

1940

## LEGISLATURE, BUDGETS, GOVERNOR

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### Recommended Citation

LEGISLATURE, BUDGETS, GOVERNOR California Proposition 16 (1940).  
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**LEGISLATURE. BUDGETS. GOVERNOR. Senate Constitutional Amendment 29.** Amends Constitution, Article IV, sections 2, 23, 34, 34a; repeals Article V, section 4; adds section 4.5 thereto. Provides annual sixty-day session of Legislature. Regulates passage of bills. Increases authority of Legislature at extraordinary sessions. Allows legislators' expenses during attendance at sessions. Requires budget be prepared annually; regulates submission and passage of budget bill. Limits increase of general fund appropriations except school appropriations to five percent of preceding year; limits property taxes. Empowers Legislature to regulate election returns for Governor and Lieutenant Governor; ratifies act of Fifty-third Session relating thereto.

YES

NO

(For full text of measure, see page 20, Part II)

**Argument in Favor of Senate Constitutional Amendment No. 29**

The Legislature is the people's board of directors for the management of State Government.

The business of State Government has multiplied many times since the present State Constitution was framed, but its management is restricted by the antiquated methods that can only be changed if the people vote for this amendment to the Constitution.

This amendment was prepared by progressive leaders of both parties, and unanimously approved by them. It is not a partisan measure whatsoever. It is simply a commonsense proposal that State business should have at least an approximation of the kind of management, and supervision that private business has.

This amendment would make it the duty of the Legislature to meet once each year. At present the Legislature is required to meet only once every two years. This is an obvious absurdity in the light of the enormous increase in today's governmental activities, aggravated as they are by the unsettled condition of our people, and their social and economic problems. Many other States long ago abandoned the biennial system of legislative sessions in favor of annual meetings.

The most important feature of the proposed annual session is that the State budget would be made up each year.

The vast sums of money appropriated in recent years is convincing proof that the State should be on an annual budget, because it is the only safe, sound, and practical way to determine income and outgo with a reasonable degree of accuracy. At the present time, income and outgo is estimated for two years ahead, and no one, except a crystal gazer, can predict what conditions will exist two years hence.

The legislative sessions will be limited, in length, to sixty days instead of the present practically endless sessions. It will tend to lessen the vast flood of ill-advised bills presented by legislators and others. It will effect substantial savings in legislative expenditures.

The time set for the legislative meeting will be the "first Monday in March," instead of January, thus permitting an incoming Governor sufficient time to study the needs of all departments, and enable him to present, after mature deliberation, a budget based upon his finding of fact.

The Legislature will be in closer touch with the problems of state by meeting annually as against meeting every other year; the people will become more conversant with government activities, and the cost thereof, by the adoption of an annual budget.

This amendment is, in our considered opinion, a safe, sound, constructive, and progressive step which should be adopted.

We ask you to vote "YES" on Senate Constitutional Amendment No. 29.

ROBERT W. KENNY,  
Senator, Thirty-eighth District,  
Los Angeles.

EDWARD H. TICKLE,  
Senator, Twenty-fifth District,  
Monterey and San Benito Counties.

**Argument Against Senate Constitutional Amendment No. 29**

Senate Constitutional Amendment No. 29, if passed by the people, will: (a) abolish the bifurcated sessions of the State Legislature, thus eliminating the thirty day recess the people depend upon to study proposed laws introduced during the first part of the session and which can not be acted upon until the second part; it would be a thirty years' step backward; it would nullify one of the people's most important

safeguards; (b) following a precedent established by the 1940 Special Session, double the opportunity of the legislators to assume administrative as well as legislative functions of government, a very dangerous usurpation of power; (c) double the disturbance to business and labor due to the uncertainty of acts of our lawmakers; (d) increase financial burdens of underpaid legislators, justifying higher salaries, which, in turn, would lead to further taxation; (e) double the number of sessions of the Legislature; (f) cost the taxpayers approximately \$300,000.00 more every other year than they are paying now, and in truth getting nothing in return for the outlay.

The Constitutional Amendment, under which the Legislature now operates, adopted October

10, 1911, is one of the progressive measures introduced and passed during the able leadership of Governor Hiram W. Johnson. It was enacted to protect the people from the iniquitous legislation so common in those days. This is not the first attack on this amendment the people have had to fight off. And it should be remembered politicians and political practices are not so changed today that we can afford to let down the bars to those forces unfriendly to the welfare of all the people.

Vote "NO" on Senate Constitutional Amendment No. 29.

J. JAMES HOLLISTER,  
Senator, Thirty-first District,  
Santa Barbara County.

**LEGISLATURE. BUDGETS. GOVERNOR. Senate Constitutional Amendment 29.** Amends Constitution, Article IV, sections 2, 23, 34, 34a; repeals Article V, section 4; adds section 4.5 thereto. Provides annual sixty-day session of Legislature. Regulates passage of bills. Increases authority of Legislature at extraordinary sessions. Allows legislators' expenses during attendance at sessions. Requires budget be prepared annually; regulates submission and passage of budget bill. Limits increase of general fund appropriations except school appropriations to five percent of preceding year; limits property taxes. Empowers Legislature to regulate election returns for Governor and Lieutenant Governor; ratifies act of Fifty-third Session relating thereto.

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YES	
NO	

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California to amend sections 2, 23, 34 and 34a of Article IV of, to repeal section 4 of Article V of, and to add section 4.5 to Article V of the Constitution of said State, relating to the Legislature and the fiscal year budget, the payment of salaries and expenses of members of the Legislature, and providing for the manner of making returns of elections for Governor and Lieutenant Governor.

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 all the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California to amend sections 2, 23, 34 and 34a of Article IV, and to repeal section 4 of, and to add section 4.5 to, Article V of the Constitution of said State so as to read as follows, respectively:

(This proposed amendment expressly amends existing sections of the Constitution, repeals an existing section thereof, and adds a new section thereto; 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.

First. That section 2 of Article IV is hereby amended to read as follows:

SEC. 2. The sessions of the Legislature shall be biennial annual, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock m., on the first Monday after the first day of January next succeeding the election of its members in March, and shall continue in session for a period not exceeding thirty days thereafter; whereupon a recess of both houses must be taken for not less than thirty

days. On the reassembling of the Legislature, no bill shall be introduced in either House without the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling, sixty days thereafter, unless continued for a longer period by concurrent resolution adopted by two-thirds of the members elected to each house.

No bill shall be put upon its final passage in either house until a period of fifteen days from the introduction of the bill has elapsed, unless two-thirds of the members elected to the house where such bill may be pending shall by a vote of ayes and nays dispense with this provision.

At its session in 1941 and in every second year thereafter, the Legislature may consider and act upon the budget bill for the ensuing fiscal year and all other bills that may properly come before the Legislature. In the sessions held during the even-numbered years, the Legislature may consider and act only upon the budget bill for the ensuing fiscal year and all other bills appropriating money for the support of the State government and all bills necessary to provide revenue to defray governmental charges.

At any session of the Legislature, the Governor, by message, may request the consideration of specific subjects, and in that event, the Legislature is empowered to consider and act upon such subjects in addition to those which it may otherwise act upon at that session.

This section shall not limit the right of the Legislature at any session to propose constitutional amendments, and to adopt joint, concurrent, and single house resolutions.

Second. That section 23 of Article IV is hereby amended to read as follows:

SEC. 23. The members of the Legislature shall receive for their services the sum of one hundred dollars each for each month of the term for which they are elected, to be paid monthly in the even numbered years and to be paid during the regular legislative session in the odd numbered years during each regular legislative session at such times as

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may be provided by law, and mileage to be fixed by law, all paid out of the State treasury, such mileage not to exceed five cents per mile. Each member of the Legislature shall also receive the sum of eight dollars a day for expenses for each day of any regular or extraordinary legislative session, to be paid out of the State treasury as may be provided by law.

Third. That section 34 of Article IV is hereby amended to read as follows:

Sec. 34. The Governor shall, within the first thirty five days of each regular session of the Legislature and prior to its recess, submit to the Legislature, with an explanatory message, a budget containing a complete plan and itemized statement of all proposed expenditures of the State provided by existing law or recommended by him, and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for each fiscal year of the ensuing biennial period the ensuing fiscal year; together with a comparison, as to each item of revenues and expenditures, with the actual and estimated revenues and expenditures for the first fiscal year of the existing biennial period current fiscal year and the actual and estimated revenues and expenditures for the second fiscal year thereof of the fiscal year last concluded. If the proposed expenditures for the ensuing biennial period fiscal year shall exceed the estimated revenues therefor, the Governor shall recommend the sources from which the additional revenue shall be provided. The Governor, and also the Governor-elect, shall have the power to require any institution, department, board, bureau, commission, officer, employee or other agency to furnish him with any information which he may deem necessary in connection with the budget or to assist him in its preparation. The budget shall be accompanied by an appropriation bill covering the proposed expenditures, to be known as the budget bill. The budget bill shall be introduced immediately into each house of the Legislature by the respective chairmen of the committees having to do with appropriations, and shall be subject to all the provisions of section 15 of this article. The Governor may at any time amend or supplement the budget and propose amendments to the budget bill before or after its enactment, and each such amendment shall be referred in each house to the committee to which the budget bill was originally referred. Until the budget bill has been finally enacted, neither house shall place upon final passage any other appropriation bill, except emergency bills recommended by the Governor, or appropriations for the salaries, mileage and expenses of the Senate and Assembly. No bill making an appropriation of money, except the budget bill, shall contain more than one item of appropriation, and that for one single and certain purpose to be therein

expressed. In any appropriation bill passed by the Legislature, the Governor may reduce or eliminate any one or more items of appropriation of money while approving other portions of the bill, whereupon the effect of such action and the further procedure shall be as provided in section 16 of this article. Section 29 of this article is hereby repealed. In case of conflict between this section and any other portion of this Constitution, the provisions of this section shall govern, except that any item of appropriation in the budget act, other than for the usual current expenses of the State, shall be subject to the referendum. The Legislature shall enact all laws necessary or desirable to carry out the purposes of this section, and may enact additional provisions not inconsistent herewith.

Fourth. Section 34a of Article IV is hereby amended to read as follows:

Sec. 34a. Appropriations from the general fund of the State for any biennium fiscal year, exclusive of appropriations for the support of the public school system, shall not exceed by more than 5 per centum the appropriations from such fund, exclusive of such public school appropriations, for the preceding biennium fiscal year unless two-thirds of all the members elected to each house of the Legislature vote in favor thereof; provided, that no amount appropriated in excess of such 5 per centum shall become a part of the base for determining the maximum appropriation for a succeeding biennium fiscal year and provided that the base for the ninety-third fiscal year shall be one-half of the base in effect for the ninety-first and ninety-second fiscal years plus 5 per centum. Should the appropriations in the budget act for any biennium fiscal year exceed the limitations herein prescribed, and such budget act be not passed by such two-thirds vote, the several items of appropriation therein shall be deemed reduced by that percentage which the excess amount of appropriation bears to the total appropriation. Should the prescribed limit for any biennium fiscal year be exceeded by reason of any other appropriation or appropriations from the general fund, then the appropriation first passed by the Legislature without such two-thirds vote, which exceeds such prescribed limitation, shall be deemed reduced by the amount of such excess, and all other subsequent appropriations from the general fund not passed by such two-thirds vote shall be void. Nothing herein contained shall prevent the Governor from vetoing any bills or reducing any appropriation therein or any appropriation reduced as herein provided.

Not more than 25 per centum of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

Fifth. That section 4 of Article V is hereby repealed.

Sec. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Sixth. That section 4.5 is hereby added to Article V, to read as follows:

Sec. 4.5. The Legislature may regulate by law the manner of making returns of elections for Governor and Lieutenant Governor.

The legislation enacted at the Fifty-third Session of the Legislature regulating the manner of making returns of elections for Governor and Lieutenant Governor is hereby ratified and validated, and it shall have the same force and effect as if it had been passed after the adoption of this provision of the Constitution.

<p><b>PERSONAL LIABILITY INSURANCE FOR OFFICERS, AGENTS AND EMPLOYEES OF STATE AND POLITICAL SUBDIVISIONS.</b>  <b>Assembly Constitutional Amendment 42.</b> Adds section 32a to Article IV of Constitution. Declares Legislature may authorize the State and counties, cities, cities and counties, school districts and other political subdivisions of State, to purchase insurance against personal liability of all officers, agents and employees thereof incurred while acting in connection with their offices, agencies or employments.</p>	YES	
	NO	

Assembly Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article IV thereof a new section to be numbered 32a, relating to the insurance of the personal liability of officers, agents and employees of the State and counties, cities and counties, cities, school districts and all other political subdivisions of the State, incurred while acting within the scope of their office, agency or employment.

State of California that the Constitution of the State of California be amended by adding a new section to be numbered 32a 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. 32a. The Legislature may, notwithstanding any provision of this Constitution to the contrary, authorize the State and counties, cities, cities and counties, school districts and other political subdivisions of the State, to purchase insurance against the personal liability of all officers, agents and employees thereof incurred while acting in connection with their offices, agencies or employments.

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 voting in favor thereof, hereby proposes to the people of the