

1950

PUBLIC HOUSING PROJECTS. REQUIRING ELECTION TO ESTABLISH

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

PUBLIC HOUSING PROJECTS. REQUIRING ELECTION TO ESTABLISH California Proposition 10 (1950).
http://repository.uchastings.edu/ca_ballot_props/516

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

office, employees of the University of California, and members of the State Militia while engaged in military service. The amendment provides that where the Legislature has included, or in the future includes, any exempt position in civil service, it cannot again exempt that position, except that it may provide that any state officer so included may be appointed by the Governor and consequently be exempt. The Legislature has so far, under the article, included in civil service certain positions under the Department of Natural Resources, Attorney General's Office, the State Parole System, the Office of the Public Utilities Commission, and the State Prison System (Government Code, Sections 18591-18594; Penal Code, Section 6052).

The existing section provides that a temporary appointment to a civil service position shall be made only if there is no civil service eligible list from which the position can be filled. This amendment changes "eligible list" to "employment list." An eligible list is defined as a list of persons who have been examined in open competitive examination and are eligible for certification for a specific class (Government Code, Section 18532). Employment list includes both eligible lists and lists of civil service personnel eligible for promotion or re-employment after a layoff (Government Code, Section 18537). The amendment would resolve any ambiguity in the constitutional provision and prevent a temporary appointment when there is any person eligible under the civil service law to appointment, promotion, or re-employment in the position.

Under the present form of Article XXIV any one position in civil service cannot be filled by a temporary appointment after it has been filled by temporary appointment for a total period of six months, and no one person may serve in the civil service under temporary appointment for a longer total period than six months in any one calendar year. The amendment eliminates the prohibition of temporary appointments to positions that have been filled by temporary appointment for six months, and allows any person to

serve under temporary appointment for nine months out of any consecutive 12 months.

Argument in Favor of Senate Constitutional Amendment No. 6

One of the difficult problems in state civil service is to maintain for local district agricultural fairs and for racing events eligible lists of employees who are employed only on a temporary basis to perform work which is of short duration. Under existing law a considerable number of documents must be prepared by these fairs in order to meet the technicalities of the existing constitutional provisions relative to such short-time employment. For this reason the Legislature, without a dissenting vote, adopted this constitutional amendment which exempts from civil service officers and employees of district agricultural associations, who are employed less than six months in any one calendar year and also stewards and veterinarians of the California Horse Racing Board who are employed on a part-time basis. The adoption of this provision in the amendment will eliminate a large volume of unnecessary clerical procedure.

The amendment also extends from six months to nine months the period during which a person may hold a temporary appointment with the State exempt from civil service. It has been found exceedingly difficult at times to schedule within six months examinations, correct papers, and establish eligible lists for permanent positions where, because of the absence of such eligible list, it is necessary to employ persons on a temporary basis for not to exceed six months.

The California State Employees' Association, representing 80 percent of the state employees, realizing the necessity for a change in the existing law, raised no objection to the adoption of this constitutional amendment when it was considered by the Legislature.

Vote "YES"!

JESSE W. MAYO
Senator, District 26

PUBLIC HOUSING PROJECTS. REQUIRING ELECTION TO ESTABLISH.

Initiative Constitutional Amendment. Adds Article XXXIV to Constitution. Requires approval of majority of electors of county or city, voting at an election, as prerequisite for establishment of any low-rent housing project by the State or any county, city, district, authority, or other state public body. Defines low-rent housing project as living accommodations for persons of low income financed or assisted by Federal Government or state public body. Exempts any project subject to existing contract between state public body and Federal Government.

YES	
NO	

(For full text of measure, see page 9, Part II)

Analysis by the Legislative Counsel

This constitutional amendment prohibits the development, construction, or acquisition of any low-rent housing project by the State, or any city, county, district, authority, agency or other subdivision or public body of the State until approved by a majority vote of the electors of the city, town, or county in which the project is to be located.

"Low-rent housing project" is defined as any development composed of urban or rural dwellings, apartments, or other living accommodations for persons of low income, financed in whole or in part by the United States or any of its agencies or instrumentalities, or by the State or any of its agencies or public bodies, or to which the Federal Government or the state public body extends assistance by supplying labor, guaranteeing the payment of liens, or otherwise, except where a contract for financial assistance between any

state public body and the Federal Government in respect to such project is in existence on the effective date of the amendment.

"Persons of low income" means persons or families who lack the income necessary (as determined by the state public body developing, constructing, or acquiring the project) to enable them without financial assistance to live in decent, safe, and sanitary dwellings, without overcrowding.

The amendment would be self-executing, but legislation to facilitate its operation may be enacted.

Argument in Favor of Initiative Proposition No. 10

A "YES" vote for this proposed constitutional amendment is a vote neither for nor against public housing. It is a vote for the future right to "yes" or "no" when the community considers a public housing project.

Passage of the "Public Housing Projects Law" will restore to the citizens of a city, town, or county, as the case may be, the right to decide whether public housing is needed or wanted in a particular locality. Such is not the case at present.

Time after time within the past year California communities have had public housing projects forced upon them without regard either to the wishes of the citizens or community needs. This is a particularly critical matter in view of the fact that the long-term, multimillion-dollar public housing contracts call for tax waivers and other forms of local assistance, which the Federal Government says will amount to HALF the cost of the federal subsidy on the project as long as it exists.

For government to force such additional hidden expense on the voters at a time when taxation and the cost of living have reached an extreme high is a "gift" of debatable value. It should be accepted or rejected by ballot.

If, on the other hand, certain communities are in such dire need of housing that the cost of long-term subsidization is deemed worth while, local voters, who best know that need, should have the right to express their wishes by ballot.

In either case, a "YES" vote for this proposed amendment will strengthen local self-government and restore to the community the right to determine its own future course.

Furthermore, the financing of public housing projects is an adaptation of the principle of the issuance of revenue bonds. Under California law, revenue bonds, which bind a community to many years of debt, cannot be issued without local approval given by ballot. Public housing and its long years of hidden debt should also be submitted to the voters to give them the right to decide whether the need for public housing is worth the

A "YES" vote for the "Public Housing Projects Law" is a vote for strong local self-government. It is an expression of confidence in the community's future and in the democratic process of government. To strengthen the grass roots democracy which has made America protector of the world's free peoples, vote "YES" on the Public Housing Projects Law.

EARL DESMOND
State Senator, Sacramento County
FREDERICK C. DOCKWEILER

**Argument Against Initiative
Proposition No. 10**

This proposition should be defeated because: (1) it is wholly unnecessary; (2) it is contrary to firmly established principles of American representative government; (3) if adopted, it would be impossible to act expeditiously in times of emergency; (4) it would substantially increase

the tax load in cities and counties of the State.

There is no necessity for a constitutional amendment such as here proposed, prohibiting the development, construction and acquisition of low-rent housing projects without submission of the issue to the vote of the people in general or special elections to be held for the particular purpose in each city, town, or county of the State. This would be time-consuming and expensive. (A single special election in the City of Los Angeles would cost \$400,000.) The total cost to taxpayers of the State for holding special elections would be staggering.

California now has an adequate statute relating to the subject—"The California Housing Authorities Law, Act 3483"—which provides that no low-rent housing project can be undertaken "until the governing body of the city or county * * * approves said project by resolution duly adopted." This law was passed in 1938 and has been amended several times.

If the proponents of this measure desire to change the legal procedure for local approval of low-rent housing projects, they should make their recommendations to the Legislature and ask for amendment of the law rather than freeze into the State Constitution (already too voluminous) provisions relating to local governmental administrative procedure.

The people already have adequate control through election of their representatives in the State Legislature, city councils, and boards of supervisors, and through the exercise of the initiative, referendum and recall.

This proposed measure is an attempt to discourage the construction of new low-rent housing projects (in which veterans have preference) by setting up a slow, cumbersome and costly procedure to make use of federal funds that would in any event be expended in other states without in any way benefiting taxpayers of California.

In a national emergency it may become necessary to quickly provide housing for industrial workers in certain areas. In the event of an atomic bomb attack emergency housing would have to be provided immediately for local residents. Elected representatives of the people in the State Legislature, in city councils and boards of supervisors should be free to act promptly to meet pressing needs in any contingency, rather than be placed in a legal straitjacket.

This proposed constitutional amendment is not in the public interest. Vote NO on Proposition No. 10.

CHRIS N. JESPERSEN
State Senator, Twenty-ninth District
C. J. HAGGERTY, Secretary
California State Federation of Labor
(A. F. of L.)
FLETCHER BOWRON, Mayor
of the City of Los Angeles

II	LAND TITLES. TORRENS ACT. Amendment of Initiative Act. Adds Sections 48.1 to 48.9, inclusive, to Torrens Act (Land Title Law). Provides method of withdrawing land from registry under said act by application to registrar of titles (county recorder) and issuance and recordation of withdrawal certificate. Provides that such withdrawal shall not affect determinations of title theretofore made.	YES	
		NO	

(For full text of measure, see page 9, Part II)

Analysis by the Legislative Counsel

The initiative law adopted in 1914 (commonly referred to as the Torrens Land Title Registration Law) which this act amends, provides for the optional registration of title to land under its provisions. The initial registration proceed-

ings require a judicial determination and the issuance of a decree which the act contemplates will finally and conclusively establish title in the registered owner. Subsequent transactions affecting title to such property are filed with the registrar and appropriate entry is made on the original

PUBLIC HOUSING PROJECTS. REQUIRING ELECTION TO ESTABLISH.

Initiative Constitutional Amendment. Adds Article XXXIV to Constitution. Requires approval of majority of electors of county or city, voting at an election, as prerequisite for establishment of any low rent housing project by the State or any county, city, district, authority, or other state public body. Defines low rent housing project as living accommodations for persons of low income financed or assisted by Federal Government or state public body. Exempts any project subject to existing contract between state public body and Federal Government.

YES	
NO	

(This proposed amendment 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 AMENDMENT TO THE CONSTITUTION

ARTICLE XXXIV

PUBLIC HOUSING PROJECT LAW

Section 1. No low rent housing project shall hereafter be developed, constructed, or acquired in any manner by any State public body until, a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to develop, construct, or acquire the same, voting upon such issue, approve such project by voting in favor thereof at an election to be held for that purpose, or at any general or special election.

For the purposes of this Article the term "low rent housing project" shall mean any development composed of urban or rural dwellings, apartments or other living accommodations for persons of low income, financed in whole or in part by the Federal Government or a State public body or to which the Federal Government or a State public body extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise. For the purposes of this Article only there shall be excluded from the term "low rent housing project" any such project where there shall be in existence on the effective date hereof, a contract

for financial assistance between any State public body and the Federal Government in respect to such project.

For the purposes of this Article only "persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the State public body developing, constructing, or acquiring the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

For the purposes of this Article the term "State public body" shall mean this State, or any city, county, district, authority, agency, or any other subdivision or public body of this State.

For the purposes of this Article the term "Federal Government" shall mean the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America.

Section 2. The provisions of this Article shall be self-executing but legislation not in conflict herewith may be enacted to facilitate its operation.

Section 3. If any portion, section or clause of this Article, or the application thereof to any person or circumstance, shall for any reason be declared unconstitutional or held invalid, the remainder of this Article, or the application of such portion, section or clause to other persons or circumstances, shall not be affected thereby.

Section 4. The provisions of this Article shall supersede all provisions of this Constitution and laws enacted thereunder in conflict therewith.

LAND TITLES. TORRENS ACT. Amendment of Initiative Act. Adds Sections

48.1 to 48.9, inclusive, to Torrens Act (Land Title Law). Provides method of withdrawing land from registry under said act by application to registrar of titles (county recorder) and issuance and recordation of withdrawal certificate. Provides that such withdrawal shall not affect determinations of title theretofore made.

YES	
NO	

(This proposed law expressly amends provisions of existing law; therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED LAW

Sec. 48.1. The registered owner or owners of land registered under this act may, at any time after entry of the decree and issuance of the initial certificate of title, withdraw the land from the operation of this act by filing with the registrar of titles, a verified application or request for withdrawal, which shall state:

1. The name or names of the registered owner or owners of the land to be withdrawn, as shown on the last registrar's certificate of title, with their residence and post-office address.
2. The name or names of the registered owner or owners as shown by the first registrar's certificate of title issued in connection with such land.
3. A full and correct legal description of the land to be withdrawn.
4. The number of the last registrar's certificate of title covering said land.

5. The name and address of the owner or owners of any liens or encumbrances securing the repayment of money or the performance of an obligation, which may be shown as an encumbrance on such last certificate of title or as a memorial endorsed thereon.

6. The name and address of the owner or owners of any leasehold interest shown as an encumbrance on such certificate of title or as a memorial endorsed thereon.

7. A request that said land be withdrawn from the operation of this act and that the then existing certificate of title and duplicate thereof be permanently canceled so that all future dealings with said land and the record thereof shall be under the provisions of the general recording laws.

Sec. 48.2. The owner's duplicate certificate of title, or any copy thereof issued pursuant to the provisions of this act, shall be presented to the registrar for cancellation, with the application or request for withdrawal.

Sec. 48.3. Upon the filing of such application or request with the registrar, he shall cancel the original and duplicate certificates of title by making a notation of the fact of cancellation in red ink across the face of the original and duplicate