

1954

STREET AND HIGHWAY FUNDS. VEHICLE PARKING

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

Recommended Citation

STREET AND HIGHWAY FUNDS. VEHICLE PARKING California Proposition 17 (1954).
http://repository.uchastings.edu/ca_ballot_props/562

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.

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.

In 1938 the voters of California were among the leaders in the nation to adopt an amendment to the State Constitution (Article I) against diversion of gasoline tax funds. Up to the present twenty-three other states have adopted similar provisions. Individuals and organizations interested in the adequate financing of highways have forcefully opposed attempts to divert gas tax funds to purposes other than highway construction.

Arguments against the measure include:

1. The proposed diversion would inevitably lessen the amount available for maintenance and construction of our street, road and highway system or bring about a demand for further increase in the gasoline tax.
2. Surveys conducted for the State Legislature indicate that the correction of existing deficiencies upon California's roads and highways would cost several billion dollars. Every effort should be directed toward the provision of adequate construction funds and efforts toward their diversion should be opposed.
3. Reasons which justify the use of tax funds for financing public highways do not apply to the use of tax funds for financing parking facilities. Private capital may be used for the provision of parking facilities, however, privately invested capital cannot be used to build highways and freeways (other than the investment in bonds for the provision of toll facilities).
4. The adoption of the proposal would raise a legal question as to whether or not California could continue to receive federal funds for highway purposes on account of the anti-diversion feature of the federal law as set forth in the Hayden-Cartwright Act (the Federal Aid for Highways Act of 1954 au-

thorizes an estimated \$47,000,000 annually, for California projects).

5. There are other methods available for the financing of off-street parking facilities without resorting to the use of highway-user tax funds. Existing laws provide enabling acts for the formation of parking districts and the issuance of revenue bonds. Furthermore, a constitutional amendment adopted in 1949 provides that any public body authorized to construct public parking lots and issue revenue bonds is also authorized to pledge parking meter revenues as additional security for the payment of such bonds.

In conclusion, it should be clearly understood that the opponents to A. C. A. No. 32 are fully aware of the need for adequate parking facilities. However, at the same time, they are in strong opposition to any attempt which will divert gasoline tax funds to other than highway construction and maintenance purposes. It is urged, therefore, that you vote NO on this measure.

NEIL PETREE
 Immediate Past President, California
 State Chamber of Commerce

HAROLD J. McCURRY
 President, California State Automobile Association

HARRY J. BAUER
 President, Automobile Club of Southern California

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.

18

YES	
NO	

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

Analysis by the Legislative Counsel

This measure would amend a section of the Constitution which guarantees to foreigners "of the white race or of African descent," eligible to become citizens of the United States under the naturalization laws of the United States, the same rights with respect to the acquisition, possession, enjoyment, transmission, and inheritance of property (other than real estate) as native born citizens. The amendment would delete the limiting language quoted above and would extend this guarantee to all foreigners eligible to become citizens of the United States. Under the present naturalization laws the right to become a naturalized citizen does not depend upon race (Sec. 311, Immigration and Nationality Act; Chapter 477, Public Law No. 414, 82d Congress, Second Session, 1952; 8 U.S. Code Annotated 1452), although that right was formerly extended only to persons of the white race or of African descent.

The California Supreme Court has held that the section of the Constitution amended by this measure does not limit the power of the Legislature to extend similar privileges to other foreigners or aliens (*Blythe v. Hinckley* (1900), 127 Cal. 431). The Legislature has done this in Section 671 of the Civil Code, which provides that any person, whether citizen or alien, may take, hold, and dispose of property real or personal, within this State.

As to foreigners of the white race or of African descent this measure makes no change. As to other foreigners it provides a constitutional guarantee of the rights which they now have by statute through Section 671 of the Civil Code.

Argument in Favor of Assembly Constitutional Amendment No. 10

The State Legislature established a policy in 1949 of proposing amendments to the State Constitution which would eliminate obsolete language and provisions inconsistent with democratic concepts. In accordance with this policy amendments were submitted and adopted in 1950 and 1952. Proposition 18 is an amendment to the State Constitution submitted for public approval which conforms to this policy.

This Proposition amends Section 17 of Article I of the State Constitution by deleting the words "of the white race, or of African descent." Section 17 relates to the right of non-citizens in the "acquisition, possession, enjoyment, transmission, and inheritance" of personal property. It guarantees to non-citizens "of the white race, or of African descent," the same rights in this respect as citizens. However, this provision placed in the Constitution in 1879, limits this guaranty to non-citizens "of the white race, or of African descent," thus placing them in a different category than other types of non-citizens, such as Japanese, Chinese, Filipinos, Koreans, etc. This is in conflict with the fundamental American principle of equality before the law of all persons irrespective of race or national origin. It is a product of a past historical epoch that is inconsistent with democratic principles and needs to be deleted from the basic law of our state.

The adoption of this amendment would not create any new property rights for the members of any particular race. These rights were long ago given to the members of all races by statute. The amendment, however, would provide a constitutional guaranty that existing rights will continue in force and take out of the Constitution a provision which appears to be racially discriminatory.

By deleting the words "of the white race, or of African descent" this section is made to apply equally to all non-citizens without regard to race or descent. It also eliminates what can be construed by omission as a derogatory reflection on the many thousands of honest, loyal, hardworking Americans of oriental extraction in California. This change is in the interest of justice.

This proposed amendment to the State Constitution was approved by both houses of the State Legislature by unanimous vote. No opposition of any kind was expressed against it. Your vote for it is in the best interest of California.

Vote YES on Proposition 18.

ASSEMBLYMAN THOMAS A. MALONEY
 20th District

ASSEMBLYMAN EDWARD E. ELLIOTT
 40th 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	

(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 the 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.