

1966

INDEBTEDNESS OF LOCAL AGENCIES

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| 4 | INDEBTEDNESS OF LOCAL AGENCIES. Legislative Constitutional Amendment. 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 | |

(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 permit a county, city, town, township, board of education, or school district (a) to issue general obligation bonds for library purposes, or (b) to incur any form of indebtedness or liability in excess of yearly income for public school purposes, if approved at a statewide primary or general election by at least 60 percent of the votes cast on the proposition.

A "No" vote is a vote to retain the existing requirement that such propositions be approved by two-thirds (66 2/3 percent) of the votes cast.

For further details see below.

Detailed Analysis by the Legislative Counsel

Section 18 of Article XI of the State Constitution now requires approval by a majority of two-thirds (66 2/3 percent) of the votes cast on a proposition by qualified electors of a county, city, town, township, board of education, or school district, before any such governmental entity may incur an indebtedness for any purpose when the indebtedness exceeds its income and revenue for the year.

This measure would amend this provision of the Constitution to reduce from 66 2/3 percent to 60 percent, the voter majority required to approve a proposition for the incurrence of indebtedness or liability in the following instances, provided that the proposition is submitted to and approved by the electors of the public entity involved at the same time as a statewide primary or general election:

(a) For approval of general obligation bonds issued for library purposes by any of these governmental entities which is authorized to maintain a public library.

(b) For approval of any form of indebtedness or liability which might be incurred for public school purposes by any of these public entities which is authorized to incur indebtedness or liability for public school purposes.

If any such proposition is submitted to and approved by the electors at a time other than the time at which a statewide primary or general elec-

tion is held, a majority of 66 2/3 percent of the votes cast would still be necessary to approve the proposition.

This measure, if approved at this election, would be applicable to any proposition submitted at this election by any one of these public entities to approve general obligation bonds for library purposes or for liability and indebtedness for public school purposes.

Argument in Favor of Proposition No. 4

Voters should vote yes on Proposition 4 because its passage will improve the quality of California education and end a serious waste of taxpayers' money.

When the average school board seeks successful passage of school bonds, it does so because a serious need develops in the school system. This need may be for more classrooms to end double sessions; it may be to lower class size or provide a cafeteria, gym or playground. If the bonds are defeated because of the high 66 2/3% vote required, the need still remains; education suffers. Further elections must be held until finally the bonds are passed. Each election is wasted money; each delay means inflated costs for sites and construction when construction finally begins.

Only four states (California, Kentucky, Idaho and Missouri) now have a 66 2/3% requirement for the approval of school and library bonds. Thirty-two states require only a simple majority. Yet no other state has the pressure California has to provide school facilities—150 new classrooms every Monday morning. Passage of Proposition 4 will discourage expensive special elections and encourage placing bond issues on primary and general elections. At such elections it is almost a certainty that 60% of the voters will register approval if a real need exists—thus providing efficient, economical improvement in the school program.

CHARLES B. GARRIGUS
Chairman, Assembly
Committee on Education

ALBERT S. RODDA
State Senator
Sacramento County

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| 3 | 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 | |

(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.

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| 4 | INDEBTEDNESS OF LOCAL AGENCIES. Legislative Constitutional Amendment. 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

bonds, or the incurrence of such indebtedness or liability, under any such proposition, shall be deemed properly authorized and approved provided that: (1) the amendment to this section so proposed is approved by the electors of the state

at such election; and (2) the proposition for issuance of such general obligation bonds, or the incurrence of such indebtedness or liability approved by 60 percent of the qualified electors of the public entity voting on such proposition.

5 **PROPERTY TAXATION: RELIEF IN EVENT OF DISASTER.** Legislative Constitutional Amendment. Legislature may authorize the assessment or reassessment of property damaged or destroyed by major misfortune or calamity after lien date, and property is located in disaster area proclaimed by Governor.

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| YES | |
| NO | |

(This amendment proposed by Assembly Constitutional Amendment No. 8, 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**.)

to provide for any appropriate relief from ~~valorem taxation~~ the assessment or reassessment of taxable property 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, a major misfortune or calamity 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.

PROPOSED AMENDMENT TO ARTICLE XIII

Sec. 2.8. The Legislature shall have the power to provide for, or authorize local taxing agencies

6 **LEGISLATIVE PROCEDURE.** Legislative Constitutional Amendment. Provides that acts of Legislature shall go into effect 60 days after adjournment of regular session and 90 days after any other session. Legislature shall reconvene for not more than 5 days after expiration of 30 days following a general session to reconsider those measures vetoed by Governor after adjournment.

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| YES | |
| NO | |

(This amendment proposed by Assembly Constitutional Amendment No. 90, 1965 Regular Session, 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**.)

final adjournment of any other session of the Legislature, of a petition certified as herein provided, to have been signed by qualified electors equal in number of 5 percent of all the votes cast for all candidates for Governor at the last preceding general election at which a Governor was elected, asking that any act or section or part of any act of the Legislature be submitted to the electors for their approval or rejection, the Secretary of State shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to 30 days after the filing of said petition or at any special election which may be called by the Governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

PROPOSED AMENDMENT TO ARTICLE IV

First, That the first and second sentences of the fourth paragraph of Section 1 of Article IV thereof be amended to read:

The second power reserved to the people shall be known as the referendum. No act passed by the Legislature shall go into effect until ~~ninety~~ 60 days after the final adjournment of the session of a general session, or 90 days after final adjournment of any other session, of the Legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all of the members elected to each house.

Third, That the third [sic] * paragraph of subdivision (a) of Section 2 of Article IV thereof be amended to read:

Second, That the fifth paragraph of Section 1 of Article IV thereof be amended to read:

Upon the presentation to the Secretary of State within ~~ninety~~ 60 days after the final adjournment of a general session or, 90 days after the

All regular sessions in odd-numbered years shall be known as general sessions and no general session shall exceed 120 calendar days in duration, not including Saturdays or Sundays, except

* From the text of the measure it is clear that the paragraph amended is the second paragraph of subdivision (a) of Section 2 of Article IV.