

1944

COMPENSATION OF OFFICERS, INCREASE DURING TERM

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COMPENSATION OF OFFICERS, INCREASE DURING TERM California Proposition 10 (1944).
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Argument Against Initiative Proposition No. 9

DO YOU KNOW THAT:

1. The State of California is spending over \$200,000,000 each year for education in the public schools?
2. The State of California furnishes free to the school districts all necessary textbooks?
3. California spends more per pupil than any other State in the Union?
4. Not one elementary school has closed because of lack of money?
5. California has the highest minimum salary for teachers of any State in the Union?
6. Eleven and seven-tenths per-cent of the elementary districts in California levy no local property tax?
7. If this proposition is adopted, it will freeze into the Constitution an additional minimum expenditure of \$15,000,000 per year?
8. If this proposition is adopted, the Legislature will have no power to change it regardless of economic conditions or need?
9. There is no provision in this program to reduce your local property tax, notwithstanding arguments to the contrary?
10. The Legislature will undoubtedly have to increase the sales tax to obtain sufficient revenue, if this proposition is adopted?
11. The Legislature had this same matter under consideration in 1943 and, after careful study, decided against the proposal?
12. Although the 1943 Legislature turned down the \$14,000,000 requested that year, it did provide \$4,500,000 additional?
13. In 1944, the school authorities asked the Legislature for only \$4,500,000 additional for one year, which was granted, and not \$15,000,000?
14. This act does not take effect until July 1, 1945?
15. The war may be over long before that date?
16. The elementary schools had on hand June 30, 1943, unexpended balances of \$18,664,564?
17. None of the money provided for in this proposition may be used for the benefit of veterans, or high school or junior college students?

18. Prior to the war, there was a surplus of teachers?
19. You can expect the same condition shortly after the end of the war?
20. If you vote "Yes" on this measure, you are voting to spend your own money as well as that of your neighbors?
21. This is not an equalization fund?
22. The Governor's Commission on Reconstruction and Reemployment has secured the services of Dr. George D. Strayer, outstanding American expert on school administration and finance, to determine the amount of money needed for schools in California?
23. His findings will be submitted to the next regular session of the Legislature?
24. Many parents and teachers feel no action should be taken until after Dr. Strayer's report is submitted?
25. The teachers of California schools have been requested to contribute \$5.00 each toward a campaign fund?
26. If the 52,000 teachers follow this request for a contribution, there will be over a quarter of a million dollars available to buy newspaper, radio, and billboard advertising space to influence your vote in favor of this proposition?
27. It has been recommended to those who oppose this measure that they do not spend any money to influence your vote but rather invest their money in United States War Bonds?
28. When in doubt as to changing the Constitution, it is always safer to vote "NO"?

Respectfully submitted for your consideration.

LEE T. BASHORE,
 Assemblyman, Forty-ninth
 District, Glendora.
 Chairman, Committee on
 Revenue and Taxation,
 California State Legislature.

10 **COMPENSATION OF OFFICERS, INCREASE DURING TERM. Senate Constitutional Amendment No. 1.** Amends Section 5 of Article XI, Constitution, to authorize Legislature, by two-thirds vote, to suspend prohibition against increasing the compensation of county, township, or municipal officers during their term of office. Such suspension to continue during the period in which the United States is engaged in war and for one year after the termination of hostilities.

YES
NO

(For full text of measure, see page 10, Part II)

Argument in Favor of Senate Constitutional Amendment No. 1

Senate Constitutional Amendment No. 1, appearing on the general election ballot as Proposition No. 10, provides that the State Legislature may, for the duration of war and one year there-

after, by two-thirds vote suspend that portion of Section 5, Article XI, of the State Constitution, which now prohibits the increase of compensation for any county, township or municipal officer during his term of office.

The need for this amendment at the present

time is great, particularly in the smaller counties, where there has been no revision of elective officers' salaries in some cases for as much as 20 per cent.

With wartime conditions, many of the elective officers in the various counties find themselves working for much less than their deputies. Many of the smaller counties pay their county and township officials less than \$100 per month.

Unless the people vote in favor of this amendment, it will be impossible to adjust salaries of county, township and municipal officials until 1947, and in some cases, until 1949. This is obviously unfair to those entrusted with the management of county and city affairs.

This amendment allows an increase of salaries only if, in the judgment of proper authorities, an increase is justified. With legislative control, increases will not be given without justification, and in only rare cases, where the suffering is extreme.

It is a known fact that in some cases officials have been required to resign their office because of their inability to receive an increase recognized as necessary whereby they could maintain themselves as respectable citizens. Nonelective officials are entitled to salary adjustments whenever necessary, and elective officials should be granted

the same consideration, especially during times like the present, with the steady rise in the cost of living.

In California there is a constant change in population in certain areas. Increased population means increased labors for public officials. In many instances what was one time a part-time job has grown into more than a full-time job, with no opportunity under the present constitutional provision to give relief to the official affected.

This is only a wartime measure, and should receive an overwhelming "yes" vote, as it is only in keeping with the many other adjustments we have been obliged to make to keep abreast with the changing conditions, and to further the war effort. If adopted, this amendment will provide means whereby the Legislature, at its discretion and upon submission of proper evidence and investigation thereof, may bring about needed salary adjustments during the war emergency.

JESSE M. MAYO,
State Senator,
Twenty-sixth District.

R. R. CUNNINGHAM,
State Senator,
Twenty-seventh District.

<p>11 RETIREMENT PAYMENTS, GROSS INCOME TAX. Initiative Constitutional Amendment. Adds Article XXX providing \$60 monthly payments, beginning June 1945, to citizens having required residence, who are sixty years old or over, or totally and permanently disabled, including those in military service, or blind. Recipients prohibited from gainful occupation and required to expend payments. Provides 3 per cent gross income tax on persons and organizations, except nonprofit organizations; proceeds distributed between State General Fund and special fund established for payments. Permits increase of payments, reduction and increase of tax, and relaxation of eligibility requirements. Repeals Sales and Use Tax.</p>	YES	
	NO	

(For Full Text of Measure, See Page 11, Part II)

**Argument in Favor of Initiative
Proposition No. 11**

"The California Employment and Retirement Mutual Insurance Plan" provides social insurance for all citizens, guaranteeing monthly payments (\$60 min.) for total disability, blindness, and retirement at age 60. Acts to stimulate employment and business, helps maintain property values, creates postwar opportunity. Eliminates degrading characteristics of charity, case-worker investigations, relatives' responsibility, or pension deductions because of applicant's ownership of home.

Present Retail Sales Tax of 2½ per cent is repealed. (This tax amounts to as much as 6 per cent on small sales.) Funds are provided for the schools in larger amounts than now raised by the Retail Sales Tax.

Annuities will be at least \$60 each month, and each more as the tax will raise. Financing

is accomplished by a 3 per cent gross tax on all incomes except charitable, religious, educational and other nonprofit service groups. (This tax is really a premium for noncancellable insurance covering citizens against hazards of blindness, total disability and poverty in old age.) The tax is on a "pay-as-you-go" basis, payable each month like ordinary household bills. Tax reports can be easily prepared. The measure decreases public borrowing, saving interest. Cost of administration and collection will be negligible.

Statistics show that most citizens reaching age 60 can not support themselves. All citizens may qualify and be assured of protection and retirement pay.

Recipients must retire from gainful employment and spend monthly benefits within 30 days, thus providing jobs for servicemen, war workers, etc. Hoarding is prevented. Regular distribution and enforced spending of annuities will sup-

to each county or city and county of this State an amount equal to **one hundred sixty-six and two-thirds per cent** of the entire amount required to be raised by each such county or city and county respectively under the provisions of Section 6 of Article IX of this Constitution for the support of the public day and evening elementary schools of the county or city and county and in addition, the entire amount required to be raised by each such county or city and county respectively under the provisions of Section 6 of Article IX of this Constitution for the support of the public day and evening secondary and technical schools of the county or city and county; provided, however, that all sums so apportioned shall be considered as though derived from county and city and county school taxes for the support of county and city and county government and not money provided by the State within the meaning of said section, nor shall any revenues so apportioned be regarded as appropriations from the funds of the State within the meaning of Section 34a of Article IV of this Constitution; and provided, further, that the provisions of this sentence as they read on May 1, 1944 shall remain operative to and including June 30, 1945 and no longer notwithstanding any other provision of this Constitution to the contrary.

If the Legislature limits the amount of revenue which may be raised from taxes upon the real and

personal property according to the value thereof in pursuance of its power so to do under Section 20 of Article XI of this Constitution, then the Legislature shall provide for the raising of revenue by any form of taxation not prohibited by this Constitution in amounts sufficient to apportion and shall apportion to each county and city and county an amount equal to the deficiency in the revenues thereof resulting from such limitation, as such deficiency shall be determined by law; provided, however, that no tax shall be levied by the Legislature in pursuance of this section upon property in proportion to the value thereof in excess of the limitation for which provision is made in Section 34a of Article IV of this Constitution with reference to taxes for State purposes on real and personal property and further provided that no taxes upon property in proportion to the value thereof shall be levied in pursuance of this section for the support of any county or city and county government.

No injunction or writ of mandate or other legal or equitable process shall ever issue in any suit, action or proceeding in any court against this State, or any officer thereof, to prevent or enjoin the collection of any tax levied under the provisions of this article; but after payment thereof action may be maintained to recover, with interest, in such manner as may be provided by law, any tax claimed to have been illegally collected.

10 **COMPENSATION OF OFFICERS, INCREASE DURING TERM.** Senate Constitutional Amendment No. 1. Amends Section 5 of Article XI, Constitution, to authorize Legislature, by two-thirds vote, to suspend prohibition against increasing the compensation of county, township, or municipal officers during their term of office. Such suspension to continue during the period in which the United States is engaged in war and for one year after the termination of hostilities.

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 amending Section 5 of Article XI, relating to compensation of officers.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, in Extraordinary Session commencing on the fifth day of June, 1944, 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 Section 5 of Article XI of the Constitution of the 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.)

[Ten]

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may classify the counties by population. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made. The boards of supervisors in the respective counties shall regulate the compensation of all officers in said counties other than boards of supervisors, district attorneys, auditors, and judges of municipal courts, and shall regulate the number, method of appointment, terms of office or employment, and

pensation of all deputies, assistants, and employees of the counties.

The provisions of this section shall not be construed to modify, alter, change, amend, repeal, suspend, or otherwise affect the provisions of Sections 7 1/2, 7 3/4 and 8 1/2 of this article, relating to county or city and county charters. That certain act entitled "An act to add a new section to the Political Code to be numbered 4056d, relating to powers and duties of boards of supervisors with respect to county and township officers, deputies, assistants and employees," as enacted by the Legislature at its Fiftieth Session, is hereby validated and made fully and completely effective.

The compensation of any county, township or municipal officer shall not be increased after his election or during his term of office, nor shall the term of any such officer be extended beyond the period for which he was elected or appointed.

The Legislature by a two-thirds vote of the mem-

bers of each House may suspend the provision hereof prohibiting the increase of compensation of any county, township or municipal officer after his election or during his term of office for any period during which the United States is engaged in war and for one year after the termination of hostilities therein as proclaimed by the President of the United States.

The provisions of this section shall not prevent the allowance of any new or additional deputy or assistant to the principal in any county office during his term, nor shall they prevent any increase in the compensation of any deputy or assistant to such principal at any time.

The provisions of this section shall not abridge, modify or otherwise limit the power of the Legislature by general and uniform laws to prescribe the qualifications of any county officer or of any deputy or assistant, or to prescribe the method of appointment of any person so qualified.

11 **RETIREMENT PAYMENTS, GROSS INCOME TAX. Initiative Constitutional Amendment.** Adds Article XXX providing \$60 monthly payments, beginning June 1945, to citizens having required residence, who are sixty years old or over, or totally and permanently disabled, including those in military service, or blind. Recipients prohibited from gainful occupation and required to expend payments. Provides 3 per cent gross income tax on persons and organizations, except non-profit organizations; proceeds distributed between State General Fund and special fund established for payments. Permits increase of payments, reduction and increase of tax, and relaxation of eligibility requirements. Repeals Sales and Use Tax.

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 XXX 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 or as provided by law. 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.

**California Employment and Retirement
Mutual Insurance Plan
Article XXX**

Sec. 1. Every person, including those who become totally and permanently disabled while serving in the armed forces of the United States, and those termed "blind" by law, shall have the right, upon application, to receive an annuity payable in

monthly installments of \$60.00 during the remainder of his life (such benefits to annuitants totally and permanently disabled while serving in the armed forces to be in addition to any and all benefits to be paid by the Federal Government), upon showing in his sworn statement the following facts:

(a) That he is a citizen of the United States of America.

(b) That he is sixty years of age or over; or totally and permanently disabled, or blind as defined by law.

(c) If a resident on or before July 1st, 1943: that he has been a legal resident of the State of California for at least five years out of the preceding nine years, with one year's residence immediately preceding the date of application.

(d) If the person has taken up residence after July 1, 1943: that he has been a legal resident of the State of California for at least ten years out of fifteen years immediately preceding date of application.

Annuity may leave the State for a period not to exceed 90 days in any one year without being disqualified.

(e) That as long as he continues to receive the annuity he will not engage in any occupation, business, or other activity from which a profit, wage, or