

1915

TAXATION

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ing or appropriating property within the limits thereof for public use for any proposed public improvement, may also take and appropriate, under the powers of eminent domain, additional adjoining or neighboring property within the limits thereof, in excess of that actually to be devoted to or occupied by the proposed improvement, and such additional property so taken shall be deemed to be taken for public use. The estate in such additional property so taken shall be a fee simple estate, and such additional property may be sold, leased or otherwise disposed of, in whole or in part, under such terms and restrictions as may be appropriate to preserve or further the improvement made or proposed to be made. For the purpose of acquiring, constructing, enlarging or improving a public park, playground, boulevard, street, building or grounds therefor, any county, city and county, incorporated city or town may condemn lands outside of its boundaries and within the distance of ten miles therefrom; provided, that no lands within any other county, city and county, incorporated city or town shall be taken without its consent, to be given in any manner that may be provided by law. The conditions under which such additional property may be taken or appropriated, the manner and method of providing payment therefor and the terms and restrictions under which such property may be sold, leased or otherwise disposed of, shall be prescribed by general law.

ARGUMENTS IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 27.

This amendment is designed to give to the state or a county or a city the power to take for public use sufficient property for the future needs and growth of any public institution or public improvement, in addition to the property required for immediate use. Under the present constitution the amount of property that may be taken is limited strictly to the exact immediate requirements and no provision can be made for natural future development and growth. For instance, when property is condemned for a public park, state hospital, state normal school, civic center or other enterprise, only so much land as is required for immediate use can be taken. The result is that private speculators buy up all of the surrounding properties. Thereafter, if the institution or public improvement grows and requires more land, the public is compelled to pay an enormously increased price for additional land or go elsewhere on land distant from the original improvement, causing expensive inconvenience.

Inasmuch as the erection or construction of the original public improvement creates, in a large measure, the increased values in the adjoining properties, it is manifestly unfair that the public, when seeking to enlarge such improvement, should be compelled to pay an enormously increased price for the adjoining property.

It is the purpose of this amendment to a. this additional cost and to permit the state, county or city to carry out far-sighted and comprehensive plans for future development and extension of its public institutions. The necessity for anticipating future needs is obviously apparent, especially in the cases of schools, hospitals, asylums, parks, playgrounds and civic centers.

H. STANLEY BENEDECT,
State Senator Thirty-fourth District.

Under the law as it stands today only such property can be taken by condemnation for public purposes as is required for present use, but not such as may be needed for future use. This amendment is designed to enable the state, county or city to plan and carry out public improvements on a comprehensive scale by taking property that may be needed for future use. The need may not exist at the time property is first obtained for public use, but future growth often requires additional land, and far-sightedness demands the planning of public improvements on broad enough a scale to permit of expansion in the future. Our state university, our prisons, our asylums and our civic centers all prove this.

By being unable to make a present acquisition of property for future use, the public later, when the property is actually needed, either has to pay a greatly enhanced and frequently unreasonable and exorbitant price, or make extensions to its institutions in remote and inconvenient places. The very increase in price that the public required to pay arises largely because of improvements that the public itself has already made.

The object of this amendment is both to save the public this additional cost and to prevent it from having its plans frustrated by its inability to obtain adjoining and surrounding property as expansion and future growth of its institutions take place.

HERBERT C. JONES,
State Senator Twenty-eighth District.

TAXATION. Senate Amendment 38. Amends constitution, article XIII, sections 1 and 9, repeals sections 10 and 14 thereof. Declares legislature shall provide by general law for taxation, classify subjects thereof, designate classes wholly or partly taxable for state, county, municipal and district revenues, same class being uniformly taxed within territory of taxing authority; may make tax in lieu of other taxes or licenses; tax commission to administer state taxation. Defines exemptions. Declares completed assessments not affected by section. Continues in office present board of equalization members until January, 1919, and present duties thereof, and existing laws, until changed.

YES

NO

Senate Constitutional Amendment No. 38, a resolution to propose to the people of the State of California an amendment to the constitution by amending sections one and nine of article thirteen and by repealing sections ten and fourteen of said article, all relating to revenue and taxation.

The legislature of the State of California, at its forty-first session, commencing on the fourth day of January, nineteen hundred and fifteen, two-thirds of the members elected to both the senate and assembly, respectively, voting therefor, hereby proposes to the people of the

State of California the following amendments to the constitution of the State of California:

First—Section one of article thirteen of the constitution is hereby amended to read as follows:

PROPOSED AMENDMENT.

Section 1. All taxes shall be levied and collected under general laws, and shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. The legislature shall define and classify the subjects of taxation, and prescribe the manner and methods of assessing, levying, equal