

1966

LEGISLATIVE PROCEDURE

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the cost through increased taxes. Why should the cost burden of a "major misfortune" proclaimed by the State as a disaster, fall only upon local property taxpayers? The State proclaims the disaster and, therefore, the burden perhaps should be shared statewide. In most cases state and federal emergency aid would also be forthcoming to provide relief in affected areas.

This provision may discourage relief for those in a disaster area because of the fear that the cost to other local taxpayers would be too high. If a "major misfortune" affects a large part of a county, tax relief would most likely not be provided because the cost would be too great for the

rest of the county taxpayers to bear. This Proposition could, therefore, make it more difficult to actually help people in an area which is truly in need.

Why should we act now to broaden a provision of the Constitution we have just recently changed before enough experience is gained under the existing provisions which limit relief to cases involving fire, flood, or other act of God?

Your NO vote on Proposition 5 will pave the way for a fairer non-discriminatory approach to aiding those who suffer from a major calamity.

JOHN G. VENEMAN
Assemblyman, 30th District
California Legislature

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.

YES

NO

(For Full Text of Measure, See Page 30, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to require the State Legislature to reconvene after a 30-day recess at the end of each general session, for the sole purpose of reconsidering bills vetoed by the Governor.

A "No" vote is a vote to continue the present provisions as to legislative sessions without provision for such a recess at the end of each general session.

For further details see below.

Detailed Analysis by the Legislative Counsel

Under the existing provisions of Article IV of the Constitution, a bill passed by the Legislature is then submitted to the Governor. The bill will become law unless the Governor vetoes it and returns it to the Legislature within 10 days (Sundays excepted) after it was presented to him. The Legislature may by a two-thirds vote of the members of each house override the Governor's veto. However, if the Legislature adjourns before the end of the 10-day period and thus prevents the return of a bill, the bill will not become law unless the Governor signs it within 30 days (Sundays excepted) after the end of the legislative session. In such cases there is no opportunity for the Legislature to override the Governor's veto.

This measure, if approved, would amend various sections of Article IV to provide that a bill passed within the last 10 days of a general session will become law unless the Governor vetoes it within 30 days after the end of the session. The measure would require the Legislature to recess at the end of a general session and to meet again on the first Monday following the expiration of 30 days following the date upon which it recessed for a period of not to exceed 5 days for the sole purpose of reconsidering measures vetoed by the Governor during the preceding general session.

Under the existing provisions of Section 1 of Article IV, a referendum petition with respect to a bill enacted at a general session may be filed within

the 90-day period after final adjournment of the session. This measure would reduce the period for filing referendum petitions from 90 to 60 days after the final adjournment of a general session to allow for the recess referred to above.

The measure would not affect budget or extraordinary (special) sessions except as to the period of time during which the Governor is permitted to act on bills presented to him within the last 10 days of the session. Under the existing provisions, the Governor has 30 days (Sundays excepted) to sign a bill presented to him within the last 10 days of a budget or extraordinary session. Under this measure, the Governor would have 30 days (Sundays included) to act on such bills.

Argument in Favor of Proposition No. 6

Your YES vote on Proposition 6 (a nonpartisan proposal) will help abolish a relic of state government which now prevents the public from finding out why a governor has vetoed legislation which has passed the Legislature during the last ten days of a general session. The State Constitution now allows a governor to merely wait for 30 days after adjournment of a legislative general session and kill bills by "pocket veto" without any explanation to anyone. The file in the governor's office on a "pocket vetoed" bill is kept confidential, and the information in it is not available to you as a citizen, nor to the news sources nor is it available to the Legislature or any Legislator. This system of secrecy is contrary to public policy in California which demands that actions of public officials which affect the public are the public's business. The citizens of California have the right to know by full disclosure what goes on in state government, and the "pocket veto" is a denial of that right.

Proposition 6 protects your "right to know" by requiring a governor to tell the public and the Legislature his reasons for killing legislation. This official written explanation will be a full disclosure to be tested in debate—not just a brief press release with no chance for rebuttal.

Proposition 6 will mean that all bills passed by the Legislature in a general session will be subject to a governor's veto in exactly the same manner, regardless of when passed. A governor will still have the veto power over every bill, but Proposition 6 gives to the public the right to know why he has used his veto power.

Proposition 6 makes no change in the protections for a veto. A two-thirds vote against the governor will still be required in both Assembly and Senate to override a veto. Neither political party now controls two-thirds of either house.

Vote YES on Proposition 6 to help bring important official executive action affecting you out into the open!

ASSEMBLYMAN ROBERT S. STEVENS
60th District, Los Angeles County

SENATOR JACK SCHRADE
San Diego County

ASSEMBLYMAN PHILIP L. SOTO
50th District, Los Angeles County

Argument in Favor of Proposition No. 6

Vote YES on Proposition 6 and restore to California the equality of the executive and legislative branches of government essential to our basic constitutional system of checks and balances on government power. Without Proposition 6, one individual—a governor—can nullify the work of the Legislators elected by the people. The collective judgment of 120 Legislators in two houses can be defeated, and the intensive work of legislative committees in public hearings can be wasted by the pocket veto of one man. Since 1953, 953 bills have been nullified by pocket vetoes, with no chance for the Legislature to override by a two-thirds vote. During that time, only 99 bills have been vetoed by express veto which could have been overridden by the Legislature. Only eighteen states give their governors this great power of the pocket veto.

Vote YES on Proposition 6—for good government—for the protection of your representation in your Legislature!

SENATOR HUGH M. BURNS
President pro Tempore, State Senate
Fresno County

SENATOR GEORGE MILLER, JR.
Contra Costa County

ASSEMBLYMAN EDWARD E. ELLIOTT
40th District, Los Angeles County

Argument Against Proposition No. 6

We strongly urge a "NO" vote on this proposal. Its potential for harm to California exceeds substantially its potential for good.

Great significance must be attached to a Legislative Counsel's opinion, dated August 26, 1965, which states that under the provisions of the amendment, ACA 90, the power of the legislature to reconsider vetoed legislation will extend, not only to ordinary bills, but also to appropriation bills and to individual items in the budget bill.

It is clear that the proposed amendment is extremely far-reaching in its effect and that it will bring about, therefore, a drastic change in the historic distribution of power between the legislative and executive branches of government.

We do not believe such a significant constitutional change to be in the interest of good government and for the following reasons:

(1) The virtual elimination of the Governor's veto power will undermine his bargaining position in the legislative process and will, therefore, weaken future governors in their ability to develop and bring into law legislative programs of beneficial interest to the state.

(2) The elimination of the "pocket veto" over appropriation items will greatly impair the ability of the Governor to protect the fiscal soundness of state government, which he is charged by the Constitution to maintain. In addition, it will greatly facilitate and encourage the enactment into law of "pork-barrel" and "special interest" legislation, whose effect will be to introduce an extravagance in state spending not generally experienced in California under the present distribution of powers.

In conclusion, we would point out that there has been no demonstrated public need or demand for the elimination of the "pocket veto" and that the Constitutional Revision Commission, which has reviewed the veto power of the Governor's Office, has made no recommendation for a change in the exercise of that power.

We would also remind the voter that no showing has been made by the proponents of the amendment that, because of persistent abuse of the veto by past governors, the veto power should be emasculated. At the same time, we would suggest that there is considerable evidence available to show that, over the years, the "pocket veto" has been wisely used and in the public interest.

Finally, we would remind the voter that the proposal contained in ACA 90, if made a part of the California Constitution, will upset a balance of political power in California that has served the state well throughout its history.

Again, we urge a "NO" vote.

ALBERT S. RODDA
State Senator
Sacramento County

WILLIAM F. STANTON
Assemblyman
Santa Clara County

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.

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.

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.

that at the end of such 120-calendar-day period the Legislature shall recess until the first Monday following the expiration of 30 days following the date upon which it recessed and shall then reconvene for not to exceed five days for the sole purpose of reconsidering measures vetoed by the Governor. Members of the Legislature shall receive mileage of five cents (\$0.05) per mile for traveling to and from their homes in order to attend the reconvening of the Legislature following such recess.

Fourth, That Section 16 of Article IV thereof be amended to read:

SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the Journal and proceed to reconsider it. If after such reconsideration, it again pass both houses, by yeas and nays, two-thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within 10 days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature has recessed at the end of a general session as

provided in subdivision (a) of Section 2 of Article IV, in which case, if the bill shall not be returned to the house in which it originated within 30 days after the commencement of such recess, together with the Governor's objections thereto, the same shall become law in like manner as if he had signed it, or, in the case of a budget session or special session, the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within 30 days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

7 **COMPENSATION OF COUNTY OFFICERS.** Legislative Constitutional Amendment. Provides that boards of supervisors rather than Legislature shall fix their own salary subject to referendum and also salary of district attorneys and auditors. In charter counties boards of supervisors shall also fix their own salary.

YES	
NO	

(This amendment proposed by Assembly Constitutional Amendment No. 42, 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**.)

PROPOSED AMENDMENT TO ARTICLE XI

First, that the first paragraph of Section 5 of Article XI be amended to read:

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall ~~may~~ regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may classify the counties by population. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made. in the respective counties and for this purpose may classify the counties by population. Each board of supervisors shall fix the compensation to be paid to members of the board, provided that such action shall be subject

to the referendum. The boards of supervisors in the respective counties shall also regulate the compensation of all officers in said counties, ~~other than boards of supervisors, district attorneys, auditors, and judges of municipal courts,~~ and shall regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the counties. **The compensation prescribed by law for the members of a board of supervisors shall continue to be paid to such members until their compensation is fixed pursuant to this section.**

Second, that subdivision 1 of Section 7 1/2 of Article XI be amended to read:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, ~~for their compensation and for their election,~~ either by the electors of the counties at large or by districts; provided, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof, and provided, further, that each board of supervisors shall fix the compensation to be paid to members of the board, but the compensation payable to the members of the board pursuant to the county charter shall continue to be paid to such members until their compensation is fixed pursuant to this subdivision; and