

1958

COMPENSATION OF LOCAL OFFICERS

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

Recommended Citation

COMPENSATION OF LOCAL OFFICERS California Proposition 14 (1958).
http://repository.uchastings.edu/ca_ballot_props/600

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.

of Article XX, the office would be held at the pleasure of the Board of Education, unless the Legislature prescribes a term of office not to exceed four years.

The amendment would also delete obsolete language relating to the salary of the Superintendent, which was superseded in 1944 by the adoption of Section 22 of Article V.

Argument in Favor of Senate Constitutional Amendment No. 2

VOTE "YBS" ON PROPOSITION NO. 13 AND IMPROVE OUR SCHOOLS

Proposition No. 13 corrects the present law and fixes the full responsibility for sound educational programs for our children with the Governor

Under present law the Governor must appoint a State Board of Education which has the responsibility for establishing the educational policies of our state but the law does not provide any staff for this board to carry out the policies it determines.

Proposition No. 13 will remedy this oversight and provide the State Board of Education with the authority and personnel to make effective its policy determination.

Proposition No. 13 will bring the method of selection of the Superintendent of Public Instruction into conformance with the method of selection of school district superintendents throughout the state by requiring the State Board of Education to appoint the Superintendent of Public Instruction the same as local school boards appoint district superintendents, with the added protection to the public of confirmation by the Senate.

Proposition No. 13 is endorsed by leading educators including the California School Administrators Association.

Vote "YES" on PROPOSITION NO. 13 and improve our educational system.

GEORGE MILLER, JR.,
State Senator
ERNEST R. GEDDES,
Member of Assembly
49th Assembly District

Argument Against Senate Constitutional Amendment No. 2

The State Superintendent of Public Instruction has always been one of the constitutional officers elected by the people. The framers of our Constitution quite properly felt that this office was so important that it should be filled by popular election. Thus, under our democratic system, we have for more than 100 years preserved the right of the citizens to pass judgment on anyone seeking this highest of educational offices in the state.

Senate Constitutional Amendment 2 proposes to do away with the traditional method of electing the State Superintendent. It would abandon the system under which any citizen can now seek the job and would place in the hands of the State Board of Education the responsibility of selecting the Superintendent, subject to confirmation by the Senate.

Inasmuch as members of the State Board of Education are appointed by the Governor for terms of four years, this method could lead to domination of the State Superintendent by the Governor or even by special interests.

If the appointment of the Superintendent were to be vested in the Board, the terms of the Board members should be lengthened and staggered to prevent any one Governor from gaining complete control of the Board and of its subsequent appointments. Otherwise it would be unwise to have the Board name the Superintendent.

The argument is made that this constitutional amendment merely utilizes at the state level the same system of having a lay board select a professional educator long used in choosing superintendents for local school districts. While true it does not in itself assure the selection of a competent person for the job.

The present system has worked well for more than 100 years and no convincing case has been made to indicate that any change should be made at this time.

If you are going to appoint a State Superintendent of Schools, why not make all other state officials appointive too.

NATHAN F. COOMBS
Senator for Napa County
HUGH P. DONNELLY
Senator for Stanislaus County

14	COMPENSATION OF LOCAL OFFICERS. Senate Constitutional Amendment No. 29. Eliminates prohibition against increasing compensation of county, township or municipal officers after their election or during their terms of office. Permits Legislature to classify counties by other factors, in addition to population, when setting salaries of supervisors, district attorneys and auditors.	YES	
		NO	

(For Full Text of Measure, See Page 13, Part II)

Analysis by the Legislative Counsel

Section 5 of Article XI prohibits an increase in the compensation of any county, township or municipal officer after his election or during his term of office. It also provides that this prohibition may be suspended by a two-thirds vote of the members of each house of the Legislature during any period when the United States is en-

gaged in war and for one year after the termination of hostilities, as proclaimed by the President.

This constitutional amendment would amend this section by deleting the provision which prohibits such increases in compensation and by deleting the provision for suspending the prohibition during time of war.

Under Section 5 of Article XI, the Legislature is required to regulate the compensation of boards of supervisors, district attorneys and auditors in counties which have not adopted the charter form of county government. The section also provides that the Legislature may classify the counties by population for the purpose of regulating the compensation of such officers. This constitutional amendment would provide that the Legislature may, but is not required to, classify the counties by other factors as well as by population for the purpose of regulating the compensation of these officers.

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

Generally, the State Constitution prohibits an increase in the salaries of most elected and some appointed public officials during their terms of office. However, some elected public officers, such as County Superintendent of Schools and Superior Court Judges may have their salaries increased during their terms of office. In addition, deputies and assistants to county officers, and the county administrative officer, purchasing agent, director of public works, health officer, probation officer and county welfare director are appointive, but do not have fixed terms, and therefore are excluded from the prohibition. Thus, persons holding these positions benefit immediately when a general across-the-board salary increase, approved by the board of supervisors, takes effect. Although salaries may be increased for certain other elective and appointive positions at the same time, the persons serving in these positions do not benefit from the raise until they are re-elected or reappointed to a new term of office. This means a delay of from one to four years for such positions as the sheriff, assessor, public administrator, agricultural commissioner, treasurer, tax collector, recorder and others.

For example, suppose that a board of supervisors grants salary increases for the positions of sheriff and county welfare director effective July 1, 1959. The welfare director will begin earning a higher salary on that date. But the sheriff will have to wait until he is re-elected and begins a new term in January, 1963. If he is not re-elected, his successor (usually someone with no previous experience in the post) will get the increase.

This is further illustrated by the manner in which the prohibition affects county boards of supervisors. Almost all boards consist of five members. They are elected to serve staggered four year terms. Every two years either two or three members are up for re-election. Whenever the Legislature approves a salary increase for the board, those supervisors who are elected or re-elected at the next General Election will get the increase. This causes the illogical and unfair situation whereby the members of the same board

are paid different salaries. The present prohibition even makes it possible for a new supervisor to get a higher salary than at least two other members of the board the moment he takes office.

In respect to salaries of county supervisors, district attorneys, and auditors, which are still regulated by the Legislature, the proposed amendment would allow the Legislature, if it deems necessary, to classify the counties by factors, other than by population, for such purpose, and would permit salaries to be fixed on a more realistic basis than at present. For example, the basis could be the volume of work done by the officer. The population of a county alone is obviously no indication of how much an officer of that county should be paid.

It is time for these outmoded provisions to be changed. Vote "Yes" on this proposition in the interests of better government.

JAMES E. "JIM" BUSCH
State Senator—4th Senatorial District
ALAN SHORT
State Senator—20th Senatorial District

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

The most important objective of this measure is to enable the Legislature to increase the salaries of County officials during their term of office by a simple majority vote. These local officials know what the salary is when they become candidates for the office. They should serve out their term without running to the Legislature for increase in their salary at the expense of the taxpayers. Vote No.

At present, when the Legislature increases local salaries, the increases do not take effect until after the expiration of the term, and a new election has taken place which is as it should be.

During the war, the Constitution provided that the Legislature could increase local salaries during their term of office and very extensive and costly increases were voted. It is hard for the Members of the Legislature to resist pressure from County officials at home. There is a policy in the Legislature to let each Member say what action will be taken on the salary bill for his county.

There is no need for this Constitutional Amendment. The present system works more in the interest of the people than this proposal will. Vote No and save your hard earned tax dollars.

Candidates should not run for an office, if they do not like the pay and if they intend to harass the Legislators for an immediate increase. Vote No.

NELSON S. DILWORTH
Member of the Senate
Thirty-seventh Senatorial District

11	LOCAL STREET AND ROAD BONDS. Senate Constitutional Amendment No. 21. Authorizes laws for issuance and sale of bonds for street and road purposes by counties, cities, and separation of grade districts and providing for repayment of bonds out of distributions of gasoline tax money. Validates Street and Road Bond Act of 1957.	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 XXVI

Sec. 5. The Legislature may provide for the issuance and sale of bonds by the counties, cities, and counties, or separation of grade districts, the proceeds of which shall be used for the street and road purposes specified in Section 1 of

this article, and may provide for the repayment of the principal, interest, and expenses incurred in connection with the issuance and sale of such bonds out of money collected from taxes specified in Section 1 of this article.

The Street and Road Bond Act of 1957 (Division 3.5 (commencing at Section 2220) of the Streets and Highways Code), enacted at the 1957 Regular Session of the Legislature, is hereby approved, adopted, legalized, ratified, validated, and made fully and completely effective.

12	LEGISLATOR AS NOTARY. Assembly Constitutional Amendment No. 72. Permits member of Legislature to become notary public.	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 IV

Sec. 19. No Senator or Member of Assembly shall, during the term for which he shall have been

elected, hold or accept any office, trust, or employment under this State, **except the office of notary public**; provided, that this provision shall not apply to any office filled by election by the people.

13	SUPERINTENDENT OF PUBLIC INSTRUCTION. Senate Constitutional Amendment No. 2. Makes office of Superintendent of Public Instruction appointive, instead of elective, after 1962. Confers appointing power on State Board of Education, subject to confirmation by State Senate.	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**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE IX

Sec. 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified

electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election. vacancy shall exist in the Office of Superintendent of Public Instruction upon the expiration of the term of office for which a person is elected at the gubernatorial election held in 1958. Thereafter the Superintendent of Public Instruction shall be appointed by the State Board of Education with the advice and consent of the Senate.

14	COMPENSATION OF LOCAL OFFICERS. Senate Constitutional Amendment No. 29. Eliminates prohibition against increasing compensation of county, township or municipal officers after their election or during their terms of office. Permits Legislature to classify counties by other factors, in addition to population, when setting salaries of supervisors, district attorneys and auditors.	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**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE XI

Sec. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal

pal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may, but need not, classify the counties by population or other factors. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made. The boards of supervisors in the respective counties shall regulate the compensation of all officers in said counties other than boards of supervisors, district attorneys, auditors, and judges of municipal courts, and shall regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the counties.

The provisions of this section shall not be construed to abridge, modify or otherwise affect the provisions of Sections 7½, 7½a and 8½ of this article, relating to county or city and county charters. That certain act entitled "An act to add a new section to the Political Code to be numbered 4056d, relating to powers and duties of boards of supervisors with respect to county and township officers, deputies, assistants and employees," as enacted by the Legislature at its Fiftieth Session,

is hereby validated and made fully and completely effective.

The compensation term of any county, township or municipal officer shall not be increased at his election or during his term of office, nor the term of any such officer be extended beyond the period for which he was elected or appointed.

The Legislature by a two-thirds vote of the members of each House may suspend the provision hereof prohibiting the increase of compensation of any county, township or municipal officer after his election or during his term of office for any period during which the United States is engaged in war and for one year after the termination of hostilities therein as proclaimed by the President of the United States.

The provisions of this section shall not prevent the allowance of any new or additional deputy or assistant to the principal in any county office during his term, nor shall they prevent any increase in the compensation of any deputy or assistant to such principal at any time.

The provisions of this section shall not abridge, modify or otherwise limit the power of the Legislature by general and uniform laws to prescribe the qualifications of any county officer or of any deputy or assistant, or to prescribe the method of appointment of any person so qualified.

BOXING MATCHES. Repeal of Initiative. Repeals Penal Code Section 413½, which now prohibits boxing exhibitions on Sunday and Memorial Day.

15

YES	
NO	

(This proposed law expressly repeals an existing section of the Penal Code; therefore **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKE-OUT TYPE**.)

PROPOSED LAW

An act to repeal Section 413½ of the Penal Code, as amended by initiative measure adopted November 3, 1914, and to repeal Section 18730 of the Business and Professions Code, relating to the holding, conducting, participating in, or being present as a spectator, of specified sporting exhibitions or motion picture exhibitions held on Memorial Day or on Sundays, the repeal of Section 413½ of the Penal Code to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

The people of the State of California do enact as follows:

Section 1. Section 413½ of the Penal Code, as amended by initiative measure adopted November 3, 1914, is repealed.

413½. Any person or persons holding, or conducting, or participating in, or present as a spectator, at any boxing exhibition held on Memorial

Day, May 30, or on Sundays, shall be guilty misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Sec. 2. Section 1 of this act shall become effective only when submitted to and approved by the electors, pursuant to Section 1b of Article IV of the Constitution of the State.

Sec. 3. Section 1 of this act shall be submitted to the electors for their approval or rejection at the next succeeding general election occurring at any time subsequent to 130 days after this section takes effect, or at any state-wide special election which may be called by the Governor, in his discretion, prior to such general election, in the same manner that a constitutional amendment proposed by the Legislature would be submitted, and all of the provisions of law relative to submission of such constitutional amendments to the electors and to matters incidental thereto shall apply to the submission of Section 1 of this act, except as otherwise provided in this section or as such provisions may be clearly inapplicable for the submission of an amendment to an initiative measure pursuant to Section 1b of Article IV of the State Constitution.