

1949

CONSTITUTIONAL PROVISION RELATING TO STATE FISCAL AFFAIRS.

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

Recommended Citation

CONSTITUTIONAL PROVISION RELATING TO STATE FISCAL AFFAIRS. California Proposition 8 (1949).
http://repository.uchastings.edu/ca_ballot_props/498

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.

ment to Section 16, dealing with bank and corporation taxes, adopted June 27, 1933. This section has become obsolete with the passing of the effective date of January 1, 1935.

Section 18 is added to Article XIII. This section provides that the repeal or deletion of any of these obsolete provisions will not affect the right

of the State to collect any unpaid taxes assessed under those provisions while they were in effect.

Our Constitution should not be cluttered up with these obsolete provisions. A "YES" vote is urged on Proposition No. 7.

RICHARD J. DOLWIG
Assemblyman, 27th Dist

CONSTITUTIONAL PROVISION RELATING TO STATE FISCAL AFFAIRS.

8 **Assembly Constitutional Amendment No. 70.** Of two similar sections, each designated as Section 22 of Article IV of Constitution, relating to State's fiscal affairs, repeals one, and amends the other to combine the provisions of both; also deletes inoperative provisions of amended section on subject of Panama-Pacific International Exposition of 1915.

YES	
NO	

(For full text of measure, see page 16, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 70

There are two sections in the Constitution having the same article and number, to wit: Article IV, Section 22. At the general election in 1927 these duplicate sections were both amended, and the one known as A. C. A. 31 has been held out effective because at that same election the one known as A. C. A. 21 received a larger vote of the people and is therefore the law.

This latter amendment contains obsolete provisions and carried along with it the establishment of the Panama-Pacific International Exposition which was to be held in 1915 and its operation. Also contained therein is the law on state aid to needy children, the aged, the blind and orphans.

By voting YES and approving the amendment you do the following:

1. Remove a duplicate section on the same subject but which is not effective.

2. Remove the obsolete section on the Panama-Pacific International Exposition, held many years ago, and not now needed.

3. You increase the present power of the Legislature in the matter of granting aid to needy children, the aged and the blind, to include the authority to grant aid to physically handicapped persons.

By voting YES you do not increase any taxes, or spend any money, but you do help clear up our Constitution in removing old laws no longer needed.

This measure received a unanimous vote in the Assembly and Senate, and is one of a series of amendments which make no substantive changes but does make for better government.

RALPH M. BROWN
Assemblyman, 30th Dist

CONSTITUTIONAL PROVISIONS FOR ADOPTION OF 1879 CONSTITUTION.

9 **Assembly Constitutional Amendment No. 71.** Repeals Sections 4 to 9, inclusive, of Article XXII of Constitution, relating to election upon question of adoption of Constitution of 1879.

YES	
NO	

(For full text of measure, see page 17, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 71

Sections 4, 5, 6, 7, 8 and 9 of Article XXII of the Constitution of California pertain to the method that was prescribed for the submission of the proposed constitution so that the voters might pass upon it. Immediately upon adoption of the Constitution of 1879 by the voters as a result of

following this procedure, these provisions ceased to have any effect whatsoever and they are now quite useless and merely clutter up the Constitution. This proposal passed the Legislature unanimously and since there is no known opposition a "YES" vote is herewith recommended.

LAUGHLIN E. WATERS
Assemblyman, 58th Dist.

10 **REPEAL OF SUSPENSION PROVISION. Assembly Constitutional Amendment No. 72.** Repeals inoperative Section 26a of Article I of Constitution, suspending the effective date of prohibition amendment submitted at 1914 election, said prohibition amendment having been refused adoption.

YES	
NO	

(For full text of measure, see page 18, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 72

Assembly Constitutional Amendment No. 72 is one of a series of proposed constitutional amendments to remove obsolete and inoperative matter from the California State Constitution. Its purpose is to repeal Section 26a of Article I.

This section was originally enacted to designate the effective date of two initiative measures which were proposed for adoption by the voters

at the general election of 1914. At that election the proposed measures were not approved by the voters, and, therefore, a provision is not needed to set their effective date. Thus, Section 26a of Article I was never used and has never been effective for any purpose.

A YES vote on this amendment will remove this unnecessary and useless section from the Constitution.

THOMAS W. CALDECOTT
Assemblyman, 18th Dist.

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

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

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

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

Fourth. That Section 18 be added to Article XIII, to read:

Sec. 18. The repeal or deletion of any provision of this article, regardless of when effected, shall not affect the collectibility of any tax assessed pursuant to such provisions while such provision was in effect.

CONSTITUTIONAL PROVISION RELATING TO STATE FISCAL AFFAIRS.

8 **Assembly Constitutional Amendment No. 70.** Of two similar sections, each designated as Section 22 of Article IV of Constitution, relating to State's fiscal affairs, repeals one, and amends the other to combine the provisions of both; also deletes inoperative provisions of amended section on subject of Panama-Pacific International Exposition of 1915.

YES	
NO	

(This proposed amendment expressly repeals and amends existing provisions of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **REPEALED** or **DELETED** are printed in **STRIKEOUT TYPE** and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

First, That Section 22 of Article IV thereof as amended by the adoption on November 6, 1928, of the amendment proposed by Assembly Constitutional Amendment No. 31, 1927 Regular Session, be repealed.

Sec. 22. No money shall be drawn from the treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution; nor shall any grant or donation of property ever be made thereto by the State; provided, that notwithstanding anything contained in this or any other section of the Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children; or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; provided, that the Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the State department of institutions and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; provided, further, that the State shall have at any time the right to inquire into the management of such institutions; provided, further, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy physically handicapped persons not inmates of any institution under the supervision of the State department of institutions and supported in

whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Second, That Section 22 of Article IV thereof, as amended by the adoption on November 6, 1928, of the amendment proposed by Senate Constitutional Amendment No. 21, 1927 Regular Session be amended to read:

Sec. 22. No money shall be drawn from the treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; provided, that notwithstanding anything contained in this or any other section of the Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; provided, further, that the Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions; provided further, that the Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; provided, further, that the State shall have at any time the right to inquire into the management of such institutions; provided, further, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such

a stage that he can not pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or in part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same prorata appropriations as may be granted to such institutions under church, or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature. It is provided, however, that for the purpose of raising five million dollars, to be used in establishing, maintaining, and supporting in the city and county of San Francisco, State of California, an exposition in commemoration of the completion of the Panama Canal, to be known as the Panama-Pacific International Exposition, the State Board of Equalization shall, for the fiscal year beginning July 1, 1911, and for each fiscal year thereafter, to and including the fiscal year beginning July 1, 1914, fix, establish, and levy such an ad valorem rate of taxation, as when levied upon all the taxable property in the State, after making due allowance for delinquency, shall produce for each of such fiscal years a sum of one million two hundred fifty thousand dollars. The said taxes shall be levied, assessed, and collected upon every kind and character of property in the State of California not exempt from taxation under the law, and subject to taxation on the first day of July, 1910, and in the same manner, and by the same method, as other State taxes were levied, assessed, and collected under the law, as the same existed on the first day of July, 1910. The State Board of Equalization shall each year, at the time it determines the amount of revenue required for other State purposes, examine, fix, and include the rate of tax necessary to raise the sum herein provided for.

There is hereby created in the State treasury a fund to be known as the Panama-Pacific International Exposition Fund, and all moneys collected pursuant to this provision, after deducting the proportionate share of the expense for the collection of the same, shall be paid into the State treasury, and credited to such fund. All moneys so paid into such fund are hereby appropriated, without reference to

fiscal year, for the use, establishment, maintenance and support of said Panama-Pacific International Exposition. No tax, license fee, or charge of any kind or character shall ever be levied or assessed or charged against any property of said Panama-Pacific International Exposition, or against any property used as exhibit therein, while being used or exhibited in connection therewith.

There is hereby created a commission to be known as the Panama-Pacific International Exposition commission of the State of California, which shall consist of the Governor of said State and four other members to be appointed by the Governor, by and with the advice and consent of the Senate of said State. The Governor shall have the power to fill all vacancies occurring at any time in said commission. The members of said commission shall receive no compensation and shall hold office until such exposition shall have been closed and its affairs settled. Said four members of said commission shall be selected from different sections of the State, and the appointment thereof shall be made by the Governor of the State during the month of February, 1911. The commission hereby created shall have the exclusive charge and control of all moneys paid into the Panama-Pacific International Exposition fund; and provided, further, that the Legislature shall pass all laws necessary to carry out the provisions of this act, including the times and the manner in which and the terms and conditions upon which moneys shall be drawn from the State treasury by said commission; where contracts and vouchers shall be filed; to whom and how often reports shall be made; what disposition shall be made of any sum left unexpended or received from the sale of any property or buildings purchased or constructed by said commission for the use of said exposition; or of any disposition of any building or improvement constructed by said commission out of said fund; and to provide for the transfer to the general fund of the State of California, of any portion of said Panama-Pacific International Exposition fund unused.

The commission herein created is authorized and directed to make such proper contract with the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California on the twenty-second day of March, 1910, as will entitle the State of California to share proportionately with the contributors to the said Panama-Pacific International Exposition in the returns from the holding of said exposition at the city and county of San Francisco.

CONSTITUTIONAL PROVISIONS FOR ADOPTION OF 1879 CONSTITUTION.

9 Assembly Constitutional Amendment No. 71. Repeals Sections 4 to 9, inclusive, of Article XXII of Constitution, relating to election upon question of adoption of Constitution of 1879.

YES	
NO	

(This proposed amendment expressly repeals existing sections of the Constitution, therefore, **EXISTING SECTIONS** proposed to be **REPEALED** are printed in **STRIKEOUT TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A. D., eighteen hundred and seventy-nine, cause to be printed at the State Printing Office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post-office address of each registered voter; provided, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several Postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of the Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine, and the Boards of Supervisors of the several counties shall cause said proclamation to be made

public in their respective counties, and general notice of said election to be given at least fifteen days next before said election.

Sec. 5. The Superintendent of Printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the Clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the new Constitution." He shall likewise cause to be so printed and delivered to said Clerks five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "Against the new Constitution." The Secretary of State is hereby authorized and required to furnish the Superintendent of State Printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section.

Sec. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the Inspectors of Elections, at each election precinct or polling place in their