

1954

AID TO NEEDY AGED

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Vote YES for honest and good liquor law enforcement and administration.

ARTHUR H. BREED, JR.
State Senator, Alameda County
CASPAR W. WEINBERGER
Assemblyman, San Francisco

Argument Against Senate Constitutional Amendment No. 4

This proposal represents an unsound, drastic change in the administration of our liquor law. It takes administration from the Board of Equalization, elected by and answerable to the people, and gives to an appointee of the Governor, "exclusive power" of administration and enforcement of California's Liquor Laws.

As this proposal now comes before the people, it is not well considered and should be defeated.

If it can be assumed that the contentions of the proponents of the amendment are true and that a new State department should be created, it ought to be democratic in its inception and the laws creating it should be practical and sensible with an assured purpose of improving liquor administration. This measure falls far short of these objectives.

It is not democratic because it takes from the people their right to select their own representatives in this field, and places control in one person appointed by the Governor. Who is to be the Director? What will his policies be? For these and other reasons liquor would become an issue in each gubernatorial campaign.

It is not practical and sensible because it is not based upon the experience and knowledge of people who know liquor law administration. It freezes into our Constitution an unworkable hodgepodge of theoretical ideas at great financial and social loss to California. Financial, because it will increase State expenditures more than

\$300,000.00 yearly. Social, because the good features of 20 years of enforcement by an independent agency will be lost by destroying the known to embark upon an unknown, unworkable procedure.

This measure is inherently wrong because it deprives the citizen of his American right of appeal. True, its language creates an appeals board but gives it no power to reverse improper decisions of the "Department." It states "the (appeals) board may direct the reconsideration of the matter * * * * * but the order (of the appeals board) shall not limit or control in any way the discretion vested by law in the department." This language makes the Director's decisions absolute, and appeals useless.

No other department head is subject to removal by legislative enactment, yet this Amendment allows the Legislature to remove the Director or any member of the Appeals Board. Does this create independence? Certainly not, for there will be the constant fear of removal should influential political groups be effected by the acts of the administrators. Thus falls the basic argument of the advocates of this Amendment who seek your support on the assumption that it will create an independent Liquor enforcement administration.

Let us oppose this unsound proposal with its *one man rule, useless appeals board*, high salaried deputies and additional employees who must establish a new system of cashiers, accounting, supply, personnel, tabulating divisions and new office rentals in sixty cities. Let's not set up another Governmental Agency when all of these services are now being furnished under our present law which is being efficiently administered and enforced.

VOTE NO and preserve our American System of Representative Government in California.

EARL D. DESMOND
State Senator, 19th Senatorial District

4 AID TO NEEDY AGED. Initiative Constitutional Amendment. Increases monthly aid payments to aged persons who meet eligibility requirements of Welfare and Institutions Code. Fixes \$100 (instead of \$80 heretofore fixed by law) as maximum monthly payments and permits Legislature to increase, but not decrease, this amount. Provides that payments shall be regarded as income of the recipient alone. Appropriates money for state share of Aged Aid.

YES	
NO	

(For Full Text of Measure, See Page 6, Part II)

Analysis by the Legislative Counsel

This initiative measure would add Article XXVIII to the Constitution and would increase the maximum amount of aged aid payable to persons eligible therefor under the Welfare and Institutions Code from \$80, as now fixed by statute, to \$100. It would authorize the Legislature to increase, but not to decrease, the \$100 amount.

It would provide that all money paid to a recipient of aged aid is intended to help him meet his individual needs and is not paid for the benefit of, or to be construed as income to, any other person.

This measure would appropriate from the State Treasury the sum which is necessary to pay the State share, as determined by law, of the cost of aged aid to each eligible aged person, after deducting Federal assistance payments and sums otherwise appropriated or made available by law for such aid. The amendment states that it is not intended to prevent the Legislature from determining the extent, if any, to which the counties of the State shall be required to participate in the cost of such aid.

If adopted by the people, this measure will become operative on the first day of the fourth month following the month in which it was adopted.

Argument in Favor of Initiative Proposition No. 4

VOTE YES—ON PROPOSITION 4.

Do you know that almost two-thirds of California's needy aged are women?

Do you know that the average payment (April 1954) to 271,810 recipients amounted to only \$69.04 a month—net \$50?

A typical recipient could be portrayed as follows:

1. A widow, aged 75 years, who is paying rent.
2. Has lived in California for the last 31 years.
3. Has an outside income of only \$18.96 a month, which is deducted.

A YES VOTE for AID TO NEEDY AGED will increase the average payment to \$87.15 a month, as any earnings, outside income, Old Age and Survivors Benefits, etc., would be deducted from the maximum grant of \$100.

CALIFORNIA DOES NOT PAY THE HIGHEST AGED AID. Connecticut is first, followed by Colorado, Massachusetts and New York, with California in fifth place. Also, according to the percentage of aged to the population of the individual states, California is in 23rd place, thus refuting opposition claims that old people are flocking here for pensions.

THE hardship forced on helpless oldsters is best illustrated by the present budget-of-needs allowances. In the two most vital categories, food and rent, these allowances are only \$28.50 and \$15 respectively, *per month*; creating widespread malnutrition and misery.

STATISTICS released by the State Social Welfare Department this year reveal that a recipient's average actual need totals \$101.02 a month; yet they can't get more than \$80. The Department estimates that increasing aid \$20 more a month will cost the State annually \$55,552,286; the 58 counties \$9,258,714; and that the Federal Government will increase its payments by an additional \$9,300,000.

THE recent increase in Federal Old Age and Survivors Insurance Benefits will reduce the above costs by more than \$3,000,000 a year, as 30 percent of the recipients are receiving these benefits, which are deducted from their old-age assistance.

BETWEEN July 1950 and July 1953, combined State and county costs declined by \$8,612,650; even though the maximum payments were increased during this period. As more and more people become eligible for Federal OASI Benefits, the State and county old-age assistance costs will continue to decline even though aid payments are increased.

THE opposition does not reveal the fact that the Federal Government now pays more than \$108,000,000 to California each year for

its aid to needy aged. All this money, which would otherwise be contributed to other states, is spent with merchants and other local businessmen in the recipients' home communities. Proposition 4 would further increase this purchasing power on the local business level and at an annual increase of only 2½ cents on the county tax dollar.

THE railroads, the utilities, the oil companies and financial houses who are the real opponents of Proposition 4, conceal this substantial benefit to local business, because they themselves operate on a statewide or national level.

HOW can we encourage the giving of surplus foods, and billions of dollars to peoples of other nations and deny an increase of a meager 66 cents a day to needy Californians?

PLEASE VOTE YES on Proposition 4, AID TO NEEDY AGED.

GEORGE McLAIN
Chairman, California Institute of
Social Welfare
JOHN A. DESPOL
Secretary-Treasurer, California
Industrial Union Council, CIO
GEORGE W. BALLARD
State Representative, California
Legislative Board, Brotherhood
of RR Trainmen

Argument Against Initiative Proposition No. 4

THAT "PENSION" PROMOTER IS LOOSE AGAIN.

George H. McLain, persistent "pension" promoter, has again worked up a so-called "pension" scheme which would cost millions, threaten America's finest pension system, and give McLain immeasurable political power.

There are three major reasons for voting NO on Proposition 4:

1. PROPOSITION 4 THREATENS TO UNDERMINE CALIFORNIA'S STATE FINANCIAL STRUCTURE.

This measure would drain from the already over-extended state treasury at least an addition \$70 million a year. This you would have to pay in taxes in addition to the \$120 million you already pay in your state and county for old age pensions, plus \$100 million of your federal tax dollars.

Proposition 4 would saddel California with a \$290 million pension bill—a constitutional fixed cost—and this would grow rapidly

because such high old age outlays would make California a Utopia attracting the aged from other states to share these handouts at your expense.

The measure's loose language would imperil the ability of the State and its counties to continue adequate financing of such vital services as schools, public works, charity and welfare, and public protection.

2. PROPOSITION 4 THREATENS TO DESTROY ONE OF THE MOST LIBERAL AGED AID SYSTEMS IN THE UNITED STATES.

California already pays out to needy oldsters as much as New York, Illinois, and Ohio combined. Our aged aid payments are already about one-third higher than the national average. California pays far more for this purpose than any other state. The State Legislature has increased aid to the aged five times since 1946.

California's generous old age assistance system has been hailed nationally as one of the most liberal in America. Proposition 4, by inflating it beyond the State's financial power to absorb, would be more likely to break down the pension system altogether than to confer benefits on the aged.

3. PROPOSITION 4 IS REALLY ANOTHER GRAB FOR POLITICAL POWER BY GEORGE McLAIN.

McLain would have the voters think Proposition 4 is a simple measure to increase California's payments to needy oldsters by \$20 a month. Its real motive is a last-ditch effort to bolster McLain's sagging political machine as his followers increasingly realize that he is hurting—not helping—the old folks.

Smash McLain's latest grab for power. Vote NO on his scheme to exploit the old folks, fool the voters, burden the taxpayers, and assume dictatorial powers for himself.

Vote NO on Proposition 4.

MRS. G. W. LUHR
3335 Freeman Road, Walnut Creek

MR. LOUIS A. ROZZONI
First Vice President of the California
Farm Bureau Federation, 2223 Fulton
Street, Berkeley

MR. JOSEPH SCOTT
1151 South Broadway, Los Angeles 15

TAXATION: EXEMPTION OF VESSELS. Senate Constitutional Amendment No. 23.

5

Continues exemption of California-registered freight and passenger ships of more than 50 tons burden from local property taxation, such exemption otherwise due to expire January 1, 1955.

YES	
NO	

(For Full Text of Measure, See Page 7, Part II)

Analysis by the Legislative Counsel

This constitutional amendment would amend Section 4 of Article XIII of the Constitution. It would make permanent an existing local property tax exemption of a vessel weighing more than 50 tons registered at a port in California and engaged in the transportation of freight or passengers. The present exemption will end, by its own terms, on January 1, 1955.

Senate Constitutional Amendment No. 32, Resolutions Chapter 157, of the 1953 Regular Session (Ballot Proposition No. 8) would add Section 4(a) to Article XIII to provide an exemption from local taxation of a vessel weighing more than 100 tons registered at a port in California and engaged in the transportation of freight or passengers or in commercial deep-sea fishing outside California waters.

While all of the property exempted by this amendment would also be exempted by the other measure, there is no irreconcilable conflict between the two amendments. If both are adopted, both can be given effect, regardless of which receives the higher vote.

Argument in Favor of Senate Constitutional Amendment No. 23

Shipping and thriving ports mean money in the pocket of every Californian. Shipping has brought and will continue to bring untold wealth to California—wealth that inland States can never secure, but wealth which other States and countries would give a great deal to take away.

The purpose of Proposition 5 is to protect California shipping from discriminatory taxation and to maintain a basic industry of the State which has contributed immeasurably to the high standard of living enjoyed by Californians.

Proposition 5 reaffirms a 40-year old law, twice approved by the voters, which has permitted California ships to compete, taxwise, in California ports with ships of other States and foreign nations. It is California's guarantee that discriminatory local taxes, which cannot be assessed against ships of other competing ports, will not be assessed against its own ships.

Without this protection, California's ocean going ships would be forced to register in other states. California's shipping industry thus would be "frozen out" of the State.

Proposition 5 will not cost California one cent in revenue now collected! To the contrary, its passage will continue a growing shipping industry in California which last year:

contributed to the Federal, State and local treasuries some.....	\$18,600,000.00
directly provided jobs for 20,000 Californians with a payroll for the year of more than.....	\$100,000,000.00
expended with California merchants for repairs and provisioning more than.....	\$15,000,000.00
and transported some.....	\$695,000,000.00
of California grown or produced products from the State's 58 counties to the markets of the world.	

When any person aggrieved thereby appeals from a decision of the department ordering any penalty assessment, issuing, denying, transferring, suspending or revoking any license for the manufacture, importation, or sale of intoxicating liquor, the board shall review the decision subject to such limitations as may be imposed by the Legislature. In such cases, the board shall not receive evidence in addition to that considered by the department. Review by the board of a decision of the department shall be limited to the questions whether the department has proceeded without or in excess of its jurisdiction, whether the department has proceeded in the manner required by law, whether the decision is supported by the findings, and whether the findings are supported by substantial evidence in the light of the whole record. In appeals where the board finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department it may enter an order remanding the matter to the department for reconsideration in the light of such evidence. In all other appeals the board shall enter an order either affirming or reversing the decision of the department. When the order reverses the decision of the department, the board may direct the reconsideration of the matter in the light of its order and may direct the department to take such further action as is specially enjoined upon it by law, but the order shall not limit or control in any way the discretion vested by law in the department. Orders of the board shall be subject to judicial review upon petition of the director or any party aggrieved by such order.

A concurrent resolution for the removal of either director or any member of the board may be introduced in the Legislature only if five Members of the Senate, or ten Members of the Assembly, join as authors.

Until the Legislature shall otherwise provide, the privilege of keeping, buying, selling, serving, and otherwise disposing of intoxicating liquors in bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and in bona fide clubs after such

clubs have been lawfully operated for not less than one year, and the privilege of keeping, buying, selling, serving, and otherwise disposing of beers on any premises open to the general public shall be licensed and regulated under the applicable provisions of the so-called State Liquor Alcoholic Beverage Control Act, California Statutes 1933, Chapter 658, insofar as the same are not inconsistent with the provisions hereof, and excepting that the license fee to be charged bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and any bona fide clubs after such clubs have been lawfully operated for not less than one year, for the privilege of keeping, buying, selling, or otherwise disposing of intoxicating liquors other than beers and wines, shall be \$250.00 per year, or \$62.50 per quarter-annum for seasonal businesses the amounts prescribed as of the operative date hereof, subject to the power of the State Board of Equalization Legislature to change such fees.

The State Board of Equalization shall assess and collect such excise taxes as are or may be imposed by the Legislature on account of the manufacture, importation and sale of alcoholic beverages in this State.

The Legislature may authorize, subject to reasonable restrictions, the sale in retail stores of liquor contained in the original packages, where such liquor is not to be consumed on the premises where sold.

The Legislature shall provide for apportioning the amounts collected for license fees or occupation taxes under the provisions hereof between the State and the cities, counties and cities and counties of the State, in such manner as the Legislature may deem proper.

All constitutional provisions and laws inconsistent with the provisions hereof are hereby repealed.

The provisions of this section shall be self-executing, but nothing herein shall prohibit the Legislature from enacting laws implementing and not inconsistent with such provisions.

This amendment shall become operative on January 1, 1955.

4 AID TO NEEDY AGED. Initiative Constitutional Amendment. Increases monthly aid payments to aged persons who meet eligibility requirements of Welfare and Institutions Code. Fixes \$100 (instead of \$80 heretofore fixed by law) as maximum monthly payments and permits Legislature to increase, but not decrease, this amount. Provides that payments shall be regarded as income of the recipient alone. Appropriates money for state share of Aged Aid.

YES

NO

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed amendment to the Constitution, by adding Article XXVIII thereto, hereinafter set forth, be submitted to the people of the State of California for their approval or rejection at the next ensuing general election or as provided by law. The proposed amendment to the Constitution is as follows:

(This proposed amendment does not expressly amend any existing article of the Constitution but adds a new article thereto; therefore, the provisions hereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Article XXVIII. Aid to Aged Persons

Section 1. The amount of aid to which any applicant for aid to the aged who is eligible therefor

under the Welfare and Institutions Code shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, one hundred dollars (\$100) per month. If, however, in any case it is found that the actual need of an applicant exceeds one hundred dollars (\$100) per month, such applicant shall be entitled to receive aid in an amount, not to exceed one hundred dollars (\$100) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need. All money paid to a recipient of aid under this article is intended to help him meet his individual needs and is not paid for the benefit of, or to be construed as income to, any other person.

Sec. 2. The Legislature shall have power to pro-

vide for the granting of aid to the aged in amounts greater than the amounts specified in Section 1 of this article, but shall have no power to provide for the granting of such aid in lesser amounts than the amounts specified in Section 1 of this article.

Sec. 3. Out of any money in the State Treasury not otherwise appropriated there is hereby appropriated each month such sum as is necessary to pay the state share, as determined by law, of the cost of the grant pursuant to Section 1 of this article, to each aged person eligible therefor under the Welfare and Institutions Code, after deducting from the grant the amount of any sum received from the United States Government as assistance in respect

to such person, and after deducting from the state share any sum otherwise appropriated or made available by law for such aid to such person.

The purpose of this section is to make avail the money required to provide aid to eligible persons in the amounts specified in Section 1 of this article. Nothing in this section is intended to prevent the Legislature from determining the extent, if any, to which the counties of the State shall be required to participate in the cost of such aid.

Sec. 4. This article shall become operative on the first day of the fourth month next succeeding the month in which it is adopted by the people of the State.

5 TAXATION: EXEMPTION OF VESSELS. Senate Constitutional Amendment No. 23. Continues exemption of California-registered freight and passenger ships of more than 50 tons burden from local property taxation, such exemption otherwise due to expire January 1, 1955.

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**.)

PROPOSED AMENDMENT TO ARTICLE XIII

Sec. 4. All vessels of more than 50 tons burden registered at any port in this State and engaged in the transportation of freight or passengers shall be exempt from taxation except for state purposes until and including the first day of January, 1955.

6 PAY OF LEGISLATORS. Assembly Constitutional Amendment No. 13. Sets salaries of members of the State Legislature at \$500 per month.

YES

NO

(This proposed amendment expressly amends existing sections 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 ARTICLE IV

Sec. 2. (a) The sessions of the Legislature shall be annual, but the Governor may, at any time, convene the Legislature, by proclamation, in extraordinary session.

All regular sessions in odd-numbered years shall be known as general sessions and no general session shall exceed 120 calendar days, exclusive of the recess required to be taken in pursuance of this section, in duration.

All regular sessions in even-numbered years shall be known as budget sessions, at which the Legislature shall consider only the Budget Bill for the succeeding fiscal year, revenue acts necessary therefor, the approval or rejection of charters and charter amendments of cities, counties, and cities and counties, and acts necessary to provide for the expenses of the session.

All general sessions shall commence at 12 o'clock m., on the first Monday after the first day of January, and shall continue for a period not exceeding 30 calendar days thereafter; whereupon a recess of both houses must be taken for not less than 30 calendar days. On the reassembling of the Legislature, no bill shall be introduced in either house with-

out the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling.

All budget sessions shall commence at 12 m. o. the first Monday in March and no budget session shall exceed 30 calendar days in duration.

(b) Each Member of the Legislature shall receive for his services the sum of ~~three hundred dollars (\$300)~~ five hundred dollars (\$500) for each month of the term for which he is elected.

No Member of the Legislature shall be reimbursed for his expenses, except for expenses incurred (1) while attending a regular, special or extraordinary session of the Legislature (the expense allowances for which may equal but not exceed the expense allowances at the time authorized for other elected state officers), not exceeding 120 calendar days of any general session or 30 calendar days of any budget session or the duration of a special or extraordinary session or (2) while serving after the Legislature has adjourned or during any recess of the two houses of the Legislature as a member of a joint committee of the two houses or of a committee of either house, when the committee is constituted and acting as an investigating committee to ascertain facts and make recommendations, not exceeding, during any calendar year, 40 days as a member of one or more committees of either house, or 60 days as a member of one or more joint committees, but not exceeding 60 days in the aggregate for all such committee work. The limitations in this subsection (b) are not applicable to mileage allowances.

7 LAND TITLES. TORRENS ACT. Amendment of Initiative Act. Authorizes Legislature to amend or repeal the Land Title Law (Torrens Act) adopted by initiative in 1914.

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. 116. The Legislature may amend or repeal all or any part of this act at any time.