

1960

## DISABLED VETERANS' TAX EXEMPTION

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dom, provided in both our State and Federal Constitutions. I submit it has successfully stood the test of time.

The only benefit to be derived from this measure is by Assemblymen who will be spared the trouble and expense of having to submit their records to the people each two years. Such a change will in no way improve legislation, instead it will tend to make the Legislature less responsive to the will of the people in whom the final legislative power is supposed to rest. If service in the Legislature has become too great a financial burden to those who are not blessed with independent wealth, as many observers believe it has, the remedy is to request the voters to approve an

increase in salaries—not to increase the length of the term of office to avoid the expense of an election.

This measure simply makes the Assembly in second Senate. Those who believe in our traditional American legislative system of having all of one house of the Legislature subject to biennial review by the voters will vote "no" on this measure.

S. C. MASTERSON  
Member of the Assembly  
Eleventh District  
Contra Costa County  
(Now Judge, Superior Court,  
Contra Costa County)

**DISABLED VETERANS' TAX EXEMPTION. Assembly Constitutional Amendment No. 21.** Permits totally disabled veteran entitled to \$5,000 exemption on a home to transfer it to subsequently acquired home.

3

YES	
NO	

(For Full Text of Measure, See Page 5, Part II)

**Analysis by the Legislative Counsel**

The Legislature now has authority to exempt from property taxes the homes of veterans of this State who, as a result of service in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States, are permanently and totally disabled due to the loss, or loss of use, of both lower extremities from specified causes. Present authority is limited, however, to exempting homes acquired with the assistance of the Federal Government.

This constitutional amendment would amend Section 1 1/4 of Article XIII without change except that the last paragraph thereof would constitute a new Section 1 1/4a. The new section would extend the exemption to any home acquired and occupied by such a totally disabled veteran after disposing of the home acquired with Federal assistance, whether or not the new home is acquired with such assistance.

Proposition No. 11 also would amend Section 1 1/4 of Article XIII and would add a Section 1 1/4a to that article. The two measures are therefore in conflict and in the event that both are adopted by the voters, the one receiving the higher vote will prevail.

**Argument in Favor of Assembly Constitutional Amendment No. 21**

In 1954 the electorate approved a special \$5,000 tax exemption for certain paraplegic veterans. The present exemption is limited to those veterans who received special assistance in the form of a grant from the Federal Government for the construction of homes specially equipped with ramps, modified plumbing fixtures, etc. Under existing law the exemption applies only to the first home upon which the federal grant was made. If a veteran sells this home and buys another, then, he loses the exemption.

Experience has shown that a fixed pattern is followed in the process of rehabilitation of the

paraplegic veteran. Upon discharge from the hospital, the veteran will require additional out-patient services of the hospital and will locate his family near the hospital facility. During the ensuing year, he will complete this out-patient care and go into some professional or craft training program in this same community and will make his total adjustment to society. Invariably, thereafter, he will find better job opportunities in his newly chosen craft or profession in other localities. He then must dispose of his residence and locate his family in a place where he will then make his home and become an independent citizen. By making this inevitable move, he loses the benefits that were intended under the present existing law.

In addition to the above, there are several situations in which the paraplegic veteran could lose his first home through action taken by governmental agencies such as the following example.

The Veterans Administration closed their hospital in Van Nuys which served many of these veterans. Their out-patient treatment was transferred to Long Beach Veterans Hospital. This meant that many veterans in the Van Nuys area had to relocate somewhere in the Long Beach area and in this required change, they lost their exemption. Others have been dislocated by eminent domain actions brought by the Highway Department, Flood Control or other governmental agencies, and again, through no fault of their own, lost their exemption in the process of relocation.

This amendment allows the veteran to sell or dispose of the original home and still receive the exemption, provided the veteran habitually occupies the other dwelling as a home. In 1957 there were 466 paraplegic veterans receiving the exemption. In the absence of another war, the passage of this constitutional amendment will not result in an increase in the amount of property exempt from taxation, but it will prevent many of these

handicapped veterans from losing their exemption.

RICHARD T. HANNA  
75th Assembly District  
Orange County

WILLIAM BIDDICK, JR.  
12th Assembly District  
San Joaquin County

<b>4</b>	<b>YES</b>	
	<b>NO</b>	

**TERMS OF OFFICE. Senate Constitutional Amendment No. 1 (1960 First Extraordinary Session).** Permits Legislature to provide terms of office not to exceed eight years for members of any state agency created by it to administer the State College System of California.

(For Full Text of Measure, See Page 6, Part II)

**Analysis by the Legislative Counsel**

This measure would amend Section 16 of Article XX of the Constitution. It would authorize the Legislature to provide terms of office of up to eight years for the members of any state agency which it creates in the field of public higher education to manage the State College System of California.

Such an authorization would constitute an exception to the present provisions of Section 16 of Article XX of the Constitution, which now prohibit the Legislature from fixing the term of any officer or commissioner at more than four years.

At its 1960 First Extraordinary Session, the Legislature enacted the Donahoe Higher Education Act (Stats. 1960, 1st Ex. Sess., Ch. 49). This legislation established the State College System and provided for its administration by a board to be known as the Trustees of the State College System of California. The terms of the trustees were fixed at four years but they will become eight year terms under the provisions of that act if this constitutional amendment is adopted by the people. This measure, therefore, would fix the terms of the trustees at eight years, commencing on March 1, 1961. (Education Code, Section 22601.5, as added by Chapter 49.)

**Argument in Favor of Senate Constitutional Amendment No. 1 (1960 First Extraordinary Session)**

This constitutional amendment is a part of the Master Plan for Higher Education as developed through a study team of distinguished educators and embodied in Senate Bill No. 33 (Miller), enacted by the 1960 Session of the Legislature. Whereas the Legislature chose to establish the Master Plan in statutory form rather than using the Constitution for that purpose, an existing constitutional limitation on the length of terms of office which the Legislature may establish made this constitutional amendment necessary.

Included in the Master Plan is the establishment of a governing board for the state colleges designated as the Trustees of the State College System of California. The board is composed of four ex officio members: the Governor, Lieutenant Governor, Superintendent of Public Instruction and the chief executive officer of the State College System. There are also 16 appointive members appointed by the Governor, except that the members, as of the effective date of the Act, of the

State Board of Education shall serve ex officio as and among the first appointive members.

The Master Plan statute also provides that the terms of the appointive trustees shall be eight years. This constitutional amendment is required to enable the Legislature to establish terms up to eight years for boards of higher education governing the state colleges. It is traditional in this country that governing boards of public collegiate institutions shall be appointed for terms in excess of four years, by reason of the complexity of the institutions and the need for continuity of policy in the decisions made by the boards. The importance which is attached to this historic Master Plan and the role of the new Trustees of the State College System makes it vital that this limited authority be given to the Legislature.

This would not in any way alter or affect the terms of members of the Board of Regents of the University of California. Vote YES.

GEORGE MILLER, JR.  
State Senator, 17th District

**Argument in Favor of Senate Constitutional Amendment No. 1 (1960 First Extraordinary Session)**

The 1960 Special Session of the Legislature enacted the essential elements of the Master Plan for Higher Education in California to economically provide excellent educational facilities and opportunities for our exploding student population.

In addition to defining the functions of the University of California, state colleges and junior colleges, the Master Plan created an independent board, designated as the Trustees of the State College System of California, to administer the state college system.

In enacting the legislation effectuating the Master Plan for Higher Education, considerable attention was given to the length of term of the members of any state agency created in the field of public higher education which is charged with the management, administration and control of the State College System of California.

The present constitutional limitation of 4 years for such members was felt to be too short; a proposed term of 16 years, as in the case of the Regents of the University of California, too long. This Constitutional Amendment would enable the Legislature to provide a more practical and realistic term of 8 years.

ment Bond Act," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the California Water Resources Development Bond Act," and those voting against the said act shall do so by placing a cross opposite the words "Against the California Water Resources Development Bond Act." Provided, that where the voting of said general election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this State shall include the submission of this act to the people, as afore-

said, in his proclamation calling for said general election.

Sec. 4. The votes cast for or against the California Water Resources Development Bond Act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

**2** **TERMS OF ASSEMBLYMEN.** Assembly Constitutional Amendment No. 15. Provides that terms of members of Assembly elected in 1960 and thereafter shall be four years; one-half of members elected in 1960 shall vacate office at expiration of second year, so that half of the members of the Assembly shall be elected every two years.

YES	
NO	

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

**PROPOSED AMENDMENT TO ARTICLE IV**

Sec. 3. Members of the Assembly shall be elected every two years, beginning on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter, members of the Assembly shall be chosen biennially, and their term of office shall be two years, 1960, and thereafter, shall be chosen for a term of four years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature. The seats of 40 Members of the Assembly elected in the year 1960 from the odd-numbered districts shall be vacated at the expiration of the second year, so that half of the Members of the Assembly shall be elected every two years.

the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter, members of the Assembly shall be chosen biennially, and their term of office shall be two years, 1960, and thereafter, shall be chosen for a term of four years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature. The seats of 40 Members of the Assembly elected in the year 1960 from the odd-numbered districts shall be vacated at the expiration of the second year, so that half of the Members of the Assembly shall be elected every two years.

**3** **DISABLED VETERANS' TAX EXEMPTION.** Assembly Constitutional Amendment No. 21. Permits totally disabled veteran entitled to \$5,000 exemption on a home to transfer it to subsequently acquired home.

YES	
NO	

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

**PROPOSED AMENDMENTS TO ARTICLE XIII**

First—That Section 1¼ of Article XIII be amended to read:

Sec. 1¼. The property to the amount of one thousand dollars (\$1,000) of every resident of this State who has served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States (1) in time of war, or (2) in time of peace, in a campaign or expedition for service in which a medal has been issued by the Congress of the United States, and in either has received an honorable discharge therefrom, who after such service of the United States under such conditions has continued in such service,

or who in time of war is in such service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and the property to the amount of one thousand dollars (\$1,000) of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, and the property to the amount of one thousand dollars (\$1,000) of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors and marines who served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States shall be exempt from taxation; provided, this exemption shall not apply

to any person named herein owning property of the value of five thousand dollars (\$5,000) or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars (\$5,000) or more. No exemption shall be made under the provisions of this section of the property of a person who is not legal resident of the State; provided, however, all real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this State who, by reason of his military or naval service, is qualified for the exemption provided in the first paragraph of this section, without regard to any limitation contained therein on the value of property owned by such person or his wife, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received assistance from the Government of the United States in the acquisition of such property, except that such exemption shall not extend to more than one home nor exceed five thousand dollars (\$5,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in the first paragraph of this section.

Second—That Section 11¼a be added to Article XIII, to read:

**Sec. 11¼a.** The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this State who, by reason of his military or naval service, is qualified for the exemption provided in Section 11¼ of this article, without regard to any limitation contained therein on the value of property owned by such person or his wife, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received assistance from the Government of the United States in the acquisition of such property; except that such exemption shall not extend to more than one home nor exceed five thousand dollars (\$5,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in Section 11¼ of this article.

Where such totally disabled person sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the Government of the United States, any other property which such totally disabled person occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

**TERMS OF OFFICE. Senate Constitutional Amendment No. 1 (1960 First Extraordinary Session).** Permits Legislature to provide terms of office not to exceed **4** eight years for members of any state agency created by it to administer the State College System of California.

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 XX**

**SEC. 16.** When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; provided, however, that in the case of any officer or employee of

any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control; and provided further, that the term of office of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the State or of any political division thereof shall not be limited by this section.

The Legislature may provide terms of office for not to exceed eight years for the members of any state agency created by it in the field of public higher education which is charged with the management, administration, and control of the State College System of California.

**COMPENSATION OF LEGISLATORS. Senate Constitutional Amendment No. 31.** Sets salary of members of the State Legislature at \$750 per month. Provides that increased compensation provided by this amendment shall not increase retirement benefits for those legislators already retired.

YES	
NO	

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

**PROPOSED AMENDMENT TO ARTICLE IV**

That the first paragraph of subdivision (b) of Section 2 of Article IV be amended to read:

(b) Each Member of the Legislature shall receive for his services the sum of ~~five~~ hundred dol-