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STATE CIVIL SERVICE: CONTRACT ARCHITECTS AND ENGINEERS

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STATE CIVIL SERVICE: CONTRACT ARCHITECTS AND ENGINEERS. Senate Constitutional Amendment No. 6. Provides that civil service requirements shall not prevent Legislature from adopting laws permitting State to employ private architects and engineers by contract when work cannot be performed by state agency staff within the required time.

YES	
NO	

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

Analysis by the Legislative Counsel

This constitutional amendment would add Section 8 to Article XXIV of the Constitution. This article requires that permanent appointments in the State civil service shall be made exclusively under a general merit system and shall be based upon competitive examination. Under the present provision the courts have held that non-civil service contracts can be used by the State, without violating Article XXIV, where such contract services cannot be performed adequately, competently or satisfactorily under civil service. In sanctioning these contracts the courts have relied upon such factors as the temporary or intermittent nature of the services or the fact that they were technical or special in character.

This proposed measure would add to Article XXIV a section permitting the Legislature to enact legislation which would authorize the employment of private architects and engineers on a contract basis for the performance of work which the obtainable staff of a State agency is unable to perform within the time the public interest requires such work to be done.

Argument in Favor of Senate Constitutional Amendment No. 6

This amendment adds a new section to the article of the Constitution relating to State Civil Service to specify that nothing in that article shall prevent the Legislature from enacting legislation to authorize the employment of private architects and engineers on a contract basis for the performance of work which the obtainable staff of a state agency is unable to perform within the time the public interest requires such work to be done.

Under the present provisions of the Constitution it is not certain whether a state agency may employ architects or engineers under contract rather than as state employees who are appointed in the manner provided under the State Civil Service System. This amendment will clarify the law by specifically granting to the Legislature the necessary and desirable power to authorize state agencies to contract with private architects and engineers when it is in the public interest to do so, and thus provide for the prompt and economical completion of state public works.

The amendment protects rights of civil service employees by so limiting and restricting the exercise of this power that it cannot be used to interfere with the objects and purposes of the State Civil Service System or work to the disadvantage of architects and engineers who are employed by the State under that system.

This proposed amendment was passed by substantial majorities in both houses of the Legislature in accord with recommendations of the State Senate Interim Committee on Public Works. That committee aided by a volunteer advisory committee of prominent, public spirited citizens, made extensive investigations and held public hearings before it unanimously recommended that such a

measure be adopted by the Legislature and approved by the people of this State.

A "yes" vote on this amendment will enable the Legislature to provide for a satisfactory method to meet the problems involved in taking care of peak work loads in our state public works program so that such works will be planned, constructed and completed as promptly as possible.

JOHN F. McCARTHY
State Senator, 13th District

Argument Against Senate Constitutional Amendment No. 6

THIS MEASURE IS A DANGEROUS THREAT TO GOOD STATE GOVERNMENT BECAUSE IT IS THE OPENING WEDGE TO THE RETURN OF THE "SPOILS" SYSTEM.

IT WILL WEAKEN AND UNDERMINE THE BEST STATE CIVIL SERVICE SYSTEM IN THE NATION.

THERE IS NO NEED OR JUSTIFICATION FOR IT.

IT IS CONFUSING AND DIFFICULT TO UNDERSTAND OR ADMINISTER.

IT SUBSTITUTES POLITICAL PRESSURE FOR THE MERIT SYSTEM IN DOING STATE WORK.

IT WILL IN NO WAY INCREASE THE EFFICIENCY OF STATE SERVICE.

IT WILL INCREASE THE COST OF GOVERNMENT.

Due to its outstanding civil service system California Government has been notably free from scandal and its employees have rendered highly efficient and competent service to the public. Let's keep it that way. The present State Civil Service System has demonstrated sufficient flexibility to permit contracts of work when the public interest requires it.

This attempt to tamper with the State Civil Service System should be rejected by the voters. The proponents seek to take over state work even though the state has and can adequately perform it. There is no evidence that the state cannot currently employ a sufficient number of competent engineers and architects. This measure was not requested by any state officials or department head. It is sponsored solely by private interests seeking to usurp the work of state employees.

What is meant by the words "obtainable staff"? Obtainable where? or how? or by whom? Obtainable locally, county wide, state wide, or nation wide? Who is to determine if a sufficient staff is obtainable?

What is meant by the word "engineer"? It is not defined in the measure. It is so loosely used that it includes engineers of every description, such as radio, production, chemical, maintenance, stationary, sanitary and numerous others. There

are 269 classes in the State Civil Service requiring professional engineering and architectural training. Over 6,000 employees in state service can be affected. They are in 27 state departments, including Public Works, Agriculture, Public Health, Forestry, Finance, Mental Hygiene, Youth Authority, Harbor Board, Corrections, Fish and Game, Equalization and Public Utilities Commission.

The word "engineer" is so broad that many state services could be removed from civil service by merely changing titles or slightly changing the duties or adding an engineering license requirement.

This measure seeks special preference for a select group. It is a dangerous precedent.

The measure does not provide who will determine when an agency "is unable to perform within the time the public interests require such work be done." This wording makes it open season for the spoilsman to put pressure on State Legislators and Executives to declare that an agency cannot perform public work within the time the public interests require even if the agency says it can.

VOTE NO FOR CONTINUING GOOD GOVERNMENT.

ALAN SHORT
State Senator, 20th District

11	FRAMING COUNTY CHARTERS. Assembly Constitutional Amendment No. 4. Allows one year, instead of six months, for preparation of proposed county charter by board of freeholders.	YES	
		NO	

(For Full Text of Measure, See Page 40, Part II)

Analysis by the Legislative Counsel

This constitutional amendment would amend the provision governing the adoption of county charters (the first paragraph of Section 7½ of Article XI of the Constitution). It would extend the period within which the board of freeholders must prepare and propose the county charter, after the declaration of the result of the election of the members of the board of freeholders, from six months to one year.

Argument in Favor of Assembly Constitutional Amendment No. 4

The Constitution quite properly provides a method whereby our citizens may examine, study, change and improve local government practices, and when a committee of citizens (who do not otherwise hold public office) is thus created it is known as a Board of Freeholders. This system is most frequently used when the people of a particular city, or county, are considering the use of a city or county manager.

In the case of a city study the Constitution provides that the Board of Freeholders has one full year during which to develop its recommendations;

yet in the case of county government the matter is limited to six months.

The voter will easily understand that county government is usually larger and more complex than city government and that the citizens who comprise a County Board of Freeholders should have at least as much time for the completion of their studies and recommendations as is afforded at the city level. This amendment makes the necessary change by simply striking the words "six months" and inserting "one year" in the appropriate county section.

We deem this change to be a step toward better government and our legislative adoption of the matter was unanimous. You are urged to con- our action by voting **YES**.

RICHARD H. McCOLLISTER
Assemblyman for Marin and Sonoma Counties (7th District)

L. H. LINCOLN
Speaker of the Assembly, Alameda County (15th District)

12	STATE INDEBTEDNESS. Senate Constitutional Amendment No. 7. Sets maximum permissible term of statutory state bond issues at 50 instead of 75 years. Declares that full publicity is given to state bond propositions in ballot pamphlets prepared by Secretary of State; eliminates requirement that such propositions be published for three months in newspaper in each county. Authorizes Legislature to reduce authorized bond issue to lesser amount than that fixed by bond proposition.	YES	
		NO	

(For Full Text of Measure, See Page 41, Part II)

Analysis by the Legislative Counsel

The Constitution now requires the approval of the people in order for an act to become effective which authorizes the creation of any debt or liability which singly or in the aggregate with any previous debts or liabilities exceeds the sum of \$300,000, except in case of war to repel invasion or suppress insurrection.

This measure, which would amend Section 1 of Article XVI of the Constitution, requires a legislative act for the incurring of state indebtedness to be set out at length in the ballot pamphlet mailed

to each elector preceding the election at which it is required to be submitted to the people. This printing requirement would replace the present provision requiring such an act to be published in at least one newspaper in each county or city and county in which there is a newspaper for three months immediately preceding such election.

This constitutional amendment would require that ways and means be provided in such an act for payment and discharge of the principal of debt or liability in 50, rather than 75, years.

The measure would also permit the Legislature, at any time after the approval of such an act by

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

(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 **ADDED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENTS TO ARTICLE IV

First—That subdivision (c) be added to Section 2 of Article IV thereof, to read:

(c) **Notwithstanding any provisions in subdivision (a) of this section of this article to the contrary, all budget sessions shall commence at 12 m. on the first Monday in February and no budget session shall exceed 30 calendar days in duration exclusive of the recess authorized to be taken by this subdivision. After the introduction**

of the Budget Bill at a budget session a recess of both houses may be taken for a period not to exceed 30 calendar days. Members of the committees to which the Budget Bill is assigned for consideration during such recess shall be reimbursed for their expenses incurred for days while serving as members of such committees during the recess, in addition to the days allowed by subdivision (b) of this section.

Second—That Section 14 of Article IV be amended to read:

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. ~~Nor shall the members of either House draw pay for any recess or adjournment for a longer time than three days.~~

9	BOROUGH FORM OF COUNTY GOVERNMENT. Assembly Constitutional Amendment No. 46. Authorizes establishment by county charter of a borough form of government either for all or any part of unincorporated territory of county, any such borough to exercise such county powers and be administered as provided by the county charter.	YES	
		NO	

(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**.)

PROPOSED AMENDMENT TO ARTICLE XI

Sec. 7 $\frac{1}{2}$ a. **Any county charter may provide for the establishment of a borough system for the whole or any part of the unincorporated territory**

of such county, by which one or more boroughs may be created therein, and may provide that each borough may exercise such county powers and be administered in such manner as may be provided for such boroughs in the charter of the county. A county charter may provide that such boroughs may cooperate with other county or city boroughs or cities, or exercise jointly any powers common to such county or city boroughs or cities.

10	STATE CIVIL SERVICE: CONTRACT ARCHITECTS AND ENGINEERS. Senate Constitutional Amendment No. 6. Provides that civil service requirements shall not prevent Legislature from adopting laws permitting State to employ private architects and engineers by contract when work cannot be performed by state agency staff within the required time.	YES	
		NO	

(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**.)

PROPOSED AMENDMENT TO ARTICLE XXIV

Sec. 8. Nothing in this article shall prevent the Legislature from enacting legislation to authorize the employment of private architects and engineers on a contract basis for the performance of work which the obtainable staff of a state agency is unable to perform within the time the public interest requires such work to be done.