

1946

ANNUAL SESSIONS OF THE LEGISLATURE

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rendered by the district courts of appeal, it will be required to hold sessions in at least six cities—Sacramento, San Francisco, Los Angeles, Fresno, Bernardino and San Diego. It has been conservatively estimated that it would cost the State \$1,000,000 per year, at the minimum, to operate the new court as an appellate court. For this expenditure the State would have 28 tax cases decided each year. This means that it would cost the State \$4,464.28 for each tax case decided—a per case cost far in excess of that in any appellate court in the United States. And the expenditure would, of course, be for judicial work already being handled satisfactorily and expeditiously by existing appellate tribunals.

Because of the exceedingly broad grant of jurisdiction, the proposed court would not be limited to suits between taxpayers and the taxing author-

ities but would also be obliged to hear cases between private citizens or even criminal cases collaterally involving taxes. In every such case attorneys would have to make the correct choice of court and the errors which are bound to occur will only delay and increase the cost of litigation. The proposed court does not attack the real defects in our tax structure but only the handful of cases which reach the appellate courts; it does this not only at great direct expense, but also at the great and dangerous risk of upsetting our judicial structure. The work of many years in simplifying our court system should not be undone. Vote "No" on A. C. A. No. 39.

THOMAS H. WERDEL
Assemblyman, 39th Dist.

6	ANNUAL SESSIONS OF THE LEGISLATURE. Assembly Constitutional Amendment No. 10. Amends Sections 2, 34 and 34a, Article IV of the Constitution. Provides that Legislature shall meet annually. Limits sessions during the even-numbered years to consideration of the Budget Bill and certain special matters. Provides that State Budget shall be for a one-year rather than a two-year period.	YES	
		NO	

(For full text of measure, see page 9, Part II)

**Argument in Favor of
Assembly Constitutional Amendment No. 10**

The Legislature now meets every odd-numbered year to pass laws and adopt a Budget covering a period of *two years*.

To eliminate excessive spending and waste in government, legislators know it is necessary to prepare a budget on an *annual* basis. More than thirds of them voted for an annual "Budget" *on*.

A "yes" vote on this amendment will put annual "Budget" sessions into effect. This means the State can draft its financial plans once a year, for the year ahead, just like the Federal Government, the county and business organizations.

1. Annual "Budget" sessions will save money.

Today, State Budgets are presented in January of odd-numbered years and estimate expenditures and revenues for a two-year period commencing on the following July. Thus the budget-makers have to "guess" two and one-half years in advance—an impossible job in this fast moving world. That such method has its weaknesses is attested to by a recent budget. In the biennium 1943-1945, despite a careful estimate of revenues, the *excess* revenues accumulating to the State from general tax sources, over and above the adjusted budget figures, amounted to \$200,223,077, or over 54 per cent.

2. Annual "Budget" sessions will put the State on a sound business basis.

The State of California is the largest business enterprise in the State. Its Budget exceeds \$700,000,000. Yet this, the biggest business of all, has to budget on a clumsy two-year basis. No private business enterprise would be foolish enough to budget on a similar basis.

3. Annual "Budget" sessions will keep financial controls closer to the people.

The Governor of California, in his last Budget Message to the Legislature, said: "If we were operating under an annual Budget, I believe the controls could reasonably be more strict than at the present time."

4. Annual "Budget" sessions enable the Legislature to meet emergencies.

During the "Budget" sessions the Legislature is also empowered to consider "urgency measures." These are measures necessary for the immediate preservation of the public peace, health or safety. They require a two-thirds vote so that the public is adequately protected against hasty and ill-advised legislation.

5. Annual "Budget" sessions NOT the same plan defeated by the people.

You will be told the people turned down the plan for annual sessions in previous elections. This is *not* the same plan.

The primary purpose of this proposal is to deal annually with State fiscal affairs. It will *not* throw the session open to all types of legislation. Regular law-making sessions of the Legislature will remain on a two-year basis.

Don't dismiss annual "Budget" sessions as unnecessary. Recall this: The Legislature has *had* to meet to deal with urgency matters at least *once every year* since 1933. In other words, we have had "annual" sessions for over 13 years. But those unexpected meetings did not include the Budget. They couldn't. There was no constitutional provision providing for it.

Both the Republican and the Democratic Parties have officially endorsed Proposition No. 6.

Take crystal-ball gazing out of State Finance! Vote "yes"!

JULIAN BECK, Assemblyman 41st Dist.

6 ANNUAL SESSIONS OF THE LEGISLATURE. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 10. Amends Sections 2, 34 and 34a, Article IV of the Constitution. Provides that Legislature shall meet annually. Limits sessions during the even numbered years to consideration of the Budget Bill and certain special matters. Provides that State Budget shall be for a one-year rather than a two-year period.

YES	
NO	

(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

First: That Section 2 of Article IV of the State Constitution be amended to read:

Sec. 2. The sessions of the Legislature shall be **biennial annual**, unless the Governor shall in the interim may, at any time, convene the Legislature, by proclamation, in extraordinary session.

All regular sessions in odd numbered years shall be known as general sessions.

All regular sessions in even numbered years shall be known as budget sessions, at which the Legislature shall consider only the Budget Bill for the succeeding fiscal year, revenue acts necessary therefor, urgency measures requiring a two-thirds vote, acts calling elections, proposed constitutional amendments, the approval or rejection of charters and charter amendments of cities, counties, and cities and counties, and acts necessary to provide for the expenses of the session.

All general 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, and shall continue in session for a period not exceeding 30 days thereafter; whereupon a recess of both houses must be taken for not less than 30 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.

All budget sessions shall commence at 12 m. on the first Monday in March.

Second: That Section 34 of Article IV of the State Constitution be amended to read:

Sec. 34. The Governor shall, within the first thirty 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 the ensuing fiscal year of the ensuing biennial period, together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the first last completed fiscal year of the existing biennial period and the actual and estimated revenues and expenditures for the second existing fiscal year thereof. If the proposed expenditures for the ensuing biennial period fiscal year shall exceed the estimated revenues therefor, the Governor shall recommend the sources from which the additional revenue shall be provided.

The Governor shall submit the budget within the first 30 days of each general session, and prior to its recess, and within the first three days of each budget session.

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 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. 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.

Third: That Section 34a of Article IV of the State Constitution be amended to read:

Sec. 34a. Appropriations from the General Fund of the State for any biennium fiscal year, exclusive of appropriations for the support of the Public School System, shall not exceed by more than 5 per centum the appropriations from such fund, exclusive of such public school appropriations, for the preceding biennium fiscal year unless two-thirds of all the members elected to each house of the Legislature vote in favor thereof; provided, that no amount appropriated in excess of such 5 per centum shall become a part of the base for determining the maximum appropriation for a succeeding biennium fiscal year and provided that the base for the Ninety-ninth Fiscal Year shall be one-half of the base in effect for the Ninety-seventh and Ninety-eighth Fiscal Years plus 5 per centum. Should the appropriations in the Budget Act for any biennium fiscal year exceed the limitations herein prescribed, and such Budget Act be not passed by such two-thirds vote, the several items of appropriation therein shall be deemed reduced by that percentage which the excess amount of appropriation bears to the total appropriation. Should the prescribed limit for any biennium fiscal year be exceeded by reason of any other appropriation or appropriations from the General Fund, then the appropriation first passed by the Legislature without such two-thirds vote, which exceeds such prescribed limitation, shall be deemed reduced by the amount of such excess, and all other subsequent appropriations from the General Fund not passed by such two-thirds vote shall be void. Nothing herein contained shall prevent the Governor from vetoing any bills or reducing any appropriation therein or any appropriation reduced as herein provided.

Not more than 25 per centum of the total appropriation from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

7 COUNTY BOARDS OF EDUCATION. SENATE CONSTITUTIONAL AMENDMENT NO. 16. Adds Section 3.3 to Article IX of the Constitution. Provides that members of a County Board of Education by County Charter may be elected rather than appointed, and that the qualifications and terms of office may be established by County Charter rather than by general law.

YES	
NO	

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 3.3 It shall be competent to provide in any charter framed for a county under any provision of this Constitution, or by the amendment of any such charter, for the election of the members of the county board of education of such county and for their qualifications and terms of office.