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## PUBLIC WATER SUPPLIES: MUTUAL WATER COMPANIES

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<b>14</b>	<b>LEGISLATIVE EMPLOYEES. Assembly Constitutional Amendment No. 9.</b> Authorizes Legislature to provide for selection of legislative officers, attaches and employees, deleting existing limitations regarding method of hiring and amount of daily payroll during sessions.	<b>YES</b>	
		<b>NO</b>	

(For Full Text of Measure, See Page 47, Part II)

**Analysis by the Legislative Counsel**

This constitutional amendment would amend Section 23a of Article IV of the Constitution, which authorizes the Legislature to provide for the selection of all officers, employees and attaches of both houses. It would remove from Section 23a the existing limitation on the total expense for such help which can be incurred during each day of a session of the Legislature. The present limitation, dating from 1924, restricts such expenditures to \$300 a day for either house at regular sessions or \$200 a day for both houses at special or extraordinary sessions.

The proposed amendment would remove a provision prohibiting any increase in pay for legislative officers, employees and attaches after their election or appointment. It would also remove the requirement that legislative officers, employees and attaches be selected, so far as advisable, under the provisions of the law governing civil service. This provision was superseded in 1934 by the adoption of Article XXIV of the Constitution, which provides that the State civil service does not include officers and employees directly appointed or employed by the Legislature or either house thereof, although the Legislature may include such officers and employees under civil service in accordance with Article XXIV if it so desires.

**Argument in Favor of Assembly Constitutional Amendment No. 9**

A "YES" vote on this proposition will permit the Legislature to employ such clerical help and staff as it deems necessary to properly and efficiently carry on its legislative duties.

There was no opposition voiced against the proposal at the 1955 General Session of the Legislature. Its principal supporter is the League of Women Voters, an non-partisan organization dedicated in part to obtaining better and more efficient government.

Section 23a of Article IV of the Constitution, as originally enacted in 1908, provided that the

total amount to be expended by the Legislature for all employees and attaches should not exceed the sum of \$500.00 per day for either house at the regular session, nor the sum of \$200.00 per day at a special session. In 1924 the section was amended limiting the expenditures for each house to \$300.00 per day, for a regular session, and \$200.00 per day for both houses for a special session. This limitation has continued in effect without change for over 30 years, although the volume of work, and the need for personnel to process it has increased many fold.

It is not realistic to believe that the legislative branch of our State Government in the fastest-growing State in the Union, now handling over 6000 separate pieces of legislation, could be staffed today for the same dollar outlay that may have been adequate thirty-odd years ago; in fact, it cannot and has not been done. Instead, the Legislature was compelled by necessity some years ago to find a legal means to make additional expenditures for staffing services by creating a special "interim" committee to act during the session from whose funds these additional amounts could legally be paid. Although held constitutional by our courts, this indirect method has proved to be inefficient and uneconomical and has led to obscure and complicated proceedings that few people understand.

The proposed amendment removes this antiquated constitutional restriction and the necessity to use an around-about means to obtain adequate help. It puts the Legislature in a position to conduct and report its business affairs in a simple and forthright manner.

If we expect our elected representatives to direct their attention and energies, as they should, to broad and fundamental matters of policy, we should afford them adequate clerical and administrative personnel.

For long-range economy and efficiency, a "YES" vote is urged on this constitutional amendment.

ALLEN MILLER,  
Assemblyman, 41st District

<b>15</b>	<b>PUBLIC WATER SUPPLIES: MUTUAL WATER COMPANIES. Senate Constitutional Amendment No. 29.</b> Authorizes the State and each political subdivision, district and city to acquire shares of mutual water company stock for the purpose of securing public water supplies. Repeals existing provisions limiting such right to certain public agencies.	<b>YES</b>	
		<b>NO</b>	

(For Full Text of Measure, See Page 47, Part II)

**Analysis by the Legislative Counsel**

This constitutional amendment would authorize the State, and each political subdivision, district, municipality, and public agency thereof to acquire and hold, in the same manner as other stockholders, shares of capital stock in a mutual water company acquired for the purpose of furnishing a supply of water for public, municipal, or governmental uses.

This measure would amend Section 13 of Article XII of the Constitution and would create an ex-

ception to its provisions insofar as such mutual water companies are concerned. It would thus supersede, in part, the prohibitions contained in Section 13 at present against the State's being interested in the stock of any corporation and against the Legislature's authorizing the State or any political subdivision to subscribe for stock, or become a stockholder, in any corporation.

The measure would repeal the authorization for the State to hold stock in mutual water companies in order to obtain water supplies incident to its

operations (Art. IV, Sec 31d). It would also repeal the exemption now made for certain political subdivisions from the constitutional prohibitions against ownership of such stock when the ownership by the political subdivisions is incident to obtaining a water supply for their purposes (Art. IV, Sec. 31b, relating to the City of Escondido; Art. IV, Sec. 31c, relating to schools and municipalities generally).

**Argument in Favor of Senate Constitutional Amendment No. 29**

This Amendment will permit governmental agencies generally to buy stock in mutual water companies if they wish to do so in order that water may be obtained for public use. It does not compel any City, district or agency to buy stock nor require anyone to sell it, but is permissive only.

While existing Constitutional provisions let the City of Escondido, school districts, cities of the fifth and sixth class and the State (for certain limited purposes) buy mutual water company stock, the way the law stands now, cities of classes other than the fifth and sixth, and water districts of various sorts, cannot buy it, and the legal right of charter cities to do so hangs on a questionable court decision. The amendment will apply the same rule to all of the branches of government, both State and local; and substitutes uniformity for an existing patch-work job.

Everyone will benefit from this Amendment. The public will be better off because getting water under mutual water company stock is often the most economical method available, particularly in areas where land use is changing from agricultural to residential.

Likewise, mutual water companies and the shareholders who constitute them will be benefited by having a market for the stock and a use for the water as agriculture goes out and residences come in.

The various branches of government can already take by condemnation water rights and water distribution facilities. The amendment here involved

does not increase that power one whit. It does provide a means by which public and private water users can work together harmoniously through existing non-profit mutual water companies.

There was no opposition to this measure in Legislature.

Vote "Yes" to permit effective cooperation between government and private interests in water supply.

JAMES E. CUNNINGHAM  
State Senator, San Bernardino County

DONALD L. GRUNSKY  
State Senator, Santa Cruz and San Benito Counties

**Argument Against Senate Constitutional Amendment No. 29**

This proposed amendment would authorize and permit the State, counties, cities, and all public districts or agencies to acquire the shares of capital stock of mutual water companies and corporations. Most mutual water companies have been formed for the express purpose of supplying water to their members and shareholders, and in most instances have little or no water in excess of the needs of such shareholders. If adopted, this proposed amendment would open the door to acquisition by the state, counties, cities and all public districts or agencies of control of these mutual water companies to the exclusion and detriment of their present shareholders or members who are dependent upon them for their water supply.

It is reasonable to assume that upon the enactment of this amendment, the State, counties, cities and all public districts or agencies, would acquire membership upon the Boards of Directors of such mutual water companies or corporations, and the net result would be to increase the speed of an already ominous trend toward collectivism.

JOHN A. MURDY, JR.  
State Senator, Thirty-fifth State Senatorial District

**CIVIL AND CRIMINAL APPEALS. Assembly Constitutional Amendment No. 54.**

**16** Deletes present time limits within which Supreme Court hearing may be ordered after decision by District Court of Appeal. Authorizes Judicial Council to fix such time limits by rule.

YES

NO

(For Full Text of Measure, See Page 48, Part II)

**Analysis by the Legislative Counsel**

This constitutional amendment would revise those sections of the Constitution which confer authority on the Supreme Court to transfer cases from one appellate court to another. It would amend Section 4c of Article VI and add a Section 4d to the same article.

Under present constitutional provisions, the Supreme Court may transfer any cause pending before it to a District Court of Appeal for decision, and may transfer causes pending in one District Court of Appeal to another, or from one division of such court to another division. This constitutional amendment would eliminate the phrase "cause pending" in connection with these transfers, and would permit such transfers in "any case" by the Supreme Court prior to decision in the case by the court from which it is to be transferred.

In addition to these transfers before decision, Section 4c of Article VI now provides for a transfer of causes to the Supreme Court after decision in the District Court of Appeal. It now specifies that judgments of a District Court of Appeal become final therein upon the expiration of 15 days in criminal cases, or 30 days in all other cases; and it now provides that transfers to the Supreme Court shall be made within 15 days after finality in the District Court of Appeal in criminal cases, and within 30 days after such finality in all other cases. In place of such fixed time limits, this measure would authorize the Judicial Council to adopt rules establishing the time when a decision of the District Court of Appeal becomes final, and would only permit the transfer of such cases to the Supreme Court prior to the date of finality thus established.

<b>14</b>	<b>LEGISLATIVE EMPLOYEES.</b> Assembly Constitutional Amendment No. 9. Authorizes Legislature to provide for selection of legislative officers, attaches and employees, deleting existing limitations regarding method of hiring and amount of daily payroll during sessions.	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 IV

Sec. 23a. The Legislature may provide for additional help; but in no case shall the total expense for officers, employees and attaches exceed the sum of three hundred dollars per day for either House;

at any regular or biennial session; nor the sum of two hundred dollars per day for both Houses at any special or extraordinary session; nor shall the pay of any officer, employee or attache be increased after he is elected or appointed. The Legislature shall provide for the selection of all officers, employees and attaches of both houses and so far as advisable shall require such selection to be under the provisions of the law governing civil service.

<b>15</b>	<b>PUBLIC WATER SUPPLIES: MUTUAL WATER COMPANIES.</b> Senate Constitutional Amendment No. 29. Authorizes the State and each political subdivision, district and city to acquire shares of mutual water company stock for the purpose of securing public water supplies. Repeals existing provisions limiting such right to certain public agencies.	YES	
		NO	

(This proposed amendment expressly repeals existing sections of the Constitution, and amends an existing section thereof; therefore, **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENTS TO ARTICLES IV AND XII

First. That Section 31b of Article IV thereof, adopted November 8, 1932, which relates to the acquisition and holding of stock of mutual water companies by the City of Escondido, and Section 31c of Article IV thereof, adopted November 3, 1942, and Section 31d of Article IV thereof be repealed.

**Sec. 31b.** Nothing contained in this Constitution shall preclude the city of Escondido, California, from acquiring or holding shares of the capital stock of any mutual water company or corporation, when such stock is so acquired or held for the purpose of furnishing a supply of water for public or municipal purposes or for the use of the inhabitants of the city and the city is hereby authorized to acquire and hold such stock, and said holding of such stock shall entitle such holder thereof to all the rights, powers and privileges, and subject such holder to the obligations and liabilities as are given or are imposed by law to or upon other holders of stock in the mutual water corporation in which such stock is so held.

**Sec. 31c.** Nothing contained in this Constitution shall preclude any school district or city of the fifth or sixth class from acquiring or holding shares of the capital stock of any mutual water company or corporation when said stock is so acquired or held for the purpose of furnishing a supply of water for public municipal or school purposes, or for the use of the inhabitants of the city, and the school district or city, as the case may be, is hereby

authorized to acquire and hold such stock, and said holding of such stock shall entitle such holder thereof to all the rights, powers and privileges and subjects such holder to the obligations and liabilities, as are given or are imposed by law to or upon other holders of stock in the mutual water corporation in which such stock is so held.

**Sec. 31d.** Notwithstanding anything contained elsewhere in this Constitution, the State may hold and hereafter acquire shares of the capital stock of any mutual water company or corporation when the ownership of such stock is incident to the ownership of land heretofore or hereafter acquired by the State or necessary to secure a water supply required by a State institution, department or agency. The State, when holding such stock, shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company.

Second. That Section 13 of Article XII thereof be amended to read:

**Sec. 13.** The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the State and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when such stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and such holding of such stock shall entitle such holder thereof to all of the rights, powers and privileges, and shall subject such holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which such stock is so held.