

1948

LOCAL CONTROL AND ENFORCEMENT OF INTOXICATING LIQUORS

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

Recommended Citation

LOCAL CONTROL AND ENFORCEMENT OF INTOXICATING LIQUORS California Proposition 2 (1948).
http://repository.uchastings.edu/ca_ballot_props/472

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.

Part I—Arguments

1	VETERANS' TAX EXEMPTION. Assembly Constitutional Amendment No. 27. Amends Section 14 of Article XIII of the Constitution. Provides that veterans' \$1,000 property tax exemption and \$5,000 property ownership limitation shall be determined according to the "assessed" value of the property.	YES	
		NO	

(For full text of measure, see page 1, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 37

This proposal adds the word "assessed" ahead of the word "value" wherever same appears in that section of the Constitution which deals with tax exemptions on property owned by veterans of either World War I or World War II. There is no other change and thus the proposal is actually a clarification of wording and not a new departure.

It came to the attention of the legislature that a few remote assessors had been denying the usual exemption to veterans who purchased dwellings for sale prices in excess of the \$5,000 "value" stated in the Constitution. This created an injustice since by far the wide majority of assessors through the many years since the original enactment of this Section have been interpreting the language respecting "value" to mean the "assessed value", as same appeared on their official records.

By the adoption of this proposed Amendment, all conditions will be made uniform; and as thus presented in both Houses of the Legislature, the measure was adopted without opposition.

RICHARD H. McCOLLISTER,
 Assemblyman for Marin and Sonoma Counties
 Chairman Committee on Military Affairs

Argument Against Assembly Constitutional Amendment No. 37

The proposed amendment to Section 14 of the State Constitution adds just one word to the present language of that section—but that word is of the utmost importance.

The present law provides that property to the amount of \$1,000 owned by a veteran of the armed services shall be exempt from taxation, provided he does not own property of the value of \$5,000 or more. In practice, this means that if a veteran owns any property with an assessed value up to and including \$4,999, and owns no other property, he may claim a \$1,000 exemption. In applying for the exemption, veterans are required to state that they do not own any other property than is listed on the claim.

This amendment would change the wording of the law to state that any resident veteran shall be entitled to the \$1,000 exemption, provided, "this exemption shall not apply to any person named herein owning property of the assessed value of five thousand dollars (\$5,000) or more, or where the wife of such soldier or sailor owns property of the assessed value of five thousand dollars (\$5,000) or more". It is the word "assessed" which has been added.

If this amendment is adopted, it would mean that any veteran could own thousands of dollars of stocks and bonds, first mortgages, or lands and property in other states which are not "assessed", and still be eligible for the \$1,000 exemption so long as his property here was not "assessed" more than \$5,000.

From an examination of the records, it is estimated that there are from 10,000 to 12,000 applications for exemptions which are rejected each year on the basis that the veterans failed to qualify by reason of the \$5,000 property value limitation. These 10,000 to 12,000 veterans would be eligible under this new amendment. Actually, these comprise less than 2½% of the total number of veterans claiming the exemption, and are well able to pay the small amount of tax involved.

The intent of the original constitutional amendment granting a \$1,000 exemption was to help the veteran in establishing himself. With thousands of new residents, many of whom are veterans, pouring into California each year, this problem of veterans' exemptions is assuming serious financial proportions. Every \$1,000 exemption that is granted means simply that the remaining taxpayers must assume that much additional burden to pay the share of the cost of government that that owner is excused from paying.

We urge a NO vote on this proposed amendment.

PROPERTY OWNERS ASSOCIATION OF CALIFORNIA, INC.
 MONROE MARLOWE, Secretary-Treasurer

2	LOCAL CONTROL AND ENFORCEMENT OF INTOXICATING LIQUORS. Initiative Constitutional Amendment. Adds Section 224 to Article XX of Constitution; local governing bodies of County and City to regulate presence of minors in on-sale licensed premises and to regulate lighting and sanitation in such premises; permits unescorted women to be served liquor in such premises only when seated at table; requires apportionment of State liquor license fees to local governments; provides for speedy determination of complaints by local authorities against licensees; restricts issuance of distilled spirits licenses on population basis; continues in effect Section 22, same article; repeals conflicting provisions.	YES	
		NO	

(For full text of measure, see page 1, Part II)

Argument in Favor of Initiative Proposition No. 2

The following synopsis of the proposed constitutional amendment is submitted to the voter for his information as to its provisions.

(a) The purposes of the amendment, as therein stated, are to promote social and moral welfare and temperance in the sale and use of intoxicating liquors and provide for strict enforcement.

(b) It makes it the duty of governing boards of cities and counties to adopt and enforce ordinances:—

(1) For the regulation of the presence of minors in on-sale premises;

(2) For adequate illumination and ventilation of on-sale premises and for adequate sanitary

facilities for the protection of public morals, welfare and health.

(c) The amendment prohibits serving intoxicating liquors to unescorted women at bars.

(d) The amendment directs that all license fees collected by the State Board shall be returned to cities and counties to provide adequate funds for policing and enforcement purposes.

(e) It authorizes governing boards and law enforcement officers of cities and counties to object to the continuation or renewal of any general on-sale license which would be contrary to public welfare or morals.

(f) The amendment limits the number of distilled spirits licenses, for on-sale and off-sale

premises, to one such license for each 2,500 population of the county.

(g) The provisions of the present Constitution against public saloons are continued in force.

RALPH E. SWING,
Senator, 36th Dist.

Argument Against Initiative Proposition No. 2

This is clearly a "Confusion Measure", to confuse the voters and take votes from No. 12. Practically this same measure was soundly defeated by the last Legislature.

It would allow an ordinance to regulate the "Presence of minors" in bars, but it carefully avoids any reference to food. In actual practice, minors cannot be excluded unless food is also excluded. If a group, including children, came in and sat down, would they be ordered out? Not likely. If they were, it would make a most unpleasant and ridiculous scene. Such an ordinance would soon become just another unenforceable "Silly Law." Its only effect would be to inspire contempt for all law. It would soon be repealed.

It would allow an ordinance to require unescorted women customers to be segregated, Jim Crow style, and made to sit at tables, on the assumption, apparently, that they are immoral, and a menace to the men. Not very flattering to our California women!! Many immoral women do ply their trade in bars, but certainly not all unescorted women customers are immoral. What if the tables were full? Would they be ordered out? Not likely. Couldn't they ply their trade, if

that was their aim, at a table as well as at a bar? They would have to be served "only when seated at a table", but they could then pick up their drink and go where they pleased. This too, would soon become another unenforceable "Silly Law", to inspire contempt for all law, and would soon be repealed.

It claims to turn all liquor license fees over to the cities and counties!! That is already the law. (Chap. 712, Stat. 1947.) It is merely inserted here to further confuse the voters with a pretense of giving them something. It should be left in the statutes, and not frozen into the Constitution. It might be necessary to amend it sometime.

Again, to still further confuse the voters, it provides that a complaint, or petition may be filed with the State Board of Equalization!! The right to petition is guaranteed to us by the Federal Constitution. The State Board, however, is required only to listen politely to such petition, nothing more.

It changes the ratio of licenses from 1 per 1,000 to 1 per 2,500. This only gives a still tighter monopoly to those already in business. If a million dollar hotel were built in a community and desired a liquor license, it would have to buy out an existing licensee, paying him whatever he could exact.

If you want to keep the children (and food) out of the bars and improve conditions, Vote NO on 2!!

H. E. DILLINGER, Senator, 9th Dist.

3 RAILROAD BRAKEMEN. Initiative. Adds Section 6902.5, amends Section 6902, Labor Code. Empowers Public Utilities Commission to prescribe number of brakemen to be used on railroad trains. Prohibits feather-bed practices in employment of railroad brakemen on trains.

YES	
NO	

(For full text of measure, see page 1, Part II)

Argument in Favor of Initiative Proposition No. 3

With the crushing cost of living bearing down like a juggernaut on every family, California householders, caught in the price squeeze, must soon demand a change or face real disaster.

The biggest single factor in kiting the cost of living, according to impartial analysis, is "featherbedding"—the unhealthy make-work practices which require the employment of men in numbers beyond the actual necessity, encourage unnecessary obstructions to efficiency, and pad out payrolls by fake-work tactics that pyramid the price of everything they touch.

"Featherbedding" today accounts for 20 per cent of the cost of building a house or furnishing it, of bread and clothing, of newspapers and movie tickets, of transporting cattle to market and food stuffs from factory to consumer. Conservative estimates show that one-fifth of every dollar spent in even the most careful household is pure waste—tribute paid to "featherbedding".

California now has an opportunity to end that tribute—to strike the first blow for sane and reasonable living costs.

Proposition 3 will remove from the statute books the "grandfather of all featherbedding practices"—the make-work provisions of the Excess Crew Law.

Written into the statutes 37 years ago, it was a "safety measure" of the times. Nobody guessed then it would become the nucleus for a pox of "featherbedding"—would place the very term in the dictionary. This law required railroads to employ from 1 to 5 extra freight train brakemen, whose chief job was to clamber over the cars and turn the heavy gear of the early-day hand brakes. In 1911 it took manpower to stop a freight train! Today it's different.

Since that time, the modern air brake, the automatic switch, double tracking and the block signal system have been perfected. The job the extra men were hired for is as outmoded as mule-skinning. But the "extras" remain. They call themselves "law brakemen"—and the statute that keeps them riding, the "full caboose law"!

Union men generally are disgusted with "featherbedding". Many progressive unions have made an honest effort to uproot it. Their reasoning is sound: "Featherbedding" undermines the dignity of honest labor and discredits its just demands. It not only unfairly increases consumer costs, but in the long haul reduces jobs by stifling production and consumption!

From a "safety" standpoint, the public record shows that during the war, when this obsolete law was suspended, railroad safety improved remarkably—even under the strain of unprecedented loads of men and materials!

Under Proposition 3, the State Public Utilities Commission would determine the number of brakemen needed both for public and personal safety, as it did in wartime.

Congress has refused repeatedly to enact national "excess crew" legislation.

Proposition 3 is not a partisan issue. It is endorsed by leaders of both major parties.

"Featherbedding" is costing every family in California hundreds upon hundreds of lost and wasted dollars every year!

On election day, strike a blow for decent living standards and reasonable prices. To stop "featherbedding" vote "Yes" on Proposition 3!

ALFRED W. ROBERTSON, Former chairman, Democratic State Central Committee, Santa Barbara

ED TICKLE, Former chairman, Republican State Central Committee, Carmel

MRS. LEILAND ATHERTON IRISH, Los Angeles clubwoman

THOMAS J. RIORDAN, Past State Commander, American Legion, San Francisco

WILLIAM M. JEFFERS, Former president, Union Pacific Railroad, Los Angeles

R. V. GARROD, President, California Farmers, Inc., Saratoga

JOSEPH J. DEUEL, Director, California Farm Bureau Federation, Berkeley

Part II—Appendix

VETERANS' TAX EXEMPTION. Assembly Constitutional Amendment No. 37. Amends Section 14 of Article XIII of the Constitution. Provides that veterans' \$1,000 property tax exemption and \$5,000 property ownership limitation shall be determined according to the "assessed" value of the property.

YES	
NO	

(This proposed amendment expressly amends an existing section of the Constitution, therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 14. The property to the amount of one thousand dollars (\$1,000) assessed value of every resident of this State who has served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States (1) in time of war, or (2) in time of peace, in a campaign or expedition for service in which a medal has been issued by the Congress of the United States, and in either case has received an honorable discharge therefrom, or who after such service of the United States under such conditions has continued in such service, or who in time of war is in such service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and the property to the amount of one thousand dollars (\$1,000) assessed value of the widow resident in this State, or if there be no such

widow, of the widowed mother resident in this State, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, and the property to the amount of one thousand dollars (\$1,000) assessed value of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors and marines who served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States shall be exempt from taxation; provided, this exemption shall not apply to any person named herein owning property of the assessed value of five thousand dollars (\$5,000) or more, or where the wife of such soldier or sailor owns property of the assessed value of five thousand dollars (\$5,000) or more. No exemption shall be made under the provisions of this section of the property of a person who is not legal resident of the State; provided, however, all real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

2 LOCAL CONTROL AND ENFORCEMENT OF INTOXICATING LIQUORS. Initiative Constitutional Amendment. Adds Section 22 3/4 to Article XX of Constitution; local governing bodies of County and City to regulate presence of minors in on-sale licensed premises and to regulate lighting and sanitation in such premises; permits unescorted women to be served liquor in such premises only when seated at table; requires apportionment of State liquor license fees to local governments; provides for speedy determination of complaints by local authorities against licensees; restricts issuance of distilled spirits licenses on population basis; continues in effect Section 22, same article; repeals conflicting provisions.

YES	
NO	

(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

Section 22 3/4. The purpose of this amendment is to promote social and moral welfare and temperance in relation to the sale and use of intoxicating liquor.

(a) It is hereby declared the duty of the governing board of every city, county and county, and county to adopt and enforce within its respective jurisdiction such ordinances and regulations as may be necessary for local control and enforcement of the following:

- (1) To regulate the presence of minors in on-sale licensed premises;
- (2) To require that on-sale licensed premises be so illuminated and ventilated, and so equipped with sanitary facilities that the public morals, welfare, and health will be protected and promoted.
- (b) In on-sale licensed premises any woman not accompanied by a male escort may be served intoxicating liquors only when seated at a table.

(c) As used in this section "on-sale licensed premises" means any premises licensed for the sale of alcoholic beverages for consumption on the premises.

(d) All license fees collected by the State Board of Equalization for the manufacture, importation and sale of alcoholic beverages shall be apportioned semi-annually to the counties, cities and counties, and cities in the State in the proportion which such fees collected in each

such county, city and county, or city, respectively, bears to the total of all such fees.

(e) The governing body or the chief law enforcement officer of any county, city and county, or city, may file a complaint with the State Board of Equalization stating that the continuance or renewal of any on-sale license would be contrary to public welfare or morals, but this provision shall not preclude the filing of any complaint against any licensee of said board in accordance with law. Said board shall prescribe such form and manner of notice, procedure, and hearing on all such complaints as will provide for the speedy determination of the issue and may revoke, suspend, refuse to renew, or condition the renewal of any such license.

(f) No new license for the sale of distilled spirits in original packages and not for consumption on the premises and no new annual license for the sale of distilled spirits for consumption on the premises shall be issued by the State Board of Equalization in any county or city and county in which the number of such licenses, respectively, exceeds one to every 2,500 population of such county or city and county. This provision does not apply to transfers or renewals of such licenses.

(g) Section 22 of Article XX of this Constitution as adopted November 6, 1934 is continued in full force and effect. If any amendment, other than this amendment, to this Constitution amending, repealing or conflicting with Section 22, including any amendment adding Section 22 to Article XX, is adopted at the general or a special election held in 1948 and this amendment also is adopted receiving a higher affirmative vote than such other amendment this amendment shall prevail; in such case any such other amendment receiving a lesser number of affirmative votes than this amendment is repealed.

3 RAILROAD BRAKEMEN. Initiative. Adds Section 6902.5, amends Section 6902, Labor Code. Empowers Public Utilities Commission to prescribe number of brakemen to be used on railroad trains. Prohibits feather-bed practices in employment of railroad brakemen on trains.

YES	
NO	

(This proposed law expressly amends an existing section of the law, 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** or **ADDED** are printed in **BLACK-FACED TYPE**.)

PROPOSED LAW

An act to add Section 6902.5 to, and to amend Section 6902 of, the Labor Code relating to employment of brakemen on railroad trains. The people of the State of California do enact as follows:

Section 1. A new section to be numbered 6902.5 is hereby added to the Labor Code to read:

6902.5. The Public Utilities Commission of the State of California shall have the power, after hearing had upon its own motion or upon complaint, by general or special order, rule, or regulation, or otherwise, to require each common carrier by railroad within the State of California to operate its trains, with such number of brakemen as are necessary to promote the safety of its employees, passengers, and the public; provided, however, that the Commission shall not require the employ-