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COMPENSATION OF LOCAL OFFICERS

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COMPENSATION OF LOCAL OFFICERS. Assembly Constitutional Amendment No. 81. Amends Section 5 of Article XI of Constitution. Repeals prohibition against increasing compensation of any county, township or municipal officer after his election or during his term of office. Validates 1949 statutes prescribing compensation of those county officers whose salaries are fixed by the Legislature, making such compensation payable upon adoption of this amendment.	YES	
	NO	

(For full text of measure, see page 7, Part II)

Analysis by the Legislative Counsel

This constitutional amendment deletes an existing provision which prohibits any increase in the compensation of county, township, or municipal officers after their election or during their term of office.

If this measure is approved, it will allow increases in the compensation of county, township, or municipal officers at any time. It also validates all acts of the 1949 Session of the Legislature fixing the compensation of county officers and makes such compensation payable from the effective date of the amendment and until changed by the Legislature.

This constitutional amendment also deletes an existing provision authorizing the Legislature to suspend the prohibition against increases in compensation while the United States is engaged in war and for one year after the termination of hostilities and a provision making the prohibition against increases inapplicable to the compensation of deputies and assistants to county officers, and to the allowance of new or additional deputies or assistants to such officers. These two provisions are unnecessary if increases may be made at any time.

Argument in Favor of Assembly Constitutional Amendment No. 81

The section which this measure proposes to amend, as it now exists, prohibits any increase in the compensation of county, township, or municipal officers after their election or during their term of office, except that during the time the United States is engaged in war and for one year after the termination of hostilities the Legislature is authorized to suspend this provision.

The adoption of this proposition would authorize the increase in compensation of such officers at any time regardless of the date of their election

or term of office. This proposition would also validate all acts of the 1949 Session of the Legislature which fixed the compensation of county officers and provide that the compensation so fixed would be paid to such officers from the effective date of the adoption of this constitutional amendment and until changed by the Legislature.

Objection to permitting the increase of the compensation of a public officer after his election or during his term of office would logically exist only where such public officer had the power to determine the amount of his own compensation. The compensation of the members of boards of supervisors, district attorneys and auditors in the various counties are now and by the adoption of this proposition would continue to be regulated by the State Legislature and not by the public officers themselves. The compensation of all other county officers not regulated by the Legislature are in turn regulated by the voters or governing body in the particular county, township or municipality and not by the particular public officers themselves. In that the salaries or compensation of county, township, and municipal officers are not fixed or regulated by the public officers themselves there is no logical reason why their salaries or compensation should not be subject to change at any time.

In addition the present provisions of this section causes the illogical and unfair situation whereby members of the same board of supervisors for example are paid different salaries and compensation merely because some of the members were elected before and others after a change was made in the law as to their compensation.

A "YES" vote on this proposed amendment is recommended to correct this situation.

DONALD L. GRUNSKY
Assemblyman, 32d District

STATE CIVIL SERVICE. Senate Constitutional Amendment No. 6. Amends Sections 4 and 6 of Article XXIV of Constitution. Exempts from state civil service officers and employees of district agricultural associations employed less than six months in calendar year; stewards and veterinarians of California Horse Racing Board employed on part-time basis. Prohibits Legislature from reviving any optional exemption from state civil service after once abolishing such exemption. Permits given position to be filled by successive temporary appointees, unless employment list is in existence; increases maximum employment period of temporary appointees to nine months in any consecutive 12-month period.	YES	
	NO	

(For full text of measure, see page 8, Part II)

Analysis by the Legislative Counsel

This constitutional amendment makes certain changes relating to state civil service in reference to exempt positions, temporary appointments and appointments generally.

The amendment adds to the classes of state employment exempt from civil service under Article XXIV those of the officers and employees of district agricultural associations employed less

than six months in any one calendar year, and stewards and veterinarians of the California Horse Racing Board who are not employed on a full-time basis.

Under the present provisions of Article XXIV the Legislature has power to include in civil service any or all of the positions exempt under the article, except those of elected officers, appointees of the Governor and employees of his

in naming herein the first five members of the Pension and Welfare Funding Commission, to make hereby an exception of this Pension and Welfare Funding Act from the application to and the effect thereof of any constitutional amendment or court ruling which might be adopted or made prior to the adoption of this Pension and Welfare Funding Act which would make or purport to make it unconstitutional for this Pension and Welfare Funding Act to name any individual or individuals by name or names to hold the office or offices of member of the Pension and Welfare Funding Commission; and if by any chance or for any reason or by any means it shall become or be declared unconstitutional for the members of the Pension and Welfare Funding Commission to be named by the provisions of this Pension and Welfare Funding Act to the contrary and notwithstanding the foregoing and above mentioned exception which is placed herein for the distinct

purpose of excepting this Act from any such constitutional amendment or court ruling which would prevent the naming of the Pension and Welfare Commissioners herein, then the governor shall forthwith, but not prior to the tenth day of January next succeeding the election at which this amendment was adopted, appoint the members of the Pension and Welfare Funding Commission, and such members so appointed shall serve until their successors have been elected at the next general election and until such time thereafter as their successors have qualified and taken office. The people of the State of California do hereby declare that they do adopt and would have adopted this article and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

CHIROPRACTORS. Amendment of Initiative Act. Adds Section 8.1 to Chiropractic Act. Provides that no blind person shall be denied admission to or graduation from chiropractic school, or be barred from state chiropractic examination or license, on ground that he is blind.

YES	
NO	

(This proposed law expressly amends provisions of existing law; therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED LAW

Sec. 8.1. No blind person shall be denied admission into

any college or school of chiropractic or denied the right to take any examination given by such school or college or denied a diploma or certificate of graduation or a degree or denied admission into any examination for a state license or denied a regular license to practice chiropractic on the ground that he is blind.

COMPENSATION OF LOCAL OFFICERS. Assembly Constitutional Amendment No. 81. Amends Section 5 of Article XI of Constitution. Repeals prohibition against increasing compensation of any county, township or municipal officer after his election or during his term of office. Validates 1949 statutes prescribing compensation of those county officers whose salaries are fixed by the Legislature, making such compensation payable upon adoption of this amendment.

YES	
NO	

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

PROPOSED AMENDMENT TO THE CONSTITUTION

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

The provisions of this section shall not be construed to abridge, modify or otherwise affect the provisions of Sections 7 1/2, 7 1/3 and 8 1/2 of this article, relating to county or city and city charters. That certain act entitled "An act to add a section to the Political Code to be numbered 4056d, relating to powers and duties of boards of supervisors with respect to county and township officers, deputies, assistants and

employees," as enacted by the Legislature at its Fiftieth Session, is hereby validated and made fully and completely effective.

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

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

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

All acts of the 1949 Session of the Legislature fixing the compensation of the county officers permitted to be fixed by the Legislature are hereby validated and affirmed, and the compensation so fixed shall be paid to such officers from and after the effective date of this amendment and until changed by the Legislature.

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