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CONSTITUTIONAL AMENDMENTS: NAMING CORPORATIONS

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er shall be given tax relief or just property damaged in the disaster itself. For example, twenty eight to thirty homes were damaged in the Glendale fire. Subsequently, Los Angeles County was declared a disaster area. Will all the homes damaged by fire in Los Angeles County after the lien date or just the homes damaged in the Glendale fire be eligible for this tax relief?

3. ACA 10 changes the entire concept of the lien date. Real property has always been assessed at one particular point and time. This amendment provides for tax relief to property reduced in value after the lien date

as a result of a disaster. Why not also provide for a tax increase on property which is increase in value after the lien date?

4. The measure provides for property tax relief whether the damaged property is covered by insurance or not. Where property is damaged and covered by insurance, property can be restored in three to six months and the taxpayer is thus in a favorable situation by receiving tax relief but not actually receiving the loss of any property.

DOUGLAS J. HILL
Dem. Nominee,
16th Assembly Dist.

13 **CONSTITUTIONAL AMENDMENTS: NAMING CORPORATIONS. Assembly Constitutional Amendment No. 12.** Prohibits submission of constitutional amendments, whether proposed by initiative or Legislature, which name private corporations to perform any function or have any power or duty. Declares that any such amendment submitted to or approved by the electorate at the 1964 general election or thereafter shall not go into effect.

YES

NO

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

Analysis by the Legislative Counsel

This measure would prohibit the submission to the electors of any amendment to the Constitution which designates any private corporation by name to perform any function or to have any power. It further prohibits no such amendment submitted to the electors at this election or any election hereafter shall be effective for any purpose.

At this election there is an initiative Constitutional Amendment (Proposition No. 16) which would add Article XXXI to the Constitution to establish a lottery in this State to be conducted for the first ten years by a particular named private corporation. Since the naming of the corporation would be in conflict with this measure, if both are adopted by the electors, the one receiving the highest vote will prevail. Thus, if both are approved and this measure receives the higher number of votes, the provisions of Article XXXI establishing the lottery will not take effect.

Argument in Favor of Proposition No. 13

This amendment will prevent private corporations from naming themselves in our Constitution.

The Constitution is the basic document of government—it should not be used as a vehicle for profiteering by a small group of promoters and it should not provide special privilege for specific individuals or corporations.

If a corporation were to be named in the Constitution it would be a monopoly operation. It would not be subject to the economic forces of competition which have made our free enterprise society great.

There is already a clause which prohibits the naming of individuals in the Constitu-

tion. A Yes vote on this proposition will extend the prohibition to corporations. John Doe cannot now sponsor an initiative and name himself to be Director of the Department of Finance. However, John Doe can incorporate as the John Doe Corporation and name the corporation of which he is the sole officer to do the very thing the Constitution now prohibits.

Passage of this measure will not limit the use of the initiative process nor will it limit the state's authority to contract with corporations for building or highway construction. It simply prohibits the names of private corporations from being written into our Constitution.

We wouldn't consider naming a private corporation in the United States Constitution—why should we allow them in our State Constitution?

Private promoters who had the gall to make just this proposal will gain millions of our dollars by writing themselves into the Constitution. Let's stop them.

Vote YES for good government.

NICHOLAS C. PETRIS
Assemblyman, 15th District
California Legislature

THOMAS M. REES
State Senator

Argument Against Proposition No. 13

Corporations should not be named into the State Constitution or into State law for that matter. While the objective of this proposed constitutional amendment is a good one, a Constitution should contain only the basic and fundamental law of the state—not involved detail.

I voted against ACA 12 in the Assembly not because I think it is a bad bill, but because I don't think it should necessarily be a part of the Constitution. This reverses a trend we started only a few years ago. As recently as 1962, we passed Proposition 7 which removed 15,000 surplus words from the Constitution. I don't know whether we should begin adding them again so soon.

In 1948 an initiative was circulated and gathered enough signatures to qualify for the November ballot. It specified a particular individual to be the Director of a reorganized Department of Social Welfare. The measure was approved by the voters at the general election, and this woman became Director of the State Department of Social Welfare. The Department budget went up—benefits went up—costs to the taxpayer went up—she leased buildings throughout the State—she purchased new automobiles—she bought truckloads of furniture which we are still putting to use. It took a full year before a special election could be called to remove her from office. Because of this fiasco, the Constitution was amended to say that no individual could be

named in the Constitution to hold any office or to perform any duty of State government.

Obviously the people expressed their opinions by adding the amendment which excluded individuals from the Constitution. If they had wanted to exclude private corporations from the Constitution, they would have done so at that time.

I believe that the voters of the State of California will not be duped by private corporations sponsoring initiative measures and getting themselves named in the Constitution to carry out quasi-state functions. While I favor keeping the Constitution free of extraneous matters, in the present situation, I believe that it would be entirely unthinkable and unworkable to have a private corporation named in the Constitution.

The answer to the dilemma then is to make certain that every voter in the State of California votes against any proposed amendment or initiative which would name a private corporation as part of the Constitution.

GORDON H. WINTON, Jr.
 Assemblyman, 31st District
 Merced, Madera and
 San Benito Counties

14 SALES AND RENTALS OF RESIDENTIAL REAL PROPERTY. Initiative Constitutional Amendment. Prohibits State, subdivision, or agency thereof from denying, limiting, or abridging right of any person to decline to sell, lease, or rent residential real property to any person as he chooses. Prohibition not applicable to property owned by State or its subdivisions; property acquired by eminent domain; or transient lodging accommodations by hotels, motels, and similar public places.

YES

NO

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

Analysis by the Legislative Counsel

This measure would add Section 26 to Article I of the California Constitution. It would prohibit the State and its subdivisions and agencies from directly or indirectly denying, limiting, or abridging the right of any "person" to decline to sell, lease, or rent residential "real property" to such person or persons as he, in his absolute discretion, chooses.

By definitions contained in the measure, "person" would include individuals, partnerships, corporations and other legal entities, and their agents or representatives, but would not include the State or any of its subdivisions with respect to the sale, lease, or rental of property owned by it. "Real property" would mean any residential realty, regardless of how obtained or financed and regardless of whether such realty consists of a single family dwelling or as a dwelling for two or more persons or families living together or independently of each other.

The measure would not apply to the obtaining of property by eminent domain, nor to the renting or providing of any transient lodging accommodations by a hotel, motel, or

other similar public place engaged in furnishing lodging to transient guests.

Argument in Favor of Proposition No. 14

Your "Yes" vote on this constitutional amendment will guarantee the right of all home and apartment owners to choose buyers and renters of their property as they wish, without interference by State or local government.

Most owners of such property in California lost this right through the Rumford Act of 1963. It says they may not refuse to sell or rent their property to anyone for reasons of race, color, religion, national origin, or ancestry.

The Rumford Act establishes a new principle in our law—that State appointed bureaucrats may force you, over your objections, to deal concerning your own property with the person they choose. This amounts to seizure of private property.

Your "Yes" vote will require the State remain neutral: Neither to forbid nor to force a home or apartment owner to sell or rent to one particular person over another.

12	PROPERTY TAXATION: RELIEF IN EVENT OF DISASTER. Assembly Constitutional Amendment No. 10. Legislature may provide for or authorize local agencies to give relief from property taxes where property is destroyed by fire, flood, earthquake or other act of God after lien date, and property is located in disaster area proclaimed by Governor.	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 XIII**

SEC. 2.8. The Legislature shall have the power to provide for, or authorize local tax-

ing agencies to provide for, any appropriate relief from ad valorem taxation where (a) after the lien date for a given tax year taxable property is damaged or destroyed by fire, flood, earthquake or other act of God, and (b) the damaged or destroyed property is located in an area or region which was subsequently proclaimed by the Governor to be in a state of disaster.

13	CONSTITUTIONAL AMENDMENTS: NAMING CORPORATIONS. Assembly Constitutional Amendment No. 12. Prohibits submission of constitutional amendments, whether proposed by initiative or Legislature, which name private corporations to perform any function or have any power or duty. Declares that any such amendment submitted to or approved by the electorate at the 1964 general election or thereafter shall not go into effect.	YES	
		NO	

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

**PROPOSED AMENDMENT TO
ARTICLE IV**

Sec. 1d. (a) No amendment to the Constitution and no law or amendment thereto whether proposed by the initiative or by the Legislature which names any individual or individuals by name or names to hold any office or offices shall hereafter be submitted to the electors, nor shall any such amend-

ment to the Constitution, law, or amendment thereto hereafter submitted to or approved by the electors become effective for any purpose.

(b) No amendment to the Constitution, whether proposed by the initiative or by the Legislature, which names any private corporation, or more than one such corporation, by name or names, to perform any function or have any power or duty, shall be submitted to the electors, nor shall any such amendment to the Constitution, submitted to or approved by the electors at the 1964 general election or any election thereafter become effective for any purpose.

14	SALES AND RENTALS OF RESIDENTIAL REAL PROPERTY. Initiative Constitutional Amendment. Prohibits State, subdivision, or agency thereof from denying, limiting, or abridging right of any person to decline to sell, lease, or rent residential real property to any person as he chooses. Prohibition not applicable to property owned by State or its subdivisions; property acquired by eminent domain; or transient lodging accommodations by hotels, motels, and similar public places.	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 I**

The People of the State of California do enact the following constitutional amend-

ment to be added as Section 28 of Article I of the Constitution of the State of California:

Neither the State nor any subdivision or agency thereof shall deny, limit or abridge, directly or indirectly, the right of any person, who is willing or desires to sell, lease or rent any part or all of his real property, to decline to sell, lease or rent such property to such person or persons as he, in his absolute discretion, chooses.