

1930

FISH AND GAME

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the day after the money is paid to him, he may be required to pay the rate of interest during the entire five years.

Fifth: If the maturity of a loan is accelerated by default, the borrower must pay interest for the full time of the loan. The proposed measure provides that no credit be given for interest taken in advance although unearned.

Sixth: The proposed measure expressly relegates to the legislature the power to fix rates of interest to be charged by pawnbrokers and industrial loan companies. It will permit the legislature to grant pawnbrokers and industrial loan companies a higher rate of interest.

Seventh: There is not a single provision in

this proposed measure for the benefit of the borrower. It wholly favors the money lender.

Eighth: The present usury law, which protects the borrower and is just to the loaner of money, has been declared constitutional and construed definitely and certainly by the Supreme Court. The proposed initiative measure amending it will create uncertainty and litigation, to the advantage of the money lender.

You should vote "NO."

WILLIAM A. ALDERSON,
Los Angeles.

WILLIAM R. GEARY,
Oakland.

FISH AND GAME. Initiative. Amends Constitution, Article IV, Section 25, and adds thereto three sections. Creates Fish and Game Commission of five members appointed by Governor; empowers Commission to establish fish and game districts, determine what animals, birds and fish, are within its jurisdiction, regulate by ordinance approved by Governor, the taking, sale or possession thereof, and issue licenses therefor, fix seasons and limits within maximums prescribed by Legislature, establish refuges, public shooting grounds and fishing waters, conduct investigations of persons, and their books, within its jurisdiction; prescribes penalties; declares provisions effective January 15, 1931.

YES	
NO	

(For full text of Measure, see page 13, Part II)

Argument For Initiative Proposition No. 11

Every species of fish and game except deer, is fast disappearing in California and some species are on the verge of extermination. Under our present inadequate law the Fish and Game Commission has little more than patrol powers.

Unless the present old-fashioned system of wild life control is changed immediately our fish and game will be exterminated within five or ten years and California will have lost one of its most valuable natural resources.

The conservation program introduced by the Fish and Game Commission and conservationists at the last session of the Legislature to restore our fish and game, was defeated by lobbyists representing selfish interests.

Two major conservation bills at the last session sought to protect the disappearing salmon and to restrict the quantity of sardines used for fertilizer. Both failed and instead of restricting the quantity of sardines for fertilizer, the Legislature increased it.

Lobbyists for selfish interests who successfully opposed conservation measures in the Legislature, are now opposing this. They feel their power to dictate fish and game policy slipping and oppose this conservation measure with even more bitterness than they fought constructive conservation measures at Sacramento.

All ordinances contemplated in the initiative are subject to approval by the Governor and to review by Appellate Courts. Taxes will not be increased. Commissioners serve without pay and the Commission is self-supporting through license fees paid by fishermen and hunters.

This measure was carefully drawn by Fred

B. Wood of the State Legislative Counsel Bureau and carries the approval of the California Conservationists, Associated Sportsmen of California and Izaak Walton League.

Other states have granted their Commissions regulatory powers, notably Pennsylvania, outstandingly successful in game restoration. J. W. Nelson, representing the U. S. Forest Service for nine years, has recommended that regulatory powers be given the California Fish and Game Commission. This plan is in operation throughout Canada. J. Gordon Smith, Director of Publicity for British Columbia, says, "Full regulatory powers are given our commissioner and staff. It has proved successful. They have not only checked the depletion of every species of fish and game, but have increased the breeding stock."

Ex-Governor Alfred Smith of New York said, "Year after year the Legislature is flooded with bills fixing by law the size, manner, method and season for the taking of fish and game. It is a deliberate waste of the time of the Legislature. Why not pass a general law conferring authority upon the Conservation Commissioner to fix these matters entirely by regulation."

The proof of this needed change is in present conditions. Fish and game are disappearing rapidly. Action must be taken immediately or it will be too late. This method so successfully followed elsewhere will be equally successful here and if this amendment is adopted our wild life will be not only conserved, but restored to something of its former abundance, and once more California will become a paradise for all wild life.

SANBORN YOUNG,
Chairman Senate Fish and Game Committee.

**Argument Against Initiative Proposition
No. 11**

The practical effect of this proposed measure is to take away from the Legislature all power relative to fish and game except (1) to fix the license fees, (2) the maximum bag limits and (3) the maximum duration of closed and open seasons. But even the authority thus reserved to the Legislature to fix such limits is nullified, in effect, by giving the Fish and Game Commission the right to prescribe lesser limits.

If this measure be sound, it would be both logical and consistent to extend its principle to the other several departments and divisions by granting unto them almost unlimited legislative powers, free and independent of all control or regulation by the Legislature and thereby substituting for our existing system a government by commissions.

By this act the Fish and Game Commission is given full authority over fish and game. Yet there is no requirement that the members of the Commission be experienced in or have knowledge of the subject of fish and game or of the regulation thereof. Thus a group of five men, with perhaps little or no knowledge of the subject-matter, would make all the laws relative to fish and game; and not only that, but in the enforcement thereof the Commission would be at once the arresting officer, the judge and the jury.

This measure provides for all regulation by means of "ordinances," adopted by the Commission at any time and upon very limited notice. The inevitable result will be that new ordinances, each having the force and effect of law, will be forthcoming so frequently that comparatively few, if any, may be certain as

to what is the law at any time. Many good citizens will, therefore, unintentionally become violators of the law and hence subject to a penalty. But under the existing system each law, as enacted by the Legislature, is not only fixed for a period of at least two years, but is also accessible to interested parties through the codes and statutes.

A further objection is that this act does not provide for a convenient or ready means of redress against unwarranted rulings or acts of the Commission through a review in the local Superior Courts; for this measure specifies that the orders, rulings and decisions of the Commission are reviewable only by the Appellate Courts.

Under this act the Commission has full power to select deputies and other employees at will, fix their compensation, locate and purchase game refuge sites, condemn private property therefor with or without compensation, and for such purposes may expend, without the sanction and free from the control of the people through their Legislature, far more than one million dollars per year.

The preservation of fish and game in California for the benefit of the people depends upon a constructive program of conservation. And because of the importance of the policy of conservation, the people themselves should dictate the program, through their representatives in the Legislature, and not entrust a matter of such signal importance to a commission of five members to be appointed by the Governor, and more particularly as members of such commission may from time to time be selected solely upon considerations of political expediency and political patronage.

C. C. BAKER,
State Senator, Seventeenth District.

LEGISLATIVE HELP—LIMITATION UPON EXPENSES THEREFOR.

Senate Constitutional Amendment 30. Amends Section 23a of Article IV of Constitution. Authorizes each house of Legislature, by resolution, to employ help, prescribe duties and fix compensation thereof; total daily expense for officers, employees and attaches not to exceed, at any regular session, four hundred dollars for Senate and four hundred fifty dollars for Assembly, exclusive of salaries of Secretary of Senate and Chief Clerk of Assembly, and, at any special or extraordinary session, one hundred fifty dollars for each house, exclusive of salaries of such Secretary and Chief Clerk.

YES	
NO	

(For full text of Measure, see page 15, Part II)

Argument in Favor of Senate Constitutional Amendment No. 30

Seven years ago the Legislature in attempting to economize recommended that the people reduce the money which could be used in the employing of help during the legislative session. Some thought at that time that the figure set was too low and that the Legislature would be crippled in its endeavor to operate under such a small appropriation.

It was obvious from the beginning that this ought was correct, but, we believed it best to give the plan a thorough trial before asking

relief, so during the 1925, 1927 and 1929 sessions we continued to labor under a handicap, the work growing heavier each session until we feel that to continue under the present appropriation would be a serious handicap which might prove extremely costly. Efficient help at the desk and competent stenographers are a most important part of the legislature.

This Constitutional Amendment was passed without a single dissenting vote in either House and the amount involved is so small as to be almost beyond perception when compared to the total expenditures of the State.

[Seventeen]

11 **FISH AND GAME. Initiative.** Amends Constitution, Article IV, Section 25½, and adds thereto three sections. 3 Creates Fish and Game Commission of five members appointed by Governor; empowers Commission to establish fish and game districts, determine what animals, birds and fish, are within its jurisdiction, regulate by ordinance approved by Governor, the taking, sale or possession thereof, and issue licenses therefor, fix seasons and limits within maximums prescribed by Legislature, establish refuges, public shooting grounds and fishing waters, conduct investigations of persons, and their books, within its jurisdiction; prescribes penalties; declares provisions effective January 15, 1931.

	YES
	NO

Sufficient qualified electors of the State of California have presented to the secretary of state a petition and request that the proposed amendment to the constitution hereinafter set forth be submitted to the people of the State of California for their approval or rejection at the next ensuing general election. The proposed amendment to the constitution is as follows:

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

PROPOSED AMENDMENT TO THE CONSTITUTION.

First. A new section numbered 25a is hereby added to Article IV of the Constitution of the State of California, to read as follows:

Sec. 25a. All wild animals, birds, fish, shellfish, molluscs and crustaceans within the State of California are hereby specifically declared to be the property of the people of this state. For the purpose of their proper and adequate conservation, there is hereby created a commission to be known as the California Fish and Game Commission which shall consist of five members appointed by the Governor. Within thirty days after this section goes into effect the Governor shall appoint one member of the Commission to serve for a term of two years, two members to serve for terms of four years and two members to serve for terms of six years, respectively, from the date this section becomes effective. Thereafter, upon the expiration of terms of office, members of the Commission shall be appointed by the Governor to serve for terms of six years from the dates of expiration of the terms of office of their predecessors, but vacancies occasioned otherwise than by expiration of terms shall be filled by appointments by the Governor for unexpired terms only. Members of the Commission shall serve until their successors have been appointed and qualified. They shall be chosen upon a non-partisan basis, shall be qualified electors of the state, and no person in the employ of or holding any official relation to any person, association, firm or corporation whose business is subject to regulation by said California Fish and Game Commission, and no person owning an interest in any such association, firm or corporation, or the property thereof, or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of member of the California Fish and Game Commission. The Governor shall have the power to remove either of the members for misconduct, incompetency or neglect of duty, after an opportunity to be heard upon written

charges. No vacancy in the membership of the Commission shall impair the right of the remaining members to exercise all the powers of the Commission. The act of a majority of the Commission when in session as a board shall be deemed to be the act of the Commission; but any investigation, inquiry or hearing which the Commission has power to undertake or to hold, may be undertaken or held before any member thereof designated for the purpose by the Commission, and every order made by a member so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the Commission and ordered filed in its office shall be deemed to be the order of the Commission.

Members of the Commission shall receive no compensation other than necessary expenses incurred in the performance of their duties, including traveling expenses and reasonable allowance for time spent in hearings, meetings, investigations or study of conditions affecting fish and game, which shall be payable from the funds of the Commission.

The Commission shall select its chairman from among its membership. All meetings shall be public.

Second. Section 25½ of Article IV of the Constitution of the State of California is hereby amended, to be numbered Section 25b and to read as follows:

Sec. 25½ 25b. The legislature may provide for the division of the state into fish and game districts and may enact such laws for the protection of fish and game therein as it may deem appropriate to the respective districts. shall have power, subject to the initiative and referendum provisions of this constitution:

1. To prescribe the maximum lengths of the several seasons during which the sale, purchase, transportation, possession, and use of the different species of wild animals, birds, fish, shellfish, molluscs and crustaceans taken within the state or brought thereinto, and the maximum lengths of the several seasons during which the taking thereof, within the state, or bringing thereinto, shall be lawful, subject to the power of the California Fish and Game Commission to prescribe shorter but not longer periods.

2. To prescribe the maximum numbers and quantities of the different kinds of wild animals, birds, fish, shellfish, molluscs and crustaceans taken within the state, which may be sold, purchased, transported, possessed and/or used, within the state during any season and/or any day thereof, and the maximum numbers and quantities thereof which may be taken within the state during such periods, subject to the power of the California Fish and Game Commission to prescribe lesser but not greater numbers and quantities.

The legislature shall also have such other legislative powers relative to the conservation, propaga-

tion and protection of wild animals, birds, fish, shellfish, molluscs and crustaceans within this state as are consistent with other provisions of this constitution and are not expressly herein conferred upon the California Fish and Game Commission.

Wherever in this constitution or in any statute or law of this state, reference is made to section 25j of Article IV of the constitution, there shall be intended thereby Section 25b of said Article.

Third. A new section numbered 25c is hereby added to Article IV of the constitution of the State of California, to read as follows:

Sec. 25c. Subject to the provisions of Section 25b of this Article, but unlimited by any other provision of this constitution the California Fish and Game Commission shall have power:

1. To divide the state into fish and game districts for the purpose of regulation and administration of the conservation, propagation and protection therein of wild animals, birds, fish, shellfish, molluscs and crustaceans.

2. To define, designate and distinguish wild animals, birds, fish, shellfish, molluscs and crustaceans and those not of wild nature; game and non-game birds, game and non-game animals, game and non-game fish, commercial and non-commercial fish, shellfish, molluscs and crustaceans, and all predatory species thereof.

3. To provide, establish and maintain sanctuaries and refuges for wild animals, birds, fish, shellfish, molluscs and crustaceans and public shooting and fishing grounds and waters and to acquire the same by lease, purchase, gift, grant, condemnation or otherwise.

4. To fix the periods or seasons during which the sale, purchase, transportation, possession, use or taking of wild animals, birds, fish, shellfish, molluscs and crustaceans shall be lawful and unlawful throughout the state and/or within any fish and game district, or portion thereof.

5. To prescribe the numbers and quantities of wild animals, birds, fish, shellfish, molluscs and crustaceans which may be sold, purchased, transported, used, possessed, or taken, during any season or portion thereof throughout the state and/or within any fish and game district, or portion thereof.

6. To withdraw from sale, purchase, transportation, use, or possession and/or attempt to sell, purchase, transport, use or possess any species of wild animals, birds, fish, shellfish, molluscs and crustaceans taken within the state or brought thereinto.

7. To prescribe the means and manner of selling, purchasing, transporting, using, possessing, taking and pursuing wild animals, birds, fish, shellfish, molluscs and crustaceans.

8. To conduct investigations, inquiries and hearings of all persons, associations, firms and corporations concerning all subjects under its jurisdiction; to examine books, records and papers of all such persons, firms, associations and corporations; to hear and determine complaints whether brought on its own motion or otherwise, to make findings and orders, and to enforce the same by contempt proceedings in the same manner as courts of record; to issue subpoenas and all necessary process, and send for persons and papers; and the Commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record. The Commission may prescribe a uniform system of accounting to be kept by all persons, associations, firms and corporations whose business is subject to its jurisdiction. No order, ruling or decision of the California Fish and Game

[Fourteen]

Commission shall be subject to review except by the Appellate Courts of this State.

9. To employ generally and/or specially with or without compensation and assign to duties such legal counsel, deputies, clerical and other employ as the Commission may determine to be necessary for the proper conduct of the work under its charge and to fix the compensation thereof, which shall be payable from the funds of the Commission.

10. To issue and revoke licenses for angling, hunting and commercial fishing and to prescribe the conditions of issuance and revocation thereof; but fees for such licenses shall be those now or hereafter prescribed by the legislature.

11. Except as otherwise provided by the provisions of this Constitution, all monies realized from the issuance of licenses, fines, taxes and other sources connected with angling, hunting, commercial fishing and the commercial fishing industry, must be expended, as the Commission in its discretion shall determine, for the conservation, propagation and protection of game fish, and the acquisition, establishment and maintenance of suitable sanctuaries and refuges therefor, and public fishing waters and grounds, the conservation, propagation and protection of game birds and animals, and the acquisition, establishment and maintenance of suitable sanctuaries and refuges therefor, and public shooting grounds and waters, and the conservation, propagation and protection of commercial fish, and for the administration of the several departments of angling, hunting and commercial fishing.

12. To make all ordinances, rules and regulations necessary and proper to carry into execution the foregoing powers and all other powers vested by this constitution or by law in the California Fish and Game Commission.

13. It shall be the duty of the California Fish and Game Commission to restore, maintain and increase the supply of commercial fish, shellfish, molluscs and crustaceans, game fish, game birds and game animals in California.

Fourth. A new section numbered 25d is hereby added to Article IV of the Constitution of the State of California, to read as follows:

Sec. 25d. All legislative powers conferred upon the California Fish and Game Commission by the provisions of this constitution shall be exercised through ordinances duly adopted by a majority vote of the Commission at public meetings. Every such ordinance when adopted shall be duly certified by the chairman of the Commission, published for one week in at least one daily newspaper in each of the cities of Sacramento, San Francisco and Los Angeles, and after completion of such publication, presented to the Governor, and before the same shall take effect, must be approved by him. If approved by the Governor, such ordinance shall be filed by him with the Secretary of State and shall go into effect on the fifteenth day thereafter. Any violation of any such ordinance is hereby declared to be a misdemeanor punishable by imprisonment in a county jail, not exceeding six months, or by a fine not exceeding Five Hundred Dollars or by both, provided, however, that the Legislature may prescribe a greater degree of offense or penalty for any such violation.

All existing laws relative to the conservation, propagation and protection of wild animals, birds, fish, shellfish, molluscs and crustaceans shall remain in full force and effect until altered, abrogated, or repealed by law or by ordinances of the California Fish and Game Commission duly adopted, certified, approved and filed as herein provided.

The legislature shall have full power unlimited by any provision of this constitution to confer upon the California Fish and Game Commission powers additional to those conferred by Sections 25a, 25b, and 25d of this Article and not inconsistent therewith and shall have like power to abrogate such additional powers so conferred, and likewise shall have full power to pass all laws necessary for the enforcement of the powers conferred upon the California Fish and Game Commission by the legislature or by the provisions of this constitution.

The Fish and Game Commission created by the

provisions of Section 373e of the Political Code is hereby abolished. All of its powers, duties, responsibilities and jurisdiction are hereby transferred to and vested in the California Fish and Game Commission created by the provisions of Section 25a of Article IV of this Constitution, until otherwise provided by law adopted pursuant to and consistent with the provisions of Sections 25a, 25b, 25c, and 25d of Article IV of this Constitution.

Sections 25a, 25b, 25c and 25d of Article IV of this Constitution shall take effect January 15, 1931.

LEGISLATIVE HELP—LIMITATION UPON EXPENSES THEREFOR.

12 Senate Constitutional Amendment 30. Amends Section 23a of Article IV of Constitution. Authorizes each house of Legislature, by resolution, to employ help, prescribe duties and fix compensation thereof; total daily expense for officers, employees and attaches not to exceed, at any regular session, four hundred dollars for Senate and four hundred fifty dollars for Assembly, exclusive of salaries of Secretary of Senate and Chief Clerk of Assembly, and, at any special or extraordinary session, one hundred fifty dollars for each house, exclusive of salaries of such Secretary and Chief Clerk.

YES
NO

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to section 23a of article four of the constitution of said state, relating to officers, employees, and attaches.

Resolved by the Senate, the Assembly concurring, at 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 of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 23a of article four of the constitution of said state be amended to read as follows:

(This proposed amendment expressly amends an existing section 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.

Sec. 23a. Each house of the Legislature may, by

resolution, provide for additional the employment of help, prescribe the duties and fix the compensation thereof; but in no case shall the total expense for officers, employees and attaches exceed the sum of ~~three~~ four hundred dollars per day for either house the Senate and four hundred fifty dollars per day for the Assembly, at any regular or biennial session, exclusive of the salary of the secretary of the Senate and the chief clerk of the Assembly, who shall each receive such salary as shall be fixed by resolution, nor the sum of ~~two hundred one hundred fifty~~ dollars per day for both houses each house at any special or extraordinary session nor shall the pay of any officer, employee or attache be increased after he is elected or appointed, exclusive of the salaries of the secretary of the Senate and the chief clerk of the Assembly. The legislature shall provide for the selection of all officers, employees and attaches of both houses and so far as advisable shall require such selection to be under the provisions of the law governing civil service. Except as herein otherwise specified, the provisions of this section shall be self-executing.