1936

PUBLIC SERVICE COMMISSION

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mate competition. It is not only unfair in this respect but it is discriminatory as well. Some chains handling the same products are exempted in the tax. It will raise the cost of living, those whose incomes are modest are vitally affected.

WHAT IT IS. It imposes a discriminatory tax of $500.00 per store on owners or operators of ten or more stores. It exempts gasoline filling stations, motion picture theatres, beauty parlors, ice distributors and other establishments and facilities where the same commodities are sold. It affects stores selling foods, drugs, shoes, lumber, clothing, automobile supplies, hardware, coffee stores, restaurants, cigars, cigarettes, candy and general merchandise.

WHAT CHAIN STORES DO. Chain Stores distribute high grade merchandise directly from farm and factory to the consumer. They buy in large quantities at a lower price because of quantity and take advantage of cash discounts. The costly service of the middleman is eliminated. Sales for cash avoid slow and bad accounts. The savings thereby effected result in the lowest possible price to the consumer.

Chain Stores are of tremendous value to California because they move farm and factory products in large volume. By efficient organization, advertising and promotion, they stimulate demand and provide a ready cash market to all producers.

Of one hundred and thirty chains in California which would be seriously affected by the six stores tax, one hundred are locally owned. California citizens and transact all their business in this State. National chains do less than seven per cent of the retail business in California. National food chains, alone, annually buy in California and ship to other states Eighty-Nine Million Dollars more in farm products than they receive for goods sold here.

HOW THE TAX WILL AFFECT YOU. Chain stores operate on an exceedingly small margin of profit. In many cases the net profit per store is not much more, if any, than the amount of the proposed tax. Therefore, the tax must be added to the price of the food, clothing and other necessities; naturally other storekeepers influenced by larger profit, will raise their prices accordingly for the goods you buy. You will not benefit. You will pay the amount of the tax in the increased price of the necessities of life and you will be compelled to deny yourself some of the modest luxuries that you may now enjoy. Many stores will be forced to close creating unemployment and affecting reality values.

WHO BENEFITS BY THE TAX. The net revenue to the State will be only a fraction of one per cent of total revenues collected. It cannot possibly benefit the so-called independent merchant. Legitimate competition will continue. The wholesalers and middlemen will be the gainers. It is for their own selfish and personal gain that they are attempting to obstruct a marketing system which benefits you.

VOTE NO—AGAINST ADDITIONAL TAX ON NECESSITIES.

RAY W. HAYS,
Senator, Thirtieth District.

PAUL A. RICHIE,
Member of the Assembly, Seventy-ninth District.

PUBLIC SERVICE COMMISSION. Assembly Constitutional Amendment

53. Amends section 22 of Article XII of Constitution. Declares the Railroad Commission shall hereafter be known as the Public Service Commission of the State of California; the commissioners in office when this amendment takes effect to serve out term for which they were appointed; vacancies to be filled by Governor's appointment. Eliminates present fixed terms of office of commissioners of six years.

(For full text of measure, see page 46, Part II)

Argument Against Assembly Constitutional Amendment No. 63

This proposed constitutional amendment should be defeated.

It was the intention of its authors that the result be merely to change the name of the Railroad Commission to that of Public Service Commission, such change of name being considered desirable. It now appears that in the final drafting of those changes in wording considered necessary to effect such intendment result, some substantive changes have inadvertently been made which, if approved, will result in omitting some of the most desirable provisions of the original constitutional provision of 1911 creating the Railroad Commission. Therefore, we, the authors and proponents of this measure, have withdrawn our support of this amendment. We respectfully urge the voters to vote NO.

CHARLES H. DEUEL,
Senator, Sixth District.

J. E. FRAZIER,
Member of the Assembly, Fourth District.

C. C. COTTRELL,
Member of the Assembly, Thirty-first District.

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proceedings herein provided for. In such action a writ of attachment may issue and no bond or affidavit previous to the issuing of said attachment is required.

Sec. 13. If any section, subsection, sentence, clause or phrase of this act be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, and the Legislature hereby declares that it would have passed this act and each and every other section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases of this act be declared unconstitutional.

PUBLIC SERVICE COMMISSION. Assembly Constitutional Amendment 63. Amends section 22 of Article XII of Constitution. Declares the Railroad Commission shall hereafter be known as the Public Service Commission of the State of California; the commissioners in office when this amendment takes effect to serve out term for which they were appointed; vacancies to be filled by Governor's appointment. Eliminates present fixed terms of office of commissioners of six years.

Assembly Constitutional Amendment No. 63—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 22 of Article XII of the Constitution of said State, relating to the creation and powers of the Public Service Commission.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1925, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that section 22 of Article XII of the Constitution of said State be amended to read as follows:

(This proposed amendment expressly amends an existing section of the Constitution; therefore, EXISTING PROVISIONS proposed to be DELETED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK-FACED TYPE.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 22. There is hereby created a Railroad Public Service Commission which shall consist of five members and which shall be known as the Railroad Public Service Commission of the State of California. The commission shall be appointed by the Governor from the State at large; provided, that the Legislature, in its discretion, may divide the State into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; and provided further, that the three commissioners in office at the time this section amendment takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the Governor immediately after the adoption of this section, to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration, one of whom shall be appointed to hold office until January 1, 1927, two until January 1, 1928; and two until January 1, 1929 appointed. Whenever a vacancy in the office of commissioner shall occur, the Governor shall forthwith appoint a qualified person to hold the same for the unexpired term. Commission appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The Legislature shall fix the salaries of the commissioners, but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The Legislature shall have the power, by a two-thirds vote of all members elected to each house, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said Railroad Public Service Commission and no person owning stock or bonds of any such corporation or who is in any manner peculiarly interested therein, shall be appointed to or hold the office of Railroad Public Service Commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner.
designated for the purpose by the commission, and every order made by such a commission as designated, pursuant to such an inquiry, investigation or hearing, then approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates, established by said commission, than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies; to hear and determine complaints against railroad and other transportation companies; to issue subpenas and all processes necessary to secure the attendance and testimony of witnesses, and to compel the production of books, records and papers of such companies; to issue subpenas and all processes necessary to secure the attendance and testimony of witnesses, and to compel the production of books, records and papers of such companies; to order the books, records and papers of such companies to be kept in such form and manner as the commission shall order; and to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record. The commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the Railroad Public Service Commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the Railroad Public Service Commission in this Constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution.

The provisions of this section shall not be construed to repeal in whole or in part any existing law not inconsistent herewith, and the Railroad Commission of this State approved February 6th, 1911, shall be construed with reference to this constitutional provision and any other constitutional provision becoming operative concurrently herewith. Any law not shall have the same force and effect on the same as the law it the rate had been passed after the adoption of this provision of the Constitution and of all other provisions adopted concurrently herewith, except that the three commissioners referred to in said act shall be held and construed to be the five commissioners provided for herein and whenever in this Constitution or the laws of this State the term "Railroad Commission" is used, it shall be understood to refer to the Public Service Commission.

| CHARTERS OF CITIES AND COUNTIES. Assembly Constitutional Amendment 58. Amends section 8 of Article XI of Constitution. Declares that at election for adoption of charter by cities, or cities and counties, electors shall first vote on question, "Shall a board of freeholders be elected to frame a proposed new charter?" and secondly for freeholders, provided that the fifteen candidates for freeholder receiving highest number of votes shall be elected only if first question receives majority vote of electors voting thereon. Authorizes legislative body of city, or city and county, to frame a charter for submission to electors. |
|---|---|
| Assembly Constitutional Amendment No. 58—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 8 of Article XI thereof, relating to the preparation and adoption of charters by cities, and cities and counties. |
| Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fifty-first regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 8 of Article XI of the Constitution of the State of California be amended to read as follows: |

| (This proposed amendment expressly amends an existing section of the Constitution; therefore, EXISTING PROVISIONS proposed to be DELETED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK-FACED TYPE.) |

| PROPOSED AMENDMENT TO THE CONSTITUTION. |
| Sec. 8. (a) Any city or city and county containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or the Legislature of California, may frame a charter for its own government, consistent with and subject to this Constitution; and any city, or city and county hav- |

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