

1940

LEGISLATIVE COMMITTEES

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

Recommended Citation

LEGISLATIVE COMMITTEES California Proposition 12 (1940).
http://repository.uchastings.edu/ca_ballot_props/412

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.

LEGISLATIVE COMMITTEES. Assembly Constitutional Amendment 2.

12

Adds section 37 to Article IV of Constitution. Authorizes either house of Legislature by resolution to appoint committees to ascertain facts and make recommendations as to subjects within legislative scope, joint committees for such purposes consisting of members of both houses to be created by concurrent resolutions; declares such resolutions may authorize such committees to act either during sessions or after final adjournment, and have such powers and duties as provided by resolutions creating them or by law or legislative rules. Declares committee members shall receive no additional compensation except expenses necessarily incurred.

YES

NO

(For full text of measure, see page 16, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 2

A legislative body can not legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change. The acquisition of this information can best be attained by committees of the Legislature operating not only during the regular session, but before and after as well.

From time immemorial the Legislature has appointed fact finding and study committees for the purpose of aiding that body in proposing and considering legislation. It had always been recognized that the power of appointing such committees was inherent in the Legislature.

A recent court decision has held, however, that this practice in our State is without constitutional authority. Hence, it now becomes necessary, in order that proper legislative process may not be interrupted or interfered with, to supply that authority by the adoption of this amendment.

To preserve this clearly recognized fundamental and necessary power of study and investigation for the Legislature, it becomes absolutely necessary to adopt Assembly Constitutional Amendment No. 2. Vote "YES."

MELVYN I. CRONIN,
Member of the Assembly,
Twenty-fifth District,
San Francisco.

Argument in Favor of Assembly Constitutional Amendment No. 2

Concerning the necessity for interim committees the Supreme Court of the United States in the McGrain case says:

"A legislative body can not legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it."

In the Battelle case, Mr. Justice Richards, speaking for our own Supreme Court, said:

"In the preparation of wise and timely laws the necessity of investigation of some sort must exist as an indispensable incident and auxiliary to the proper exercise of legislative power."

Under this amendment interim committees will have power to ascertain facts and make recommendations to the Legislature. No member can receive compensation for his committee service nor collect expenses not actually and necessarily incurred in the performance of his committee work. The amendment specifically prevents increased expenditures for legislative help. The powers of committees authorized under this amendment are so circumscribed that no committee can engage in useless investigations nor utilize its powers for political or other improper purposes.

If you want efficient legislators; if you believe in well considered, carefully prepared legislation; if you are interested in having the Legislature act advisedly and intelligently, vote "YES" on this amendment.

ERNEST O. VOIGT,
Member of the Assembly,
Sixty-first District.

PERMITTING STATE TO OWN SHARES IN MUTUAL WATER COMPANIES. Assembly Constitutional Amendment 71. Adds section 31d to Article IV of Constitution. Declares State may hold and hereafter acquire shares of stock in mutual water companies when incident to ownership of land heretofore or hereafter acquired by State or necessary to secure water supply required by State institution, department or agency. Declares State, when holding such stock, entitled to rights, powers and privileges and subject to obligations and liabilities conferred or imposed by law upon other stockholders in same company.

YES	
NO	

Assembly Constitutional Amendment No. 71—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article IV thereof a new section to be numbered 31d, relating to the ownership by the State of shares in mutual water companies.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fifty-third regular session commencing on the second day of January, 1939, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding to Article IV thereof a new section, to be numbered 31d and to read 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. 31d. Notwithstanding anything contained elsewhere in this Constitution, the State may hold and hereafter acquire shares of the capital stock of any mutual water company or corporation when the ownership of such stock is incident to the ownership of land heretofore or hereafter acquired by the State or necessary to secure a water supply required by a State institution, department or agency. The State, when holding such stock, shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company.

LEGISLATIVE COMMITTEES. Assembly Constitutional Amendment 2. Adds section 37 to Article IV of Constitution. Authorizes either house of Legislature by resolution to appoint committees to ascertain facts and make recommendations as to subjects within legislative scope, joint committees for such purposes consisting of members of both houses to be created by concurrent resolutions; declares such resolutions may authorize such committees to act either during sessions or after final adjournment, and have such powers and duties as provided by resolutions creating them or by law or legislative rules. Declares committee members shall receive no additional compensation except expenses necessarily incurred.

YES	
NO	

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding section 37 to Article IV, relating to the Legislature.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its fifty-third regular session commencing on the second day of January, 1939, two-thirds of the members

elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding section 37 to Article IV thereof, to read 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. 37. In order to expedite the work of the legislature, either house of the Legislature may by resolution provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control, and joint committees for such purposes, consisting of members of both houses, may be created by concurrent resolutions.

The resolution creating any such committee may authorize it to act either during sessions of the Legislature or after final adjournment. Any such committee shall have such powers and perform such duties as may be provided by the resolution creating it and in addition shall have such powers and perform such duties as may be provided by law or by the rules of the Legislature or either house thereof.

Members of such committees shall not receive any additional compensation for their services other than

their salaries as members of the Legislature, but each house of the Legislature may provide for the payment of the expenses necessarily incurred by any such committee or the members thereof either from its contingent fund or from any money provided by law for that purpose.

Nothing in this section shall be deemed to authorize additional or increased expenditures for legislative help at any regular, special or extraordinary session of the Legislature in excess of the limitations imposed by section 23a of this article, nor shall the creation of any committee as provided herein be deemed to extend the period of any legislative session. For the purpose of so limiting and determining expenditures for legislative help, any such session shall be deemed to be continuous from the first day of the session until the final adjournment thereof and to terminate on such final adjournment.

13 SALE OR LEASE OF STATE PARK LANDS CONTAINING OIL OR GAS DEPOSITS. Senate Constitutional Amendment 33. Adds section 26 to Article XX of Constitution. Empowers Legislature to authorize sale of State park lands containing oil or gas deposits exceeding value of lands for recreational purposes. Empowers State Lands Commission with consent of State Park Commission, or such other State officer or agency as Legislature may provide, to execute leases, easements or contracts for extraction and removal of such deposits. Directs proceeds from sales, leases, easements or contracts be deposited in general fund subject to appropriation by Legislature for any purpose.

YES	
NO	

Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article XX thereof a new section to be numbered 26, relating to State parks.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its fifty-third regular session commencing on the second day of January, 1939, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding to Article XX thereof a new section, to be numbered 26 and to read 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. 26. The Legislature may authorize the sale of lands comprising a part of the State park system whenever it appears that such lands contain valu-

able deposits of oil or gas, and that the value of such deposits may exceed the value of the lands for recreational purposes.

The State Lands Commission, with the consent of the State Park Commission, shall have power to execute leases, easements or contracts for the extraction and removal of such deposits of oil and gas from such lands or portions thereof in accordance with law. All such operations authorized by the State Lands Commission shall be conducted in such manner as to cause the least possible interference with the use of such lands for park purposes. The proceeds from any sale or sales, lease, easement, or contract shall be deposited in the general fund of the State, but the Legislature may appropriate the proceeds, or any part thereof, for acquisition and maintenance of State parks, or for any other purpose.

The provisions of this section are self-executing but the Legislature may enact legislation supplemental thereto and in furtherance of the purposes thereof and may, in its discretion, provide for the execution of leases, easements or contracts by a different State officer or agency than the State Lands Commission.