

1960

SENATE REAPPORTIONMENT

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SENATE REAPPORTIONMENT California Proposition 15 (1960).
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2. The amount of highway user taxes devoted to the payment of interest and expenses incurred in connection with issuance and sale of bonds would represent a diversion of these funds from street and road improvements.
3. Since the enactment of the original gasoline tax in 1923 all State highway financing and a large part of the financing of county roads has been on the pay-as-you-go basis, using current highway user tax revenues. The present proposal would permit mortgaging of motor vehicle fuel revenues by cities and counties and separation of grade districts.
4. Any such mortgaging of future revenues could be extremely detrimental because in most cities and counties there will be need for all current and future revenues for maintenance and additional improvements of roads and streets.
5. Mortgaging of said funds in advance would almost inevitably result in demands for additional contribution by the State of motor vehicle fuel revenues to cities and counties, thereby either depleting amounts available for State highways, or necessitating increase in the rate of motor vehicle fuel taxes.
6. In the event local governmental agencies issue bonds to be repaid from allocations made under present laws, serious question would be presented as to whether the Legislature would be restricted in the extent to which it could reduce or otherwise modify the present allocations.
7. At the present time there is an annual allocation of \$5-million from the State Highway Fund specifically marked for aiding local governmental agencies in the construction reconstruction of grade separation projects
8. Large funds are available under recent Federal-aid Highway Acts which help to relieve many of the traffic problems created by grade crossings. Therefore, there is less urgency for a speed-up in local separation of grade projects justifying the mortgaging of highway user revenues.
9. As the Legislature has required in SCR-62, a Senate committee is now engaged in developing a Statewide picture of the problem of the needs of county roads and city streets. This committee will also consider the advisability of legislation for a 1¢ increase in the State gasoline tax and upon what basis such additional revenue should be apportioned to the cities and counties of the State. It is expected the Legislature during the 1961 Legislative Session will take action upon this subject.
10. In view of the above it is untimely and it would be inappropriate for the people to approve Senate Constitutional Amendment No. 1, Proposition No. 14 on the November 1960 ballot, to give to local government agencies authority to mortgage future motor vehicle tax revenues.

ALAN G. ANDERSON, Secretary
California Highway Users Conference
1017 Phelan Building
San Francisco 2, California

15 "SENATE REAPPORTIONMENT. Initiative Constitutional Amendment. Establishes and apportions 40 senatorial districts. Provides for election of all Senators in 1962, one-half of Senators to be elected every two years thereafter. Requires Legislature in 1961 to fix boundaries of districts in counties having more than one district on basis of population, area, and economic affinity, which may be refixed following each decennial federal census. Permits Legislature following 1980 and each subsequent decennial federal census to reapportion senatorial districts on same basis; provided no county shall have more than 7 districts and 20 districts be apportioned to designated counties."

YES	
NO	

(For Full Text of Measure, See Page 16, Part II)

Analysis by the Legislative Counsel

This initiative measure would provide a new constitutional formula for dividing the State into 40 Senate districts, by amending Sections 5 and 6 of Article IV of the California Constitution.

Section 5 would be amended to provide that the terms of the senators elected from odd-numbered districts in 1960 shall expire at the end of 1962, instead of continuing until the end of 1964. Since the terms of senators elected in 1958 from even-numbered districts will expire at that time, all 40 senatorial seats would be vacated at the end of 1962. This measure would require 40 senators to be elected in November, 1962, from new senatorial districts. The terms of the 20 senators elected from the new odd-numbered districts would expire at the end of 1964, however, and one-half of the Senate would thereafter be elected each two years for four-year terms.

The provisions of Section 6 affecting Assembly districts would be rephrased without any substantive change in the present constitutional requirements. The amendment would delete all reference to Senate districts from the first two paragraphs of Section 6, and would add four paragraphs affecting senatorial districts only.

This measure would eliminate constitutional requirements that no county shall contain more than one senatorial district, that no county or city and county shall be divided to form senatorial districts and that counties of small population shall be grouped in districts with not more than three counties in any one senatorial district. It would create 40 senatorial districts by reference to the counties as they exist on January 1, 1961. Thus, 20 senators, representing District 1 to 20, would be allotted to the 45 counties located north of the line formed by the northern and

western boundaries of San Luis Obispo, Kern, Tulare, Inyo and Mono Counties. The remaining 20 senators, representing Districts 21 to 40, would alloted to the 13 counties south of that line.

Los Angeles County would have seven senators; and Orange, San Diego, San Francisco, Santa Clara and Alameda Counties would have two senators. Ten districts would consist of several counties and the combination of Mono, Inyo and San Bernardino Counties would be divided into two senatorial districts.

This amendment would require the Legislature at its 1961 session to fix the boundaries of the two districts in Mono, Inyo and San Bernardino Counties and of the districts in counties having more than one district. If the Legislature failed to fix such boundaries, a Reapportionment Commission provided by the Constitution would fix them. At its 1971 general session the Legislature would be authorized to adjust these boundaries fixed at its 1961 general session.

Legislative adjustment of all senatorial districts would be permitted after the decennial federal census of 1980 and each subsequent decennial census, except that 20 senatorial districts would be required for the 13 southern counties. Twenty senatorial districts would be apportioned in the remaining 45 counties, and no county could have more than seven districts in such future reapportionments.

Argument in Favor of Senate Reapportionment Initiative Constitutional Amendment

In 1926, 40 Senators were apportioned between 58 Counties. No County, regardless of area population, ever could have more than 1 Senator. The 8 Southern Counties (Santa Barbara to Imperial) were given 8 Senators. 50 Northern Counties were given 32 Senators. This apportionment is referred to as a modified Federal plan.

When that plan was adopted, the total population of California was under 5,000,000. The 1960 population is 15,550,000. The 8 Southern Counties now have 8,939,000 and still have 8 Senators. The 50 remaining Counties have 6,560,000 and 32 Senators.

The 5 Counties in the San Francisco Bay Area have 3,085,000 people and 5 Senators. The remaining 45 Northern Counties have 3,575,000 people and 27 Senators.

The following 30 Counties have 14 Senators: Lassen, Modoc, Plumas, Del Norte, Siskiyou, Humboldt, Lake, Mendocino, Shasta, Trinity, Butte, Nevada, Placer, Sierra, Colusa, Glenn, Tehama, Amador, El Dorado, Sutter, Yuba, Napa, Yolo, Solano, Calaveras, Mariposa, Tuolumne, Alpine, Inyo and Mono. (1960 population 945,000).

The Bay Area Counties pay (deducting subventions) net State taxes of \$181,250,000. The Southern 8 Counties pay \$463,700,000. The 30 Counties pay net but \$7,504,000.

The Bay Area and the Southern 8 Counties have $\frac{1}{2}$ of the population, pay $\frac{2}{3}$ of State taxes and have but 13 Senators. The 30 Counties with 6% of the population and paying but $\frac{3}{4}$ of 1% of net State taxes have 14.

The above changes in the past 34 years demonstrate we must have reapportionment of the State

Senate. The injustice is so glaring it need not be argued.

The Legislature should represent people and not trees. The Bay Area and Southern California provide jobs for millions. These two areas pay the major taxes to support schools, colleges, universities and to operate the State Government. Justice demands that these populous areas have a stronger voice in making laws that levy taxes and spend tax money.

Proposition 15 gives to San Francisco, Alameda, Santa Clara, San Diego, Orange and San Bernardino Counties 2 Senators each. It gives Los Angeles County 7 but prohibits forever 1 County having more than 7. No. 15 is not sectional. It is fair to all the people of California. It recognizes every principle of just representation—geographical area, population, taxes paid, schools, agriculture, business, industry. It retains the best features of the 1926 Federal Plan. The agricultural and other rural areas with but 40% of the population and paying less than 40% of the net State taxes have 27 Senators. This $\frac{2}{3}$ majority in the rural areas empowers the Senate to reject the action of the Assembly and to override the Governor's veto.

6,000,000 people in Los Angeles County have but 1 Senator. The same number of people in the remainder of California, excluding the Bay Area, have 34 Senators. 1 Senator cannot adequately represent 6,000,000 people. Each of 42 States has a population less than 6,000,000.

The 1926 law is indefensible. Change it. Vote "YES" on 15.

FRANK G. BONELLI, Chairman,
Board of Supervisors,
Los Angeles County

MRS. LELAND ATHERTON IRISH,
Civic Leader

JAMES L. BEEBE, Chairman, State
and Local Government Committee,
Los Angeles Chamber of Commerce

Argument Against Senate Reapportionment Initiative Constitutional Amendment

Vote No on Proposition No. 15—one of the most dangerous measures ever presented to California voters.

This reckless State Senate-packing scheme was inspired by political retribution. If it passes it will work untold harm on all California—including Los Angeles County.

Should Proposition No. 15 become law no public issue could ever again be decided by the Legislature of California except on the basis of raw political power. The sectional bitterness that would result—pitting Los Angeles County against the rest of the State—would wreak havoc in our State Government and adversely affect the jobs and prosperity of every California citizen.

Proposition No. 15 grew out of the thirst of certain Los Angeles County Supervisors for higher taxes. The Los Angeles Supervisors tried to wangle a measure through the State Legislature to place a so-called "possessory interest tax" on defense industries. This tax grab was attempted

despite the fact that defense industries provide tens of thousands of jobs and paychecks for Californians—and despite the fact that the proposed tax would have provided all the argument necessary for the Federal Government to heed the wishes of other States trying to lure defense industries away from California.

The State Senate wisely turned thumbs down on this job-destroying, business-curbing scheme.

Then, in retribution, the Chairman of the Los Angeles Board of Supervisors launched this State Senate-packing proposal to destroy the legislators who had protected the State from this dangerous tax scheme he sponsored.

Presently, California—as is the case with most States—elects its Legislature in accordance with the Federal system, whereby the lower house, or Assembly, is chosen on the basis of population, and the upper house, or Senate, on a geographic basis.

Proposition No. 15 would reapportion the State Senate on neither basis, but instead on a completely arbitrary, divisive basis cutting California in two at a permanent, artificial line above and below which 20 State Senators would have to be chosen.

In order to avoid the status of mere satellites of Los Angeles County, surrounding Southland Counties have joined with Northern California Counties—and many thoughtful Los Angeles citi-

zens who have favored other proposals for Senate reapportionment—in emphatic opposition to Proposition No. 15.

The grave problems that California faces now and in the future—how to solve the desperate urgent problem of bringing water from surplus areas to shortage areas at reasonable cost and with proper guarantees for both—how to provide adequate public schools and roads and other services—can only be solved in an atmosphere of essential harmony and inter-regional trust. They can't be solved by drawing a "Mason-Dixon" line in California.

Proposition No. 15 is opposed by California's Governor Edmund G. Brown.

Proposition No. 15 in fact is opposed by leaders of both political parties and by a host of civic organizations throughout the State.

Smash this politically conceived State Senate-packing scheme.

Vote No on Proposition No. 15.

J. F. SULLIVAN, JR., Chairman
Californians Against Proposition No. 15

GEORGE W. MILIAS
Immediate Past Chairman
Republican State Central Committee

JOSEPH L. WYATT, JR., President
California Democratic Council

13	DISTRICT COURTS OF APPEAL: APPELLATE JURISDICTION. Senate Constitutional Amendment No. 11. Provides District Courts of Appeal shall have appellate jurisdiction of municipal and justice court cases as provided by law.	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 they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE VI
Sec. 4e. The district courts of appeal shall have appellate jurisdiction on appeal in all cases within the original jurisdiction of the municipal and justice courts, to the extent and in the manner provided for by law.

14	STREET AND HIGHWAY FUNDS: USE FOR LOCAL GRADE CROSSING BONDS. Senate Constitutional Amendment No. 1. Includes separation of grade districts to which Legislature may appropriate fuel taxes and motor vehicle registration and license fee moneys. Such moneys allocated to local agencies may be used for paying bonds duly issued for grade crossing separation projects to extent of 50% of sums allocated.	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**.)

porarily loaned to the State General Fund upon condition that the amount so loaned shall be repaid therefrom to the funds from which so borrowed to be used for the purposes specified in Sections 1 or 2 hereof. The moneys referred to in Sections 1 or 2 hereof, allocated for general expenditure in counties, cities and counties, cities, or separation of grade districts, may be used for the payment of the principal and interest of bonds issued by counties, cities, cities and counties, or by separation of grade districts to the extent of 50 percent of sums so allocated in any one year. Such bonds must be approved by a two-thirds vote of the electors and the term thereof shall not exceed 25 years. The proceeds from such bonds shall be used to finance grade crossing separation projects involving the intersection of public streets and highways with railroad or rapid transit rights-of-way.

PROPOSED AMENDMENT TO ARTICLE XXVI

SEC. 3. The provisions of this article are self-executing but the Legislature shall have full power to appropriate such moneys and to provide the manner of their expenditure by the State, counties, cities and counties, or cities, or separation of grade districts for the purposes specified and to enact legislation not in conflict with this article. This article shall not prevent any part of the moneys referred to in Sections 1 or 2 hereof from being tem-

15	'SENATE REAPPORTIONMENT. Initiative Constitutional Amendment. Establishes and apportion 40 senatorial districts. Provides for election of all Senators in 1962, one-half of Senators to be elected every two years thereafter. Requires Legislature in 1961 to fix boundaries of districts in counties having more than one district on basis of population, area, and economic affinity, which may be refixed following each decennial federal census. Permits Legislature following 1980 and each subsequent decennial federal census to reapportion senatorial districts on same basis; provided no county shall have more than 7 districts and 20 districts be apportioned to designated counties."	YES	
		NO	

(This proposed amendment expressly amends existing sections 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**.)

expiration of the second year, so that in the year 1962 a Senator shall be elected from each senatorial district, as provided in Section 6 of this Article. The seats of the 20 Senators elected in the year 1962 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.

PROPOSED AMENDMENTS TO ARTICLE IV

Section 5 and Section 6 of Article IV of the Constitution of the State of California is hereby amended to read:

SEC. 5.
The Senate shall consist of 40 members, and the Assembly of 80 members, to be elected by districts, numbered as hereinafter provided. The seats of the ~~twenty~~ **twenty** Senators elected in the year ~~eighteen hundred and eighty-two~~ **1960** shall be vacated at the

SEC. 6.
For the purpose of choosing members of the ~~Legislature Assembly~~ **Legislature Assembly**, the State shall be divided into 40 ~~Senatorial~~ **Senatorial** and 80 assembly districts to be called ~~Senatorial and Assembly~~ **Senatorial and Assembly** districts. Such districts shall be composed of contiguous territory,

and Assembly districts shall be as nearly equal in population as may be. Each Senatorial district shall choose one senator and each assembly district shall choose one member of Assembly. The Senatorial districts shall be numbered from one to 40, including in numerical order, and the assembly districts shall be numbered from 1 to 80 in the same numerical order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of assembly 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 or Senatorial district. The census taken under the direction of the Congress of the United States in the year 1920 1960, and every 10 years thereafter, shall be the basis of fixing and adjusting the legislative assembly districts; and the Legislature shall, at its first regular session following the adoption of this section and thereafter at the first regular general session following each decennial federal census, adjust such districts, and reapportion the representation so as to preserve the assembly 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 general session following any decennial federal census fail to reapportion the assembly 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 shall be elected by the districts according to the apportionment now provided for by law.

For the purpose of choosing members of the Senate, the State shall be divided into 40 senatorial districts. Such districts shall be composed of contiguous territory and shall be numbered from 1 to 40 in numerical order. Each senatorial district shall choose one Senator.

Senatorial districts shall consist of the territory within the counties existing on January 1, 1961, as follows:

- District No. 1..... Del Norte, Siskiyou, Humboldt, and Trinity counties.
- District No. 2..... Modoc, Shasta, Lassen and Plumas counties.
- District No. 3..... Mendocino, Lake, Colusa, Glenn, and Tehama counties.
- District No. 4..... Butte, Sutter and Yuba counties.
- District No. 5..... Sierra, Nevada, Placer, El Dorado, Alpine, Amador, Calaveras, Tuolumne, and Mariposa counties.
- District No. 6..... Sonoma and Marin counties.
- District No. 7..... Napa, Yolo and Solano counties.
- District No. 8..... Sacramento county.
- District No. 9..... Contra Costa county.
- District No. 10..... San Joaquin county.
- Districts No. 11 & 12... San Francisco county.
- Districts No. 13 & 14... Alameda county.
- District No. 15..... San Mateo county.
- Districts No. 16 & 17... Santa Clara county.
- District No. 18..... Stanislaus, Merced and Madera counties.
- District No. 19..... Santa Cruz, San Benito and Monterey counties.
- District No. 20..... Fresno and Kings counties.
- District No. 21..... Tulare county.
- Districts No. 22 & 23... Inyo, Mono and San Bernardino counties.
- District No. 24..... San Luis Obispo county.
- District No. 25..... Kern county.
- District No. 26..... Santa Barbara county.
- District No. 27..... Ventura county.
- Districts No. 28 through 34..... Los Angeles county.
- Districts No. 35 & 36... Orange county.
- District No. 37..... Riverside county.
- Districts No. 38 & 39... San Diego county.
- District No. 40..... Imperial county.

The Legislature, at its 1961 general session, shall fix the boundaries of senatorial districts 22 and 23 within the counties of Inyo, Mono and San Bernardino and of senatorial districts within counties having more than one senatorial district, which said boundaries shall be determined as nearly as may be upon the basis of population, as disclosed by the 1960 federal decennial census, geographic area and economic affinity; provided, that should the Legislature at the 1961 general session fail to fix the boundaries of any one or more of said senatorial districts, a Reapportionment Commission as constituted in this section shall forthwith fix the boundaries thereof in accordance with the provisions of this section and such boundaries as so fixed shall be immediately effective the same as if the act of said Reapportionment Commission were the act of the Legislature, subject, however, to the same provisions of referendum as apply to the acts of the Legisla-

ture. At the first general session following the decennial federal census of 1970, and at the first general session following each decennial federal census thereafter, the Legislature may fix and adjust the boundaries of senatorial districts 22 and 23 and of senatorial districts in counties having more than one senatorial district as hereinabove provided.

At the first general session following the decennial federal census of 1980, and at the first general session following each decennial federal census thereafter, the Legislature may apportion the 40 senatorial districts on a basis of population, as disclosed by the last preceding decennial federal

census, geographic area and economic affinity and in doing so shall comply with all of the provisions of this section relating to senatorial districts except that it need not allocate counties to senatorial districts or senatorial districts to counties as inbefore provided in this section; provided 20 of such districts shall at all times be apportioned to the counties of Tulare, Inyo, Mono, San Bernardino, San Luis Obispo, Kern, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial, and 20 of such districts shall be apportioned to the remaining counties; provided further, that at no time shall any county have more than seven (7) senatorial districts.

CERTIFICATE OF SECRETARY OF STATE

State of California, Department of State
Sacramento, California

I, Frank M. Jordan, Secretary of State of the State of California, do hereby certify that the foregoing measures will be submitted to the electors of the State of California at the general election to be held throughout the State on the eighth day of November, 1960, and that the foregoing pamphlet is correct.

Witness my hand and the Great Seal of the State, at office in Sacramento, California, the first day of September, A.D. 1960.



Frank M. Jordan
Secretary of State