

1930

TAXATION OF TOLL BRIDGES ACQUIRED BY STATE

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

Recommended Citation

TAXATION OF TOLL BRIDGES ACQUIRED BY STATE California Proposition 6 (1930).
http://repository.uchastings.edu/ca_ballot_props/257

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.

TAXATION OF TOLL BRIDGES ACQUIRED BY STATE. Senate Constitutional Amendment 45. Amends Section 1 of Article XIII of Constitution. Declares toll bridge property, acquired by State or governmental agency thereof, continues subject to taxation by county, municipality or political subdivision, wherein same is located, during life of original franchise, and State shall pay amounts due under franchise to county or city and county granting same; but whenever State ceases to collect tolls upon such property, and it becomes free to public use, it shall be exempt from taxation and thereafter State shall make no payments under franchise provisions.

YES

NO

(For full text of Measure, see page 8, Part II)

Argument in Favor of Senate Constitutional Amendment No. 45

This constitutional amendment passed at the 1929 session of the California Legislature arises because legislation was enacted at that session empowering the State of California to acquire private toll bridges and toll bridge franchises, and to operate such properties, collecting tolls from the users until the cost is met. All toll bridge franchises heretofore granted, provide for the payment to the counties granting the same of stipulated amounts of franchise tax, and the physical properties constituting toll bridges are subject to taxation in the counties where located.

This amendment provides that on toll bridge franchises and the physical properties of all toll bridges acquired by the State of California payment of franchises and property taxes shall be made to the counties originally entitled so long as tolls shall be collected from the public using the bridge. When the state ceases collecting tolls such bridges become free public bridges and no further franchise or tax payments shall be made thereon.

The amendment remedies the injustice to the counties where toll bridges now subject to taxation would be withdrawn from taxation, although tolls would be received from the public for their use.

The amendment, if enacted, will keep in effect the agreements of the original franchise holders with the tax payers of the counties granting the rights to build existing toll bridges. Tax payers of such counties will not be deprived of the benefits of the improvement so long as tolls are collected.

The principle embodied in Section 1 of Art. XIII of the Constitution, which requires cities and counties to pay taxes on lands and improvements owned by them outside of their territorial boundaries, such as land used for water storage or electrical power development is extended to cover the similar situation arising when toll bridges are taken over by the State of California.

[Ten]

Vote "Yes" on S. C. A. No. 45 and preserve the integrity of the contracts made when all existing toll bridge franchises were granted.

WILL R. SHARKEY,
State Senator, Ninth District.

THOS. McCORMACK,
State Senator, Fifth District.

Argument Against Senate Constitutional Amendment No. 45

This measure does violence to principle and should not pass!

It would permit a county (a political subdivision of the State) to tax the State (the sovereign power of the People) for the privilege of operating a toll bridge purchased and owned by the State, on land owned by the State, and connecting highways built and maintained by the State—a ridiculous state of affairs unwarranted by equity, sound theories of taxation, or practical expediency.

Submitted during the last minute rush of the Legislature with practically no serious consideration, it would:

1st. Establish a very dangerous precedent. Every town or political subdivision would be continually wanting to inflict a franchise tax of some sort upon the State. The necessary activities and development of the State would be seriously handicapped. It is just another attempt of private interests to place a handicap upon the State owning those public utilities so necessary for the development and benefit of all the People.

2nd. In the ultimate result, not be for the best interest of the county in which the bridge is located. The free use of the bridge to the residents of the county, and the increase in commerce and development by reason of a free bridge would be of far greater benefit than what income the county would derive from the franchise tax. The State would charge tolls only until the bridge is paid for. Therefore, any franchise tax would only postpone the day when the county would have a free bridge.

3rd. Be unfair to the people of the State at large. State highways are one of the greatest assets to any county. They are built and maintained by the State and the residents are

permitted to use them free of any cost to the county. Then why should that county be permitted to charge the people of the State at large a franchise tax for the right to operate a bridge which has cost the county nothing? At present only two counties have any prospect of benefiting by this measure. Why penalize the whole state to benefit a few counties which have their full share of free state highways?

The state highway system is a state-wide institution and must of necessity be kept so. Every problem, every improvement, every issue must be considered from a state-wide viewpoint. Selfish interest of a small community must not

be allowed to disrupt the state-wide unity of our highway system.

It doubtless will be argued that private interests owning a toll bridge must pay a franchise tax to the county, and for that reason the State should do so. This argument will not lie for the reason that the private corporation is making a handsome profit by the exploitation of a resource owned by the People, while the State will charge tolls only until the bridge is paid for when it will become a free bridge for the benefit of all the people.

This is special interest legislation. Vote "No."

J. C. GARRISON,
State Senator, Twelfth District.

DAYLIGHT SAVING ACT. Initiative. Provides that annually at 2 a.m. on last Sunday in April standard time be advanced one hour, and at 2 a.m. on last Sunday in September retarded one hour, so that between those times in each year standard time in California be one hour in advance of United States Standard Pacific Time. Declares that in all laws, orders, decrees and regulations, relating to performance of public or private acts, or accrual or determination of rights, and in public schools and institutions, contracts or choses in action, standard time as so changed shall be intended.

YES

NO

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

Argument in Favor of Initiative Proposition No. 7

Daylight Saving will give Californians 154 extra hours of sunlit leisure.

The initiative measure provides that clocks will be advanced one hour during the period from the last Sunday in April to the last Sunday in September.

Thus, for five months each year there will be an added hour of daylight, every day, after the close of normal business activities. This hour may be used for healthful and pleasurable recreation such as golf, tennis, baseball, swimming, motoring, fishing, or other open-air sports; or, the hour may be devoted to additional home companionship, home-gardening, private business or personal affairs. The extra hours of daytime freedom are equivalent to three additional weeks of vacation. Factory, office and store workers are entitled to this hour of leisure now available only to the wealthy.

Public officials state that Daylight Saving has a marked effect in reducing juvenile delinquency. Judge Robert H. Scott, presiding in the Juvenile Court of Los Angeles County, says: "The danger zone for juveniles is late afternoon and evening. Records of this Court indicate that delinquency must be prevented by more adequate provision for wholesome supervised activities during this part of the day." He adds that Daylight Saving will assist in the solution of the problem.

Health authorities of cities where Daylight Saving is in force say that the added hours of sunshine are health-building hours. Children

are vastly benefited by more play in the open air. Optometrists say that eye-strain is reduced, and that there is decidedly less nerve-strain. Healthier, stronger people are happier, more efficient people.

From the standpoint of business, California will benefit materially. Rested and healthier employees find less of drudgery in their work; there will be a reduction in loss of work through sickness and accidents; light bills will be reduced; the dairy interests will find an increased consumption of their products, especially of ice cream and such items as are handled by drug stores and outdoor purveyors. This added hour of communication with eastern markets and business centers will mean millions more in profits to California growers and producers, and will eliminate millions in losses now suffered. This is why the Western Growers Protective Association, representing eighty-five per cent (85%) of California's \$100,000,000.00 vegetable and melon industry, has joined with more than 1000 other organizations in endorsing Proposition No. 7.

Daylight Saving is enjoyed each year by more than 25,000,000 people in the United States and by the entire populations of the large European countries.

It is a modern, progressive movement, designed for pleasure, health, happiness and prosperity of the people, and opposed only by selfish interests.

Vote YES on Proposition No. 7.

FRANK B. BELCHER,
President, California Daylight Saving League.

[Eleven]

TAXATION OF TOLL BRIDGES ACQUIRED BY STATE. Senate Constitutional Amendment 45. Amends Section 1 of Article XIII of Constitution. Declares toll bridge property, acquired by State or governmental agency thereof, continues subject to taxation by county, municipality or political subdivision, wherein same is located, during life of original franchise, and State shall pay amounts due under franchise to county or city and county granting same; but whenever State ceases to collect tolls upon such property, and it becomes free to public use, it shall be exempt from taxation and thereafter State shall make no payments under franchise provisions.

6

YES	
NO	

Senate Constitutional Amendment No. 45—A resolution to propose to the people of the State of California an amendment to section 1 of article thirteen of the constitution of the state, relating to property exempt from taxation.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its forty-eighth regular session commencing on the seventh day of January, 1929, 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 1 of article thirteen of the constitution be amended to read as follows:

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

PROPOSED AMENDMENT TO THE CONSTITUTION.

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. When the state or any department or governmental agency thereof acquires any toll bridge or the real or personal property used for any toll bridge, said property and toll bridge shall continue to be subject to taxation by the county, city and county, political subdivision and municipal corporation wherein the same is located during the life of the original franchise, and the state shall pay to the county or city and county granting the franchise for said bridge such amounts as may become due to such county or city and county for the franchise for the construction of such toll bridge; provide however, that whenever the state ceases to collect tolls for the use of any such bridge or property so acquired and the same becomes free to the public use, then such bridge and property shall become and remain exempt from all taxation and the state shall not thereafter make any payments to the county or city and county under the provisions of the franchise. 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.