

1956

## STATE LEGISLATURE

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### Recommended Citation

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amendment would be to include noncontiguous parking space in the church exemption and to limit the exemption as to both contiguous and non-contiguous property, to property required by law to be made available for parking purposes.

The Legislature is authorized by law to qualify or withdraw this exemption.

**Argument in Favor of Assembly Constitutional Amendment No. 3**

Vote "Yes" on Assembly Constitutional Amendment No. 3 and further the cause of religious worship by helping to make the churches more accessible to persons desiring to attend them.

The tremendous increase in the population of this State and in the number of automobiles on the streets of cities throughout the State has created an exasperating problem of parking in most of our cities. This problem of trying to find a place to park within reasonable walking distance deters many persons who would otherwise attend church services and makes it absolutely impossible for many persons, due to age or physical infirmity, to get to their place of worship. Off-street parking for members of the congregation is a must for a great number of churches in this State!

The problem is simple if the church is fortunate enough to have adjacent land which it can devote to this purpose. Then it need not acquire costly land, and, furthermore, the adjacent land is exempt from taxation. However, not many churches are so fortunate. Most churches needing land for parking purposes are forced to purchase such land as is available, generally at great expense and not immediately adjacent to the church itself. Expenditures will naturally be assessed at a high amount for taxation and, under the existing court interpretation of the constitutional exemption, if it is not adjacent to the church it will not be exempt from taxation. Extending a tax exemption to such land used by a church for parking will remove one of the important obstacles facing such church in its attempt to make parking space available to persons desiring to attend services.

This measure will not only assist the churches, but it will also benefit the motoring public by helping to relieve traffic and parking congestion on our city streets. The churches which need the tax exemption provided by this constitutional amendment are necessarily situated in downtown or heavily populated areas which have tremendous traffic and parking problems—otherwise they wouldn't need to provide parking space for their congregations. Any step toward providing off-street parking in such areas will make the streets in these areas more usable, more enjoyable to use, and, most important, more safe to use.

Your "Yes" vote on Assembly Constitutional Amendment No. 3 is urged.

RICHARD J. DOLWIG  
Assemblyman, 26th District

**Argument Against Assembly Constitutional Amendment No. 3**

Do not be misled by this measure! While at first glance it appears to extend the property tax exemption granted to churches to property owned by churches and used for providing parking space for churchgoers, actually it will place severe restrictions in many cases upon an exemption already granted to churches for this purpose and give the Legislature the power to modify or completely eliminate this exemption.

Under the existing constitutional tax exemption granted to churches, our courts have held that property immediately adjacent to a church and used to provide parking space for members of the congregation is exempt from taxation where traffic and street parking conditions may make it necessary to provide off-street parking space for such members. Today's conditions make it absolutely essential in many instances for churches to provide such parking space. The Legislature cannot modify or take away this existing exemption for church property so used.

This measure, while expressly granting a tax exemption to property owned by a church and used for parking purposes, whether or not it is contiguous to the property on which the church is located, places the following restrictions upon the availability of this exemption:

(1) The property must be required by law to be made available for the parking of vehicles of churchgoers. This will in many cases eliminate the tax exemption now enjoyed by churches with respect to adjacent property used for parking.

(2) It must be necessarily and reasonably required and exclusively used for such parking. The requirement of exclusive use for parking is a restriction which may disqualify some existing churches from receiving the exemption since it is likely that some churches use the parking space property for other church purposes from time to time.

(3) It must not have been rented or used for any commercial purpose during the preceding year. This in many cases will result in the loss of an entire year's tax exemption since a church may determine prior to the commencement of a tax year to devote to parking purposes property owned by it and previously rented for commercial purposes, or it may at said time purchase property (formerly devoted to commercial purposes) for use for parking.

In addition, the measure authorizes the Legislature to modify or completely eliminate the tax exemption granted with respect to property used for church parking purposes.

This measure will harm churches more than it will benefit them.

Vote "No" on this measure.  
GLENN E. COOLIDGE  
Assemblyman, 27th District

<b>7</b>	<b>STATE LEGISLATURE.</b> Assembly Constitutional Amendment No. 68. Changes name of the Assembly of California Legislature to House of Representatives.	<b>YES</b>	
		<b>NO</b>	

(For Full Text of Measure, See Page 37, Part II)

**Analysis by the Legislative Counsel**  
This measure would change the name of one house of the State Legislature from the "Assembly" to "House of Representatives," and would change the title of a member of that house from "Member of the Assembly" or "Assemblyman" to

"Representative." It would further change the designation of the election districts from "assembly districts" to "house of representatives districts."

**Argument in Favor of Assembly Constitutional Amendment No. 68**

A YES vote on Proposition No. 7 will end the confusion now existing over the name of one of the houses of the State Legislature and the membership of that body.

Proposition No. 7 changes the name of the Assembly to "House of Representatives" and the title of Assemblyman to that of "State Representative." The word "Assembly" is misleading. "House of Representatives" is the name generally used throughout the United States. California, as in 47 of the 48 states (Nebraska is unicameral) has a State Legislature composed of two houses. All 47 bicameral states designate one of the houses as the "State Senate" and 40 of these states call their other legislative body the "House of Representatives."

"House of Representatives" is a name everyone recognizes and understands as is the title of "State Representative." End the confusion caused by the word "Assembly" by voting YES on Proposition No. 7.

CHARLES J. CONRAD  
Assemblyman, 57th District

**Argument Against Assembly Constitutional Amendment No. 68**

Assembly Constitutional Amendment Number 68 would amend eight separate sections of the State

Constitution and also add a new section to it for the sole purpose of changing the name of the lower House of the California Legislature from "Assembly" to "House of Representatives" and to designate the members of that body as "Representatives" instead of "Members of the Assembly." No good reason for making this change is apparent, and the amendment seems to be entirely unnecessary and useless.

Ever since the State of California came into existence, the lower House of its Legislature has been known as the Assembly and the Members of that body have been designated by the respected titles of Members of the Assembly or Assemblymen. If we are going to change this historical and traditional practice there should be some definite need and important reason for doing so—and none appears to exist.

Further, the lower House of the Congress of the United States is called the House of Representatives and the Members of that House are known as Representatives. If this amendment is adopted it will result in confusion in the minds of many citizens and voters as to whether the term "House of Representatives" refers to that House in the Congress of the United States or in the Legislature of California, and as to which body a "Representative" is a member.

I suggest a "No" vote on this unnecessary change in the Constitution of our State.

WM. A. MUNNELL  
Member of Assembly, 51st  
Assembly District

**LEGISLATIVE BUDGET SESSIONS. Senate Constitutional Amendment No. 4.**

8

Requires budget session of Legislature to convene in February of each even-numbered year instead of March. After introduction of Budget Bill permits recess of budget session for period up to 30 days. Provides for expenses of committee members considering Budget Bill during such recess.

YES	
NO	

(For Full Text of Measure, See Page 39, Part II)

**Analysis by the Legislative Counsel**

Subdivision (a) of Section 2 of Article IV of the Constitution now provides that budget sessions of the Legislature shall commence at 12 m. on the first Monday in March in even numbered years and shall not exceed 30 calendar days in duration.

This measure would add a new subdivision (c) to Section 2 of Article IV to provide that, notwithstanding the provisions of subdivision (a), budget sessions shall convene at 12 m. on the first Monday in February instead of the first Monday in March. While the length of the budget sessions would still be limited to 30 calendar days, the Legislature would be authorized to take a recess of not to exceed 30 calendar days after the introduction of the budget bill, which recess would be excluded in determining the length of the session.

Members of the committees to which the budget bill is assigned for consideration would be reimbursed for their expenses incurred on days while serving as members of such committees during the recess. This right to reimbursement would be in addition to the right to reimbursement for expenses incurred for serving on other investigating committees, as provided in subdivision (b) of Section 2. That subdivision now limits reimbursement for such expenses to 60 days in any calendar year.

This proposed constitutional amendment would also amend Section 14 of Article IV of the Constitution to strike out a sentence which provides that no member of the Legislature shall draw pay for any recess or adjournment of a session for a longer time than three days. This provision dates from the adoption of the 1879 Constitution, which also provided for a continuous session and prohibited paying legislators for a longer time than 60 days. Subsequent constitutional amendments providing for a mandatory recess of at least 30 days and providing for fixed salaries for each month of the term for which a legislator is elected have rendered this provision inoperative.

**Argument in Favor of Senate Constitutional Amendment No. 4**

California operates under the system of an annual budget. The Legislature convenes on the 1st Monday in January in the odd numbered years for a "general session" and on the 1st Monday of March in the even numbered years for a "budget session".

In the general session, the Governor is required by the Constitution to submit the budget to Legislature in January not later than 30 days following the convening of the Legislature. However, in the budget session, although the Governor is

wholesaling, distribution, and sale of any and all kinds of alcoholic beverages.

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 Legislature from enacting laws implementing not inconsistent with such provisions.

This amendment shall become operative on January 1, 1955 1957.

<b>6</b>	<b>CHURCH EXEMPTION: PARKING LOTS.</b> Assembly Constitutional Amendment No. 3. Provides that tax exemption for churches shall, until Legislature provides otherwise, extend to adjacent or non-adjacent property necessarily and reasonably needed for and used exclusively for church parking lot, if such parking lot is required by law and has not been rented or used commercially during preceding year.	<b>YES</b>	
		<b>NO</b>	

(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. 13. All buildings and equipment, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, and any building and its equipment in the course of erection, together with the land on which it is located as may be required for the convenient use and occupation of the building, if such building, equipment and land are intended to be used solely and exclusively for religious

worship, and, until the Legislature shall otherwise provide by law, that real property owned by the owner of the building which the owner is required by law to make available for, and which is necessarily and reasonably required and exclusively used for the parking of the automobiles of persons while attending or engaged in religious worship in said building whether or not said real property is contiguous to land on which said building is located, and which real property has not been rented or used for any commercial purpose at any other time during the preceding year, shall be free from taxation; provided, that no building so used or, if in the course of erection, intended to be so used, its equipment or the land on which it is located, which may be rented for religious purposes and rent received by the owner thereof shall be exempt from taxation.

<b>7</b>	<b>STATE LEGISLATURE.</b> Assembly Constitutional Amendment No. 68. Changes name of the Assembly of California Legislature to House of Representatives.	<b>YES</b>	
		<b>NO</b>	

(This proposed amendment expressly amends existing sections of the Constitution, and adds a new section thereto; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENTS TO ARTICLE IV

First: That the first paragraph of Section 1 of Article IV be amended to read:

Section 1. The legislative power of this State shall be vested in a Senate and ~~Assembly~~ **House of Representatives** which shall be designated "the Legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the Constitution, and to adopt or reject the same, at the polls independent of the Legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the Legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

Second: That Section 3 of Article IV be amended to read:

Sec. 3. ~~Members of the Assembly~~ **Representatives** shall be elected in the year 1879, at the time

and in the manner now provided by law. The second election of ~~members of the Assembly~~ **Representatives** after the adoption of this Constitution shall be on the first Tuesday after the first Monday in November, 1880. Thereafter, ~~members of the Assembly~~ **Representatives** shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

Third: That Section 4 of Article IV be amended to read:

Sec. 4. Senators shall be chosen for the term of four years, at the same time and places as ~~members of the Assembly~~ **Representatives**, and no person shall be a Member of the Senate or ~~Assembly~~ **House of Representatives** who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

Fourth: That Section 5 of Article IV be amended to read:

Sec. 5. The Senate shall consist of 40 members, and the ~~Assembly~~ **House of Representatives** of 80 members, to be elected by districts, numbered as hereinafter provided. The seats of the 20

Senators elected in the year 1882 from the odd numbered districts shall be vacated at the expiration of the second year, so that one-half of the Senators shall be elected every two years: provided, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years.

Fifth: That Section 6 of Article IV be amended to read:

Sec. 6. For the purpose of choosing Members of the Legislature, the State shall be divided into 40 senatorial and 80 Assembly house of representatives districts to be called senatorial and Assembly house of representatives districts. Such districts shall be composed of contiguous territory, and Assembly house of representatives districts shall be as nearly equal in population as may be. Each senatorial district shall choose one Senator and each Assembly house of representatives district shall choose one member of Assembly Representative. The senatorial districts shall be numbered from 1 to 40, inclusive, in numerical order, and the Assembly house of representatives districts shall be numbered from 1 to 80 in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of Assembly house of representatives districts no county, or city and county, shall be divided, unless it contains sufficient population within itself to form two or more districts, and in the formation of senatorial districts no county, or city and county, shall be divided, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any Assembly house of representatives or senatorial district. The

as taken under the direction of the Congress of the United States in the year 1920, and every 10 years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first regular session following the adoption of this section and thereafter at the first regular session following each decennial federal census, adjust such districts, and reapportion the representation so as to preserve the Assembly house of representatives districts as nearly equal in population as may be; but in the formation of senatorial districts no county or city and county shall contain more than one senatorial district, and the counties of small population shall be grouped in districts of not to exceed three counties in any one senatorial district; provided, however, that should the Legislature at the first regular session following the adoption of this section or at the first regular session following any decennial federal census fail to reapportion the Assembly house of representatives and senatorial districts, a Reapportionment Commission, which is hereby created, consisting of the Lieutenant Governor, who shall be chairman, and the Attorney General, State Controller, Secretary of State and State Superintendent of Public Instruction, shall forthwith apportion such districts in accordance with the provisions of this section and such apportionment of said districts shall be immediately effective the same as if the act of said Reapportionment Commission were an act of the Legislature.

subject, however, to the same provisions of referendum as apply to the acts of the Legislature.

Each subsequent reapportionment shall carry out these provisions and shall be based upon the last preceding federal census. But in making such adjustments no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen Representatives shall be elected by the districts according to the apportionment now provided for by law.

Sixth: That Section 17 of Article IV be amended to read:

Sec. 17. The Assembly House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members elected.

Seventh: That Section 19 of Article IV be amended to read:

Sec. 19. No Senator or member of Assembly Representative shall, during the term for which he shall have been elected, hold or accept any office, trust, or employment under this State; provided, that this provision shall not apply to any office filled by election by the people.

Eighth: That Section 27 of Article IV be amended to read:

Sec. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more congressmen; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached by compact adjoining Assembly house of representatives districts; to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts no Assembly house of representatives district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous Assembly house of representatives districts.

Ninth: That Section 38 be added to Article IV, to read:

Sec. 38. Whenever in this Constitution or the laws of this State "Assembly" is used, it shall be deemed to refer to the House of Representatives.

Whenever in this Constitution or the laws of this State "Assemblyman" or "Member of the Assembly" is used, it shall be deemed to refer to Representative.