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WATER RIGHTS OF GOVERNMENT AGENCIES

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Argument in Favor of Assembly Constitutional Amendment No. 53

need for preserving the complete freedom of American education is great. We should, we must maintain a wide variety of philosophical approaches to solving modern problems. Only under a healthy and expanding system of non-government supported and operated colleges can we be sure of maintaining complete independence of thought and intellectual inquiry.

Every year the cost of State operated education increases. The 1953-54 budget provided over 70 millions of dollars just for the University of California and the 11 other four-year State colleges. Hundreds of millions more were allocated for related special programs and the elementary, secondary schools and junior colleges. Nearly one-third of the State's Billion and a quarter budget is allocated to State administered education.

Every year non-profit, private collegiate institutions are going into the "red" and eventually out of existence because of basically changed economic conditions.

Private colleges exist upon private grants and bequests from successful, able and interested citizens. The number and average

size of such grants has been materially reduced in recent years because of the steeply graduated personal and corporate income tax which prevents the accumulation of sizeable private fortunes.

Sizeable grants that were made years ago do not produce the purchasing power now that they did when received by the college. Inflation has reduced the real value of that income by fifty per cent.

Though there is the well-taken argument that there is much property in California that has been removed from the tax rolls, it is submitted to you, the voter of the State of California, that the desirability and urgent need for preserving non-government supported and operated collegiate grade educational institutions far outweighs the disadvantage of removing this property from the tax rolls VOTE "YES" on A. C. A. No. 53: Help guarantee continued freedom of education!

Respectfully submitted.

LEROY E. LYON, JR.
Assemblyman, 75th Assembly District

15 WELFARE EXEMPTION: PROPERTY UNDER CONSTRUCTION. Assembly Constitutional Amendment No. 22. Permits tax exemption, now applied to property in actual operation for religious, hospital or charitable purposes and owned by non-profit organization, to include building and land during time when building is under construction. Applies to buildings in course of construction in March, 1954, and thereafter.

YES	
NO	

(For Full Text of Measure, See Page 11, Part II)

Analysis by the Legislative Counsel

This constitutional amendment authorizes the Legislature to extend the welfare property tax exemption to a building and its appurtenances in the course of construction together with that land on which the building is located and which is required for its use and occupation, if it is to be used exclusively for religious, hospital, or charitable purposes. The amendment would be effective on and after the first Monday in March, 1954, the date upon which the county property taxes for 1954-1955 will become a lien.

The existing authorization for the welfare exemption is applicable to property used exclusively for religious, hospital, or charitable purposes and owned by a nonprofit organization established and operated for such purposes.

The Legislature at its 1953 Regular Session provided for the tax exemption authorized by this constitutional amendment effective upon the approval of such an amendment (Ch. 950, Stats. 1953).

Argument in Favor of Assembly Constitutional Amendment No. 22

The Constitution of the State of California under present law exempts from taxation all or any portion of property used exclusively for religious, hospital or charitable purposes and owned by community chests, funds, foundations or corporations not conducted for profit.

This proposed amendment extends the principle of the existing law to also make tax free during the course of construction buildings that will be used for religious or charitable purposes.

This Amendment clarifies the law and extends a long recognized principle of not taxing religious and charitable institutions. Therefore, I urge the adoption of this Assembly Constitutional Amendment.

WALLACE D. HENDERSON
Member California Legislature, 32d
Assembly District

Argument in Favor of Assembly Constitutional Amendment No. 22

Non-profit Hospitals, when in operation, are exempt from property taxation and this amendment to the "welfare exemption" accords the same exemption to buildings used exclusively for religious, hospital or charitable purposes during the course of their construction.

During the hearings in both the Assembly and the Senate as well as when the measure was presented on the floor of each house there was no opposition. Vote YES on this measure which lowers the costs of hospitalization in the communities of California.

ERNEST R. GEDDES
Member California Legislature, 49th
Assembly District

16 WATER RIGHTS OF GOVERNMENT AGENCIES. Senate Constitutional Amendment No. 30. Provides that acquisition of any interest in real property by any government agency, local, state or federal, shall constitute an agreement by the agency that it will conform to California water law with respect to such acquisition.

YES	
NO	

(For Full Text of Measure, See Page 11, Part II)

Analysis by the Legislative Counsel

This constitutional amendment relates to the future acquisition of interests in California real property by any agency of the local, State, or Federal Governments. It would provide that the acceptance of such an interest constitutes an agreement by the agency

to conform to the laws of California as to the acquisition, control, use, and distribution of water with respect to the land so acquired.

Since the laws of the United States constitute the supreme law of the land, this amendment would be applicable to the Federal Government only to the extent that it does not conflict with valid provisions of the Federal Constitution, statutes or treaties.

Argument in Favor of Senate Constitutional Amendment No. 30

In California water is life. If the California home owner is deprived of his water supply he must abandon home and farm. This dreadful prospect has faced the home owners in the Santa Margarita River watershed of San Diego County and other watersheds in this State when the Federal Government brought suits against them in the Federal Courts claiming the water our citizens were using.

No private citizen, be he the owner of a home or a farm, can afford to spend the vast sums needed for attorneys, expert witness and court costs to defend his water rights from the court proceedings brought by the Federal Government with its almost limitless resources.

It has long been established and recognized that the water within the boundaries of this State belongs to the people of California, the right to its use being regulated by State laws. This was unquestioned until several communities have been thrown into a turmoil by claims asserted by governmental agencies to the ownership of water based, not on rights acquired in accordance with State laws, but on alleged rights arising out of the acquisition of lands by them within this State as sites for their activities and because of the government functions which such agencies perform. Senate Constitutional Amendment No. 30 is designed and intended to preserve and protect the rights which we have always understood the laws gave to the people of California to the waters of this State against these new claims made by Government Agencies to those waters by requiring, as a condition to the acquisition of any real property in this State that such agencies must conform to State law in the acquisition, control, use and distribution of such water. The United States Constitution requires "consent" by the State Legislature before the Federal Government acquires legal jurisdiction or governmental powers over land purchased in the several states. It is in connection with the required State consent to Federal acquisition that we believe that this proposed amendment will have a controlling and beneficial effect. We believe that the Amendment, by declaring a wise public policy, will support and enable the Legislature to stipulate conditions in its consent to Federal acquisition of property within this State by requiring that it must conform to California water laws as to the acquisition, control and use of water in connection with such property.

As a practical matter the Amendment if adopted will have a powerful persuasive effect upon Congress and the Federal Government to heed the appeal of our California home and land owners and recognize our citizens' rights to water under California and reasonable water laws.

Help protect the water rights of California people from unjust litigation.

We urge a "yes" vote.

NELSON S. DILWORTH
State Senator, Riverside County

Argument Against Senate Constitutional Amendment No. 30

This proposed amendment is unconstitutional, unnecessary, and dangerous.

It is unconstitutional to the extent that it attempts to regulate the power of eminent domain of the United States. The United States' power of eminent domain, says the Supreme Court: "can neither be enlarged nor diminished by a State. Nor can any State prescribe the manner in which it must be exercised." (*United States v. Carmack*, 329 U. S. 230, 238 (1946)). The People are already protected by the United States Constitution which requires fair compensation to be paid for property taken by the Government.

It is unnecessary to the extent that it affects State agencies. State agencies are, obviously, already required to follow State law.

It is dangerous because it may create an obstacle to cooperation between the State and the United States in development of our badly needed water resources. The amendment is a subterfuge. It is an attempt to create a hidden veto to be used to prevent further federal reclamation projects like the Central Valley Project, with their attendant low cost power and water benefits. By making it more difficult to secure federal funds, this amendment will require the People of the State to pay more for the use of their own natural resources.

PAUL S. TAYLOR
1163 Euclid Avenue
Berkeley, California

CALIFORNIA STATE GRANGE
By George Sehlmeier, Master

JOHN A. DESPOL
Secretary-Treasurer, CIO-California
Industrial Union Council

17 STREET AND HIGHWAY FUNDS. VEHICLE PARKING. Assembly Constitutional Amendment No. 32. Permits street and highway revenues collected by State (from sources such as gasoline taxes and motor vehicle registration and operation fees) to be used for financing vehicle parking facilities, as the Legislature may prescribe.

YES

NO

(For Full Text of Measure, See Page 11, Part II)

Analysis by the Legislative Counsel

This constitutional amendment would authorize the Legislature, in such manner as it may provide, to permit the use of revenues from the motor vehicle fuel tax and from vehicle registration and license fees for the planning and construction of vehicle parking facilities.

This authorization would be granted notwithstanding the requirement now in Article XXVI of the California Constitution that such revenues be used exclusively: (1) for the construction, improvement, repair, and maintenance of public streets and highways, (2) for the enforcement of laws concerning the use, operation or registration of motor vehicles, and (3) for the payment of specified street and highway bonds.

Argument in Favor of Assembly Constitutional Amendment No. 32

Assembly Constitutional Amendment No. 32 was introduced as a result of a poll taken on State freeways, which determined that during peak hours of traffic, the average passengers per automobile was 1.6.

Millions of dollars are now being expended for new highways only to find them inadequate before they are completed. A. C. A. No. 32 would permit the Legislature to provide statutory law allowing certain highway funds to be used to develop wasted areas along freeways for parking facilities where needed, with provisions for rapid transit turn-outs, thereby providing for the future elimina-

tion of hundreds of automobiles now using the freeways and congesting our down town areas.

The use of these funds would be determined at the local level by city, city and county, and counties, in cooperation with the State of California. It can clearly be established that vehicle parking would be a highway purpose within the meaning of Section 12 of the Hayden-Cartwright Act, and would not in any way impair or limit Federal aid, nor reduce the amount now being expended for highway purposes due to the constantly increasing highway revenue.

RANDAL F. DICKEY
Author A. C. A. No. 32
Member of the California Legislature,
14th Assembly District

Argument Against Assembly Constitutional Amendment No. 32

Under the terms of this measure, gasoline tax monies urgently needed for highway construction projects could be diverted for planning and construction of vehicle parking facilities. The measure is designed to give the State Legislature the authority to divert the gasoline tax and other highway user tax funds for vehicle parking purposes "in such manner as the Legislature may provide."

If the proposal is adopted, it can be expected that many measures will be introduced at future sessions of the State Legislature in order to divert gas tax funds for innumerable vehicle parking purposes.

15	WELFARE EXEMPTION: PROPERTY UNDER CONSTRUCTION. Assembly Constitutional Amendment No. 22. Permits tax exemption, now applied to property in actual operation for religious, hospital or charitable purposes and owned by non-profit organization, to include building and land during time when building is under construction. Applies to buildings in course of construction in March, 1954, and thereafter.	YES	
		NO	

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

PROPOSED AMENDMENT TO ARTICLE XIII

Sec. 1c. In addition to such exemptions as are now provided in this Constitution, the Legislature may exempt from taxation all or any portion of property used exclusively for religious, hospital or charitable purposes and owned by community chests, funds, foundations or corporations organized and

operated for religious, hospital or charitable purposes, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual. **As used in this section, "property used exclusively for religious, hospital or charitable purposes" shall include a building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located as may be required for the use and occupation of the building, to be used exclusively for religious, hospital or charitable purposes.**

16	WATER RIGHTS OF GOVERNMENT AGENCIES. Senate Constitutional Amendment No. 30. Provides that acquisition of any interest in real property by any government agency, local, state or federal, shall constitute an agreement by the agency that it will conform to California water law with respect to such acquisition.	YES	
		NO	

PROPOSED AMENDMENT TO ARTICLE XIV

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

Sec. 4. Whenever any agency of government, local, state, or federal, hereafter acquires any interest in real property in this State, the acceptor of the interest shall constitute an agreement by agency to conform to the laws of California as the acquisition, control, use, and distribution of water with respect to the land so acquired.

17	STREET AND HIGHWAY FUNDS. VEHICLE PARKING. Assembly Constitutional Amendment No. 32. Permits street and highway revenues collected by State (from sources such as gasoline taxes and motor vehicle registration and operation fees) to be used for financing vehicle parking facilities, as the Legislature may prescribe.	YES	
		NO	

PROPOSED AMENDMENT TO ARTICLE XXVI

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

Sec. 2.5. Notwithstanding any other provision of this article, money from the taxes and fees specified in Sections 1 and 2 of this article may be used for the planning and construction of facilities for vehicle parking, in such manner as the Legislature may provide.

18	RESIDENT NONCITIZENS: PROPERTY OWNERSHIP. Assembly Constitutional Amendment No. 10. Extends to resident foreigners who are eligible for United States citizenship the same privileges concerning property ownership as have been hitherto given to resident foreigners of white and African descent.	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 I

Sec. 17. ~~Foreigners of the white race, or of African descent,~~ eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the

same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native born citizens; provided, that such aliens owning real estate at time of the adoption of this amendment may remain such owners; and provided further, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise.