

1942

USE OF FISH AND GAME FUNDS RESTRICTED

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miums on California business. The tax rate is fixed by the Legislature. From this State premium insurers are now authorized to deduct all expenses which they have paid to any city, county or district upon real estate they own in this State.

Insurers are not permitted by law (with minor exceptions) to own real estate permanently except properties used in transacting their business. The law provides for temporary ownership of other real estate acquired through surrender or foreclosure of loans. The period allowable for holding such property is limited to five years unless extended by the Insurance Commissioner. During periods of business depression such as the period following the year 1929, insurers through surrender or foreclosure of property loans acquired much more real estate than under normal conditions.

As a result of this condition, deductions from the State premium taxes by reason of local real estate taxes paid increased substantially, thus lowering the revenue to the State at a time when revenue was sorely needed. As many classes of insurers did not invest in loans on real estate, a further inequality arose between insurers because those that did not make real estate loans paid more taxes proportionately to the State than those that did own real estate.

Aside from real estate owned and used in the transaction of its business, an insurer coming into possession of other real estate, such as dwellings, apartment houses and mercantile

buildings, inadvertently receives preferential treatment over citizens who own and operate similar properties in that the insurer's expense of operation of such properties is lessened by the credit against State taxes in the amount of local real estate taxes thereon.

This amendment was drawn to correct these inequalities in the tax laws. On the basis of 1940 tax returns, over a period of five years it eliminates by steps real estate tax deductions (excepting taxes on properties used in the transaction of the insurance business), and adjusts proportionately the rate of tax during that period.

Insurers are still required to pay city and county and district taxes on real estate owned, so that no loss of revenue to any city or county or district in which such real estate is located can arise by reason of this amendment.

Your favorable vote on this amendment will help eliminate present inequalities in taxes on insurers and stabilize the State's income from this source.

VOTE "YES."

RICHARD H. MCCOLLISTER,
Member of the Assembly,
Seventh District.

THOMAS A. MALONEY,
Member of the Assembly,
Twentieth District.

8 **OF FISH AND GAME FUNDS RESTRICTED. Senate Constitutional Amendment 1.** Adds section 25½ to Article IV of Constitution. Requires all moneys collected under any State law relating to protection, conservation, propagation or preservation of fish, game, mollusks or crustaceans, and fines and forfeitures imposed for violation of such laws, be used exclusively for such purposes. Empowers Legislature to provide for division of money derived from such fines and forfeitures.

YES	
NO	

(For full text of measure, see page 11, Part II)

Argument in Favor of Senate Constitutional Amendment No. 1

Senate Constitutional Amendment No. 1 is a very simple amendment. It simply freezes all moneys collected by the Fish and Game Commission from all sources into the Fish and Game Fund to be used solely by said commission for the propagation of fish and game for law enforcement in the protection of fish and game and all other matters pertaining to the lawful and legitimate expenses of the commission. It also provides that the Legislature may legislate for the division of moneys collected from fines and forfeitures in connection with law enforcement of the Fish and Game Code. The necessity of this amendment to the Constitution arises from the practice of the State in borrowing money from special funds and paying it back in a very unsatisfactory and uncertain manner.

F. L. GORDON,
Senator, Eleventh District.

Argument in Favor of Senate Constitutional Amendment No. 1

The sportsmen of the State of California were unanimous in asking me for Senate Constitutional Amendment No. 1, and all sportsmen feel that the money that they put up in the way of hunting and fishing licenses should be used for the purpose for which the money was collected and none other, namely for the preservation of fish and game in the State of California. With the ever increasing population in the State of California and the ever increasing number of sportsmen, it is necessary to increase our game birds the same as other States. This can not be done unless the money that is put up by the sportsmen is held intact and spent only for the purpose for which it was intended. Senate Constitutional Amendment No. 1 is no different in plan to that which the people voted on the Gas Tax Amendment.

D. JACK METZGER,
Senator, Eighth District.

[Thirteen]

(3) In computing the percentage of deductible taxes paid by an insurer in 1939, there shall be excluded from such deductible taxes the amount of taxes, paid by it in 1939, which would, if subdivision (g) were applicable to the year 1939, constitute or be included within the principal office deduction.

(4) Taxes otherwise conforming to the requirements of this subdivision (h) shall not be allowed as part of the real estate deduction unless paid before, or within 30 days after, becoming delinquent. The date of payment of such taxes shall be conclusively established by the time of payment shown on the official tax receipt.

(i) The tax imposed on insurers by this section is in lieu of all other taxes and licenses, State, county, and municipal, upon such insurers and their property, except:

(1) Taxes upon their real estate.

(2) That an insurer transacting title insurance in this State which has a trust department or does a trust business under the banking laws of this State is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this State.

(3) When by the laws of any other State or country any taxes, fines, penalties, licenses, fees, deposits of money or securities or other obligations or prohibitions are imposed on insurers of this State doing business in such other State or country, or on their agents therein, in excess of those imposed upon insurers of such other State or country or upon their agents therein, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature

upon insurers of such other State or country doing business in this State, or upon their agents herein.

(4) The tax on ocean marine insurance.

(j) Every insurer transacting the business of ocean marine insurance in this State shall annually pay to the State a tax measured by that proportion of the underwriting profit of such insurer from such insurance written in the United States, which the gross premiums of the insurer from such insurance written in this State bear to the gross premiums of the insurer from such insurance written within the United States, at the rate of 5 per centum, which tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such insurer, except taxes upon real estate, and such other taxes as may be assessed or levied against such insurer on account of any other class of insurance written by it. Deductions from the annual tax pursuant to subdivision (f), (g) and (h) can not be made from the ocean marine tax. The Legislature shall define the terms "ocean marine insurance" and "underwriting profit," and shall provide for the assessment, levy, collection and enforcement of the ocean marine tax.

(k) The taxes provided for by this section shall be assessed by the State Board of Equalization.

(l) The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may by law change the rate or rates of taxes herein imposed upon insurers.

(m) This section is not intended to and does not change the law as it has previously existed with respect to the meaning of the words "gross premiums, less return premiums, received" as used in this section or as used in Section 14 or 14½ of this article.

8 **USE OF FISH AND GAME FUNDS RESTRICTED.** Senate Constitutional Amendment 1. Adds section 25½ to Article IV of Constitution. Requires all moneys collected under any State law relating to protection, conservation, propagation or preservation of fish, game, mollusks or crustaceans, and fines and forfeitures imposed for violation of such laws, be used exclusively for such purposes. Empowers Legislature to provide for division of money derived from such fines and forfeitures.

YES	
NO	

Senate Constitutional Amendment No. 1—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 25½, relating to fish and game and funds received in connection therewith.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its Fifty-fourth Regular Session, commencing on the sixth day of January, 1941, two-thirds of all the members elected to each of the two houses of the

Legislature voting in favor thereof, 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 25½ 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. 25½. All money collected under the provision of any law of this State relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans and all fines and forfeitures imposed by any court for the viola-

tion of any such law shall be used and expended exclusively for the protection, conservation, propagation, and preservation of fish, game, mollusks, or crustaceans and for the administration and enforcement of laws relating thereto. The Legislature may provide for the division of money derived from such fines and forfeitures.

<p>9 COMPENSATION OF SPECIFIED STATE OFFICERS MAY BE CHANGED DURING TERM OF OFFICE. Assembly Constitutional Amendment 61. Adds section 22 to Article V of Constitution. Compensation of Superintendent of Public Instruction, State Treasurer, State Controller and Secretary of State may be diminished or increased by Legislature during term of office.</p>	YES	
	NO	

Assembly Constitutional Amendment No. 61—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 22 to Article V, relating to the compensation of State officers.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its Fifty-fourth Regular Session commencing on the sixth day of January, 1941, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that the Constitution of said State be amended by adding Section 22 to Article V, 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. 22. Notwithstanding anything contained elsewhere in this Constitution, the compensation for the services of the Superintendent of Public Instruction, State Treasurer, State Controller, and Secretary of State may be diminished or increased by the Legislature during his term of office.

<p>10 REORGANIZATION OF BUILDING AND LOAN ASSOCIATIONS. Initiative to Legislature. Adds Article XVII to Building and Loan Association Act. Authorizes plans for rehabilitation, readjustment, reorganization, consolidation or merger of building and loan associations, and defines classes of associations affected. Requires consents, specifies procedure, and designates securities permitted to be issued. Requires plans be fair, equitable, non-discriminatory and feasible, and approved by superior court after notice and hearing; declares effect of such approval, and requires undertaking on appeal therefrom. Specifies rights and duties of Building and Loan Commissioner. Declares Legislature may amend or repeal Act.</p>	YES	
	NO	

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed law herein-after set forth be transmitted to the Legislature. The Legislature having taken no action upon the law so petitioned for within forty days from the time it was received by the Legislature, the proposed law is hereby submitted to the people of the State of California for their approval or rejection. The proposed law is as follows:

(This proposed law does not expressly amend any provisions of existing law but adds a new article to an existing law; therefore, the new provisions are printed in BLACK-FACED TYPE to indicate that they are NEW.)

An act to amend the Building and Loan Association Act of the State of California, as amended, by adding to said act a new article to be numbered XVII, relating to the rehabilitation, readjustment, consolidation, merger or reorganization of