

1936

MOTOR VEHICLE FUEL TAXES AND LICENSE FEES

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**Argument Against Initiative
Proposition No. 9**

This proposed constitutional amendment is fundamentally a local option measure. It gives the legislative authority, or the voters, of any city, town, county, city and county, or unincorporated territory the absolute right to prohibit the sale of alcoholic beverages, or to prescribe the terms or conditions upon which alcoholic beverages may be sold, within such area.

The advocacy of local option is the declared strategy by which professional prohibition advocates hope to secure reenactment of national prohibition. The issue is clearly defined: If you favor reenactment of prohibition with all of its attendant evils demonstrated by experience, you should vote for this measure. If you are opposed to the reenactment of prohibition with the crime and corruption which experience has shown to be the essential result thereof, you should vote against this proposal.

This proposal would deprive the state of all control of the sale of alcoholic beverages and vest that power exclusively in local authorities. It would result in divergent and inconsistent regulations in the various local communities of the state, and open the door to the operations of bootleggers, speakeasies and liquor tax evasion.

This measure would make the question of local prohibition or regulation of the sale of alcoholic beverages, including the granting of licenses, a subject of political controversy in every city, town, county, city or county, and unincorporated territory in this state. It physically and irresistibly injects the liquor

problem into every local city and county election and provides a fertile field for the operations of petty political racketeers.

The introduction of these questions into local politics would tend to destroy the efficiency and integrity of local municipal and county government and thereby stimulate sentiment in favor of absolute prohibition.

There is no perfect system of controlling the sale of alcoholic beverages any more than there is a perfect human being. The proclaimed vice of alcoholic beverages exists not in the beverages but in the human beings who abuse the beverage. The best system of control involves removing the administration as far as possible from local politics and for that matter from the realm of politics altogether.

This proposal would magnify whatever vices may be claimed to exist by injecting this problem into local politics. Members of city and county legislative bodies would be elected, not on the basis of efficiency and ability but because they declared for either a wet or a dry policy. The vicious effect of involving such an issue in local politics has been altogether too forcibly demonstrated in past experience and was, in fact, one of the most potent circumstances in inducing the adoption of the discredited national prohibition amendment.

Control of the sale of intoxicating liquors should be vested in a state appointive commission, as far removed from politics as possible, and the control should be honestly, efficiently and intelligently administered. Therein lies the hope of true reform. This amendment would make that achievement impossible.

BYRON HANNA.
HUGH K. McKEVITT.

MOTOR VEHICLE FUEL TAXES AND LICENSE FEES. Initiative.			
10	Adds Article XXVI to Constitution. Requires same to be used for highway purposes and vehicle regulation. Permits use of portion thereof, under legislative authorization, for aiding assessment districts, formed before 1933 for highway purposes, and paying local bonds issued therefor. Requires fees and taxes be equal notwithstanding type of fuel or engine. Permits reenacting or continuing 1935 statute imposing vehicle license fee based on value, provided revenue, excluding collection costs and subventions to counties and municipalities, is first applied to obligations under State highway bonds outstanding when measure becomes effective.	YES	
		NO	

(For full text of measure, see page 19, Part II)

**Argument in Favor of Initiative
Proposition No. 10**

In 1933 the people of the State voted upon two questions involving the diversion of the gasoline tax. The Legislature submitted for advisory votes questions whether gasoline tax funds should be used to retire general obligation bonds of the State issued many years previously on State highways. The diversion proposed by

both questions was emphatically rejected by an overwhelming vote.

Regardless of the expressed policy of the people, attempts are constantly being made through the Legislature to divert these funds for other purposes.

Vehicle registration fees have always been willingly paid by the public because these fees are used solely to pay the costs of the registration of vehicles, patrolling, construction and

maintenance of highways. Attempts are constantly being made to divert this money to other purposes.

A successful attempt to divert any of these funds, no matter how small the amount, will, under present Federal law, immediately deprive this State of one third of its Federal Aid for highways, amounting to many millions of dollars each year. Any diversion means unemployment as 91 cents out of every dollar spent for highway work goes directly to labor.

The above initiative constitutional amendment will prevent further diversion of these revenues to non-highway purposes. It will not disturb any existing use of such moneys as the amendment specifically permits the continuation of the following:

- (1) Aid to street or highway special assessment districts now authorized by law.
- (2) Retirement of general county highway bonds now authorized by law.
- (3) Payment by counties to the State of moneys borrowed for unemployment relief under the bond act voted on in 1933.
- (4) The 1935 motor vehicle tax, based upon value, which provides that from the State's share of the revenues State highway bonds must first be paid.

The measure prevents discrimination against vehicles on the basis of the type of fuel used. This provision is eminently fair and will prevent unjust discrimination against certain types of vehicles or vehicle fuels. In 36 of the 48 States of the Union no discrimination is made in taxation due to types of fuel used.

It is to the interest of the public at large to permit and foster the development of more economical motors and fuels by guaranteeing that attempts to attain such development will not fail because of unfair taxation.

The measure has been carefully drafted and has received the approval of all organizations which are truly interested in the welfare of the public street and highway program in this State. Many able and impartial attorneys have carefully analyzed the measure and have unqualifiedly pronounced all of its provisions to be in the public interest. The California Highway Commission has officially endorsed it.

Briefly the measure will accomplish two things: It will "save the gas tax" and it will prevent unfair taxation of the motorist since it requires all moneys collected from him to be used strictly for his benefit.

Vote "YES" on Proposition No. 10.

STANDISH L. MITCHELL,
Secretary and General Manager,
Automobile Club of Southern California.

LELAND W. CUTLER,
California Highway Council, Inc.

STANLEY ABEL,
Supervisor, Kern County.

[Eighteen]

Argument Against Initiative Proposition No. 10

This initiative measure, purporting to protect gasoline tax moneys from raids for other than highway purposes, is a classic example of an attempt to put over a political coup on a disturbed and troubled electorate. It is the outstanding misuse of the initiative that we have experienced in all the years that amendment has been available to the people.

Under the guise of being a worthy measure "to save the gas tax" it is designated to serve in high advantageous degree the interests of those who manufacture or use Diesel powered equipment upon our streets and highways. It is likewise filled with ambiguities and uncertainties.

If this proposition were a clean cut attempt to preserve highway funds, those of us who are now opposing the measure would be leading the fight in support of it. It is manifestly a scheme "to get away with something" for Diesel oil operation.

Under the cloak of a ban on diversion of gasoline tax funds, the measure proposes that any tax hereafter imposed on fuel not now taxed in highway operation, as is the case with Diesel fuel, shall be in like amount per unit of volume as the existing tax on other motor fuels. This means that any tax on Diesel fuel would be limited to the same rate per gallon as that on gasoline. The "joker" lies in the fact that from two to four times the mileage can be obtained from Diesel motor fuel than from gasoline. In other words, Diesel trucks would pay considerably less for their use of the highways than the general motoring public and operators of other types of equipment.

The question of taxing Diesel operated equipment was before the legislature at the last session but opposition was so powerful to fair consideration that the matter was laid over until the next session.

Now resort is being made by those interested in the Initiative to prevent the fixing of a proper tax by the Legislature. The problem is being dealt with by trick and device, as it were.

It would be no great task for a G-man to uncover who is footing the bill for circulation of the petitions.

Those deceptive and unfair provisions are sufficient to strip the measure of any claims to being a clean-cut proposal for protection of gasoline tax money. There are other and more technical provisions that have doubtful and ambiguous features and which would have no place in a genuine anti-diversion proposal. The measure is deceptive and insincere. It is being opposed by leaders in the fight for protection of gasoline tax money who realize an obligation to resist this attempt to capitalize upon a popular cause to attain selfish ends. VOTE NO.

ARTHUR H. BREED,

Former State Senator for Alameda County and
former President Pro Tem, California Sen

MOTOR VEHICLE FUEL TAXES AND LICENSE FEES. Initiative.

10 Adds Article XXVI to Constitution. Requires same to be used for highway purposes and vehicle regulation. Permits use of portion thereof, under legislative authorization, for aiding assessment districts, formed before 1933 for highway purposes, and paying local bonds issued therefor. Requires fees and taxes be equal notwithstanding type of fuel or engine. Permits reenacting or continuing 1935 statute imposing vehicle license fee based on value, provided revenue, excluding collection costs and subventions to counties and municipalities, is first applied to obligations under State highway bonds outstanding when measure becomes effective.

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, by adding Article XXVI thereto, 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 does not expressly amend any existing article of the Constitution but adds a new article thereto; therefore, the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

ARTICLE XXVI. MOTOR VEHICLE TAXATION AND REVENUES

Section 1. (a) From and after the effective date of this article, all moneys collected from any tax now or hereafter imposed by the State upon the manufacture, sale, distribution, or use of motor vehicle fuel, over and above the costs of collection and any refunds authorized by law shall be used exclusively and directly for the following purposes:

(1) The construction, improvement, repair and maintenance of public streets and highways and of all works incidental thereto, whether in incorporated or unincorporated territory, for the payment for property, including but not restricted to rights of way, taken or damaged for such purposes or incident thereto and for administrative costs incident to the foregoing.

(2) As now or hereafter may be provided by law, the net revenue from not more than twenty per cent of one cent per gallon tax on such motor vehicle fuel may be expended under any act of the Legislature for the payment, redemption, discharge, purchase, adjustment, contributing to or refunding of special assessments or bonds or coupons issued for street or highway purposes as set forth in this section and which special assessment districts were initiated by an ordinance or resolution of intention adopted prior to January 1st, 1933.

(b) Any taxes hereafter imposed upon the manufacture, sale, distribution or use of any type of motor vehicle fuel derived from petroleum, which such fuel is not now taxed under the Motor Vehicle Fuel License Tax Act, shall be in like amount per unit of volume with such taxes as are now or hereafter imposed on other types of motor vehicle fuel derived from petroleum.

Sec. 2. (a) From and after the effective date of this article, all moneys collected from motor vehicle and other vehicle registration license fees and from any other tax or license fee now or hereafter imposed by the State upon vehicles, motor vehicles or the operation thereof, over and above the costs of collection, shall be used for street and highway purposes as specified in paragraph (1) of subdivision (a) of section 1 of this article and for the administration and enforcement of all laws regulating or concerning the use, operation or registration of motor vehicles used upon the public streets and highways of this State, and may also be used as now or hereafter provided by the Legislature, provided such use will not in any manner cause the loss of Federal highway funds to this State, for the following additional purposes:

(1) For the payment of any portion of the principal or interest of, or for the purchase or redemption at a discount of, or for transfer to the interest and sinking fund for the discharge and payment of bonds voted at an election prior to January 1, 1935, and issued by a city, city and county, or county, the proceeds of which have been used for the purposes specified in paragraph (1) of subdivision (a) of Section 1 of this article.

(2) For the payment, redemption, discharge, purchase, adjustment, contributing to or refunding of special assessments or bonds or coupons issued to represent such special assessments, which assessments were imposed wherein the ordinance or resolution of intention was adopted prior to January 1, 1933, for the acquisition of rights of way or easements for or for the construction or improvement of public streets, highways or parks.

(b) In respect to motor vehicle registration, license, weight fees or taxes there shall be no discrimination against any vehicle propelled by motor vehicle fuel derived from petroleum due to the type of such fuel so used or the type of internal combustion engine used therein.

Sec. 3. The provisions of this article are declared to be unlimited by any other provision of this Constitution. Such provisions are self-executing, but the Legislature shall have full power to appropriate such moneys and to provide the manner of their expenditure by the State, counties, cities and counties, or cities for the purposes specified and to enact legislation not in conflict with this article.

Sec. 4. This article shall not affect or repeal any provision of the "Unemployment Relief Bond Act of 1933," Chapter 287, Statutes of 1933, as approved by section 9 of Article XVI of this Constitution, nor

shall it repeal Chapter 362, Statutes of 1935 imposing a motor vehicle license fee based upon value. The Legislature may reenact or continue in effect the tax imposed by Chapter 362, Statutes of 1935, provided that the reenactment or continuation of, or an amendment to, said Chapter 362, shall provide that the revenue from said tax, excluding the costs of collection and subventions to counties, cities and counties, and cities, shall first be applied to the payment of principal and interest on all State highway bonds outstanding on the effective date of this article. In the event the tax imposed by said Chapter 362, Statutes of 1935, is not reenacted or continued in force, the Legislature may make provision for such payment of said State highway bonds by means of any fees or taxes of the types mentioned in this article, whether now or hereafter imposed, provided such payment will not in any manner cause the loss of Federal highway funds to this State.

11 **INSTRUCTORS' TENURE. Initiative.** Adds section 16 to Article IX of Constitution. Creates State Tenure Board of three members, each elected from a district, boundaries of which are defined, prescribing qualifications, terms, salary, powers and duties of members. Specifies instructors affected by amendment. Provides two-year probationary period therefor excepting those having permanent tenure. Specifies causes of dismissal of instructors. Vests State Tenure Board and local school boards with jurisdiction to hear and decide charges against instructor, prescribing procedure therefor, permitting instructors to appear and defend, and empowering State Tenure Board to sustain or overrule such decisions of local school board.

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, by adding section 16 to Article IX thereof, 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 does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 16.

a. It is the intent hereof that instructors in the elementary and secondary State schools and State junior colleges, or their equivalent, shall not be dismissed for political or other reasons not herein provided for, and this section shall be so interpreted as to effectuate such intent. Legislation may be

enacted to further such intent, but no legislation in conflict herewith may be enacted.

b. Instructors, for the purposes of this section, shall be those persons now or hereafter employed in said schools or colleges, and now or hereafter charged with the duty of teaching pupils other than instructors any subject, art, science, avocation, trade, or other branch of learning or training, or their equivalent. Librarians, counselors, and registrars in said schools or colleges holding certificates entitling them to teach therein shall be deemed instructors and entitled to the benefits hereof. The following employees in, or connected with, said schools and colleges are not affected by this section: persons wholly employed in a supervisory or administrative capacity, such as State, county, city, and city and county superintendents and their deputies, supervisors of instruction and principals; all employees whose duties do not consist in teaching, except said librarians, counselors, and registrars; all medical, dental, and nursing employees; all persons over the age of sixty-five years. But all instructors, until they reach the age of sixty-five, who heretofore have