

1942

BOARDS OF EQUALIZATION

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

Recommended Citation

BOARDS OF EQUALIZATION California Proposition 13 (1942).
http://repository.uchastings.edu/ca_ballot_props/431

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.

SCHOOL DISTRICTS, FIFTH AND SIXTH CLASS CITIES MAY ACQUIRE STOCK IN MUNICIPAL WATER COMPANIES. Assembly Constitutional Amendment 19. Amends Constitution, Article IV, section 31c. 12 School districts and cities of fifth or sixth class may acquire and hold capital stock of mutual water companies and corporations for purpose of furnishing water for public municipal or school purposes, with rights, powers, privileges, obligations and liabilities of other holders.	YES	
	NO	

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

Argument in Favor of Assembly Constitutional Amendment No. 19

At the present time the Constitution of the State of California permits cities of the fifth or sixth class to acquire and hold shares of capital stock of any mutual water company or corporation when such stock is acquired or held solely for the purpose of furnishing a supply of water for public or municipal purposes.

Assembly Constitutional Amendment No. 19 amends this section of the Constitution to allow school districts to also acquire or hold stock in mutual water companies for the sole purpose of furnishing a supply of water for public or school use. A number of school districts in the State of California are in need of this amendment, as they have been greatly handicapped in

the past and put to additional expense because of the fact that they have been unable to acquire or hold mutual water company stock. As indicated, the acquiring and holding of such stock by any school district will be limited to the purpose of furnishing a supply of water for public or school purposes.

This amendment passed both houses of the Legislature unanimously and as far as is known, there is no opposition to it.

GERALD C. KEPPLER,
Member of the Assembly, Fiftieth District.

JEANETTE E. DALEY,
Member of the Assembly, Seventy-eighth District.

BOARDS OF EQUALIZATION. Senate Constitutional Amendment 18. Amends Constitution, Article XIII, section 9. State Board of Equalization to comprise five members, each elected from one of five equalization districts. Eliminates Controller from Board. Specifies counties comprising each district, permitting Legislature by two-thirds vote to redefine districts. 13 Member's term four years; those serving when section becomes operative continue for balance of term, Governor appointing member from fifth district to hold until January, 1947. Reenacts, substantially unchanged, present provisions constituting boards of supervisors equalization boards in their respective counties, but without power to alter property valuation assessed by State Board.	YES	
	NO	

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

Argument in Favor of Senate Constitutional Amendment No. 18

This amendment adds efficiency to the Board of Equalization, divides the State into districts, giving southern California additional representation and relieves the Controller as an ex officio member.

The State Board of Equalization was established by the 1879 Constitution. It is composed of five members, four elected, and the Controller as an ex officio member. The duties of the Controller are such that he no longer has time to act on the board without neglecting his own office. An elected member should be provided in his place.

The duties of the board when created were few unimportant. Since its creation many addi-

tional duties have been added. These new duties include the collection of State revenues and corporation taxes, the enforcement of liquor laws and the equalization of assessments between counties. No other department has the responsibilities, nor is any other department confronted with problems such as confront the board. Notwithstanding these additional duties there has been no geographical changes in the districts since the board was first established in 1879. Since then the population and wealth within the State has shifted so that the Los Angeles district contains more than half the population and wealth within the State, and more than 50 per cent of all problems arise within that district. Notwithstanding these facts, three members of the board come from the north and only one from southern Califor-

nia. Manifestly, such a situation is unfair. The members from the north can not desert their districts to come south and aid in the administration of the Los Angeles district, yet it is humanly impossible for one man to protect the interests and care for the needs of a district so populous and extensive as is the Los Angeles district.

At present the Los Angeles district includes the counties of Los Angeles, Santa Barbara, Ventura, San Bernardino, Orange, Riverside, San Diego and Imperial. This proposal makes Los Angeles County a district by itself and combines San Bernardino, Riverside, Orange, San Diego and Imperial into a new Fifth District. Santa Barbara and Ventura are attached to the First District because there is no physical contact between these counties and the five southern counties. As proposed, the districts will have the following populations:

- District No. 5,
(five southern counties) ----- 746,480,
- District No. 4,
(Los Angeles County) ----- 2,785,643,
- District No. 3,
(northern counties) ----- 415,224,
- District No. 2,
(Alameda, Sacramento, and adjacent counties) ----- 1,563,111,

District No. 1,
(San Francisco and adjacent counties) ----- 1,224,234

The Fourth and Fifth districts will still contain more than 50 per cent of the population and wealth of the State.

Under this amendment the Legislature has power to redistrict according to population when necessary. The first member from the new Fifth District will be appointed by the incoming Governor February 1, 1943. Thereafter all members will be elected from their respective districts.

This amendment will afford better administration, fairer treatment for Los Angeles and the other southern counties, greater protection to the people as a whole, and a friendlier relation throughout the entire State.

VOTE FOR THE AMENDMENT!!

- ROBERT W. KENNY,**
Senator, Thirty-eighth District
- JOHN F. SHELLEY,**
Senator, Fourteenth District.
- RALPH E. SWING,**
Senator, Thirty-sixth District.

RATES OF INTEREST ON LOANS AND JUDGMENTS. Assembly Constitutional Amendment 28. Amends first paragraph of section 22 of Article XX, Constitution. Declares rate of interest on loan or forbearance of any money, goods or things in action, or on accounts after demand, 7 percent per annum, but parties thereto may contract in writing for interest rate not exceeding 10 percent per annum. Declares interest rate on court judgments 5 percent per annum.

14

YES	
NO	

(For full text of measure, see page 21, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 28

Under the present provisions of our State Constitution when a judgment is rendered against an individual and entered upon the records of the county, that judgment carries 7 per cent interest per annum and continues indefinitely. Many judgments have been carried for from 20 to 30 years and the interest accumulates until it is much larger and in some instances several times more than the original principal of the judgment. These judgments do not outlaw, as do practically all other obligations, after a limited time. They are renewed every five years with added costs, and the only way out for the debtor is to go through bankruptcy in order to begin business again.

The purpose of this new amendment is to reduce the rate of interest on a judgment from 7 per cent per annum to 5 per cent per annum. When the State can borrow money for about

one-half of 1 per cent per annum, many counties and districts from 1 to 2 per cent per annum, corporations about 3 per cent per annum, and individuals usually pay about 5 per cent per annum for the use of money, it would seem very unfair to charge one who is so unfortunate as to have a judgment rendered against him such a high rate as 7 per cent per annum indefinitely. So this Constitutional Amendment simply reduces the rate of interest on a judgment, after it is entered upon the records, from 7 per cent to 5 per cent per annum, but it does permit a person to contract to pay a rate of interest not exceeding 10 per cent per annum, which is the present law. In other words this amendment simply provides for the reduction of the rate of interest to be paid by the borrower when he is in such serious trouble that a judgment has been entered against him.

There should be no objection to this amendment, and we sincerely hope it receives a

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. 31c. Nothing contained in this Constitution shall preclude any school district or city of the fifth or sixth class from acquiring or holding shares of the capital stock of any mutual water company or corporation when said stock is so acquired or held for the purpose of furnishing a supply of water for

public or municipal or school purposes, or for the use of the inhabitants of the city, and the school district or city, as the case may be, is hereby authorized to acquire and hold such stock, and said holding of such stock shall entitle such holder thereof to all the rights, powers and privileges; and subjects such holder to the obligations and liabilities, as are given or are imposed by law to or upon other holders of stock in the mutual water corporation in which such stock is so held.

13 **BOARDS OF EQUALIZATION. Senate Constitutional Amendment 18.**

Amends Constitution, Article XIII, section 9. State Board of Equalization to comprise five members, each elected from one of five equalization districts. Eliminates Controller from Board. Specifies counties comprising each district, permitting Legislature by two-thirds vote to redefine districts. Member's term four years; those serving when section becomes operative continue for balance of term, Governor appointing member from fifth district to hold until January, 1947. Reenacts, substantially unchanged, present provisions constituting boards of supervisors equalization boards in their respective counties, but without power to alter property valuation assessed by State Board.

YES	
NO	

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 9 of Article XIII of said Constitution, relating to State and county boards of equalization.

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 said Legislature voting in favor thereof, hereby proposes to the people of the State of California that Section 9 of Article XIII 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. 9. (a) A State Board of Equalization, consisting of one member from each Congressional District of the five equalization districts in this State, as the same existed in eighteen hundred and seventy-nine, as said districts are defined in this section or may be redefined pursuant to this section, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year

one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the Board, as hereinafter provided.

(b) The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, whose duty and it shall be the duty of said boards of equalization to equalize the valuation of the taxable property in the county their respective counties for the purposes of taxation; provided, such State and. The county boards of equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe, as to the county assessments, and under such rules of notice as the State Board may prescribe as to the action of the State Board may be prescribed by law, to increase or lower the entire assessment roll, or any assessment contained therein the valuation of any property contained in the assessment rolls of their respective counties, except property assessed by the State Board of Equalization, so as to equalize the assessment of the property contained in said assessment rolls; and make the assessment conform to the true value in money of the property contained in said roll; provided, that no Board of Equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or notes

credits, above its face value. The State Board of Equalization is hereby authorized and empowered to make such rules as may be prescribed to increase or lower the entire assessment roll of any county.

(c) The State is hereby divided into five equalization districts defined and constituted as follows:

1. First District. The counties of San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara, Ventura and the City and County of San Francisco shall constitute the first equalization district.

2. Second District. The counties of Alameda, Contra Costa, San Joaquin, Sacramento, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, Kern, Inyo, Mono, Mariposa, Tuolumne, Calaveras, Amador and Alpine shall constitute the second equalization district.

3. Third District. The counties of Del Norte, Siskiyou, Modoc, Lassen, Shasta, Trinity, Humboldt, Mendocino, Sierra, Tehama, Plumas, Butte, Glenn, Lake, Colusa, Sutter, Yuba, Nevada, Placer, El Dorado, Yolo, Solano, Napa, Sonoma and Marin shall constitute the third equalization district.

4. Fourth District. The County of Los Angeles shall constitute the fourth equalization district.

5. Fifth District. The counties of San Diego, Imperial, Riverside, Orange and San Bernardino shall constitute the fifth equalization district.

(d) The terms of office of the members of the State Board of Equalization shall be for four years,

commencing on the first Monday after the first day of January following their election, and shall continue until their successors have qualified. The members of the present State Board of Equalization representing the four equalization districts existing when this section becomes operative shall continue in office until their successors, as herein provided for, shall be elected and shall qualify the end of their terms. On or after the date when this section becomes operative, the Governor shall appoint a board member from the fifth district who shall hold office until the first Monday after the first day of January in 1947, and until his successor has qualified. In the event a vacancy occurs in the State Board of Equalization, the Governor shall appoint a board member from the equalization district in which the vacancy occurs. Any member so appointed shall hold office for the remainder of the unexpired term as prescribed herein.

(e) All of the provisions of this section are self-executing. The Legislature shall have power to redistrict the State into four districts as nearly equal in population as practical, two-thirds of all of the members elected to each of the two houses voting in favor thereof, may redefine the five equalization districts defined herein, and to provide for the elections of members of said Board of Equalization.

(f) The provisions of this section shall become operative on February 1, 1943.

RATES OF INTEREST ON LOANS AND JUDGMENTS. Assembly Constitutional Amendment 28. Amends first paragraph of section 22 of Article XX, Constitution. Declares rate of interest on loan or forbearance of any money, goods or things in action, or on accounts after demand, 7 percent per annum, but parties thereto may contract in writing for interest rate not exceeding 10 percent per annum. Declares interest rate on court judgments 5 percent per annum.

14

YES	
NO	

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the first paragraph of Section 22 of Article XX of the Constitution of the State, relating to the legal rate of interest on loans.

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 all of the members of the Legislature voting in favor thereof, hereby proposes to the people of the State of California that the first paragraph of that Section 22 of Article XX of the Constitution of said State which relates to the legal rate of interest 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. 22. The rate of interest upon the loan or forbearance of any money, goods or things in action, or on accounts after demand or judgment rendered in any court of the State, shall be 7 per cent per annum, and upon any judgment rendered in any court of this State shall be 5 per cent per annum; but it shall be competent for the parties to any loan or forbearance of any money, goods or things in action to contract in writing for a rate of interest not exceeding 10 per cent per annum.

[Twenty-one]