

1924

WATER AND POWER

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<p>16 WATER AND POWER. Initiative measure adding Article XIVa to Constitution. Creates board, appointed by Governor and subject to recall, authorized to develop and distribute water and electric energy, acquire by any legal means any property therefor and do anything convenient thereto, including using and reserving state lands and waters; gives state and political subdivisions certain preferential rights as against privately owned public utilities selling water or electric energy to public; authorizes issuance of bonds not exceeding \$500,000,000, to further such purposes, requiring board to fix rates to meet expenses and retire bonds in fifty years.</p>	YES	
	NO	

(For full text of Measure see page 21, Part II.)

Argument in Favor of Water and Power Act.

The Water and Power Act is the first practical water conservation measure submitted to California voters. Its passage will, under the cheapest possible method of financing, enable the state:

1. To store the waters of the state, thus insuring against flood and drought. Under a comprehensive coordinated plan 18,000,000 acres could be irrigated with the average flow of water running to waste annually.

2. To develop as a by-product to this water storage, enormous hydro-electric power at minimum cost. This guarantees greatly reduced rates to consumers. More and cheaper power will place California first among

industrial states, and will not deprive existing corporations of market and legitimate profit. So great is the increasing demand for power that corporations announce a \$1,000,000,000 development program for the next decade, additional to their present \$600,000,000 investment. This demand will require all the power the corporations will have available, plus that of the proposed state development. State development will, however, make much of the costly financing proposed by the corporations unnecessary.

To enable the state to proceed in a practical way with this development two requirements must be met:

1. Adequate organization for prosecuting the work.

2. Adequate provision for its practical financing.

The Water and Power Act meets both:

1. By providing an executive board, to be appointed by the Governor, removable by the legislature, or by a recall vote of the people. It is given no greater powers than are enjoyed by boards of directors of privately-owned corporations under their charters. The directors of a privately-owned company may abuse the powers granted them, and the public is helpless. The directors serving under the Water and Power Act are answerable to the people. They are given authority,

safeguarded against abuse, to do their work actively. It is far safer to entrust the control and operation of the state's remaining water resources to a public board whose members are recallable by the people and the

legislature, than to directors of privately-owned companies who are beyond the reach of the people.

2. The measure provides practical method for financing the proposed development. State credit as required up to \$500,000,000 is made available for self-supporting properties, which will return to the state, out of rates for water and power, the credit thus advanced. The act in relieving privately-owned companies of part of their contemplated financing will save the people enormously in interest rates alone, for the state can borrow money at much lower rates than the corporations, and the people will pay the interest whether the money be borrowed by the state at low rates, or by corporations at high rates.

The act will end monopolistic control of our water resources. It will give the state freedom from corporation dictation in our political, business and financial affairs, and insure home, factory and farm against monopolistic rates for water, light and power.

Vote YES on constitutional amendment number 16 on the ballot.

COL. R. B. MARSHALL,

Author of the Marshall plan.

Argument Against Water and Power Act.

The pending water and power constitutional amendment is the same measure which the people rejected two years ago by a majority of nearly 354,000. It pledges the state's credit to an issue of \$500,000,000 of tax-free state bonds. A board of five persons, appointed by the governor, would spend the money in acquiring, operating and maintaining such water and power projects as it deemed necessary or convenient. This political board would operate the projects from Sacramento, fix rates and determine conditions and quality of service, all without regulation by the railroad commission. Consumers and communities would thus be at the mercy of five politicians with a virtually unrestrained control of industry. Should incorrect estimates, inadequate service or political mismanagement prevent projects from paying expenses or meeting interest charges or requirements for repayment of

principal out of rates explicit provision is made to meet deficits and losses out of the general funds of the state. The board is empowered to appoint such employees as it may require and fix their compensation. These employees are exempted from the state civil service law, so that the board can build up a great political machine through patronage.

This year advocates of the measure seek to take political advantage of the drought by masking the water and power amendment as a water conservation plan, but public ownership will not increase rainfall. Behind the existing dams the storage basins are almost dry. What California needs is more rain, not more empty reservoirs.

There is no public need for the state to embark in the power business and no good reason for adding half a billion dollars of tax-free bonds to the huge volume of such securities outstanding. Many advocates of the water and power measure, undismayed by the failure of North Dakota in the wheat and banking businesses, favor the act as a first step in California toward the taxing over by government of essential industries and the redistribution of private wealth through taxation. There is no more reason why the state should adventure into the power busi-

ness than into the flour or automobile business. Less than fourteen years ago the state undertook effective regulation of public utility companies. As a result the rates, investments and service of such companies are now controlled by a public agency. To scrap the policy of regulation and substitute public ownership would be unjust and foolish. Even those who assert that regulation has failed can not logically offer as an improvement a new commission appointed like the railroad commission by the governor and given the insufficiently restricted power of expending the taxpayers' money and hiring armies of employees.

Private initiative and effort developed California. Political management is usually wasteful and inefficient, and to compel taxpayers to provide enormous amounts of borrowed money for the financing of unspecified ventures by a political machine would be to invite disaster.

The voters should rebuke by a majority larger than before the restless agitators who refuse to accept the decision of the people so emphatically expressed. Repeated submission of such measures is a public nuisance and tends to bring the initiative into disrepute.

A. H. BREED,

President pro tempore California Senate.

EMINENT DOMAIN. Assembly Constitutional Amendment 31. Amends Section 23a of Article XII of Constitution, which now empowers railroad commission to exercise such power as Legislature confers upon it to fix compensation to be paid for taking property of public utility in eminent domain proceedings by the state or any county, municipality or municipal water district, so as to authorize that commission to exercise such power when such proceedings are taken by an irrigation district or other public corporation or district.

YES	
NO	

(For full text of Amendment see page 25, Part II.)

Argument in Favor of Assembly Constitutional Amendment No. 31.

The above amendment was introduced at the request of the irrigation districts of the State of California.

It changes the present law in this respect only, adding the words "irrigation district."

The reason for the amendment is as follows: If the state or any county or city or municipal water district desires to acquire any property of a public utility by eminent domain procedure, the railroad commission can fix the valuation thereof.

In conferring this power on the railroad commission, the legislature also included irrigation districts; but the constitution in giving this right to the legislature did not include the words "irrigation districts."

The amendment merely gives the irrigation districts, and other public districts the same rights as are given to other municipalities and municipal water districts, and corrects what was evidently an error of oversight in the original draft of the constitution.

It does not change the existing law but places the words "irrigation districts" within the real meaning of the law.

D. C. WILLIAMS,

Assemblyman Forty-ninth District.

Argument in Favor of Assembly Constitutional Amendment No. 31.

The proposed section is identical with the present provision of the constitution, except that the following is inserted: "irrigation district or other public corporation or district."

The purpose is to repair a defect in the existing section of the constitution, and to extend the powers of the railroad commission in condemnation proceedings to a class of public service institutions not specifically mentioned in section 23a of article XII now embodied in the constitution.

GEORGE H. DAVIS,

Assemblyman Seventy-eighth District.

California at its forty-fifth regular session, commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California, that section one of article thirteen of the constitution of this state be amended to read as follows:

PROPOSED AMENDMENT.

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

Section 1. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this state, or to any county, city and county, or municipal corporation within this state shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county, or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation; provided, that property, not exceeding in value in any one county the sum of \$50,000.00 (fifty thousand dollars), used exclusively as air-ports or aviation fields under the control of United States government shall be exempt from taxation while so used and under such control. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not exempt from taxation, shall be assessed by the assessor of the county, city and

county, or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the state board of equalization. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

EXISTING PROVISIONS.

Section 1. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this state, or to any county, city and county, or municipal corporation within this state shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county, or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not exempt from taxation, shall be assessed by the assessor of the county, city and county, or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the state board of equalization. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

16 WATER AND POWER. Initiative measure adding Article XIVa to Constitution. Creates board, appointed by Governor and subject to recall, authorized to develop and distribute water and electric energy, acquire by any legal means any property therefor and do anything convenient thereto, including using and reserving state lands and waters; gives state and political subdivisions certain preferential rights as against privately owned public utilities selling water or electric energy to public; authorizes issuance of bonds not exceeding \$500,000,000, to further such purposes, requiring board to fix rates to meet expenses and retire bonds in fifty years.

YES	
NO	

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election.

PROPOSED AMENDMENT.

Article XIVa—Water and Power Development.

Section 1. It is hereby declared to be the policy and purpose of the state to conserve, develop and control the waters of the state for the use and benefit of the people.

Sec. 2. The California water and power board, hereinafter called the board, is hereby

established, composed of five members who shall be appointed by the governor, one of whom he shall designate as chairman and executive officer, who shall devote all his time to the duties of the office. The members shall be qualified electors of the state and shall be so appointed as to be fairly representative of the state geographically and of its irrigation and municipal interests. Members shall hold office for four years, except that of those first appointed, one shall hold office until January 1, 1926, one until January 1, 1927, one until January 1, 1928, and two until January 1, 1929. The chairman shall receive a salary of fifteen thousand dollars per annum. The other members shall receive a per diem of twenty dollars while engaged in the performance of duty and all members shall receive their necessary ex-

[Twenty-one]

penses. The legislature may increase their compensation. Each member shall execute to the state such bonds as the governor may require. The legislature shall have power by a two-thirds vote of all its members to remove any one or more of the members of the board from office for dereliction of duty or corruption or incompetency; and it shall be the duty of the legislature to provide by law for the removal of members by recall, following so far as pertinent the provisions of article twenty-three of the constitution, except that a successor of any member recalled shall be appointed by the governor for the unexpired term, as shall be done in the case of a vacancy otherwise arising. A majority of the members shall constitute a quorum for the transaction of business and no vacancy in the board shall impair the right of the remaining members to exercise all powers of the board. The board shall maintain its office at Sacramento.

Sec. 3. The board shall have power:

(a) To acquire by purchase, lease, condemnation, gift or other legal means, land, water, water rights, easements, electric energy and any other property necessary or convenient for the purposes of this article, and likewise to acquire, and also to construct, complete and operate, works, dams, reservoirs, canals, pipelines, conduits, power-houses, transmission lines, structures, roads, railroads, machinery and equipment, and to do any and all things necessary or convenient for the conservation, development, storage and distribution of water, and the generation, transmission and distribution of electric energy. No electric energy shall be purchased by the board at a price to exceed one-half of one cent per kilowatt hour at the power plant, based upon a fifty per cent load factor, except for standby service as provided in section twelve hereof;

(b) To purchase, acquire, produce, manufacture or otherwise provide facilities, materials and supplies, raw or finished, and any property or thing necessary or convenient to the accomplishment of the purposes of this article;

(c) To supply water or electric energy or both to the state, political subdivisions and other users, and, subject to the provisions of this article, to prescribe the terms of contracts, and fix the price therefor and collect the same;

(d) To use the waters and the lands of the state, or any material therein or thereon, and to require the reservation from sale or other disposition of such lands and material as, in the opinion of the board, will be required for the purposes of this article;

(e) To require the reservation of water from appropriation for such periods as it may provide;

(f) In the name of the state to apply for and accept, under the provisions of the laws of the United States or of any state, grants, permits, licenses and privileges in the opinion of the board necessary for the accomplishment of the purposes of this article;

(g) To cooperate and contract with political subdivisions of this state and, with the approval of the governor, with the United States and other states, concerning the conservation and use of interstate and other waters and the generation and use of electric energy and the acquisition, construction, completion, maintenance and operation of works necessary or convenient for the accomplishment of the purposes of this article;

(h) To acquire or construct for political subdivisions distributing systems for water or electric energy bought from the state, upon terms that, in the opinion of the board, will repay to the state within twenty-five years the cost thereof with interest. The title to or interest of the state in such systems shall vest in the political subdivision when paid for;

(i) To sue and be sued, and to exercise in the name of the state the power of eminent domain for the purpose of acquiring any property, or the use or joint use of any property, deemed by the board necessary for the purposes of this article;

(j) To provide itself with suitable office and field facilities, and to appoint, define the duties and fix the compensation of such expert and technical officers, legal and clerical assistants and other employes as it may require, subject to such civil service regulations as the board may provide;

(k) To define projects and to adopt rules and regulations to govern its activities;

(l) To exercise all powers needful for the accomplishment of the purposes of this article and such additional powers as may be granted by the legislature.

Sec. 4. The California water and power finance committee, herein called the committee, is hereby established, composed of the governor, controller, treasurer, chairman of the board of control and chairman of the California water and power board, all of whom shall serve thereon without compensation. A majority of the committee shall constitute a quorum for the transaction of business.

Sec. 5. Bonds of the State of California, not exceeding the sum of five hundred million dollars (unless additional bonds are duly authorized by law), may be issued and sold from time to time to carry out the purposes of this article, and the full faith and credit of the State of California is hereby pledged for the payment of the principal of said bonds as the same mature, and the interest accruing thereon as the same falls due.

Sec. 6. Bonds herein authorized shall be issued and sold by the committee as herein provided and shall be serial bonds, payable in not more than fifty years from date of issuance, and shall be in such form or forms and denomination or denominations, and subject to such terms and conditions of issue, conversion, redemption, maturities, payment, and rate or rates of interest, not exceeding six per cent per annum payable semiannually, and time or times of payment of interest, as the committee from time to time at or before the issue thereof may prescribe. The principal and interest thereof shall be payable in United States gold coin. Said bonds shall be signed by the treasurer and countersigned by the governor by his engraved signature, and the great seal of the State of California shall be impressed thereon; all coupons thereto shall be signed by the treasurer by his engraved or lithographed signature. The board shall pay, from funds available to it, the expense of issuing and selling such bonds and the necessary expenses of the committee in connection therewith.

Bonds herein authorized may from time to time first be offered at not less than par as a popular loan, under such regulations prescribed by the committee from time to time, as will in its opinion give the people as nearly as may be an equal opportunity to participate therein, but the committee may make allotment in full upon applications for smaller amounts of bonds in advance of any date which it may set for the closing of subscriptions and may reject or reduce allotments upon later applications and applications for larger amounts, and may reject or reduce allotments upon applications from incorporated banks and trust companies for their own account and make allotment in full or larger allotments to others, and may establish a graduated scale of allotments, and may from time to time adopt any or all of said methods, should any such action be deemed by it to be in the public interest; provided, that such reduction or increase of allotments of such bonds shall be made under general rules to be prescribed by said committee and shall apply to all subscribers similarly situated. Any portion of the bonds so offered and not taken may be otherwise disposed of by the committee in such manner and at such price or prices, not less than par, as it may determine. The committee may cancel any of the bonds so offered and not taken and reissue them in different denominations.

Sec. 7. Bonds herein authorized shall be issued and sold only for the acquisition of such property and rights, and for the acquisition, construction, development, completion, operation and maintenance of such projects as the

board may deem necessary or convenient to the accomplishment of the purposes of this article; provided, that from time to time upon written requisition of the board the committee shall issue and sell bonds not exceeding in the aggregate five million dollars, the proceeds of which shall be placed in the water and power revolving fund in the state treasury, which fund is hereby created, to be used by the board for the purpose of defraying its expenses, acquiring property, rights, facilities, materials and supplies, carrying charges during construction and meeting other costs incurred in carrying out the purposes of this article; provided further, that if at any time the revenues from projects shall be insufficient to pay the interest on and principal of outstanding bonds as the same fall due the committee with the consent of the governor, in order to avoid appropriations from the general fund and resulting taxation, may issue and sell bonds to provide funds required to make such payments of interest or principal.

Except as otherwise provided in this article, the committee shall issue and sell bonds only upon the written requisition of the board stating the amount of money required and the purpose for which it is to be used and accompanied by a duly authorized certificate of the board describing the property or rights to be acquired or the project proposed, and stating the estimated cost thereof and showing the same to have been investigated and approved and, in the case of a project, that plans and estimates therefor, a copy of which shall be annexed to such certificate, have been prepared and adopted by the board and further certifying that, in the opinion of the board, the revenue from the property or rights to be acquired or from the proposed project, together with available revenues from other projects, will be sufficient to pay within fifty years in addition to other necessary expenses, the principal and interest of the bonds requested to be issued. The proceeds of the sale of such bonds shall be placed in the treasury and shall be used by the board exclusively for the purposes for which the same were issued.

Sec. 8. The board shall establish such rates for service as in its judgment will provide, in addition to the expenses of operation, maintenance, depreciation, insurance and reserve for losses, funds to pay the principal and interest of all bonds issued under this article, as the same fall due, together with all sums which may be advanced from the general fund and interest thereon as herein provided.

Each project, as the same may be defined by the board, shall be charged by the board with its cost, which shall include its proper share as fixed by the board of all expenditures from the water and power revolving fund and the share so charged shall be credited to such revolving fund which shall be replenished, to the extent of the amount so credited, from the proceeds of bonds sold to provide funds for the cost of such project. The board shall establish such rates for the service furnished by each project as in its judgment will pay, within fifty years, such cost thereof, and the expenses of operation, maintenance, depreciation, interest, insurance and reserve for losses; provided that where the rates are intended to provide for the repayment of expenditures made in acquiring or constructing distributing systems for political subdivisions, they shall be so fixed as in the judgment of the board will repay the amount of such expenditures with interest within twenty-five years. The board may change rates when in its opinion advisable to meet changed conditions, and shall always keep its rates as near the amount required to pay such cost and expenses as practicable, and shall fix similar rates under substantially similar conditions.

Sec. 9. All revenues of the board, except proceeds from the sale of bonds, shall be paid to the state treasury and shall be applied first, to payment of the expenses of the board, costs of operation, maintenance, depreciation, insurance and losses, and second, to the payment of interest on and principal of said bonds.

If at any time the moneys in the state treasury applicable to the payment of interest or principal of said bonds, shall be insufficient to pay the same as it falls due, moneys shall be temporarily advanced from the general fund for that purpose, and there is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary to pay such interest and principal, and there shall be collected each year in the same manner and at the same time as other state revenue is collected such sum in addition to the other revenues of the state as shall be required to pay the sums appropriated for payment of interest and principal as herein provided, and it is hereby made the duty of all officers charged by law with any duty with regard to the levy and collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

All moneys paid from the general fund in the state treasury for principal of or interest on such bonds shall be returned into said general fund out of the revenues of the board as soon as the same become available, together with interest thereon from the several dates of such advances, until so returned at the rate of six per cent per annum compounded semi-annually.

Sec. 10. Out of any money in the state treasury not otherwise appropriated, the sum of two hundred and fifty thousand dollars is hereby appropriated to be credited to the board and an equivalent amount shall be returned into the general fund in the state treasury out of the first moneys available in the water and power revolving fund.

Sec. 11. The committee may establish such funds in the state treasury as in its judgment may be required to carry out the purposes of this article.

Moneys herein provided for the board shall be drawn from the treasury by warrants of the controller on demands made by the board and allowed and audited by the state department of finance.

The board, the controller, the treasurer and the committee shall keep full and particular account and record of all their proceedings under this article, and shall transmit to the governor annually a report thereof, not less than one thousand copies of which shall be printed, to be by the governor laid before the legislature biennially, and all books and papers pertaining to the matters provided for in this article, shall at all times be open to the inspection of any officer or citizen of the state. All accounts of receipts and disbursements shall be audited annually by the state department of finance.

Sec. 12. The state and political subdivisions shall have a preferred right to water and electric energy controlled by the board as against privately owned public utilities selling water or electric energy to the public and no contract or act of the board shall interfere with such preferred right. As between those otherwise equally entitled, the board shall supply water or electric energy to political subdivisions near the source of supply, to the extent of their reasonable needs, in preference to those more remote.

The board shall not supply water to a privately owned public utility for the production of electric energy and shall not supply directly or indirectly to privately owned public utilities which sell electric energy or water to the public more than twenty per cent of the total amount of electric energy or water under its control, and contracts therefor shall not extend over a longer period than five years, or be renewed before one year prior to their expiration. Before making or renewing such a contract, the board shall publish a notice of its intention so to do, at least six days each week for a period of sixty days, in at least one newspaper published and circulated in this state, and designated by order of the board for that purpose; and at least thirty days' prior notice shall be mailed to the legislative bodies of all counties and incorporated municipalities and to irrigation districts situate within the territory which, in the opinion of the board, may use such electric energy.

Public utilities taking such contracts shall be required to provide the board with standby service at reasonable rates.

Sec. 13. Nothing contained in this article shall prevent any political subdivision itself, or in cooperation with other political subdivisions, from developing any water or electric energy owned or controlled by it; but plans for any such development hereafter proposed shall be submitted to the board for suggestions and criticism; so that the cooperation of the board may be secured, if practicable, for the fullest development of the proposed project. The board may acquire and develop any such project unless the political subdivision claiming the same shall have adopted plans and estimates for the development, and authorized bonds or made other provision to cover the cost thereof, or shall do so, within two years after the board shall have notified such political subdivision of its readiness to proceed with such development.

Sec. 14. In any proceeding in eminent domain brought by the board under the provisions hereof, the determination of the board that the taking of the property described in the complaint is necessary for the purposes hereof, shall be conclusive evidence of such necessity. In any such proceeding the state may take immediate possession and use of any property required for the purposes of this article, by paying into the court such amount of money as the court, upon five days' notice to the adverse party, may determine as reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damages incident thereto.

In any such proceeding, trial by jury may be demanded and secured by any party thereto, and any proceeding begun under the provisions of section twenty-three *a* of article twelve of this constitution shall be dismissed on the filing therein of a written demand by such party. Such demand must be filed within thirty days after service upon such party of process in such proceeding.

Property appropriated to public use may be taken under the power of eminent domain for the purposes hereof, but, except as otherwise herein provided, this article shall not confer power to take the property or works owned or controlled by any political subdivision used or proposed to be used for supplying water or electric energy, or both, without its consent.

Sec. 15. All public officers, boards, commissions and agencies shall make available to the board all data and information in their possession required by the board, and shall render every assistance in their power in carrying out the provisions of this article.

Sec. 16. As far as practicable, consistent with the speedy development of its operations, the board shall so shape its plans as to furnish work during periods of unemployment.

Sec. 17. The term political subdivision, as used in this article, is hereby defined to mean and include any public board, public quasi corporation, public corporation, water district, lighting district, municipal utility district, public utility district, irrigation district, municipal corporation, town, city and county, city or county, having authority to contract for the purchase, sale or use of water, water power, or electric energy, but shall not be construed to include any privately owned public utility.

Sec. 18. This article is self-executing, but legislation may be enacted in furtherance of its purpose and to facilitate its operation.

PROVISIONS REFERRED TO.

Article twenty-three of the constitution referred to in the proposed amendment reads as follows:

Section 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to least twelve per cent of the entire vote cast the last preceding election for all candidates for the office, which the incumbent sought to be removed occupies (provided that if the officer sought to be removed is a state officer who is elected in any political subdivision of the state, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies) demanding an election of a successor to the officer named in said petition, shall be addressed to the secretary of state and filed with the clerk, or registrar of voters, of the county or city and county in which the petition was circulated; provided, that if the officer sought to be removed was elected in the state at large such petition shall be circulated in not less than five counties of the state, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the secretary of state, he shall forthwith submit the said petition, together with a certificate of its sufficiency, to the governor, who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the secretary of state.

The governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duty concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or registrar of voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the secretary of state not less than twenty-five days before such recall election.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have

been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signer shall add to his signature his place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit such signatures within the county, or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such petition so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk, or registrar of voters, of the county or city and county in which it was circulated; but all such sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the date of filing such petition, the clerk, or registrar of voters, shall finally determine from the records of registration what number of qualified electors have signed the same; and, if necessary, the board of supervisors shall allow such clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and submit said petition, except as to the signatures appended thereto, to the secretary of state and file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar of voters to the secretary of state, a supplemental petition, identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof as of the original petition, and upon the

conclusion of such examination shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and shall forthwith transmit such supplemental petition, except as to the signatures thereon, together with his said certificate, to the secretary of state.

When the secretary of state shall have received from one or more county clerks, or registrars of voters, a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state a certificate showing such fact; and such clerk or registrar of voters shall thereupon file said certificate for record in his office.

A petition shall be deemed to be filed with the secretary of state upon the date of the receipt by him of a certificate or certificates showing the said petition to be signed by the requisite number of electors of the state.

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the state legislature at any time after five days from the convening and organizing of the legislature after his election.

If at any recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the state treasury any amount legally expended by him as expenses of such election, and the legislature shall provide appropriation for such purpose, and no proceedings for another recall election of said incumbent shall be initiated within six months after such election.

If the governor is sought to be removed under the provisions of this article, the duties herein imposed upon him shall be performed by the lieutenant-governor; and if the secretary of state is sought to be removed, the duties herein imposed upon him shall be performed by the state controller; and the duties herein imposed upon the clerk or registrar of voters, shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The recall shall also be exercised by the electors of each county, city and county, city and town of the state, with reference to the elective officers thereof, under such procedure as shall be provided by law.

Unless otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising such recall powers in such counties, cities and counties, cities and towns, but shall not require any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the state, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved.

Section twenty-three a of article twelve, referred to in the proposed amendment, reads as follows:

Sec. 23a. The railroad commission shall have and exercise such power and jurisdiction as shall be conferred upon it by the legislature to fix the just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings by the state or any county, city and county, incorporated city or town, or municipal water district, and the right of the legislature to confer such powers upon the railroad commission is hereby declared to be plenary and to be unlimited by any provision of this constitution. All acts of the legislature heretofore adopted, which are in accordance herewith, are hereby confirmed and declared valid.

EMINENT DOMAIN. Assembly Constitutional Amendment 31. Amends Section 23a of Article XII of Constitution, which now empowers railroad commission to exercise such power as Legislature confers upon it to fix compensation to be paid for taking property of public utility in eminent domain proceedings by the state or any county, municipality or municipal water district, so as to authorize that commission to exercise such power when such proceedings are taken by an irrigation district or other public corporation or district.

YES

NO

Assembly Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section twenty-three a of article twelve thereof, relating to the fixing by the railroad commission of compensation

for taking public utility property in eminent domain proceedings.

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its regular session commencing on the eighth day of January, one thousand nine

[Twenty-five]