

1948

REGULATION OF COMMERCIAL FISHING

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

Recommended Citation

REGULATION OF COMMERCIAL FISHING California Proposition 6 (1948).
http://repository.uchastings.edu/ca_ballot_props/476

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.

For these reasons the people of California should overwhelmingly approve this proposition.
LESTER A. McMILLAN,
 Assemblyman, 61st Dist.
ERNEST E. DEBS,
 Councilman, 13th Dist., Los Angeles

Argument Against Assembly Constitutional Amendment No. 7

Stripped of its legal language, proposed Constitutional Amendment No. 7 means this: *Its adoption would give to legislators the sole right to fix their own salaries and WITHOUT restraint or limitation.* This power of fixing legislative compensation is now held by the people through the State Constitution. The amendment, if adopted, will take this right away from the people! In 1941 a less drastic but similar proposal for increasing the salaries paid to our legislators was defeated by a vote of almost two to one (531,931 for to 961,023 against). This latest proposal should also be defeated for the following reasons:

1. Legislators are ONLY part-time employees and are now paid generously for services rendered. They actually work only one sixth of the time as legislators and their present compensation is based upon that fact. To illustrate: By constitutional provision a legislator is paid \$100.00 per month and in addition he is allowed \$10.00 per day for living expenses during the entire time the legislature is in session. In an ordinary two year term the legislature meets for an aggregate of 120 days and this means that each member is paid \$1200.00 for living expenses. In addition he receives payment for travelling on a mileage basis. It has been estimated that the average amount of total compensation paid to a legislator for a term (two years) is \$5000.00.

This, remember, is for 120 days of work in legislative sessions. This is payment at the rate of \$41.66 per day!

2. Legislators have anticipated the enactment of this amendment and have ALREADY fixed their salaries at \$3000.00 per year in the event No. 7 is approved. (Senator Breed's Senate Bill 1564). This is an immediate increase of \$1800.00 per year. If No. 7 were put into effect this amount could be increased whenever legislators desired to pass such law. Before the present Breed figure of \$3000.00 per year was acted upon it was proposed to make it \$5,000.00 per year! That may suggest the trend that should be expected!

3. If No. 7 carries the legislature would undoubtedly re-enact their Old-Age-Pension and Retirement Bill which provides retirement at the age of 63 upon a basis of the number of years served, not to exceed 75% of the salary received at the retirement period. Such procedure would mean additional salary by indirection according to an Attorney General's Opinion.

4. The tendency of progressive states is to fix legislative salaries in their constitutions and since 1850 no "new state has failed to regulate the matter of legislative salaries in the constitution" (C. C. Young's book on legislative history).

Proposition No. 7 should be defeated because it will deprive the people of a protection now given them in the state constitution! Present compensation in California to the members of the legislature is among the seven highest in the nation! The present payment for part-time services is fair and just! Let's keep it that way! Vote NO on Proposition No. 7!

DAN W. GREEN,
 Publisher, Independent Review,
 Los Angeles, California

REGULATION OF COMMERCIAL FISHING. Initiative. Amends Fish and Game Code. Prohibits use of nets, traps, set lines or other appliances in commercial fishing in fish and game districts in which San Francisco Bay and tributary and connecting bays and streams are situated, for purpose of establishing said waters as recreational fishing area. Excepts commercial fishing for crabs, clams and oysters, and certain other named varieties. Prohibits possession of nets, traps and set lines in said waters, with certain exceptions. Excepts Clear Lake and Lake Almanor. Repeals inconsistent provisions of Fish and Game Code.

6

YES	
NO	

(For full text of measure, see page 4, Part II)

Argument in Favor of Initiative Proposition No. 6

The purpose of this initiative is two-fold. It is for conservation and recreation.

It prohibits net fishing in San Francisco Bay and the Sacramento-San Joaquin Rivers in the interests of protecting salmon, shad, steelhead trout, striped bass and sturgeon on their migration from the sea to their freshwater spawning grounds. The steelhead trout, striped bass and sturgeon, which may not be sold lawfully, frequently are destroyed in commercial nets.

In order to perpetuate the supply of fish for hook and line fishermen and to maintain a supply of fish for the offshore commercial fishermen, we must permit these fish to reach their spawning grounds unobstructed, to reproduce themselves.

This measure will establish the aforementioned waters as a recreational fishing area for hook and line fishermen. California angling license sales for 1948 are estimated at one million, which is about one out of ten adults in this state. In the last ten years, the sale of angling licenses has almost tripled.

Since the fish in public waters belong to all of the people, the status of commercial fishing is rather obvious. The commercial fisherman is only one of thousands of owners of the fish. He must therefore only expect to utilize commercially those fish, which the angler does not want. The owners of the fish, that is the public, are willing to pay several times the market value of the crop in tackle, boats, bait and travel for the opportunity to harvest the fish. This represents a substantial increase to the economy of the state and nation over the market value of the present inland commercial fishery.

Expanding our recreational facilities will serve as a needed additional outlet for the recreational demands of our rapidly increasing population. It will make more clean, healthful recreation for the youth of today and safeguard this right for our youth of tomorrow.

Contrasted to these benefits, this measure will inconvenience a very small number of people. From 1941 to 1946 inclusive, according to Fish and Game records, an average of only 487 commercial fishermen netting in inland rivers sold their catch for an annual average of \$587,000, or an average \$1,200 each annually. Commercial fishing in the ocean is open to these 487 fishermen. In the past 33 years of complete records, the average annual inland commercial salmon catch in these waters has only amounted to 0.37 of one percent of the present total annual Pacific Coast salmon catch. These figures show that enactment of this measure will have relatively little effect on the price or availability of table fish for the consuming public. State law forbids the canning of river netted salmon, thus the canning industry is not affected.

All other California streams have been closed to commercial netting. These same conservation principles apply to the Sacramento-San Joaquin Rivers where more fish are involved.

We ask the voters of California to remember our youth, protect their heritage and their recreation by voting "YES" on this measure.

GEORGE D. DIFANI,
 Northern California Delegate for the
 Associated Sportsmen to the
 Organized Sportsmen of California.

Argument Against Assembly Constitutional Amendment No. 37

The proposed initiative is dangerous to all voters for three reasons:

(1) It will seriously harm the conservation of game fish and commercial fish in the waters affected; (2) it will wipe out an industry of long standing in the state, will throw many hundreds of people out of work and will destroy an investment of several million dollars; (3) it will lower the supply of fish and raise the prices which consumers must pay.

The Pacific Marine Fisheries Commission consisting of the Fish and Game Commissions of the State of California, Oregon and Washington have gone on record as opposed to this initiative. Here is what they say:

"There is evidence that the Sacramento-San Joaquin salmon runs are under-utilized and can withstand a heavier fishery. The proposed initiative would needlessly destroy California gillnet fishery and would reduce the value of the salmon industry. The Sacramento-San Joaquin runs are not in need of such ill-advised restrictions.

"The commercial shad fishery of California will cease to exist if the initiative petition is approved by the voters in November."

The initiative will completely destroy the famous shrimp fishery of the San Francisco Bay Area.

Doctor Willis H. Rich, professor of fishery biology at Stanford University, and one of the nation's leading authorities says:

"The proposed initiative is not a needed conservation measure. It would merely exclude the use of the resource by commercial fishermen for the supposed advantage of the sportsmen. It is very doubtful that increased take by the sport fisher-

men would equal the commercial catch. To prohibit the commercial fishery would, therefore, reduce the total take when there is no need for such reduction. It would result in economic loss without compensation in the way of improved runs.

"The salmon runs that breed in the Sacramento and San Joaquin Rivers show no signs of overfishing or of depletion. On the contrary they have actually been increasing over a period of about fifteen years. Reliable statistics show that the commercial catch both in the ocean and in the bay and river areas and the number of breeding fish in the spawning streams have increased during this period. There is no apparent need for restricting any phase of the fishery in order to increase the number of spawning fish.

"The salmon runs of these areas are thriving and productive and it is sound conservation to maintain without change the conditions that have brought this about."

At least two thousand persons will be denied a livelihood if this initiative is adopted.

If the initiative is passed the supply of fresh fish to consumers will be drastically lowered. The resultant price increase will hit consumers hard. This initiative is *not* endorsed by the California State Fish and Game Commission. True conservation should not be endangered by the passage of this type of unthinking, confiscatory legislation. We urge you, in the interest of keeping fish plentiful for the consuming public to vote NO on Proposition No. 6

BRAYTON WILBUR, Former President of San Francisco Chamber of Commerce

BJORNE HALLING, Secretary-Treasurer, California C. I. O. Council

THEO WEISSICH, President, Eureka Chamber of Commerce

VINCENT A. DAVI, Mayor, City of Pittsburg

7	<p>RESIDENCE OF VOTERS. Assembly Constitutional Amendment No. 32. Amends Section 1 of Article II of the Constitution. Requires 54 (instead of 40) days of precinct residence as prerequisite for voting eligibility in that precinct. Preserves voting eligibility of registered electors who move from one precinct to another within 54 (instead of 40) days prior to an election.</p>	YES	
		NO	

(For full text of measure, see page 5, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 32

The present law provides that a voter who did not vote in his precinct in either the last direct primary or general election must register 40 days prior to election. It is further provided that if he moved within the county, after registration closed, he may vote in his former precinct. The effect of this amendment is to close registration 54 (instead of 40) days before election. It makes no other change in the present law.

The purpose of the amendment is to allow more time for preparation for the election. Since the present law was established in 1930, there has been an average of 100% increase in number of voters. County Clerks and the Registrar of Voters now have special employees preparing the necessary voting lists, mailing sample-ballots, notices of elections and arguments. They are forced to work around the clock to meet the deadline. Errors caused by such conditions may deprive a citizen of his right to vote. It is expected these conditions will be aggravated when housing conditions

permit more changes of address.

The amendment will cause registration to close in the middle of the week. It will provide greater economy and efficiency in the machinery of elections. It will give the voter his sample ballot and pamphlet of arguments at an earlier date. He will have more opportunity to consider the candidates and issues presented to him.

This amendment was recommended by the county clerk's association and approved by the legislature.

ALFRED ROBERTSON, Assemblyman, 27th Dist.

MARVIN SHERWIN, Assemblyman, 16th Dist.

Argument Against Assembly Constitutional Amendment No. 32

Under the present law a voter may qualify by registering within forty days prior to an election.

This amendment, if adopted will take away fourteen days of the time for registration prior to an election.

JOHN B. COOKE, Assemblyman, 38th Dist.

8	<p>SUPERIOR JUDGES, VACANCIES. Assembly Constitutional Amendment No. 11. Amends Section 8 of Article VI of the Constitution. Provides that where Superior Court vacancy occurs at any time during a general election year (instead of after April 1st, as presently provided) election of successor for the full six-year term shall take place in the succeeding general election year.</p>	YES	
		NO	

(For full text of measure, see page 5, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 11

This amendment simply changes the provision for filling vacancies in the office of superior court judge to conform to the change in the date of the direct primary.

At the time the present section was last

amended the direct primary was held on the last Tuesday in August. The amendment provided that when a vacancy occurred after April 1 of an election year the Governor would appoint a judge to fill the vacancy until the office was filled at the election in the next following election year.

The date of April 1 was selected because there

payment of the security to any person eligible as of that date, the adjustment in the amount of the security shall be made retroactive to that date.

Sec. 10. The amount required to meet the allowances made by this article and administration thereof shall constitute a lien against all moneys in the State Treasury, and the amount required for the payment or payments of the allowances herein required is hereby appropriated; in addition there is hereby appropriated the required amount of the cost of administration.

Sec. 11. No law shall be passed prohibiting or restricting the applicants or recipients of security under this article from securing and employing persons to represent them to secure the rights herein and hereafter established.

Sec. 12. If the Constitution is amended by the repeal of Sections 12 and 13 of Article XVI the liens, mortgages, and other encumbrances thereby released shall not be revived, and no law shall be passed providing for any such liens, mortgages, or other encumbrances as a condition for qualifying for the security herein granted.

5 **COMPENSATION OF LEGISLATORS.** Assembly Constitutional Amendment No. 7. Amends Section 23 of Article IV of the Constitution. Eliminates present provision that members of the Legislature shall receive salaries of \$100 per month. Provides that members of the Legislature shall receive such compensation as may be fixed by law, plus mileage fixed by law but not to exceed 5 cents per mile.

YES

NO

(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. 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 at such times such compensation as 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 (\$0.05) per mile.

6 **REGULATION OF COMMERCIAL FISHING.** Initiative. Amends Fish and Game Code. Prohibits use of nets, traps, set lines or other appliances in commercial fishing in fish and game districts in which San Francisco Bay and tributary and connecting bays and streams are situated, for purpose of establishing said waters as recreational fishing area. Excepts commercial fishing for crabs, clams and oysters, and certain other named varieties. Prohibits possession of nets, traps and set lines in said waters, with certain exceptions. Excepts Clear Lake and Lake Almanor. Repeals inconsistent provisions of Fish and Game Code.

YES

NO

(This proposed law expressly repeals existing sections of and adds a new section to the existing law; therefore, **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKE-OUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED LAW

An act to establish the waters of San Francisco Bay, the Sacramento and San Joaquin Rivers, and the waters contributory thereto as a recreational fishing area and for that purpose to repeal Sections 860, 861, 865, 878, 879, 880, 881, 882, 903, 945, 949, 950.5, and 955 of, and to add Section 860 to, The Fish and Game Code, relating to the use and possession of nets, traps and other appliances for taking fish in the waters of San Francisco Bay and the waters connected therewith or tributary or contributory thereto.

The people of the State of California do enact as follows:

Section 1. It is the purpose of this act to establish the waters of San Francisco Bay, the Sacramento and San Joaquin Rivers, and the waters contributory thereto as a recreational fishing area.

Section 2. Sections 860, 861, 865, 878, 879, 880, 881, 882, 903, 945, 949, 950.5, and 955 of the Fish and Game Code are repealed.

860. In District 12B, salmon may be taken with nets allowed to be used in said district, as follows:

(a) Between November 15th and June 15th.

(b) Between August 10th and sunrise on September 26th.

861. In district 12C, salmon may be taken with nets between November 15 and June 15, with nets allowed to be used in said district.

865. Unless otherwise provided, it is unlawful to use any net except a gill net or a trammel net to take shad. Such nets may be used to take shad only as follows:

(1) They may be used in District 12B, excluding all sloughs except Broad Slough, between March 15th and May 31st.

(2) Until May 15, 1941, they may be used in District 12C, excluding all sloughs, between February 15th and May 15th.

(3) They may not be used between sunrise Saturday and sunset of the following Sunday.

878. In district 11, drift gill nets may be used, subject to the following restrictions:

(a) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The length of the meshes must be either 2½ inches or less, or 2½ inches or more. The meshes must be approximately the same size, and must not vary in length more than 2 inches.

(c) They may not be used where any part of the net is nearer than 200 feet to the point where the surface of the water joins the land.

879. In district 10, drift gill nets may be used, subject to the following restrictions:

(a) They may be used to take herring, smelt and other small fish.

(b) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of

attachment of said lines on the cork line must not be more than 10 fathoms apart.

(c) The length of meshes must not exceed 2½ inches in length. The meshes of any gill net must be approximately the same size.

(d) They may not be used where any part of the net is nearer than 200 feet to the point where the surface of the water joins the land.

880. In District 12B, drift gill nets may be used, subject to the restrictions contained in this chapter, and the following restrictions:

(a) The cork line must not be submerged more than two fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than two fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The meshes of any gill net must be at least seven and one-half inches in length, except that between March 15th and May 31st the meshes of such nets may be not less than five and one-half inches in length.

881. In District 12C, drift gill nets may be used, subject to the restrictions contained in this chapter, and the following restrictions:

(a) The cork line must not be submerged more than two fathoms below the surface of the water, the lines attaching the buoys or floats to the cork lines must not be more than two fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The meshes of any gill net must be at least seven and one-half inches in length.

882. In district 13, drift gill nets may be used to take herring, smelt and other small fish, subject to the following restrictions:

(a) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The length of the meshes must not exceed 2½ inches in length. The meshes must be approximately the same size.

(c) They may not be used where any part of the net is nearer than 200 feet to the point where the surface of the water joins the land.

890. In district 12B and district 12C trammel nets may be used subject to the provisions of this chapter, and the following restrictions:

(a) The cork lines must not be submerged more than two fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than two fathoms in length, and the points of attachment of said lines on the cork line must not be more than ten fathoms apart.

(b) The meshes of any trammel net must be at least seven and one-half inches in length except that between February 15 and May 15 the meshes of such nets may be not less than five and one-half inches in length.

946. In district 11, beach nets may be used.

949. Flye nets made of cotton twine, the meshes of which are not less than two and one-half inches in length, provided, however, a one-

half inch tolerance of mesh size be allowed in used nets, with entrance at small end of funnels of fykes not to exceed 22 inches in circumference, and hoops not to exceed 22 feet in circumference on round hoops, nor more than five and one-half feet in greatest breadth on rectangular frames, may be used in Districts 2, 12A, 12B, and 12C to take cutthroat carp, pike, hardheads, and suckers between September 1st and April 30th. Chinese shrimp nets may be used only in District 12. 055. In districts 12 and 13, trawl nets may be used to take shrimp only.

Section 3. Section 860 is added to said code to read:
 860. It is unlawful to use any net, trap, set line or other appliance to take fish, other than crabs, clams and oysters, for commercial purposes in any district or part of a district in which lie the waters of San Francisco Bay easterly of a straight line drawn from the extreme westerly point of Point Lobos on the south to the extreme westerly point of Point Bonita on the north. It is unlawful to use any net, trap, set line or other appliance to take fish, other than crabs, clams and oysters, for commercial purposes in any district or part of a district in which lies any bay connected with San Francisco Bay or in any district or part of a district in which lie any river, slough, lagoon or

other body of water the waters of which directly or indirectly flow into San Francisco Bay, excepting Clear Lake and Lake Almanor. It is unlawful to possess in or along any of the waters in or on which the use of nets is prohibited by this section or in any boat on said waters any set line or trap, or any net other than a hand dip net not exceeding six feet in greatest dimension, a hand landing net, or a net possessed west of the Antioch Bridge by a licensed commercial fisherman which is being transported to or from, or possessed as an incident to the use thereof in, any district in which the use of such net is permitted.

The provisions of Section 922 shall not be construed to permit the use of purse and round haul nets in District 11.

Nothing in this section shall be construed to prohibit the use or possession of nets, traps or other appliances for the purpose of taking carp, hardheads, blackfish, suckers, split tails and Sacramento pike for commercial purposes under the direct supervision of the commission.

Any net, set line, trap or other appliance used or possessed in violation of this section shall be subject to forfeiture pursuant to Section 845 of this code.

7 RESIDENCE OF VOTERS. Assembly Constitutional Amendment No. 32. Amends Section 1 of Article II of the Constitution. Requires 54 (instead of 40) days of precinct residence as prerequisite for voting eligibility in that precinct. Preserves voting eligibility of registered electors who move from one precinct to another within 51 (instead of 40) days prior to an election.

YES	
NO	

(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

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under and by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the State one year next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 49 54 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county

within 49 54 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upwards on October 10, 1911; provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

8 SUPERIOR JUDGES, VACANCIES. Assembly Constitutional Amendment No. 11. Amends Section 8 of Article VI of the Constitution. Provides that where superior court vacancy occurs at any time during a general election year (instead of after April 1st, as presently provided) election of successor for the full six-year term shall take place in the succeeding general election year.

YES	
NO	

(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. 8. The term of office of judges of the superior courts shall be six years from and after the first Monday of January after the first

day of January next succeeding their election. A vacancy in such office shall be filled at the next succeeding general state election after the first day of April January next succeeding the accrual of such vacancy by the election of a judge for a full term to commence on the first Monday of January after the first day of January next succeeding his election. The Governor shall appoint a person to hold such vacant office until the commencement of such term.

9 SUCCESSION TO GOVERNORSHIP. Assembly Constitutional Amendment No. 14. Amends Section 16 of Article V of the Constitution. Provides that successor to vacancy in Governor's Office shall serve until completion of Governor's unexpired term. Adds provisions designating successors to fill Governor's Office in case Governor-elect dies prior to commencement of his term or fails to take office. Requires Legislature to select acting Governor in cases not provided for herein. Designates successors to fill Office of Lieutenant Governor in case he succeeds to governorship.

YES	
NO	

(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. 16. In case of vacancy in the Office of Governor, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term; and the Lieutenant Governor so acting as Governor shall receive the salary and perquisites of Governor. Lieutenant Governor shall become Governor and the last duly elected President pro Tempore of the Senate shall become Lieutenant Governor for the residue of the term; but, if there be no such President pro Tempore of

the Senate, the last duly elected Speaker of the Assembly shall become Lieutenant Governor for the residue of the term. In case of vacancy in the Office of Governor and in the Office of Lieutenant Governor, the powers and duties of the Office of Governor shall devolve, for the residue of the term, upon the last duly elected President pro Tempore of the Senate, and those of the Office of Lieutenant Governor upon the last duly elected Speaker of the Assembly; or if there be none, no President pro Tempore of the Senate, then the powers and duties of the Office of Governor shall devolve for the residue of the term upon the last duly elected Speaker of the Assembly; or if there be none, then upon the Secretary of State; or if there be none, then upon the Attorney General; or if there be none, then upon the Treasurer; or if there be none, then upon the Controller. In case of vacancy in the

payment of the security to any person eligible as of that date, the adjustment in the amount of the security shall be made retroactive to that date.

Sec. 10. The amount required to meet the allowances made by this article and administration thereof shall constitute a lien against all moneys in the State Treasury, and the amount required for the payment or payments of the allowances herein required is hereby appropriated; in addition there is hereby appropriated the required amount of the cost of administration.

Sec. 11. No law shall be passed prohibiting or restricting the applicants or recipients of security under this article from securing and employing persons to represent them to secure the rights herein and hereafter established.

Sec. 12. If the Constitution is amended by the repeal of Sections 12 and 13 of Article XVI the liens, mortgages, and other encumbrances thereby released shall not be revived, and no law shall be passed providing for any such liens, mortgages, or other encumbrances as a condition for qualifying for the security herein granted.

5 **COMPENSATION OF LEGISLATORS. Assembly Constitutional Amendment No. 7. Amends Section 23 of Article IV of the Constitution. Eliminates present provision that members of the Legislature shall receive salaries of \$100 per month. Provides that members of the Legislature shall receive such compensation as may be fixed by law, plus mileage fixed by law but not to exceed 5 cents per mile.**

YES

NO

(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. 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 at such times such compensation as 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 (\$0.05) per mile.

6 **REGULATION OF COMMERCIAL FISHING. Initiative. Amends Fish and Game Code. Prohibits use of nets, traps, set lines or other appliances in commercial fishing in fish and game districts in which San Francisco Bay and tributary and connecting bays and streams are situated, for purpose of establishing said waters as recreational fishing area. Excepts commercial fishing for crabs, clams and oysters, and certain other named varieties. Prohibits possession of nets, traps and set lines in said waters, with certain exceptions. Excepts Clear Lake and Lake Almanor. Repeals inconsistent provisions of Fish and Game Code.**

YES

NO

(This proposed law expressly repeals existing sections of and adds a new section to the existing law; therefore, **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKE-OUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED LAW

An act to establish the waters of San Francisco Bay, the Sacramento and San Joaquin Rivers, and the waters contributory thereto as a recreational fishing area and for that purpose to repeal Sections 860, 861, 865, 878, 879, 880, 881, 882, 903, 945, 949, 950.5, and 955 of, and to add Section 860 to, The Fish and Game Code, relating to the use and possession of nets, traps and other appliances for taking fish in the waters of San Francisco Bay and the waters connected therewith or tributary or contributory thereto.

The people of the State of California do enact as follows:

Section 1. It is the purpose of this act to establish the waters of San Francisco Bay, the Sacramento and San Joaquin Rivers, and the waters contributory thereto as a recreational fishing area.

Section 2. Sections 860, 861, 865, 878, 879, 880, 881, 882, 903, 945, 949, 950.5, and 955 of the Fish and Game Code are repealed.

860. In District 12B, salmon may be taken with nets allowed to be used in said district, as follows:

(a) Between November 15th and June 15th.

(b) Between August 10th and sunrise on September 26th.

861. In district 12C, salmon may be taken with nets between November 15 and June 15, with nets allowed to be used in said district.

865. Unless otherwise provided, it is unlawful to use any net except a gill net or a trammel net to take shad. Such nets may be used to take shad only as follows:

(1) They may be used in District 12B, excluding all sloughs except Broad Slough, between March 15th and May 31st.

(2) Until May 16, 1941, they may be used in District 12C, excluding all sloughs, between February 15th and May 15th.

(3) They may not be used between sunrise Saturday and sunset of the following Sunday.

878. In district 11, drift gill nets may be used, subject to the following restrictions:

(a) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The length of the meshes must be either 2½ inches or less, or 2½ inches or more. The meshes must be approximately the same size, and must not vary in length more than 2 inches.

(c) They may not be used where any part of the net is nearer than 200 feet to the point where the surface of the water joins the land.

879. In district 10, drift gill nets may be used, subject to the following restrictions:

(a) They may be used to take herring, smelt and other small fish.

(b) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of

attachment of said lines on the cork line must not be more than 10 fathoms apart.

(c) The length of meshes must not exceed 2½ inches in length. The meshes of any gill net must be approximately the same size.

(d) They may not be used where any part of the net is nearer than 200 feet to the point where the surface of the water joins the land.

880. In District 12B, drift gill nets may be used, subject to the restrictions contained in this chapter, and the following restrictions:

(a) The cork line must not be submerged more than two fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than two fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The meshes of any gill net must be at least seven and one-half inches in length, except that between March 15th and May 31st the meshes of such nets may be not less than five and one-half inches in length.

881. In District 12C, drift gill nets may be used, subject to the restrictions contained in this chapter, and the following restrictions:

(a) The cork line must not be submerged more than two fathoms below the surface of the water, the lines attaching the buoys or floats to the cork lines must not be more than two fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The meshes of any gill net must be at least seven and one-half inches in length.

882. In district 13, drift gill nets may be used to take herring, smelt and other small fish, subject to the following restrictions:

(a) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The length of the meshes must not exceed 2½ inches in length. The meshes must be approximately the same size.

(c) They may not be used where any part of the net is nearer than 200 feet to the point where the surface of the water joins the land.

890. In district 12B and district 12C trammel nets may be used subject to the provisions of this chapter, and the following restrictions:

(a) The cork lines must not be submerged more than two fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than two fathoms in length, and the points of attachment of said lines on the cork line must not be more than ten fathoms apart.

(b) The meshes of any trammel net must be at least seven and one-half inches in length except that between February 15 and May 15 the meshes of such nets may be not less than five and one-half inches in length.

945. In district 11, beach nets may be used.

949. Flye nets made of cotton twine, the meshes of which are not less than two and one-half inches in length, provided, however, a one-

half inch tolerance of mesh size be allowed in used nets, with entrance at small end of funnels of fykes not to exceed 22 inches in circumference, and hoops not to exceed 22 feet in circumference on round hoops, nor more than five and one-half feet in greatest breadth on rectangular frames, may be used in Districts 2, 12A, 12B, and 12C to take cutfish, carp, pike, hardheads, and suckers between September 1st and April 30th. Chinese shrimp nets may be used only in District 12. 055. In districts 12 and 13, trawl nets may be used to take shrimp only.

Section 3. Section 860 is added to said code to read:
 860. It is unlawful to use any net, trap, set line or other appliance to take fish, other than crabs, clams and oysters, for commercial purposes in any district or part of a district in which lie the waters of San Francisco Bay easterly of a straight line drawn from the extreme westerly point of Point Lobos on the south to the extreme westerly point of Point Bonita on the north. It is unlawful to use any net, trap, set line or other appliance to take fish, other than crabs, clams and oysters, for commercial purposes in any district or part of a district in which lies any bay connected with San Francisco Bay or in any district or part of a district in which lie any river, slough, lagoon or

other body of water the waters of which directly or indirectly flow into San Francisco Bay, excepting Clear Lake and Lake Almanor. It is unlawful to possess in or along any of the waters in or on which the use of nets is prohibited by this section or in any boat on said waters any set line or trap, or any net other than a hand dip net not exceeding six feet in greatest dimension, a hand landing net, or a net possessed west of the Antioch Bridge by a licensed commercial fisherman which is being transported to or from, or possessed as an incident to the use thereof in, any district in which the use of such net is permitted.

The provisions of Section 922 shall not be construed to permit the use of purse and round haul nets in District 11.

Nothing in this section shall be construed to prohibit the use or possession of nets, traps or other appliances for the purpose of taking carp, hardheads, blackfish, suckers, split tails and Sacramento pike for commercial purposes under the direct supervision of the commission.

Any net, set line, trap or other appliance used or possessed in violation of this section shall be subject to forfeiture pursuant to Section 845 of this code.

7 RESIDENCE OF VOTERS. Assembly Constitutional Amendment No. 32. Amends Section 1 of Article II of the Constitution. Requires 54 (instead of 40) days of precinct residence as prerequisite for voting eligibility in that precinct. Preserves voting eligibility of registered electors who move from one precinct to another within 51 (instead of 40) days prior to an election.

YES	
NO	

(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

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under and by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the State one year next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 49 54 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county

within 49 54 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upwards on October 10, 1911; provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

8 SUPERIOR JUDGES, VACANCIES. Assembly Constitutional Amendment No. 11. Amends Section 8 of Article VI of the Constitution. Provides that where superior court vacancy occurs at any time during a general election year (instead of after April 1st, as presently provided) election of successor for the full six-year term shall take place in the succeeding general election year.

YES	
NO	

(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. 8. The term of office of judges of the superior courts shall be six years from and after the first Monday of January after the first

day of January next succeeding their election. A vacancy in such office shall be filled at the next succeeding general state election after the first day of April January next succeeding the accrual of such vacancy by the election of a judge for a full term to commence on the first Monday of January after the first day of January next succeeding his election. The Governor shall appoint a person to hold such vacant office until the commencement of such term.

9 SUCCESSION TO GOVERNORSHIP. Assembly Constitutional Amendment No. 14. Amends Section 16 of Article V of the Constitution. Provides that successor to vacancy in Governor's Office shall serve until completion of Governor's unexpired term. Adds provisions designating successors to fill Governor's Office in case Governor-elect dies prior to commencement of his term or fails to take office. Requires Legislature to select acting Governor in cases not provided for herein. Designates successors to fill Office of Lieutenant Governor in case he succeeds to governorship.

YES	
NO	

(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. 16. In case of vacancy in the Office of Governor, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term; and the Lieutenant Governor so acting as Governor shall receive the salary and perquisites of Governor. Lieutenant Governor shall become Governor and the last duly elected President pro Tempore of the Senate shall become Lieutenant Governor for the residue of the term; but, if there be no such President pro Tempore of

the Senate, the last duly elected Speaker of the Assembly shall become Lieutenant Governor for the residue of the term. In case of vacancy in the Office of Governor and in the Office of Lieutenant Governor, the powers and duties of the Office of Governor shall devolve, for the residue of the term, upon the last duly elected President pro Tempore of the Senate, and those of the Office of Lieutenant Governor upon the last duly elected Speaker of the Assembly; or if there be none, no President pro Tempore of the Senate, then the powers and duties of the Office of Governor shall devolve for the residue of the term upon the last duly elected Speaker of the Assembly; or if there be none, then upon the Secretary of State; or if there be none, then upon the Attorney General; or if there be none, then upon the Treasurer; or if there be none, then upon the Controller. In case of vacancy in the