 and 34. Requires annual sessions of Legislature, unless Governor in interim convenes Legislature in extraordinary session; all sessions, except extraordinary, commencing first Monday in March and continuing not exceeding 60 days; members' compensation, provided by section 23 same Article, paid during regular session as provided by law. Requires Governor, within first five days of each regular session, submit to Legislature budget for next fiscal year instead of next biennium as now required; in other respects continues existing provisions of section 34 relating to State budgets.	
2	YES
	NO

(For full text of measure, see page 2, Part II)

Argument in Favor of Senate Constitutional Amendment No. 7

After years of experience in the California State Legislature, it is the firm conviction of the undersigned, and of other members of the Legislature who voted for this constitutional amendment, that the California State Legislature should meet in regular session every year, rather than once in two years as now provided. The present restrictive provisions of the

State Constitution were adopted in 1879, when California was small. During the 63 years which have elapsed since the existing plan was formulated, economic and social conditions have changed materially. California now has a population of 7,500,000 people, as compared with less than 1,000,000 at that time. As the State has grown, Government has become more complex and far-reaching. The cost has mounted until expenditures for a two-year period now exceed \$500,000,000. This does not include millions of

dollars spent by the Federal Government through State agencies. Yet the State continues to operate under an antiquated program which provides for a legislative review of this tremendous public enterprise only once every two years.

The Federal Government, counties, cities, banks, corporations, and large business organizations operate on a yearly basis. Business and industrial leaders throughout the Nation recognize that any attempt to forecast income and expenditures for a period of two years ahead can not be accomplished with any degree of accuracy.

Questions of finance and taxation are matters which affect every citizen and resident in this State. They are of vital importance if State expenditures are to be controlled adequately, and if proper tax adjustments are to be afforded the people of the State. If the Legislature met in annual session, a sound, pay-as-you-go program could be maintained to provide a balanced State budget.

No longer is it possible to solve all of the social problems of unemployment, relief, social welfare, and pensions to the needy aged, blind, and orphans, if these problems are considered by the Legislature only every two years. Since 1925, with only two exceptions, the Legislature has met at least once each year either in regular session, or in special session called by the Governor to consider items of pressing importance. Usually special sessions are highly political, unsatisfactory, and costly. This indicates clearly that there is definite need for annual sessions of the Legislature in order that the economic, social, and business affairs of the State may be adjusted to meet changing conditions and needs.

The present method of considering the pressing problems of State Government and making appropriations to State agencies only once in two years is out-moded. If more efficient and effective control is to be achieved, our State Government must be modernized by placing its operations upon an annual basis.

There is nothing partisan or political in this measure. It is sound and for the best interests of Government in California. We urge that you go to the polls and VOTE YES.

ROBERT W. KENNY,
Senator, Thirty-eighth District.
EDWARD H. TICKLE,
Senator, Twenty-fifth District.

Argument Against Senate Constitutional Amendment No. 7

This proposed Constitutional Amendment No. 7 is even worse than the same proposal by the same author defeated by the people at the last general election. It seeks to do in different language what the people very definitely said two years ago they did not want.

It requires the Legislature to meet every year but limits the sessions to 60 days with

lutely no provision for any extension of that time no matter how great the emergency or how urgent the need for legislation not yet passed when the deadline arrives.

It would mean a budget fight every year which, judging from recent sessions, would consume all of the 60 days.

It would do away with the present 30-day legislative recess during which the people can, at least, learn what bills have been introduced vitally affecting their welfare and plan to express their protest or approval when the Legislature reconvenes. Under this proposal, a most vicious bill could be introduced and finally passed in 16 days without the people most vitally affected by it knowing it had been introduced, much less having time to organize a protest against it. On the other hand, there would not be sufficient time to get any important constructive legislation, in the interest of the people, through both houses of the Legislature. Only the large rich special interests with unlimited money to employ high-powered lobbyists could get their bills through, while the rank and file of the people would be left holding the bag.

It would change the meeting date to the first Monday in March when farmers, workers, and people generally are too busy with Spring work to know what is going on in the Legislature.

It would double the disturbance to business and labor due to the uncertainty of acts of the lawmakers, and double the cost to the taxpayers without any resultant benefit.

Look out for the joker in the last line of this proposed Constitutional Amendment: "The Legislature * * * may enact additional provisions not inconsistent herewith." Under that broad language, how do we know how far some future Legislature might go in a dangerous usurpation of power?

It would be a 34 years' step backward into the realm of political bossism and special interest control. Since my first session in the Senate in 1927, many such regressive measures have been defeated by the people. What we need in California is a Legislature more responsive to the voice of the people rather than one wherein that voice could never be heard. Remember, the first step of a dictator is to abolish or make impotent the people's Legislature!

This measure does violence to our democratic form of representative government and endangers those precious rights which we are now preparing, if necessary, to lay down our lives to defend. It should be snowed under so deeply this time that it will never again raise its ugly head!

To protect yourself from a special interest controlled, hamstrung, and entirely impotent Legislature, vote "NO."

J. C. GARRISON,
Senator, Twenty-second District,
Stanislaus County.

(e) As used in this chapter, the term "employee" includes any natural person who works for any person for compensation.

1135. This chapter shall be in effect until May 1, 1943, and thereafter:

(a) During the continuance of the existence of the National emergency declared by the President of the United States to exist, by his proclamation issued under date of September 8, 1939.

(b) During any period of war between the United States of America and any foreign power, legally declared to exist.

1136. If any provision of this chapter, or the application of such provision to any person or cir-

cumstance, shall be held invalid, the remainder of this chapter, or the application of such provision persons or circumstances other than those as which it is held invalid, shall not be affected thereby.

SEC. 2. This act is enacted for the purpose of preserving tranquillity among the citizens of this commonwealth and to insure during this present critical period of National emergency and intensive armament the unobstructed production and distribution of the products of our factories and fields, for the continued protection and preservation of our democratic way of life and for the general welfare of the people of this State.

ANNUAL LEGISLATIVE SESSIONS AND BUDGETS. Senate Constitutional Amendment 7. Amends Constitution, Article IV, sections 2 and 34. Requires annual sessions of Legislature, unless Governor in interim convenes Legislature in extraordinary session; all sessions, except extraordinary, commencing first Monday in March and continuing not exceeding 60 days; members' compensation, provided by section 23 same Article, paid during regular session as provided by law. Requires Governor, within first five days of each regular session, submit to Legislature budget for next fiscal year instead of next biennium as now required; in other respects continues existing provisions of section 34 relating to State budgets.

YES	
NO	

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to the Legislature.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its Fifty-fourth Regular Session commencing on the sixth day of January, 1941, two-thirds of all the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State so as to read as follows, respectively:

(This proposed amendment expressly amends existing sections of the Constitution; therefore, EXISTING PROVISIONS proposed to be DELETED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK-FACED TYPE.)

PROPOSED AMENDMENT TO THE CONSTITUTION

SEC. 2. The sessions of the Legislature shall be biennial annual, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at 12 o'clock m., on the first Monday after the first day of January next succeeding the election of its members in March, and

shall continue in session for a period not exceed 60 days thereafter, whereupon a recess of ~~not less than thirty days~~ houses must be taken for not less than thirty days. On the reassembling of the Legislature, no bill shall be introduced in either House without the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling.

The compensation of the members of the Legislature provided by Section 23 of this article shall be paid during each annual regular legislative session at such times as may be provided by law.

SEC. 34. The Governor shall, within the first thirty five days of each regular session of the Legislature and prior to its recess, submit to the Legislature, with an explanatory message, a budget containing a complete plan and itemized statement of all proposed expenditures of the State provided by existing law or recommended by him, and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for each fiscal year of the ensuing biennial period; the next fiscal year together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the first fiscal year of the existing biennial period and the actual and estimated revenues and expenditures for the second fiscal year thereof, preceding fiscal year. If the proposed expenditures f

the ensuing biennial period fiscal year shall exceed the estimated revenues therefor, the Governor shall amend the sources from which the additional revenue shall be provided. The Governor, and also the Governor-elect, shall have the power to require any institution, department, board, bureau, commission, officer, employee or other agency to furnish him with any information which he may deem necessary in connection with the budget or to assist him in its preparation. The budget shall be accompanied by an appropriation bill covering the proposed expenditures, to be known as the budget bill. The budget bill shall be introduced immediately during the first five days of the session into each house of the Legislature by the respective chairmen of the committees having to do with appropriations, and shall be subject to all the provisions of Section 15 of this article. The Governor may at any time amend or supplement the budget and propose amendments to the budget bill before or after its enactment, and each such amendment shall be referred in each house to the committee to which the budget bill was originally referred. Neither house shall place any bill upon final passage until 15 days after its introduction. Until the budget bill has been

finally enacted, neither house shall place upon final passage any other appropriation bill, except emergency bills recommended by the Governor, or appropriations for the salaries, mileage and expenses of the Senate and Assembly. No bill making an appropriation of money, except the budget bill, shall contain more than one item of appropriation, and that for one single and certain purpose to be therein expressed. In any appropriation bill passed by the Legislature, the Governor may reduce or eliminate any one or more items of appropriation of money while approving other portions of the bill, whereupon the effect of such action and the further procedure shall be as provided in Section 16 of this article. Section 29 of this article is hereby repealed. In case of conflict between this section and any other portion of this Constitution, the provisions of this section shall govern, except that any item of appropriation in the budget act, other than for the usual current expenses of the State, shall be subject to the referendum. The Legislature shall enact all laws necessary or desirable to carry out the purposes of this section, and may enact additional provisions not inconsistent herewith.

BASIC SCIENCE ACT. Initiative. Creates Board of Examiners in basic sciences (naming five sciences) comprising five members with prescribed qualifications appointed by Governor. Requires persons obtain basic science certificate from said Board after written examination before applying to Medical, Dental, Osteopathic or Chiropractic Boards, or other governmental authority, for license to practice healing art (defining same) or any phase thereof. Exempts various professions, present licensees and persons treating sick by prayer in practice of any well-recognized religion. Prescribes examination fees, penalties for violations and disposition of fines, requiring proceeds therefrom used for administering Act. Declares existing statutes not repealed.

YES	
NO	

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed law hereinafter set forth be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed law is as follows:

(This proposed law does not expressly amend any existing law; therefore, the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED LAW

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

Section 1. This act shall be known as the "Basic Science Act".

Section 2. For the purposes of this act:

(a) The basic sciences include all of the following subjects: anatomy, physiology, biochemistry, bacteriology, pathology.

(b) Any person who undertakes or represents to be able to diagnose, treat, correct, adjust, palliate, operate or prescribe for any human disease, ailment, pain, injury, deformity or any physical or mental condition, or who shall either offer or undertake by any system, means or method to diagnose, treat, correct, adjust, palliate, operate or prescribe for any human disease, ailment, blemish, disfigurement, pain, injury, deformity or any physical or mental condition, or who shall either offer or undertake to replace or repair fixed or removable, lost or missing parts of the human body, or who shall either offer