

1918

WORKMEN'S COMPENSATION

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

WORKMEN'S COMPENSATION California Proposition 23 (1918).
http://repository.uchastings.edu/ca_ballot_props/125

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

controlled by the whisky interests as well as the wine and beer interests. These interests are friends and comrades of centuries. They have come down the ages hand in hand, and, as the devil has joined them together, let no man put them asunder. They must rest in the same grave.

The world is going dry. No nation engaged in the world war has failed to slaughter or disable the enemy at home before it felt strong enough to engage the enemy abroad. Even Germany stopped the brewing of beer. Our own nation has a dry army and a dry navy and has stopped all distilleries except those manufacturing industrial alcohol and alcohol for use in munitions of war. Why should California fail to keep step with the grand march of the centuries and turn about and face the rear?

The Federal Amendment is practically certain to be ratified. In that event California will go dry. Why should her sister states to the number of 36 pull her into the joy ride on the water wagon? Why not get in voluntarily with honor instead of as an unwilling guest?

The dry forces are on the aggressive. They have no apologies to offer. They are right and are bound to win because they are right. The Bone Dry Prohibition Act will wipe out in California 105 rectifiers, 71 breweries, 1,072 wholesale liquor houses and 13,736 saloons, bottle houses and wine rooms. Not one of these diabolical institutions has any right to live a single day. They waste energy and destroy efficiency.

The war uses man power. Those who remain at home must double their productive capacity. This requires the highest efficiency and the man who destroys this efficiency in any way is the best friend of the Kaiser in America.

Vote "Yes" on ballot title "Prohibition." Vote "No" on ballot title "Liquor Regulation." Let no one tell you to vote for both. That would be fatal. You thereby defeat yourself and the cause.

G. F. RINEHART,

Manager Bone Dry Federation of California.

ARGUMENT AGAINST PROHIBITION INITIATIVE ACT.

The people of California are fortunate this year in being able at the coming general election to express themselves quite clearly on the prohibition question. There are two initiative measures on the ballot. Number 1 is the so-called "Rominger bill" which does away with saloons and strong drink, and therefore may be called a strict regulatory or temperance measure. Number 22 is the prohibition or so-called "bone dry" bill, which prohibits the manufacture, importation and sale of any beverage that contains

any alcohol at all. It is the radical, extreme proposal of people who would not alone interfere with the personal liberty surrounding the home and the individual therein, but would interfere as well with religious liberty and the right to worship God according to the ritual of many of our churches which have used wine for ages in their ceremonies.

I have not arrived at that stage or state of mind in matters affecting religion which would impel me to dictate to my fellow citizens the manner in which they should worship the Creator. I believe the vast majority of the people of this state think as I do on this subject, and will promptly and more positively than ever before defeat this prohibition measure. It will suffer the more decisive rejection because the people are permitted an alternative on the same ballot which corrects the abuses of liquor and at the same time does not stop the moderate and temperate use of light wines and beers with meals.

Aside from my objection on the broad ground of individual and religious liberty, I am opposed to the prohibition measure from the viewpoints of conservation, consistency and common sense.

Does conservation contemplate the destruction of \$150,000,000 worth of property in California at a time when the earning capacity of our people and our lands must be maintained for the good of our government in its great war needs? This is no time for destruction, and when you bring it about, you dwarf the ability of our people to follow their patriotic impulses and make it physically impossible for them to lend their financial aid to help win the war.

On the score of consistency, think of the years and the money spent by government and state in inducing immigration to California for the purpose of settling our valley and mountain lands, and changing our barren and wooded areas into picturesque landscapes by the cultivation of grapes, hops and barley. Is it consistent to have brought about this condition after years of effort, only to brand it now as illegitimate?

Finally, taking the common-sense view, what will "bone dry" prohibition do for us that will not be accomplished by regulation such as the so-called "Rominger bill" prescribes? The one destroys property ruthlessly; the other corrects the abuses and leaves property whole and unimpaired. This is the time when the world-wide conditions confronting our people necessarily call for the best we have in us. Let's build—not destroy.

Vote "No" on number 22.

HILLIARD E. WELCH,

President of First National Bank.

<p>WORKMEN'S COMPENSATION. Senate Constitutional Amendment 30. Amends Section 21 Article XX of Constitution. Specifies matters included within complete system of workmen's compensation. Empowers legislature to establish such system and require any or all persons to compensate their workmen for injury or disability, and dependents thereof for death of said workmen incurred in employment, irrespective of any party's fault, provide for settling disputes by arbitration, industrial accident commission, courts or any combination thereof, procedure therefor, making decisions of such tribunals reviewable by appellate courts. Declares Industrial Accident Commission and State Compensation Insurance Fund unaffected hereby, confirming functions vested therein.</p>	<p>YES</p>
<p>28</p>	<p>NO</p>

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California to amend section twenty-one of article twenty of the constitution, relative to workmen's compensation.

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its forty-second regular session commencing on the eighth day of January, nineteen hundred seventeen, two-thirds of the members elected to each of the two houses of the said legislature voting therefor, hereby pro-

poses to the people of the State of California that section twenty-one of article twenty of the constitution be amended to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Sec. 21. The legislature is hereby expressly vested with plenary power, unlimited by any provision of this constitution, to create, and enforce a complete system of workmen's compensation, by appropriate legislation, and in that behalf to create and enforce a liability

to the part of any or all persons to compensate any or all of their workmen for injury or disability, and their dependents for death incurred or sustained by the said workmen in the course of their employment, irrespective of the fault of any party. A complete system of workmen's compensation includes adequate provisions for the comfort, health and safety and general welfare of any and all workmen and those dependent upon them for support to the extent of relieving from the consequences of any injury or death incurred or sustained by workmen in the course of their employment, irrespective of the fault of any party; also full provision for securing safety in places of employment; full provision for such medical, surgical, hospital and other remedial treatment as is requisite to cure and relieve from the effects of such injury; full provision for adequate insurance coverage against liability to pay or furnish compensation; full provision for regulating such insurance coverage in all its aspects, including the establishment and management of a state compensation insurance fund; full provision for otherwise securing the payment of compensation; and full provision for vesting power, authority and jurisdiction in an administrative body with all the requisite governmental functions to determine any dispute or matter arising under such legislation, to the end that the administration of such legislation shall accomplish substantial justice in all cases expeditiously, inexpensively, and without incumbrance of any character; all of which matters are expressly declared to be the social public policy of this state, binding upon all departments of the state government.

The legislature is vested with plenary powers, to provide for the settlement of any disputes arising under such legislation by arbitration, or by an industrial accident commission, by the courts, or by either, any, or all of these agencies, either separately or in combination, and may fix and control the method and manner of trial of any such dispute, the rules of evidence and the manner of review of decisions rendered by the tribunal or tribunals designated by it; provided, that all decisions of any such tribunal shall be subject to review by the appellate courts of this state. The legislature may combine in one statute all the provisions for a complete system of workmen's compensation, as herein defined.

Nothing contained herein shall be taken or construed to impair or render ineffectual in any measure the creation and existence of the industrial accident commission of this state or the state compensation insurance fund, the creation and existence of which, with all the functions vested in them, are hereby ratified and confirmed.

Section twenty-one, article twenty, proposed to be amended, now reads as follows:

EXISTING PROVISIONS.

(Provisions proposed to be repealed are printed in italics.)

Sec. 21. The legislature *may* by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment, irrespective of the fault of either party. The legislature *may* provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, or by an industrial accident board, by the courts, or by either any or all of these agencies, anything in this constitution to the contrary notwithstanding.

[1175-21]

ARGUMENTS IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 30

This amendment is a necessary simplification and definition of the constitutional authority vested in the legislature by the amendment to the Constitution adopted October 10, 1911, to enable the enactment of a complete plan of workmen's compensation, which amendment failed to express sanction for the requisite scope of the enactment to make a complete and workable plan. Such a complete plan embraces four principal things, each an essential component of one act:

First—Compulsory compensation provisions requiring indemnity benefits for injury and death irrespective of fault.

Second—Thoroughgoing safety provisions.

Third—Insurance regulation, including state participation in insurance of this character.

Fourth—An administrative system involving the exercise of both judicial and executive functions.

The earlier amendment contains no expression covering safety and insurance matters, and contains only meager and indefinite authority for administration. Notwithstanding obvious limitations, the legislature did incorporate in one enactment the full plan of compensation, insurance and safety, with adequate provisions for administration. This act, with slight modifications, has been in effect more than four and one-half years. It has given full satisfaction, both in its effects and in its administration in all departments. The state has built up a financial institution of great magnitude—the State Compensation Insurance Fund—which has transacted a business running into millions of dollars.

The proposed amendment is designed to express full authority for legislation; to sanction, establish and protect the full plan in all essentials where the courts have not already passed upon it.

As it proves itself, a law is entitled to approval and to be established upon a firm foundation. As the Workmen's Compensation, Insurance and Safety Act has proved to be beneficent, humane and just, and has wholly justified its enactment in all features, it should receive full constitutional sanction.

EDGAR A. LUCE,

State Senator Fortieth District.

This amendment enlarges the scope of the previous amendment to the constitution, which furnished the authority for our present workmen's compensation act. In addition to compensation of workmen for injuries received, any complete scheme should provide for authority to require the use of safety devices, and that the state, as well as private insurance companies, can furnish insurance to employers against liability for injuries to their employees. The amendment of 1911, while providing for compensation, did not give the desired full and complete sanction for safety legislation or the creation of a state insurance fund. Laws, however, have been passed by the legislature enacted upon for a number of years which compel the use of safety devices, and provide also for the operation of the present state insurance fund.

Our workmen's compensation act has proved such a success and has won such universal favor with employee, employer and public that it should be put upon a firm constitutional basis, beyond the possibility of being attacked on technical grounds or by reason of any questioned want of constitutional authority. Senate Constitutional Amendment No. 30 places beyond any doubt the constitutional authority for a complete workmen's compensation system.

HERBERT C. JONES,

State Senator Twenty-eighth District.