

1970

STATE CIVIL SERVICE

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STATE CIVIL SERVICE California Proposition 14 (1970).
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in recognition of the immense sacrifice made by these veterans, the Federal Government (through Public Law 702) has provided financial assistance to help them build homes specially adapted to their needs, with grab-bars on the walls, wheelchair ramps, etc.

The steady increase in property taxes over recent years, however, has placed many of these paralyzed veterans in such a bind that they may soon be compelled to sell their present specially-built homes—unless some relief is provided. When approved, this constitutional amendment will provide that relief.

There is nothing undue or unusual about giving our California paralyzed veterans this consideration and this assistance. States such as Florida and New Jersey grant complete property tax exemptions to their service disabled veterans. This amendment does not go that far; it simply increases the exemption sufficiently to guarantee that these veterans will not be immediately threatened with loss of their homes.

The California State Board of Equalization estimates that approximately 860 disabled veterans from throughout the State are now eligible for this property tax exemption. The Board estimates that increasing the exemption as provided for in this amendment would result in a shift in the local property tax burden of approximately \$150,000—State-wide. The cost, then, is minimal.

The second aspect of this amendment, regarding the blind veteran's exemption, has no financial implications, according to the Board of Equalization. It simply insures that a blind veteran who lives in a condominium or similar dwelling can receive the same exemption as one who lives in a normal single-family house.

Men asked to fight in wars by the society in which they live, and who are maimed as a result, deserve the consideration of that society. Thus, Proposition 13 deserves a YES vote.

SENATOR GEORGE DEUKMEJIAN

14 STATE CIVIL SERVICE. Legislative Constitutional Amendment. Continues existing civil service system, revises language and removes certain provisions. Requires additional positions be civil service and removes certain positions from civil service.

YES	
NO	

(For Full Text of Measure, See Page 12, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to revise the civil service provisions of the State Constitution to restate these provisions and to exempt from civil service employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor, to exempt an additional employee for each member of an elected board or commission, and to authorize the inclusion in state civil service of certain nonstate employees in programs taken over by the state.

A "No" vote is a vote to reject this revision.

For further details, see below.

Detailed Analysis by the Legislative Counsel

Generally, Article XXIV of the Constitution now provides for (1) a state civil service which includes every state officer and employee, with certain specified exceptions; (2) permanent appointments and promotions based upon merit ascertained by competitive examination; (3) a Personnel Board to enforce the civil service laws, and an executive officer to perform and discharge all powers and functions vested in the board by the Constitution or by law, except for certain specified duties requiring action by the board itself; (4) temporary appoint-

ment; and (5) preferences for veterans and their widows.

The revision would retain the substance of these provisions with the following major changes:

(1) All employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor would be exempt from the civil service system.

(2) The number of exemptions for the Public Utilities Commission would be reduced.

(3) The Constitution now provides for two exempt positions for each elected state officer but provides that in the case of a state board composed of elected members the members each have one exempt position and the board as a whole has one exempt position. The revision gives each member of such a board two, rather than one, exempt position, and retains the board's one exempt position.

(4) The Constitution now provides an exempt position for each board and commission whose members are appointed by the Governor. Under the revision an exempt position would also be given to each statutory state board or commission whose members are not appointed by the Governor.

(5) The existing constitutional provision which authorizes the Legislature to transfer

into the civil service system exempt positions except elected officers, Governor's appointees, and employees in the Governor's Office, employees of the University of California, and militia on active duty, would be deleted. Under the revision, if exempt positions are brought under civil service by constitutional amendment, the State Personnel Board would be authorized to include within the state's civil service system individuals holding exempt positions.

(6) Employees of a county, city, or district or a federal agency in programs taken over by the state would be allowed to qualify for their positions in the state civil service system subject to such minimum standards as the Legislature may establish.

Statutes Contingent Upon Adoption of Above Measure

The text of Chapter 764 of the Statutes of 1970, which was enacted to become operative if and when the above revision is approved, is on record in the office of the Secretary of State in Sacramento and will be contained in the 1970 published statutes. A digest of that chapter is as follows:

It would add one section to the Government Code to provide that the executive officer of the State Personnel Board shall administer the civil service statutes under rules of the board, subject to the right of appeal to the board.

Argument in Favor of Proposition 14

Proposition 14 is a recommendation of California Constitution Revision Commission and both Houses of the Legislature.

Vote YES on Proposition 14. This measure deserves your support because it assures the continued high quality of service by employees of the state government.

A YES vote will retain our excellent civil service system, while eliminating obsolete language and providing new provisions to suit modern needs.

A YES vote on Proposition 14 continues the requirement that permanent appointments and promotion in the state civil service shall be based on merit and competitive examinations. It continues the independent State Personnel Board to enforce civil service statutes and to review disciplinary actions. This proposal has been endorsed by the State Personnel Board and the California State Employees Association.

A YES vote on Proposition 14 promotes efficiency and economy in state government,

and prevents appointment of inefficient ployees for political reasons.

DAVID A. ROBERTI
Member of the Assembly,
48th District

ED REINECKE
Lieutenant Governor

GEORGE DANIELSON
State Senator
Los Angeles-Alhambra

Argument Against Proposition 14

The people of California gave constitutional protection to the State Civil Service System by an initiative measure in 1934. A new system of employment based on merit replaced the old, corrupt methods of political appointment. Since that time California's system has been a model for the entire country. Now we are told by the Constitution Revision Commission that the system which has served so well must be revised and updated. But in fact this proposition makes additional positions subject to political appointment even though the existing article already contains numerous exemptions from the merit system. The Constitution Revision Commission has once again gone beyond their charge of updating Constitution and has recommended substantive changes. It is time to halt the erosion of constitutional guarantees which have served us so well.

Furthermore, this same proposition has already been on the ballot in the last two statewide elections and the people have twice defeated it. Nevertheless, the Legislature has persistently placed it on the ballot once again. The first defeat in the 1968 General Election was credited to the fact that the issues had been confused by placing all of the constitution revision proposals in one "package" proposition. This problem was supposedly solved by breaking the package down into four propositions on the June 1970 ballot. But, once again, the people rejected the proposal. Is the Legislature relying on the rules of chance to pass this proposal? After two defeats, it should be clear that the people do not want this proposition. Yet the will of the people has been ignored by presenting the same proposal once again.

This time the people must make it very clear that this proposition weakens working constitutional provisions by voting overwhelmingly against it. Vote NO on Proposition 14.

JOHN L. HARMER
Senator

Sec. 14a. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of (a) every resident of this State who, by reason of his military or naval service, is qualified for the exemption provided in Section 14 of this article, without regard to any limitation contained therein on the value of property owned by such person or his wife, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received assistance from the Government of the United States in the acquisition of such property, and; (b) the home of the widow of every such person if the home was acquired as described in subdivision (a); except that such exemption shall not extend to more than one home nor exceed five thousand dollars (\$5,000) ten thousand dollars (\$10,000) for any person, or for any person and his spouse, or for his widow. This exemption shall be in lieu of the exemption provided in Section 14 of this article.

Where such totally disabled person, such person and his spouse, or his widow, sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the Government of the United States, any other property which such totally disabled person, such person and his spouse, or his widow, occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

This section shall not apply to a widow upon her remarriage.

Second—That Section 14b of Article be amended to read:

SEC. 14b. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this state who, by reason of his military or naval service, is qualified for the exemption provided in subdivision (a) of Section 14 of this article, without regard to any limitation contained therein on the value of property owned by such person or his spouse, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service is blind in both eyes with visual acuity of 5/200 or less; except that such exemption shall not extend to more than one home nor exceed five thousand dollars (\$5,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in subdivision (a) of Section 14 of this article.

Where such blind person sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the government of the United States, any other property which such totally disabled person occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

The exemption provided by this section shall apply to the home of such a person which is owned by a corporation of which he is a shareholder, the rights of shareholding in which entitle him to possession of a home owned by the corporation.

This section shall apply to such property for the 1965-1966 fiscal year in the manner provided by law.

14 STATE CIVIL SERVICE. Legislative Constitutional Amendment. Continues existing civil service system, revises language and removes certain provisions. Requires additional positions be civil service and removes certain positions from civil service.

YES

NO

(This amendment proposed by Assembly Constitutional Amendment No. 36 of the 1970 Regular Session, as amended by SB 780 of the 1970 Regular Session, expressly repeals an existing article of the Constitution, and adds a new article thereto; therefore, **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLDFACE TYPE**.)

PROPOSED AMENDMENTS TO ARTICLE XXIV

First—That Article XXIV is repealed.

ARTICLE XXIV

STATE CIVIL SERVICE

SECTION 1. Permanent appointments and

promotion in the State civil service shall be made exclusively under a general system based upon merit, efficiency and fitness as ascertained by competitive examination.

Sec. 2. (a) There shall be a State Personnel Board of five members appointed by the Governor with the advice and consent of the Senate. The first terms of office shall expire on January 15, 1937; January 15, 1939; January 15, 1941; January 15, 1943; and January 15, 1945. Each subsequent appointee shall hold office for 10 years from the expiration of the term of his predecessor and until his successor is appointed and qualified except that an appointment to a vacancy occurring before the expiration of a term shall be but for the remainder of that term. A member may be removed by a vote of two-thirds of

1) members elected to each house of the Legislature.
(c) The board shall annually elect one of its members president.

(4) The board shall appoint and fix the compensation of an executive officer who shall be a member of the State civil service but not a member of the board.

Said executive officer shall perform and discharge all of the powers, duties, purposes, functions and jurisdiction hereunder or which hereafter by law may be vested in the board except that the adoption of rules and regulations, the creation and adjustment of classifications and grades, and dismissals, demotions, suspensions and other punitive action for or in the State civil service shall be and remain the duty of the board and a vote of a majority of the members of said board shall be required to make any action with respect thereto effective.

Sec. 3. Said board shall administer and enforce, and is vested with all of the powers, duties, purposes, functions, and jurisdiction which are now or hereafter may be vested in any other state officer or agency under Chapter 500 of the California Statutes of 1913 as amended or any and all other laws relating to the state civil service as such laws may now exist or may hereafter be enacted, amended or repealed by the Legislature.

4. (a) The provisions hereof shall apply to, and the term "state civil service" shall include, every officer and employee of this State except-

(1) State officers elected by the people.

(2) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office.

(3) State officers and employees directly appointed or employed by the Attorney General or the Judicial Council, or by any court of record in this State or any justice, judge or clerk thereof.

(4) State officers and employees directly appointed or employed by the Legislature or either house thereof.

(5) One person holding a confidential position to any officer mentioned in paragraphs (1), (2) or (4) hereof except that there shall be but one such position to any board or commission composed in whole or in part of officers mentioned in said paragraphs, each such person to be selected by the officer, board or commission to be served.

(6) One deputy for the Legislative Council and for each state officer elected by the people, each such deputy to be selected by the officer to be served.

Persons employed by the University of

California:
(8) Persons employed by any state normal school or teachers college.

(9) The teaching staff of all schools under the direction or jurisdiction of the Superintendent of Public Instruction, the Department of Education or the director thereof or the State Board of Education who otherwise would be members of the state civil service.

(10) Employees of the Federal Government or persons whose selection is subject to rules or requirements of the Federal Government engaged in work done by cooperation between the State and Federal Government or engaged in work financed in whole or in part with federal funds.

(11) Persons appointed or employed by or under the State Board of Prison Directors or any warden of a state prison.

(12) The officers and employees of the Railroad Commission.

(13) Member help in the Veterans' Home of California and inmate help in all state charitable or correctional institutions.

(14) The members of the militia of the State while engaged in military service.

(15) Officers and employees of district agricultural associations employed less than six months in any one calendar year.

(16) Stewards and veterinarians of the California Horse Racing Board who are not employed on a full time basis.

(b) The Legislature may provide that the provisions of this article shall apply to, and the term "state civil service" shall include, any person or group of persons heretofore excepted other than those mentioned in paragraphs (1), (2), (7) or (14) of subdivision (a) of this section. Hereafter, no exception shall be revived with respect to any person or group of persons heretofore or hereafter included in the state civil service under this subdivision. The Legislature may, however, provide that any officer included in the state civil service pursuant to this paragraph may be appointed by the Governor, and in such case the provisions of paragraph (2) shall apply.

(c) Whenever the appointment or employment of new or additional officers or employees of this State is hereafter authorized by law, such officers or employees shall be subject to the provisions hereof and included within the state civil service unless of a class excepted herein.

Sec. 5. The provisions of this article shall be self-executing but legislation not in conflict herewith may be enacted to facilitate its operation.

Sec. 6. (a) No temporary appointment of a person to any position shall be made unless there is no employment list from which such position can be filled.

(b) No person shall hold a given position under temporary appointment for a longer period than nine months in any consecutive 12

months, nor shall any person serve in the state civil service under temporary appointment for a longer total period than nine months in any consecutive 12 months.

Sec. 7. Nothing herein contained shall prevent or modify the giving of preferences in appointments and promotions in the State civil service to veterans and widows of veterans as is now or hereafter may be authorized by the Legislature.

Second—That Article XXIV is added to read:

ARTICLE XXIV STATE CIVIL SERVICE

Sec. 1. (a) The civil service includes every officer and employee of the state except as otherwise provided in this Constitution.

(b) In the civil service permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination.

Sec. 2. (a) There is a Personnel Board of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 10-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. A member may be removed by concurrent resolution adopted by each house, two-thirds of the membership of each house concurring.

(b) The board annually shall elect one of its members chairman.

(c) The board shall appoint and prescribe compensation for an executive officer who shall be a member of the civil service but not a member of the board.

Sec. 3. (a) The board shall enforce the civil service statutes and, by majority vote of all its members, shall prescribe probationary periods and classifications, adopt other rules authorized by statute, and review disciplinary actions.

(b) The executive officer shall administer the civil service statutes under rules of the board.

Sec. 4. The following are exempt from civil service:

(a) Officers and employees appointed or employed by the Legislature, either house, or legislative committees.

(b) Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.

(c) Officers elected by the people and a deputy and an employee selected by each elected officer.

(d) Members of boards and commissions.

(e) A deputy or employee selected by

each board or commission either appointed by the Governor or authorized by statute.

(f) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.

(g) A deputy or employee selected by each officer, except members of boards and commissions, exempted under Section 4(f).

(h) Officers and employees of the University of California and the California State Colleges.

(i) The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction.

(j) Member, inmate, and patient help in state homes, charitable or correctional institutions, and state facilities for mentally ill or retarded persons.

(k) Members of the militia while engaged in military service.

(l) Officers and employees of district agricultural associations employed less than 6 months in a calendar year.

(m) In addition to positions exempt by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, and the Legislative Counsel may appoint or employ two deputies or employees.

Sec. 5. A temporary appointment may be made to a position for which there is no employment list. No person may serve in one or more positions under temporary appointment longer than 9 months in 12 consecutive months.

Sec. 6. (a) The Legislature may provide preferences for veterans and their widows.

(b) The board by special rule may permit persons in exempt positions, brought under civil service by constitutional provision, to qualify to continue in their positions.

(c) When the state undertakes work previously performed by a county, city, public district of this state or by a federal department or agency, the board by special rule shall provide for persons who previously performed this work to qualify to continue in their positions in the state civil service subject to such minimum standards as may be established by statute.

And be it further resolved, That it is intended that if both this measure and Assembly Constitutional Amendment No. 79 of the 1969 Regular Session of the Legislature are

and approved by the electors at the November 1970 election that both be given effect, and to that end subdivision (m) is added to Section 4 of Article XXIV, to read:

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, the Legislative Counsel may appoint or employ two deputies or employees, and the State Board of Education, on nomination of the Superintendent of Public Instruction, may appoint not more than two Deputy Superintendents of Public Instruction and not more than four Associate Superintendents of Public Instruction, whose

terms of office shall run concurrently with the term of the Superintendent of Public Instruction who nominated them, but shall not exceed four years.

And be it further resolved, That the provisions of the second resolved clause of this measure shall become operative only if Assembly Constitutional Amendment No. 79 is adopted by the electors at the November 1970 election, in which case subdivision (m) of Section 4 of Article XXIV as added by the first resolved clause of this measure, and subdivision (d) of Section 4 of Article XXIV as added by the first resolved clause of Assembly Constitutional Amendment No. 79, shall not take effect.

15	PARTIAL CONSTITUTIONAL REVISION. Legislative Constitutional Amendment. Revises, amends and repeals various miscellaneous provisions of Constitution relating to seat of government, separate property, hours of labor, minimum wages, discrimination based on sex, elections, terms of office, duels, and other matters.	YES	
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 65, 1970 Regular Session, expressly amends and repeals existing sections of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** or **REPEALED** are printed in **WHEBOUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENTS TO
ARTICLE XX**

First—That Section 1 of Article XX is amended to read:

ARTICLE XX

MISCELLANEOUS SUBJECTS

SECTION 1. The city of Sacramento is hereby declared to be the **Capital of California** seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding, unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two-thirds vote of each House, may provide, submitting the question of change to the people.

Second—That Section 2 of Article XX is repealed.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit,

or to enjoy the right of suffrage under this Constitution.

Third—That Section 3.5 of Article XX is repealed.

SEC. 3.5. Notwithstanding any other provision of this Constitution, the Legislature by general law may provide for the reinstatement and reentry into public office within the terms for which they were elected, and the reinstatement in public employment, respectively, of public officers and employees who have resigned or who resign their offices or employments to serve or to continue to serve in the armed forces of the United States or in the armed forces of this State. The Legislature may determine the extent to which such provisions shall be given retroactive effect.

As used in this section, "public officers and employees" includes all of the following:

(a) Members of the Senate and of the Assembly.

(b) Justices of the Supreme Court and the district courts of appeal, judges of the superior courts and of the municipal courts, and all other judicial officers.

(c) All other State officers and employees, whether or not within the State civil service, including all officers for whose selection and term of office provision is made in the Constitution and laws of this State.

(d) All officers and employees of any county, city and county, city, township, district, political subdivision, authority, commission, board, or other public agency within this State.

Every person elected or appointed to any public office or employment within this State holds such office or employment subject to the right of reentry or reinstatement which may be granted to a former holder of the office or employment pursuant to this section.