

1966

## OPEN SPACE CONSERVATION

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On July 7, 1966 the Legislature passed Senate Bill No. 2 providing for funds from the City of Long Beach tideland oil and gas revenue to be placed in the newly created Capital Outlay Fund for Public Higher Education in the State Treasury. Funds from this source will be available July 1, 1967, precluding the necessity of the added indebtedness incurred by this proposed bond issue.

Senate Bill No. 49, introduced by Senators Stiern and Nisbet, co-authored by Assemblyman Rumford, which provides for the bond issue the voters will hereby approve or reject, nowhere specifies a construction plan, nor the school facilities to be acquired. Therefore it may be termed a "blank check" for \$230 million of land acquisition.

Most people regard the term "higher education" as including our junior colleges. In this bill there is no provision for expenditures to assist the junior colleges, although they have in general proved

more resistant than many universities and state colleges to the moral anarchy now threatening campus life.

The proposition shows nothing to indicate that the bond funds sought will be sufficient for more than a very short period.

Most if not all educational expenses ought to be met out of current revenues, not special bond issues. Had the revenue from the tax increases of the past years been allocated to capital outlay in education, a number of costly welfare and other programs could not have been enacted. The law provides that interest payments on a bond issue must be made from the general fund, that is, from tax revenue. Thus if this bond issue is approved, future administrations may claim that new and increased taxes are required.

JOHN G. SCHMITZ  
State Senator  
Orange County

**3 OPEN SPACE CONSERVATION. Legislative Constitutional Amendment.**  
Authorizes Legislature to define open space lands; provide restrictions to use thereof for recreation, scenic beauty, natural resources, or production of food or fiber; and establish basis of assessment of such lands.

YES

NO

(For Full Text of Measure, See Page 29, Part II)

**General Analysis by the Legislative Counsel**

A "Yes" vote on this measure is a vote to authorize the Legislature to specify the basis upon which "open space lands," as defined by the Legislature, shall be valued for property tax purposes.

A "No" vote is a vote to deny this power to the Legislature.

For further details see below.

**Detailed Analysis by the Legislative Counsel**

This measure, if approved by the voters, would add a new Article XXVIII to the State Constitution. It would authorize the Legislature to define "open space lands." It would provide that when any such lands are restricted, by restrictions specified by the Legislature, to use for recreation, enjoyment of scenic beauty, use of natural resources, or production of food or fiber, such lands would be valued for assessment purposes on the basis determined by the Legislature to be consistent with such restrictions and use. All assessors would be required to assess open space lands only on the basis of such restrictions and use and would be prohibited from considering any factors relating to the value of such lands other than those specified by the Legislature.

**Argument in Favor of Proposition No. 3**

Your "YES" vote on Proposition 3, the BREATHING SPACE AMENDMENT, will permit the California Legislature to alter certain assessment regulations now causing the destruction of California's open space and countryside.

Your "YES" vote on Proposition 3 will enable the Legislature to define open space lands and provide proper assessment guidelines when such lands are restricted solely to uses for: (a) recreation, (b) enjoyment of scenic beauty, (c) use of natural re-

sources, and (d) growing of crops or trees.

Your "YES" vote will enable the Legislature to:

1. SAVE CALIFORNIA — ITS SCENIC BEAUTY, ITS INCOMPARABLE OPEN SPACES.

2. PROTECT YOUR AND YOUR FAMILY'S ENJOYMENT OF CALIFORNIA'S GREAT RECREATIONAL AREAS.

3. CONSERVE OUR IRREPLACEABLE NATURAL RESOURCES.

4. HELP KEEP FAMILY FOOD COSTS DOWN.

Our Constitution now provides "All property subject to taxation shall be assessed for taxation at its full cash value." Consequently, the assessor has no choice but to assess open space lands as if they were used for commercial subdivision or industrial values if he determines such lands COULD be soon used for those purposes.

Tracts of timbered land, purchased for RECREATIONAL purposes, are being assessed for their value as HARVESTABLE TIMBER, forcing owners to destroy recreational values by having to cut their trees to meet the higher taxes.

Family and many other farms, under present assessment practices, are frequently being taxed more than the farm's annual income and driven into subdivisions.

ORCHARDS, TRUCK GARDENS, DAIRY FARMS, TIMBER LANDS, AND OUR GREAT OPEN SPACES ARE BEING ENVELOPED BY URBAN SPRAWL.

EVERY DAY better than a half square mile of California's BEST agricultural land is being crushed under by the relentless bulldozer.

With more than 900 new arrivals each day, California's population boom is swallowing our open space. Vital breathing space will soon be gone.

What recreation will there be for city people when they head for the open spaces only to discover the trees chopped down, the fish gone, the wildlife destroyed?

**PROPOSITION 3 MEANS "BREATHING-SPACE" FOR EVERYONE.** Open Space Lands for recreation, scenic beauty, natural resources, and production of crops are ALL worthy of preservation and protection from the onslaught of unrestrained subdivision development.

Proposition 3 DOES NOT provide a tax dodge for any special interest groups. It is for the benefit of EVERYBODY. Presently, there is no fully adequate method of protecting California's privately owned remaining open space.

Proposition 3 will unshackle the hands of the legislature. It specifically requires the legislature to protect against land speculation. The role and tax base of local jurisdictions will be respected; it WILL result in dedication of open space land to continued open space use for crops, for recreation and protection of natural and scenic resources.

PROPOSITION 3 is supported by the League of California Cities, major agriculture, recreation and conservation groups, timber operators, and those citizens who feel the urgent need to protect "BREATHING SPACE NOW!"

PROPOSITION 3 passed the California Senate by a unanimous vote, and the Assembly overwhelmingly approved it 58 to 7.

**SAVE CALIFORNIA'S BREATHING SPACE!  
VOTE "YES" ON PROPOSITION 3!**

FRED S. FARR,  
Chairman, Senate Committee on  
Natural Resources.

WINFIELD A. SHOEMAKER,  
Member, Assembly Committee on  
Natural Resources, Planning and  
Public Works

HERBERT F. STURDY,  
Attorney and Trustee of Friends  
of Santa Monica Mountains Park

#### Argument Against Proposition No. 3

**VOTE "NO" ON "TAX-SHIFT" SCHEME.**

This tax shift scheme would set the stage for great inequities, granting special tax treatment to a favored few. Proposition 3 would permit the lowering of taxes for special groups whose taxes then would be shifted onto homeowners, business and industrial property owners. Further, Proposition 3 would empower a future legislative body to give tax breaks to special groups of land holders.

**DON'T PAY OTHER PEOPLE'S TAXES**

Do you want to reduce taxes on expensive tracts being held for residential, commercial or industrial use by picking up the burden on your own tax bill? Vote "NO" and keep market value as the basis for assessment on all types of properties. If it is proper and desirable to have open spaces, let

them be so dedicated in perpetuity. Farmland owners can already get tax relief under the California Land Conservation Act of 1965 if they will restrict their land to agricultural purposes for 10 years. No other "tax break" is justified!

**PROPOSITION 3 GIVES A TAX  
BREAK TO LAND SPECULATORS**

The real beneficiaries from this special interest legislation are speculators who want to hold their lands at a lesser tax until they are ready to develop them. Proposition 3 would let them take all the speculative profits from land sales and escape a large percentage of the fair real estate taxes without a perpetual or long term restriction on their part. In the meantime—you pay the difference.

**PROPOSITION 3 EXEMPTS OIL RIGHTS**

This proposition would permit tax exemption for oil and other minerals underlying "open space" property. It's an oil operator's haven!

**DO THOSE WHO EXPLOIT NATURAL  
RESOURCES DESERVE SPECIAL  
TAX ADVANTAGE?**

Proposition 3 allows tax reduction on properties used for "natural resources." Private timber holdings, quarries and mines are "natural resources"!

**PROPOSITION 3 IS VAGUE  
AND UNCERTAIN**

Proposition 3 has no adequate definitions of lands used for production of "food and fiber." An estate-type residence with some of the land used for grazing could be given special treatment under this proposal. It could include uses local governments declare "compatible with agriculture" such as packing houses, feed lots or dairy operations and similar industrial uses. An industrialist's haven!

**SPECIAL TREATMENT FOR A  
FEW IS A BAD TAX POLICY**

Property taxation at present is geared to equalized assessment of all properties. If special groups are exempted the basic plan will have been scuttled. Don't let others shift their tax load onto you. Proposition 3 would benefit the speculators—"greenback lovers" rather than "green space lovers." What is eating up our open space is population growth, not taxes. Reducing taxes on open land will not stop the population growth; it will only produce large tax windfalls to land speculators and other favored groups. Let's not be tricked into letting land speculators, oil interests and industrial plants force you to pay their taxes while allegedly conserving open space land.

**CITIZENS DEFEATED A SIMILAR  
(BUT LESS OMINOUS) TAX**

**SCHEME IN 1962**

**DO IT AGAIN!**

**VOTE "NO" ON PROPOSITION 3!**

RICHARD NEVINS, Member  
State Board of Equalization  
Fourth District

PHILIP E. WATSON, Assessor  
Los Angeles County

FELIX J. WEILL, Secretary  
Property Taxpayers Council

<b>3</b>	<b>SPACE CONSERVATION. Legislative Constitutional Amendment.</b> Authorizes Legislature to define open space lands; provide restrictions to use thereof for recreation, scenic beauty, natural resources, or production of food or fiber; and establish basis of assessment of such lands.	YES	
		NO	

(This amendment proposed by Senate Constitutional Amendment No. 4, 1966 First Extraordinary Session, does not expressly amend any existing section of the Constitution, but adds a new article thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

**PROPOSED ARTICLE XXVIII**

**ARTICLE XXVIII**

**OPEN SPACE CONSERVATION**

**Section 1.** The people hereby declare that it is in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence open space lands for the production of food and fiber and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. The people further declare that assess-

ment practices must be so designed as to permit the continued availability of open space lands for these purposes, and it is the intent of this article to so provide.

**Sec. 2.** Notwithstanding any other provision of this constitution, the Legislature may by law define open space lands and provide that when such lands are subject to enforceable restriction, as specified by the Legislature, to the use thereof solely for recreation, for the enjoyment of scenic beauty, for the use of natural resources, or for production of food or fiber, such lands shall be valued for assessment purposes on such basis as the Legislature shall determine to be consistent with such restriction and use. All assessors shall assess such open space lands on the basis only of such restriction and use, and in the assessment thereof shall consider no factors other than those specified by the Legislature under the authorization of this section.

<b>4</b>	<b>INDEBTEDNESS OF LOCAL AGENCIES. Legislative Constitutional Amendment.</b> Provides that instead of a two-thirds vote to incur an indebtedness at an election held for that purpose, any local general obligation bonds for library purposes or public school purposes, may be approved by sixty percent of the qualified electors voting on such proposition at a primary or general election, including this election.	YES	
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 1, 1966 First Extraordinary Session, 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 XI**

**Sec. 18.** No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, except that: any such public entity which is authorized to maintain a public library may incur indebtedness or liability in the form of general obligation bonds for library purposes only, and any such public entity which is authorized to incur any form of indebtedness or liability for public school purposes may incur any form of indebtedness or liability for public school purposes only, provided that any proposition for the incurrence of indebtedness or liability in the form of general obligation bonds for library purposes only or any proposition for the incurrence of any form of indebtedness or liability for public school purposes only, approved by 60 percent of the qualified electors of the public entity voting on the propo-

sition and the proposition is submitted to the electors at the same time as a statewide primary or general election.

~~nor unless before~~ **Before** or at the time of incurring such any indebtedness or liability under this section, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness or liability as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity; which shall not exceed 40 years from the time of contracting the same.

~~provided, however, anything~~ **Any provision herein to the contrary herein notwithstanding,** when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or **60 percent, as the case may be,** of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

In the event that at the election upon the question of the adoption of the amendment to this section proposed to the people of the State of California by the Legislature at its 1966 First Extraordinary Session, there is presented also, to the voters of any public entity subject to this section any proposition for the issuance of general obligation bonds for library purposes only, or any proposition for the incurrence of any form of indebtedness or liability for public school purposes only, the issuance of such general obligation