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Proposed Amendments to Constitution

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Proposed Laws

TO BE SUBMITTED TO THE ELECTORS OF THE STATE OF
CALIFORNIA AT THE GENERAL ELECTION TO BE HELD

Tuesday, November 8, 1932

TOGETHER WITH

Arguments Respecting the Same

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Compiled by
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Secretary of State

CALIFORNIA STATE PRINTING OFFICE
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NOTICE

In setting forth in Part II hereof the text of the proposed measures, NEW laws and NEW provisions proposed to be ADDED to or INSERTED in the constitution or ADDED to or INSERTED in existing laws, are printed in BLACK-FACED TYPE; EXISTING provisions of the constitution and provisions of EXISTING laws proposed to be DELETED or REPEALED are printed in STRIKE-OUT TYPE.

PART I
ARGUMENTS

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WRIGHT ACT REPEAL. Initiative measure. Repeals Act of Legislature commonly known as Wright Act, approved by electors on referendum November 7, 1922, which Act provided for enforcement by State of California of the Eighteenth Amendment of the United States Constitution, prohibited all acts or omissions prohibited by Volstead Act, adopted penal provisions of that Act, imposed duties on courts, prosecuting attorneys, sheriffs, grand juries, magistrates and peace officers in this State, extended their jurisdiction, and provided for the disposition of fines and forfeitures.

YES

NO

(For full text of measure, see page 1, part II)

Argument in Favor of Initiative Proposition No. 1

Prohibition is a moral, social and economic failure. The Eighteenth Amendment and the Volstead Act have not prevented and can not prevent the unlawful manufacture, sale, possession or transportation of intoxicating liquors within the United States. Our State enforcement law, the Wright Act, has absolutely failed to accomplish its intended purpose. The country will no longer tolerate the abridgment of the fundamental right of personal liberty and insists that the Eighteenth Amendment and Volstead Act be repealed.

The people of California also demand repeal of the Wright Act. The Volstead Act is the only national law which California has undertaken to enforce. Federal laws dealing with interstate commerce, internal revenue, income tax, counterfeiting, and postal regulations are enforced exclusively by federal authorities without state aid. National prohibition laws should be no exception. Peace officers, district attorneys and prosecuting officers, employed by our municipalities, should devote their time, attention and energies to the arrest and prosecution of murderers, gangsters, racketeers, bandits and other criminals who daily bring disgrace upon our state.

The recent significant Literary Digest poll shows that the United States by large majority (2.79 to 1) favors repeal of the Eighteenth Amendment. That poll shows that the people in California by approximately 3½ to 1 favor repeal.

Overwhelming popular sentiment against prohibition will compel the Congress of the United States to repeal or modify the Volstead Act and to submit to the States of the Union for ratification a proposal to repeal the Eighteenth Amendment. California will not benefit by repeal or modification of the Volstead Act or repeal of the Eighteenth Amendment unless the Wright Act is repealed. Although the Wright Act provides that the amendment or repeal of the Volstead Act will apply to the Wright Act, such provision is unconstitutional. While the Legislature may adopt as law an existing federal statute, it can not delegate to Congress the power to make or unmake laws for California. The penal provisions of the Volstead Act exist-

ing at the time the Wright Act was approved must continue to be our state law until the Wright Act is repealed.

Repeal will not bring back the saloon. The proposed constitutional amendment, proposition number 2 on the official ballot, guards against the return of the saloon. It provides that when the Wright Act is repealed, and when the Federal Constitution and laws permit, the state shall have the exclusive power to control, license and regulate the liquor traffic, and that

"no public saloon * * * or bar-room * * * shall ever be established, maintained or operated within the state."

I appeal to the electorate of California to vote "Yes" on propositions numbers 1 and 2. The approval of both measures by decisive majorities will mark the beginning of the end of prohibition in California and serve as a mandate to our senators and representatives in Congress to vote for repeal of the Volstead Act and repeal of the Eighteenth Amendment, "a consummation devoutly to be wished."

MATT. I. SULLIVAN.
ELEANOR B. MACFARLAND.

Argument Against Initiative Proposition No. 1

This is a measure to repeal, not prohibition, but the state part of the laws for its enforcement. Prohibition would still be the law in California, by virtue of national enactments, even if the state were to repeal the Wright enforcement act. The only difference would be that it would be worse enforced. The federal enforcement officers and courts are necessarily too few to cover the whole state, and this would leave no state law for the state courts, aided by local peace officers, to enforce.

National prohibition could only be repealed by national action. Both parties have now promised a vote on the question. The present state measure could not hasten that vote, nor have any effect on it either way. It would only aggravate an admitted evil while waiting for the vote.

There are two opinions on the desirability of prohibition if enforced, but there is only one on the evil of prohibition unenforced. This is a bill for prohibition worse enforced. It should

therefore be defeated by the combined votes of the supporters and the opponents of prohibition.

The submission of the measure at this time has not even the excuse of offering an opportunity not otherwise available for an expression of sentiment for or against prohibition. That opportunity is now assured, in a form which will settle the question. This vote, if successful, would settle nothing as to the law, and would only make worse the conditions under the law.

Even in the places, if we are to assume that there are any, where local police and courts are not now over-vigilant in enforcing the laws against bootlegging, they still need these laws in reserve as a weapon against the associated evils of racketeering, hijacking and gang murder. To deprive the state of this arm would be to invite its invasion by professional gangsters.

Those who favor prohibition will naturally vote against this effort to repeal the state law for its enforcement. Those who desire the repeal of prohibition will have the opportunity, at a later election which will really decide the question, to vote for that repeal.

Meantime both should join in retaining for California its present provisions for keeping within bounds what both regard as an evil.

The people of California have already, by referendum vote, once approved the Wright act; both "wets" and "drys" being among those urging them to do so. There is no reason now for changing that action.

Vote "No!"

CHESTER H. ROWELL.
MRS. SUSAN M. DORSEY.

STATE LIQUOR REGULATION. Initiative Constitutional Amendment.

Declares, if Wright Act is repealed, and when lawful under Federal Constitution and laws, State of California shall have exclusive right to license and regulate the manufacture, sale, possession, transportation, importation and exportation, of intoxicating liquors; prohibits public saloons, bars or drinking places where intoxicating liquors are kept, sold or consumed; permits serving wine and beer with meals furnished in good faith to patrons of hotels, boarding houses, restaurants and public eating places; permits Legislature to authorize, under reasonable restrictions, sale of liquor in original packages in retail stores where same not consumed therein.

YES

NO

(For full text of measure, see page 2, part II)

Argument in Favor of Initiative Proposition No. 2

Every state should have the right to control and regulate the liquor traffic within its borders. That right was reserved by the states when our Federal Government was formed. Until the adoption of the Eighteenth Amendment, every state, through its police power, exercised that sovereign right. If the Eighteenth Amendment be repealed, each state will determine whether it shall accept or reject prohibition.

The colossal failure of our national Government to enforce prohibition necessitates a change from federal to state control of the liquor traffic. To effect that change, the Eighteenth Amendment must be repealed, and when repealed, California must for itself control and regulate the manufacture and sale of intoxicating liquors.

With that end in view, our State Constitution should be amended by adoption of proposition number 2 on the official ballot.

The proposed Amendment gives the State exclusive control of the liquor traffic, when permissible under the Federal Constitution and laws. It prohibits return of the saloon, but provides that

"in hotels, boarding houses, restaurants, cafes and cafeterias * * * wines and beer may be served or consumed with meals furnished in good faith."

PROHIBITION MUST BE ABOLISHED

Not only is the curse of prohibition responsible for astounding increase of crime, organized and unorganized; overcrowding of jails, penitentiaries and lunatic asylums; violation of prohibition laws by all classes of society; growing disrespect of the masses for all laws; gangster rule in large cities, unregulated speak-easies outnumbering the saloons of former days, maintained through corruption of officials employed to enforce the law; detestable cowardice and transparent hypocrisy of law-makers with dry tongues and wet gullets, who for twelve years at the dictation of an intolerant minority have kept the people in shackles; and the debauchery of our boys and girls; but it is one of the contributing causes of the prevailing economic depression and unemployment.

Repeal of the Wright Act will be followed by repeal of similar laws in other states and the ultimate repeal of the Volstead Act and the Eighteenth Amendment with the following beneficent results:

Restoration to the states of their rights and to the people, their freedom.

Improvement of the morals of the people.

Permanent exclusion of the public saloon and suppression of its substitute the secret saloon or speak-easy.

Enormous increase of revenues of United States and state governments and corresponding reduction of taxes.

Saving of vast amounts of money squandered by national, state and local governments in futile efforts to enforce prohibition.

Investment of hundreds of millions of capital in business and industries destroyed or injured by prohibition and employment in such business and industries of approximately one million men and women now facing starvation, including tens of thousands in California.

Profitable returns to those engaged in raising grapes, hops, barley, rice and other crops used in the manufacture of intoxicating liquors.

Temperance, contentment and prosperity of a free people.

Vote "Yes" on Proposition number 2.

MATT. I. SULLIVAN.

ELEANOR B. MACFARLAND.

Argument Against Initiative Proposition No. 2

This is not a measure to enact any present law, but is a constitutional amendment to prevent the possible passage of certain laws in a hypothetical future contingency. Its principal effect would be to deprive a future legislature, in the event of the repeal of national prohibition, of the power then to pass a local option law, such as California had before national prohibition, and to make unconstitutional in California any local regulation or prohibition of intoxicating liquor. It would rivet into the constitution the state prohibition of local prohibition, and would do it now, when there is no occasion for any action at all, as a guarantee in advance against any future limitation or control of the sale of liquor by cities or counties.

The proposal does not even meet the suppositious emergency of a possible interval, if

both the Wright act and national prohibition should be repealed, in which California would have no liquor law at all and there might be a temporary orgy, pending action by the legislature, of the unrestrained sale of any sort of intoxicants, anywhere, by anybody, to anybody. Action by the legislature to meet that situation would be equally necessary with or without this amendment, and the legislature would have even more power without it.

No special provision in the state constitution is required to confer on the state the authority to regulate the liquor traffic, if the national prohibition of such regulation were removed. The state already had and exercised that right, under its inherent police power, without special authorization, before national prohibition, and would automatically resume it if that inhibition should cease. What this amendment professes to confer on the state is not the power to regulate, which would exist anyway, but the "exclusive" power—that is, the limitation of the power to the state, exclusive of any right in the localities.

No authorization is given even to the state to prohibit or to authorize local prohibition, and the right of any sort of regulation is taken from the counties and the cities entirely. State regulation would naturally have to be by uniform law, the same everywhere. The permission of the sale of beer and wine is made expressly and constitutionally compulsory everywhere, beyond even the power of the legislature to prevent, and that of hard liquor is contingently so. It would have to be permitted everywhere under any conditions by which it was authorized anywhere.

If California should ever wish to take so reactionary a step, back to a condition which it had long outgrown even before national prohibition, it should at least be done on due notice, by the decision of the people or the legislature at that time. To attempt now to slip it into the constitution in advance, by this preposterous proposal at a time when it could have no present effect and has no present reason, would be inexcusable.

Vote "No!"

CHESTER H. ROWELL.
MRS. SUSAN M. DORSEY.

FORECLOSURE OF MORTGAGES AND TRUST DEEDS. Initiative.

Defines mortgage as contract, trust deed, or instrument, hereafter executed, making specific real property security for performance without changing possession; forbids power of sale therein; declares same enforceable solely by Court action; requires action dismissed, and mortgage reinstated, upon mortgagor paying, before judgment, amount delinquent (other than by acceleration), costs and three months advance interest; prescribes notice before execution or foreclosure sale, and twelve months redemption period during which person in possession must pay rental specified by Court or surrender possession to execution purchaser, crediting same on judgment upon redemption; permits Legislative amendments.

YES

NO

(For full text of measure, see page 3, part II)

Argument in Favor of Initiative Proposition No. 3

The trust deed as now used is harsh, unjust and unnecessary. The proposed law makes the following principal changes:

1. It gives the property owner and all persons interested 12 months equity of redemption.
2. It gives the property owner right to defend his title in court against unjust foreclosure, usurious claims, etc.
3. It gives the property owner right to reinstate the mortgage, and prevents declaring entire amount of loan due because one installment of interest or principal has not been made.
4. It gives the lender of money right to the rental value during redemption period, generally equal to interest and taxes—all that the lender should demand.

This law will place California in line with 40 progressive states of which 31 permit redemption from 6 months to 3 years; 9, extensions of time before foreclosure.

This act will practically eliminate deficiency judgments by giving owners of property and other interested persons the right to redeem within 12 months for the foreclosure price.

Thousands of building material companies and over 50,000 laborers in the building industry have lost in excess of \$10,000,000 yearly by having their mechanics' liens wiped out by trust deed foreclosures without right of redemption. This law will revive and stabilize building industry.

Building and loan and mortgage companies selling certificates to the public have been unable to meet payments when the same became due because their money was tied up in foreclosed properties, creating an unjust hardship upon the investing public; also resulting in tying up mortgage company funds so that they could not make new loans.

Tens of thousands of foreclosures have thrown on the market properties at sacrifice prices, thus depreciating all property values.

Over \$150,000,000 property value foreclosed annually in California. Tens of thousands of home owners have lost their life savings represented in their homes.

There is no merit to contention that borrowers will not be able to secure as much on mortgages as on trust deeds. This may be true at present time when both forms are used, but after the passage of this law there will be just as much money available. Forty states find no difficulty to borrow on mortgages.

This is not a lawyers fight as charged. The banks and mortgage companies will still handle their own foreclosures, but it will give the property owner the opportunity to present his story instead of having his property summarily taken away from him without such opportunity.

This bill will help:

1. The banker who is interested in safeguarding the public funds in sound loans.
2. The general property owner.
3. Building material dealers and workers engaged in the building industry.
4. The real estate industry.
5. The legitimate mortgage companies and individual lenders.
6. Purchasers of building and loan and mortgage company certificates.
7. The home owner, by safeguarding his right to his home, and removing from his mind the continuous fear of having his home taken away by unjust foreclosure without right of redemption, thus keeping him a satisfied American citizen.

VOTE YES ON NUMBER 3.

HARRY A. GOLDMAN, Los Angeles.
 PHILIP O. SOLON, Oakland.
 HUGH E. MACBETH, Los Angeles.
 COLEMAN E. STEWART,
 Santa Barbara.
 CHARLES H. VANCE, Stockton.

**Argument Against Initiative Proposition
No. 3**

This measure was prepared and is sponsored by The Lawyers' Club of Los Angeles, an organization not to be confused with the Los Angeles Bar Association nor the State Bar.

We recommend a "NO" Vote on this measure, because:

(1) It will give no relief whatever to borrowers who have given either trust deeds or mortgages to secure their loans. On the contrary, it will cause distress to thousands of borrowers, particularly on homes, by making difficult the renewal of existing loans when they become due. Most existing loans will have to be reduced from 15% to 20%, to enable the lender to safely renew the loan. Many borrowers will find it impossible to do this, causing unwarranted hardship and injustice.

(2) By requiring everyone to go to court to foreclose a mortgage, it will increase foreclosure costs, court congestion, and public expense, with benefit to no one except those who profit by foreclosure fees.

(3) The measure will delay a revival of building construction and the employment of labor by making difficult and costly the financing of building operations.

(4) It will depreciate the value of all real estate by restricting credit for loans at a time when every effort is being made to maintain values and credit.

(5) It will make precarious the lending of money to farmers, particularly on irrigated lands, thus adding to the farmers' present difficulties.

(6) The protection now given the home owner, under existing law, requiring the lender under a trust deed to file a notice and wait three months before commencing foreclosure, during which time the home owner may remain in possession, is repealed. Under this measure, foreclosure may be commenced immediately, and if the borrower fails to pay

the rent fixed by the court for 15 days, he may be thrown out of possession.

(7) The argument that the measure protects borrowers by giving a year's "equity of redemption" is specious. The right to redeem, without possession, is of little value to him, and he is only permitted to redeem by paying the amount of the sale, court costs, commissioner's fees, fees of lenders, lawyer, taxes, and interest on the whole amount.

(8) The measure does not prevent the taking of deficiency judgments. It does not affect existing loans.

(9) The subject is complicated, highly technical and not appropriate to the initiative process. It contains numerous errors and ambiguities which will cause litigation and may necessitate frequent action by the people at future elections to correct. The subject should be handled by the Legislature.

A careful perusal of this measure in its entirety discloses that its adoption is not in the public interest. It appears to be class legislation, selfishly designed to benefit a particular professional group at the expense of the borrowing public.

H. L. CARNAHAN,
Formerly Lieutenant-Governor of California.

WILLIAM MAY GARLAND,
Realtor.

WILLIAM H. McCARTHY,
President Home Value Protective League.

HENRY W. O'MELVENY,
Senior Member O'Melveny, Tuller & Meyers, Attorneys.

GEORGE A. SCHNEIDER,
Lecturer on Real Estate Finance, University of Southern California.

CHARLES D. ROETH,
President Northern California Building Congress.

REMOVING RESTRICTION UPON USE OF STATE'S HALF OF HIGHWAY TRANSPORTATION TAXES. Senate Constitutional Amendment 22. Amends Section 15 of Article XIII of Constitution. Eliminates from present section provision therein which requires that State's half of revenue from taxes upon highway transportation companies be devoted exclusively to the maintenance and repair of public highways.

4

YES

NO

(For full text of measure, see page 5, Part II)

Argument in Favor of Senate Constitutional Amendment No. 22

Senate Constitutional Amendment No. 22 proposes to change the manner of the allocation of the moneys received from the taxation of motor vehicles engaged in the transportation of

passengers and freight, or of freight, so that one-half of such proceeds shall be diverted to the general fund for general state purposes, and the remaining one-half shall go to the counties for road purposes only. Section 15, Article XIII, of the constitution, which Senate Constitutional Amendment No. 22 proposes to amend,

now provides that one-half of such revenue now being received by the state shall be used for highway purposes only. The amendment would turn this money into the general fund thus augmenting the general income of the state.

The 1929 Legislative Tax Committee after a study of the tax situation in California recommended such a change. The revenues derived are from a tax upon the gross receipts of the motor vehicle transportation companies. Other such taxes upon steam or electric transportation companies go into the general fund. It is a tax upon the business of transporting passengers and freight and not a tax for the use of the highways; the latter is met by the gasoline tax and the vehicle weight tax. The highway department no longer needs the money

involved in these taxes while the general fund does need them.

The proposed amendment does not alter the situation of the counties. They will continue to receive one-half of the proceeds of the tax which will be devoted to road purposes within the counties as at present.

The amendment should be adopted. It works no injury to the highway department of the state and does give needed additional revenue to the general fund.

CHARLES H. DEUEL,
State Senator, Sixth District.

HERBERT J. EVANS,
State Senator, Thirty-fifth District.

RACING. Initiative Measure. Creates California Racing Board, consisting of three members, appointed by Governor, empowered to regulate and license racing and wagering, within race track enclosure, by system known as Certificate System; limits racing period at each track; requires all fees collected by board be paid into California

5 Racing Board Fund, appropriating Thirty Thousand Dollars thereof annually for payment of salaries and expenses of members of Board and its appointees, and annually dividing balance thereof between Veterans' Welfare Board and State Board of Agriculture; authorizes licenses for limited periods at county fairs or agricultural exhibits.

YES

NO

(For full text of measure, see page 7, par II)

Argument in Favor of Initiative Proposition No. 5

The State of California is being deprived of a huge revenue through the lack of a law requiring racing associations to pay a tax or license fee. The income from this source would reach such a figure that it would lower the rate of taxation and help relieve the burden on our taxpayers.

Initiative Measure No. 5 will require all racing associations to pay a license fee of \$2,000 for each racing day in Los Angeles and San Francisco counties and \$1,500 for each racing day in other counties.

At present these associations are operating over the State free from taxes and State control. Plans are going forward for the construction of many more tracks. They should be placed under control and taxed.

The money derived from these enterprises will amount to approximately \$1,000,000 annually and will be divided equally between the State Board of Agriculture and the State Veterans' Welfare Board.

A half million dollars for each of these departments will take their maintenance expense off the hands of the taxpayers. In addition, it will give each department more money to further the scope of its work. This will be a direct benefit to every taxpayer, farmer, stock raiser, fruit grower and war veteran in the State.

The measure will place race courses under strict control of a commission appointed by the Governor, and the commission will rule on all permits for racing, limiting the duration of meetings to 25 days or less at regular tracks and seven days or less at fairs. Only one track will be permitted in each county and it may operate only between the hours of 7 a.m. and 7 p.m. The measure provides for the certificate system.

Regulated racing under this plan will place the sport on a high plane. In Florida, a rival State of California for winter vacationists, racing under the plan proposed here is proving a decided asset to the State, inasmuch as it attracts wealthy sportsmen, society folk and tourists.

The operation of a large race course will require the services of between 1500 and 2000 persons. This will mean employment for thousands over the State now out of work.

Passage of this measure also will be a boon to the thoroughbred breeding industry of the State, a lucrative field for which Kentucky is noted. California might easily become the breeding center of the world.

Certain interests which are opposing the measure by reason of personal gain have attacked its legality. Superior Judge Malcolm Glenn, ruling on an injunction, held the measure constitutional and legal.

To have racing or not to have racing, is not the question in this measure. Racing already exists in California and will continue to exist regardless of how the vote goes on this bill.

A vote of "No" will neither stop nor prevent racing. It will merely allow racing to continue uncontrolled and untaxed and continue to deprive the State of a just revenue that it needs.

A vote of "Yes" will be a vote to help the unemployed, the taxpayer, the farmer, the war veteran and a vote for better times.

Vote yes.

A. J. UNIACK,
Chairman, Southern California
Campaign Committee.

WILLIAM A. O'NEILL,
Chairman, Northern California
Campaign Committee.

Argument Against Initiative Proposition No. 5

This proposed measure does not confine itself to professional horse or dog racing, but includes all and every kind of racing whatsoever, both professional and amateur. It would cover and affect intercollegiate track meets between the universities of this State, automobile, motorcycle, yacht, harness and foot races, and the Olympic games. No reason whatsoever exists why amateur racing should be placed under the control of a political board.

There is no reason why such amateur events should be compelled to pay the license fee of \$1,500 or \$2,000 for each day's racing. Such fees are, by the act, payable even though no wagering is indulged in at such meets. No more than one track would be allowed in any one county. If a professional track was in existence in Alameda County, Stanford University and the University of California could not in that year meet in Alameda County.

Horse racing is legal in California now; this law would bring a legalized form of gambling and the proposed act becomes particularly a cloak for gambling.

The "certificate system" of betting provided for in the measure is nothing more or less than

the old "pari-mutuel" gambling. An initiative measure somewhat similar was on the ballot in November 1926, and was voted down by over 300,000 votes. The present measure is a mere rewriting of the defeated measure, with certain changes in form only.

When race track gambling was legal in California, the secretary of the Chamber of Commerce of San Francisco appeared before the board of supervisors with a request from his organization that race track gambling should be prohibited by law. He declared that during the racing season defalcations, dishonesties, burglaries and family demoralizations were greatly increased, to the detriment of business and society.

Mr. Harry Chandler, editor of the *Los Angeles Times*, said in the *Christian Science Monitor*, "There are many immoral and unmoral activities, which if allowed to exist in a community, would prove of economic advantage to some particular group of interests; but this does not mean that we can afford to legalize such activities. I can not understand how any intelligent business man can fail to see that no permanent economic prosperity can come as the result of a condition which is in itself unmoral, such as horse racing and gambling."

The *Los Angeles Examiner* declared that "Tia Juana is the meeting place and hideout of thieves, gamblers, race track touts, dope gangsters and violators of women." Do we wish, by legalizing race track gambling, to invite this class of citizens from all over the world to come to California?

The *Courier Journal* of Louisville, Kentucky, said "Crime Increases on Eve of Derby. Houses Looted and Pockets Picked as Throngs Flood the City." Following Derby day, "One Hundred Eleven Cases on Court Docket."

This measure would be a step backwards both morally and financially, and all interested in the welfare of California should vote "NO."

GEORGE I. COCHRAN,
President, Pacific Mutual Life Insurance
Company.

F. M. LARKIN,
Secretary, California State Church
Federation.

WAR VETERANS TAX EXEMPTION. Senate Constitutional Amendment 6. Amends Section 1½ of Article XIII of Constitution. Exempts 6 from taxation property to the amount of \$1000 of every resident of this State who served in the army, navy, marine corps or revenue marine service of the United States in time of war and has thereafter continued in such service, provided such person or his wife does not own property of the value of \$5000 or more.	YES	
	NO	

(For full text of measure, see page 10, Part II)

Argument in Favor of Senate Constitutional Amendment No. 6

In 1926 Section 1½ of Article 13 was added to the State constitution. It provides that property to the amount of One Thousand Dollars of every resident of this State who has served in the army, navy, marine corps or revenue marine service of the United States in time of war, and received an honorable discharge therefrom, shall be exempt from taxation; provided, the exemption shall not apply to any person owning property of the value of Five Thousand Dollars or more.

This amendment exempts the property of those who received an honorable discharge from the service, but does not exempt the property of those who served in the World War and thereafter continued in the service of the United States.

Constitutional Amendment No. 6 provides that those men who continued in the service shall have the same property exemption as those who were honorably discharged after service.

The inequity of the present constitutional provision is quite clear. It is not fair that a World War veteran who continued in the service of his Government should be deprived of a tax exemption that is given to other veterans who, after being discharged from the service, had opportunity to enter into more remunerative occupations.

While the number of men from California who continued in the service is small, it is unjust and unfair that, because they chose to serve their country in time of peace, they should be discriminated against in the matter of this tax exemption.

A favorable vote for Constitutional Amendment No. 6 will eliminate an injustice to patriotic veterans who fought in the World War and who chose to remain in the service of their country.

THOMAS McCORMACK,
State Senator, 5th District.

JOSEPH L. PEDROTTI,
State Senator, 29th District.

Argument Against Constitutional Amendment No. 6

This amendment is unnecessary legislation and is adding to the already overburdened taxpayer and extends a patriotic benefit to those who chose soldiering as a life work instead of laboring. Upon completing thirty years of service, they receive in recognition of honest and faithful service retirement pay of their rank which is usually seventy-five dollars per month for life.

GEORGE C. CLEVELAND,
State Senator, Eleventh District.

LEGISLATIVE EXPENSES. Senate Constitutional Amendment 17. Amends Section 23a, Article IV, of Constitution. Increases limit upon Legislature's total daily expenses for its officers, employees and attaches, at regular session from \$300 for each House to \$400 7 for Senate and \$450 for Assembly, exclusive of salaries of Secretary of Senate and Chief Clerk of Assembly and salaries and expenses of interim committees; and at special session from aggregate of \$200 for both Houses to \$150 for each House, exclusive of salaries of such Secretary and Chief Clerk.	YES	
	NO	

(For full text of measure, see page 11, Part II)

Argument in favor of Senate Constitutional Amendment No. 17

The present method of financing the work of the Legislature is obsolete and inefficient.

Funds for that purpose are provided from three sources: First, constitutional daily allowance; second, resolutions and appropriation bills; third, funds paid employes of other branches of the government for services rendered the legislature.

This amendment revises the constitutional allowance for the Senate and Assembly so as to provide sufficient funds to meet these necessary expenses from one source.

These expenses must be met by the state in one form or another, and the adoption of this

amendment will provide a more orderly, businesslike and systematic way of meeting such obligations, and, by the elimination of confusion and duplication of work, should result in substantial economies.

The legislature is the branch of state government closest to the people and most responsive to their opinions. It should not have to be beholden to other departments for help in the performance of its duties, nor should its time be wasted passing appropriation bills to provide funds for its necessary expenses. **Vote Yes!**

H. C. NELSON,
State Senator, First District.

HERBERT W. SLATER
State Senator, Twelfth District.

INITIATIVE AND REFERENDUM. Senate Constitutional Amendment 3. Amends Section 1 of Article IV of Constitution. Requires proponents of any initiative or referendum petition, before circulating same for signatures, submit draft thereof to attorney general with written request that he prepare therefor a title and summary in 8 not to exceed one hundred words, such request to be preserved by him until after next election. Reserves to such proponents the right to file original petition; requires county clerk and registrar of voters disregard any section thereof or supplement thereto not presented by such proponents or by persons authorized by them in writing.	YES	
	NO	

(For full text of measure, see page 11, Part II)

Argument in Favor of Senate Constitutional Amendment No. 3

A most serious defect in our Initiative and Referendum Act was discovered during the filing of petitions for No. 11 on the ballot to be voted on in November, 1930.

At present forty days is given after the filing of the original initiative or referendum petition to collect the large number of signatures required by law and file them in one filing as a supplemental petition. After the supplemental petition has been filed no further petitions can be accepted and unless more than ninety thou-

sand signatures are secured an initiative measure fails to secure place on the ballot.

In Los Angeles more than fifty thousand signatures had been collected awaiting the supplemental filing when opponents of the measure called at the office of the Registrar of Voters, just before the office closed for the day, and without disclosing their identity attempted to make a supplemental filing on a petition with three names. The Supreme Court has held that any number of names can be filed on the same day but none thereafter on succeeding days. Had their plan succeeded the fifty thousand names gathered could not have been accepted

and the measure would have failed to receive a place on the ballot. A second similar attempt was made in San Francisco, but fortunately was thwarted.

This Constitutional Amendment makes only two changes in the present act, it defines "Proponents" of a measure and reserves to them the right to file original and supplemental petitions.

The last legislature enacted a law making any future attempt to fraudulently defeat an initiative or referendum measure punishable by imprisonment in a county jail or fine or both.

The adoption of this Constitutional Amendment is required to make the law effective.

The right of our people to participate in legislation through the initiative and referendum is one of the four cornerstones of our constitution and in order to maintain and preserve this right in violation of this Constitutional Amendment must be adopted.

SANBORN YOUNG,

State Senator, Twenty-seventh District.

JOHN L. MORAN,

State Senator, Eighth District.

<p>SCHOOL FUNDS. INCOME, SALES TAX. Initiative constitutional amendment. Provides for income tax on individuals, estates and trusts, and selective sales tax. Provides for state public school equalization fund, requiring therefor annual minimum appropriation of forty dollars per elementary pupil and seventy dollars per high school pupil. Permits county and district school taxes. Requires school district taxes to meet district budget. Requires district apply to teachers' salaries seventy-five per cent of state moneys received for elementary schools and seventy per cent of that received for secondary schools, unless it expends therefor seventy per cent of maintenance budget less auxiliary expenses.</p>	<p>YES</p>	
<p>9</p>	<p>NO</p>	

(For full text of measure, see page 14, part II)

Argument in Favor of Initiative Proposition No. 9

This amendment is an appeal to the voters of the State from common property taxpayers for simple justice through equalization of the tax burden which is rapidly resulting in the confiscation of homes and farms. It proposes to transfer to the State the present burden of county taxes for schools, thus relieving common property of an annual burden of \$50,000,000. Every school district in the State will share in the tax relief provided by this amendment. This relief will restore agricultural and business values and will reduce unemployment.

The burden of common property taxes has grown unbearable. At present this property contributes less than 25 per cent of the people's income but is required to pay over three-fourths of all governmental costs and over 85 per cent of all school costs.

This amendment presents a sound, workable plan which will give immediate, material and permanent relief to the taxpayers. It requires the State to levy a net income tax and a selective sales tax. These taxes, already levied in most states, are fair and equitable.

Selective sales taxes would fall upon luxuries only. Income and sales taxes can readily be made to yield the amounts required by this transfer. However, if the Legislature should not provide adequate revenues from these sources and a State deficiency ad valorem tax should be necessary, common property taxes

would be reduced by including the operative property of corporations in the State tax roll.

This amendment in no way affects the local control of schools, nor does it in any way increase teachers' salaries or total school costs.

This amendment follows the recommendations made by California State Tax Commissions and educational commissions. It is sponsored by nine state-wide coordinating groups, representing hundreds of thousands of citizens and taxpayers, including the California Farm Bureau Federation, the State Grange, the County Supervisors' Association, the State Department of Education, the California Teachers' Association, the County Auditors' Association, the California Real Estate Association, the Property Owners' Division, and the State Tax Equalization Association. Nearly 160,000 voters in fifty-six counties signed the initiative petition to place this amendment on the ballot.

VOTE YES ON PROPOSITION 9 AND REDUCE PROPERTY TAXES!

R. W. BLACKBURN,

President California Farm Bureau Federation. Established in 41 Counties.

W. I. HOLLINGSWORTH,

Property Owner, Established 1889, Director California Real Estate Association, Los Angeles.

JOHN F. FORWARD, JR.,

President Union Title Insurance Co., Established 1903, San Diego.

SAMUEL LEASK,

Member Governor C. C. Young's Commission on Educational Problems; California Merchant, 40 Years' Experience.

RALPH E. SWING,

State Senator, 36th District; Chairman Senate Finance Committee.

J. BRADLEY CLAYTON,

Vice President Jas. A. Clayton & Co., Established 1867; First National Bank, San Jose.

Argument in Favor of Initiative Proposition No. 9

All friends of the public schools should VOTE YES on this initiative amendment.

1. It provides for equalizing educational opportunities for all the children of all the people.
2. It will equalize the burden of school taxes.
3. It will reduce the burden of taxes on real property.
4. It will not increase teachers' salaries or teachers' salary funds.
5. It will not increase the total cost of schools.
6. It will not affect the right of school boards to reduce school costs.
7. It will require the State to bear more nearly its just share of the cost of public education which is the most essential function of the State since the entire welfare of the State is dependent upon the education of the people.

V. KERSEY,

Superintendent of Public Instruction.

Argument Against Initiative Proposition No. 9

This initiative proposal is an amateurish, impractical attempt at tax relief which does not ease the tax burden and very likely will bring back on property the levies it aims to shift to the shoulders of someone else.

It proposes to transfer to the State \$45,000,000 or \$50,000,000 a year in property taxes for schools. It is suggested that the State shall raise the necessary revenues from an income tax and a sales tax. The increased federal income tax has about exhausted that field. Incomes have fallen off to a degree that after the federal government has taken its exactions only a meager amount could be collected by the State.

A reasonable sales tax at best could produce only a small part of the required revenue.

Failure to raise the \$90,000,000 or \$100,000,000 per biennium by these special taxes would compel a levy right back on property for which relief is being sought.

The fixed charges for the elementary and high schools will be increased \$10 per pupil, average daily attendance, a total of \$9,000,000 a year. Furthermore, the minimum constitutional guarantee for teachers' salaries would be increased by \$3,000,000 a year.

Proponents of the measure contend that it will not increase school costs. They must admit, however, that the amendment will prevent retrenchment in public school costs. The present scheme of school costs, higher than the taxpayers' capacity to pay, would be riveted into the constitution.

It is further proposed in this initiative measure to confer constitutional power on local school boards to fix district taxes without revisionary control. Thus would the Legislature be prevented from effecting economies in local school expenditures.

This proposal is inexcusable because it places no limitation on either taxes, budgets, or expenditures for local or state purposes. Therefore it does not guarantee a tax reduction at any point.

The amendment does not abolish county school taxes nor any other tax. On the contrary, it provides machinery for continuing both the county school taxes and the district taxes.

The time has come to consider the capacity of the taxpayer to pay. Public expenditures have reached highly excessive levels. Cost of our public school system must be reduced in fair proportion with reductions in all avenues of governmental outlay.

This proposed initiative, ill prepared, takes no account of the problem that would arise as regards the gross receipts taxes on public utilities which must, in effect, be on a parity with taxes on common property.

Retrenchment is the solution of our immediate tax problem and this initiative measure only tends to defeat that remedy.

Vote No on Number 9!

ARTHUR H. BREED,

State Senator, Alameda County.

HARRY H. BASKERVILLE,

President, City Board of Education,
Los Angeles.

DONZEL STONEY,

Chairman, Property Owners Division,
San Francisco Real Estate Board.

REYNOLD E. BLIGHT,

Former State Franchise Tax
Commissioner, Los Angeles.

<p>10 AUTHORIZING CITY OF ESCONDIDO TO HOLD STOCK IN MUTUAL WATER COMPANY. Assembly Constitutional Amendment 14. Adds Section 31b to Article IV of Constitution. Authorizes City of Escondido, California, for purpose of supplying water for public or municipal purposes or for use of its inhabitants, to acquire and hold shares of capital stock of mutual water company or corporation; declares such holding shall entitle city to all rights, powers and privileges, and subject it to obligations and liabilities, given or imposed by law to or upon other holders of stock in said corporation.</p>	YES
	NO

(For full text of measure, see page 15, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 14

The purpose of this amendment is to allow the City of Escondido to own stock in a mutual water company. The city can only secure its supply of water by taking it from a mutual water company. This mutual water company owns a large impounding reservoir and collects therein available waters above the city. The company is mutual and under the law can furnish water only to its stockholders, who receive it at cost. It is the only water company in and around Escondido. The city has sought for years to have the Constitution amended so that it may legally proceed, and at present has an option on company stock under which it has to pay seven per cent interest plus all costs due the company for diversion and storage. If this

amendment passes it will enable the city to save thousands and thousands of dollars. The city can not feasibly acquire water otherwise.

The constitution adopted in 1879 prohibits cities owning stock in corporations generally and since then mutual water companies were recognized by law but the constitution never changed.

Everyone should vote for this amendment as it means a water supply for Escondido, a city of 3500 people, and a saving to its citizens and does not affect anyone outside that city.

Vote "Yes!"

A. R. HONNOLD,
Assemblyman, Eightieth District.

BERT B. SNYDER,
Assemblyman, Forty-second District.

<p>TIDELAND GRANT TO CITY OF HUNTINGTON BEACH. Initiative Constitutional Amendment. Adds Section Four to Article Fifteen of Constitution. Grants to City of Huntington Beach tide and submerged lands situated within present boundaries of said city. Empowers city to use such lands for promotion and accommodation of recreation, commerce, navigation, harbor, fishery, production of minerals, oil, gas and other hydrocarbons. Empowers City to lease said lands for such purposes. Provides fifty per cent of income from such leases be paid into State treasury to credit of general fund. Confirms previous leases and agreements to lease. Reserves to people right to fish.</p>	YES
	NO

(For full text of measure, see page 16, part II)

Argument in Favor of Initiative Proposition No. 11

VOTE YES on Proposition No. 11 and reduce your general TAXES, create JOBS for the unemployed, and bring about the return of PROSPERITY.

Huntington Beach is both an INDUSTRIAL and RECREATIONAL city. In the west end of the City there are no residences or business structures. It is used entirely for industry, particularly petroleum development. In the east end at a considerable distance away are the residences and business houses. Fronting on the City is approximately four miles of tidelands and submerged lands. Proposition No. 11 grants these lands to the City of Huntington Beach so they may be used by said City for recreational and industrial purposes.

If Proposition No. 11 is approved, the lands situated opposite the industrial section may be used for industrial purposes. The land situated opposite the residential area may be used for recreational purposes, a yacht harbor and for fishing. The income received from all such development will be paid, ONE-HALF TO THE STATE to help reduce the taxes of ALL taxpayers of the State and the other one-half will be paid to the City of Huntington Beach for its local improvements.

The people of Huntington Beach conceive of creating opposite their residential and their business districts, a water front which shall have a beautiful bathing beach with all modern improvements and facilities, a yacht harbor and recreational features for anyone who may care to visit Huntington Beach.

The income will be principally derived from petroleum development by off-setting some fifteen wells drilled by the Standard Oil Company of California on a shoe string strip located at the extreme westerly portion of the city where there are no residences or business and where an oil field is located.

The Standard Oil Company within the last few years has produced over six million dollars from this shoe string strip, 30 to 100 feet wide immediately adjoining the city lands on which

the real oil dome is principally located. This is an exceptional situation, and demands protective action. It is estimated that the State of California and the City of Huntington Beach will receive millions of dollars from such off-setting.

It is the fault of the City and the State that the Standard Oil Company DRAINS away from the great oil storehouse under said lands, the oil which belongs to our taxpayers. We just GIVE it to them unless the State and City off-set their wells. The City has made a favorable lease to insure the quick off-setting of the Standard wells.

Give Huntington Beach its tidelands just the same as has been done for every coast city of any size from Mexico to Oregon. Cities like San Diego, Newport Beach, Long Beach, Los Angeles, Santa Monica, Ventura, Santa Barbara, Monterey, Santa Cruz, San Francisco, Oakland and Eureka and many others own their tidelands.

VOTE YES on Proposition No. 11 and help to REDUCE the taxes for the State by saving the oil for our taxpayers. Enable Huntington Beach to build for itself a harbor and other municipal improvements and in so doing EMPLOY hundreds of men in necessary JOBS.

Respectfully submitted,

E. G. CONRAD,
Mayor of the City of Huntington Beach.

RAY H. OVERACKER,
City Attorney of the City of Huntington Beach.

Argument Against Initiative Proposition No. 11

This measure, while somewhat camouflaged, authorizes the use of Huntington Beach Tidelands for the "production of minerals, oil, gas and other hydro-carbons." That this is its only true purpose is demonstrated by the fact that an oil lease has already been made by certain City Officials, to parties interested in having the measure adopted. (This lease was

made notwithstanding the City has no title to the land leased, and notwithstanding the known vigorous and consistent opposition of the Huntington Beach Chamber of Commerce and other civic bodies.)

Present conditions at Venice and elsewhere so plainly demonstrate the effect of perversion of beach areas to oil exploitation as to render argument unnecessary.

The simple question is: Are the beaches to be preserved for the health, recreation and happiness of all the people, or shall they be despoiled for the benefit of a few oil exploiters?

There can be but one answer: Our beaches must be saved!

This is the second attempt within twelve months to deprive the people of their beaches. The same proposition was presented at the May, 1932, election. It was then emphatically repudiated. Unmindful of this public rebuke, the same interests are again attempting to "put it over."

Of course, the preservation of our beaches is just as vitally necessary now as it was then. No justification is even attempted for revival of this nefarious measure.

The natural beauties of California are not only sources of public enjoyment, but are assets of incalculable value to her material development and prosperity. Thousands, annually attracted thereto from less favored regions, are thereby inspired to advertise the greatness and variety of the State's advantages. Preserved, they will continue to be assets of increasing value—despoiled, they will be eyesores, bringing loss to the public and reproach and con-

demnation upon those responsible for their spoliation.

Promoters of this measure desire, for their own personal profit, to destroy a valuable public heritage, which it is our duty to preserve unimpaired, for use and enjoyment by present and future generations.

While in terms applying only to Huntington Beach, this measure will, if adopted, place all beaches in jeopardy.

The Chamber of Commerce and other organizations of Huntington Beach have consistently opposed it, firmly believing that spoliation of our beaches would be a tragic public sacrifice.

The few paltry dollars accruing to the City Treasury from oil exploitation of this public heritage is a "mess of pottage" compared to the immeasurable public loss arising from destruction of a great public playground.

The people are entitled to the continued enjoyment of their ocean beaches and to assurance against enforced abandonment thereof to the derricks and refuse necessarily resulting from drilling for oil. Everyone having the interests of the people at heart should vigorously oppose this effort to turn over California's beautiful beaches to "Spoilers and Oilers."

Vote "No!"

C. G. WARD,

Chairman Civic Betterment Committee,
Huntington Beach Chamber of Commerce.

WILLIS H. WARNER,

Secretary and Treasurer, Beach Protective Association, Huntington Beach, California.

<p>12 AUTHORIZING CITY OF GLENDALE, AFTER ELECTION THEREFOR, TO PAY OWNERS CERTAIN IMPROVEMENT ASSESSMENTS UPON THEIR PROPERTY. Assembly Constitutional Amendment 32. Amends Section 31 of Article IV of Constitution. Provides that City of Glendale, in Los Angeles County, when authorized by majority vote at election therefor, may pay from surplus of its public service department to owners of property at time of such authorization the amount of any assessment for replacement of water mains levied upon such property between May 11, 1921 and ratification of this amendment, and that no statute of limitations shall apply thereto.</p>	YES	
	NO	

(For full text of measure, see page 17, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 32

Assembly Constitutional Amendment No. 32 pertains to the City of Glendale only. It does not concern any other community.

Its purpose is to refund money collected by assessment for the replacement of water mains.

Said money is to be taken from the surplus earnings of the Public Service Department.

Passage of this measure is strongly urged as an enabling provision to allow special assessment refunds by the City of Glendale. It is purely local in effect, and concerns the State of California as a whole only in that its passage will permit of fair and equitable treatment of

owners of property previously assessed for the replacement of water mains in the City of Glendale by allowing them to share equally with other owners now receiving replacements from revenues of the city's publicly owned utility.

For years old and leaky mains were replaced from funds obtained by assessments against benefited property, but the Glendale Public Service Department now maintains a sizable surplus and public demand has recently caused replacements to be made from utility revenues.

It is considered fair and equitable to adjust the difference by refund of these previous assessments from the surplus revenues of the department. This can not be done legally without this

constitutional amendment and without the subsequent approval of a majority of the voters of Glendale.

After this Constitutional Amendment has served its purpose to the citizens of Glendale, it will be of no further force and effect.

Vote "Yes" on Assembly Constitutional Amendment No. 32.

SARAH E. KELLOGG,
Assemblywoman, 51st District.

JOSEPH P. GILMORE,
Assemblyman, 23d District.

AMENDING STATE ATHLETIC COMMISSION INITIATIVE ACT.

Assembly Constitutional Amendment 26. Adds Section 25½ to Article IV of Constitution. Declares Legislature may amend State Athletic Commission Initiative act, except provisions thereof allowing wrestling and twelve round boxing contests, to provide for supervision and regulation of wrestling, boxing or sparring, matches or exhibitions, but limits boxing or sparring match or exhibition to twelve rounds not exceeding three minutes each. Appropriates State moneys derived from such matches or exhibitions, (less expenses of Commission and salaries), to maintain homes for care of war veterans, apportioning same as Legislature directs.

13

YES

NO

(For full text of measure, see page 18, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 26

The purpose of this amendment is to give the Legislature the power to amend the present law governing boxing and wrestling contests in California. This law has been in effect for seven years and during those years former members of the State Athletic Commission, promoters and others connected with the boxing game have found numerous defects in the law. In order to remedy said defects, without the large expense required to put another initiative measure on the ballot, it is necessary that this constitutional amendment be adopted.

Both the Bixby Board of Inquiry to investigate boxing and wrestling, appointed by former Governor Young, and the Assembly Committee now investigating boxing and wrestling conditions in California, have reported that the act now in effect is insufficient in many of its features and, therefore, ineffective in many respects to properly regulate boxing and wrestling activities, and they both have recommended certain amendments to the act, but unless this constitutional amendment receives a majority of "yes" votes at the general election in 1932, the Legislature will not have the power to enact these suggested amendments to the act.

The deputy state attorney general, acting as the legal adviser for the State Athletic Commission since 1925, in his testimony given to the

Bixby Board of Inquiry stated that the law controlling boxing and wrestling in California has many defects and should be amended so that said act will more clearly and thoroughly prescribe the duties and powers of the State Athletic Commission and allow for more drastic punishment of violators of the provisions of the act.

Adoption of this amendment does not give the Legislature the power to repeal the initiative act governing boxing and wrestling nor can said act be repealed except by a majority vote of the people of the State. On November 6, 1928, by a majority of 393,383 votes, the voters of California sternly rebuked the "professional reformers" who attempted to repeal this act—this being the second time the people voted favorably to retain regulated boxing and wrestling.

From January, 1925 to June 30, 1931, the State Athletic Commission collected in fees and the 5% tax deducted from gate receipts of boxing and wrestling contests the total sum of \$908,288.25; all of this vast sum except the actual expenses of the Commission is being spent for the erection of concrete barracks at the Veterans' Home, Yountville, California, to replace old insanitary, fire-trap wooden buildings, with modern comforts for the down-and-out and disabled veterans of all wars, who are living at said State Home in Napa County. This building program being accomplished—thanks to the boxing and wrestling law—with-

out costing the State of California or the taxpayers thereof a single penny, nor are the taxpayers in any way whatsoever taxed under said law or this proposed amendment. Give this amendment a "YES" vote and keep boxing and wrestling in California on a high plane, thereby helping provide for more concrete barracks for

our old soldiers at Yountville without costing a cent from any other funds of this State.

HARRY F. MORRISON,
Assemblyman, Twenty-ninth District.

H. E. DILLINGER,
Assemblyman, Sixteenth District.

<p>EXEMPTING VESSELS FROM TAXATION. Assembly Constitutional Amendment 28. Amends Section 4 of Article XIII of Constitution. Declares all vessels of more than fifty tons burden registered at any</p> <p>14 port in this state and engaged in the transportation of freight or passengers shall be exempt from taxation except for state purposes until and including the first day of January 1955.</p>	YES	
	NO	

(For full text of measure, see page 19, Part II)

Argument in Favor of Constitutional Amendment No. 28

All vessels registered at any port in the State of California, of more than 50 tons burden and engaged in the transportation of freight or passengers are at the present time subject to taxation for state purposes only. Assembly Constitutional Amendment No. 28 which was unanimously adopted by both the State Senate and the Assembly, continues this provision now appearing in the Constitution, until January 1, 1955. The purpose of it is to make certain that such vessels are not taxed other than for state purposes. This section which has been in the California constitution since 1914 is more

necessary now than ever. It is similar to laws now in effect in most states along the Atlantic Seaboard and has recently been enacted in both Washington and Oregon. Should the people of the State fail to re-enact this constitutional provision the result will be that all vessels of more than fifty tons burden registered from California ports will have their registration transferred to ports outside of California with resultant injury to the shipping industry of this State.

B. J. FEIGENBAUM,
Assemblyman, 31st District.

CLARENCE N. WAKEFIELD,
Assemblyman, 61st District.

<p>DEPOSIT OF PUBLIC MONEYS. Assembly Constitutional Amendment 33. Amends Section 16½ of Article XI of Constitution. Extends to any public or municipal corporation within this State provisions of said section permitting deposit in national or state banks within this State of moneys belonging to or in custody of the State, or</p> <p>15 any county or municipality thereof; also extends to such public or municipal corporation provisions of said section permitting deposit in banks outside this State of moneys for payment of principal or interest of bonds issued by such corporation and payable at places outside this State.</p>	YES	
	NO	

(For full text of measure, see page 20, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 33

This amendment to Section 16½, Article XI, of the State Constitution, adopted by the unanimous vote of the legislature and now before the people for approval, is needed to clarify the constitutional provisions respecting the deposit of public moneys in banks.

Section 16½ contains the following provisions:

"All moneys belonging to, or in the custody of, the state, or any county, city and

[Twenty]

county, city, town, municipality, or other political subdivision, within this state may be deposited in any national bank or banks within this state, or in any bank or banks organized under the laws of this state, in such manner and under such conditions as may be provided by any law adopted by the people under the initiative or by a two-thirds vote of each house of the legislature and approved by the governor and subject to the referendum; * * * (Italics supplied.)

The legislature, acting under the authority of this section, has provided for deposit in banks of money belonging to, or in the custody of, the state or its political subdivisions (Stats. 1923, Ch. 76; Stats. 1927, Ch. 740).

The legislature has also sought to provide for deposit of funds of metropolitan water districts in banks (Stats. 1929, Ch. 796).

The question has been raised, whether a metropolitan water district, or other similar corporation, is a "municipality", or a "political subdivision", within the meaning of those terms as employed in said Section 16½; or, in other words, whether that section, as it now reads, furnishes a basis for such statutory provision respecting funds of metropolitan water districts, or other similar public corporations.

The adoption of Assembly Constitutional Amendment No. 33 will eliminate these questions. That amendment provides, in part, as follows:

"All moneys belonging to, or in the custody of, the state, or any county, city and county, city, town, municipality or other public or municipal corporation, within this state may be deposited in any national bank or banks within this state, or in any bank or banks organized under the laws of this state, in such manner and under such

conditions as may be provided by any law adopted by the people under the initiative or by a two-thirds vote of each house of the Legislature and approved by the governor and subject to the referendum;
* * *

A metropolitan water district, and other similar corporations, are public corporations, and therefore, unquestionably, are within the terms of such amendment.

This constitutional amendment is especially important at this time, by reason of the Colorado River Aqueduct Project of the Metropolitan Water District of Southern California. The funds of this District, at times, may amount to a very large sum. This District should have indisputable authority to deposit its funds in banks, so as to obtain interest thereon until they are required for District purposes. Other similar public corporations should also have such authority. To achieve this desirable end, Assembly Constitutional Amendment No. 33 should be approved.

G. M. BIGGAR,
Assemblyman, 6th District.

WILLIAM G. BONELLI,
Assemblyman, 54th District.

TAX LIENS. Assembly Constitutional Amendment 2. Adds Section 31b to Article IV of Constitution. Empowers Legislature to provide that the lien of every tax, heretofore or hereafter attaching, shall cease for all purposes thirty years after such tax became a lien, or to provide that every tax, heretofore or hereafter levied, shall be conclusively presumed to have been paid after thirty years from time same became a lien unless the property subject thereto has been sold in manner provided by law for payment of said tax.

16

YES

NO

(For full text of measure, see page 21, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 2

ASSEMBLY CONSTITUTIONAL AMENDMENT NUMBER TWO was introduced at the 1931 session of the Legislature and passed both houses without a dissenting vote.

The 1931 legislature passed a bill which would have the effect of placing a statute of limitation on taxes. Conflicting legal opinion made it desirable to pass Assembly Constitutional Amendment Number Two, which if approved by the electorate of the State will make constitutional the 1931 act, or permit the legislature to pass a constitutional act in 1933.

During the early history of the state, when land was held in large parcels and taxes were small, the levying and collection of taxes was carried on in many counties in a careless and haphazard manner. Old tax rolls show taxes as unpaid which were in fact paid, receipts

have been found among old private papers showing this to be the case.

The law passed by the Legislature in effect simply provides that when the State for *thirty years has not exercised its right to sell the property for delinquent taxes*, and when the time allowed by law for the State to sue to collect taxes has long since expired, the lien of the tax shall be removed also.

In some counties private persons have made contracts with the authorities under which they dig up and examine the old tax rolls, and receive fifty per cent of all the old taxes which they may find, and which the present owners are compelled or induced to pay in order to clear their property. It is obviously unfair to permit the State to wait until all the parties are dead and all private records lost, and then endeavor to enforce a lien for taxes with all the penalties.

The Constitutional Amendment in no way affects the collection of present taxes. It does

not apply to cases in which the State has sold property for non-payment of taxes. It merely gives the Legislature power, if it sees fit, to provide by law that if the State or its political subdivisions do not collect taxes or sell property for their non-payment within thirty years after the taxes are levied, the tax shall no longer be a lien upon the property.

On behalf of the property owners of the State of California, I ask you to vote YES on this amendment.

HUBERT B. SCUDDER,
Assemblyman, Seventh District.

HARRY B. RILEY,
Assemblyman, Seventy-first District.

Argument Against Assembly Constitutional Amendment No. 2

THE PROPOSED AMENDMENT PUTS A PREMIUM ON NON-PAYMENT OF TAXES. IT PENALIZES A PERSON WHO PAYS HIS TAXES AND REWARDS A PERSON WHO DOES NOT.

If taxes—public utility taxes, corporation taxes, bank taxes, or any other kinds of taxes—remain unpaid for thirty years after they have become due and payable, the proposed amendment would cancel those taxes and consider them fully paid. The amendment would thus relieve from taxation those taxpayers who choose not to pay at the expense of those taxpayers who are conscientious toward their tax obligations.

The inevitable result would be that taxpayers who pay their taxes would be forced to pay the taxes of delinquent taxpayers who have failed or refused to pay their taxes for a period of thirty years. It is expecting too much to ask all taxpayers who pay their just taxes to saddle themselves with the payment of just taxes chargeable to others who ignore government's demand for payment and complacently sit back in the knowledge that, if they do not pay, their taxes will be contributed by the conscientious group of tax-paying citizens.

Ample provision now exists for the cancellation of taxes illegally or erroneously levied. Non-payment of taxes by those who would escape payment of their just share of the expenses of government should not be encouraged.

The proposed wholesale cancellation of taxes deliberately permitted to become delinquent goes beyond mere cancellation. Under the existing law property is not further assessed after taxes have remained unpaid for five or more years. The amendment contains no provision for returning such property to the assessment rolls. Hence the automatic cancellation of just taxes would also prevent any further just taxation of that property.

Taxes have never been popular but they are indispensable to the maintenance of sound government. The least government can do is to distribute the tax load fairly and equitably, but the proposed amendment would write tax discrimination and tax inequality into the law.

In 1912 there were 32,137 parcels of land sold to the State for tax delinquency; in 1930 the number grew to 296,608; and it is estimated that the number will exceed 500,000 for the taxes of 1931. The proposed amendment would swell that total by holding out the promise of tax immunity for tax delinquency.

It is impossible to accurately estimate the loss in dollars that the State, the fifty-eight counties, and the innumerable cities and other taxing districts would suffer by the adoption of the proposed amendment, but it may be safely said that the immediate loss would exceed one million dollars and that the loss would mount with each succeeding year.

EVERY CENT OF THAT LOSS, WHATEVER ITS EXTENT, WOULD HAVE TO BE MADE UP BY INCREASED TAXES LEVIED AGAINST THOSE PROPERTY OWNERS WHO DO NOT REFUSE OR FAIL TO PAY THEIR TAXES. THE PROPOSED AMENDMENT THEREFORE MEANS HIGHER TAXES AND MORE TAXES FOR ALL TAXPAYERS.

VOTE NO!

R. R. WILSON,
Santa Rosa, California

<p>CITY CHARTERS. Assembly Constitutional Amendment 31. Amends Section 8, Article XI, of Constitution. Requires board of freeholders, within one year after their election, to prepare a proposed city charter, and if city's population exceeds 50,000 requires copies thereof be printed and mailed each elector. Requires petition for submission of charter amendment be filed with legislative body of city at least sixty days before general election next preceding a regular session of Legislature. Permits charter provision for division of city into boroughs or districts; eliminates provision that borough's powers be not changed without consent of electors of borough.</p>	YES	
<p>17</p>	NO	

(For full text of measure, see page 21, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 31

Assembly Constitutional Amendment No. 31, if adopted will make three distinctive changes in section 8, of article eleven of the constitution of the State of California, relating to the drafting of a charter by a board of freeholders.

These three changes are extremely simple and are designed to afford greater opportunity to the citizens affected, to familiarize themselves with the provisions of the fundamental law upon which they are expected to render their decision by the exercise of their rights of suffrage.

These amendments are:

First: Extending the time in which a Board of Freeholders shall prepare a charter from the present limitation of four months, which may be extended by sixty days or a period of six months in all, to one (1) year. The Board of Freeholders need not consume the entire year for their purpose but "shall, within one (1) year after the result of the (their) election is declared, prepare and propose a charter for the government of such city."

Second: Provides that when a charter is published in the official newspaper of a city or in a newspaper of general circulation within such city, it shall be published in *each* and *all* editions of such newspaper issued during the day of publication.

Third: The legislative body in any city or city and county, with over 50,000 population shall cause copies of such charter to be printed in convenient pamphlet form and in type of not less than ten point and shall cause copies thereof to be mailed to each of the qualified electors of such city. This already applies to

charter amendments but not to the charter itself.

Experience has prompted the Civic League of Improvement Clubs and Associations of San Francisco to propose these amendments.

The first, because it is a matter of common knowledge that freeholders have been obliged to curtail their investigations and discussions and in the final period act with haste in preparing their charter, which will be obviated if they have a whole year within which to discuss and frame so important a document as a charter upon which all laws of the community are founded.

Second, the publication of the charter in accordance with the contract appeared in only one edition of the official newspaper on the date of publication, with the result that many persons were disappointed in not getting a copy of the edition in which the charter was published and therefore were unable to familiarize themselves with its provisions, and the third amendment is designed to correct the incongruous situation by which the citizens of San Francisco received printed copies of a charter amendment which was submitted at the same election at which the new charter was adopted, but of which charter they received no copies.

This clearly indicates a serious omission in our laws which the adoption of this amendment will correct.

The amendment in its present form passed both houses of the legislature without opposition of any kind and surely there can be none to giving a board of freeholders ample time in which to draw a charter and the voters every opportunity to familiarize themselves with its provisions prior to casting their ballots upon it.

HARRY F. MORRISON,
Assemblyman, 29th District.

AUTHORIZING BOARD OF SUPERVISORS TO DRAFT COUNTY CHARTER. Assembly Constitutional Amendment 23. Adds Section 7½ to Article XI of Constitution. Confers upon board of supervisors of any county same power to draft a proposed charter for said county as is conferred upon board of freeholders elected under Section 7½ of Article XI; declares provisions of latter section shall otherwise apply in every respect to such proposed charter.	YES	
	NO	

(For full text of measure, see page 23, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 23

The purpose of this amendment is to encourage the adoption of county home rule charters. California counties now have the choice of being governed by uniform general law as passed and modified by the state Legislature, or of adopting home rule charters drafted by an elected board of freeholders. This amendment does not in any manner prevent or affect the securing of a county charter by electing freeholders, which method will still be available exactly as at present, but it does make it possible for a county board of supervisors to propose a charter to the voters, thus avoiding the necessity of electing freeholders.

The proposed alternative method would not only be less cumbersome and less expensive than is the freeholders method, but it is believed that charters proposed by county supervisors would generally be more acceptable to the people than are those proposed by freeholders. The supervisors are in a better position to judge the needs of the county, and they would have an indefinite period of time in which to secure useful information and to study the recommendations of others; or they could submit to the voters, with little or no modification, charters which have worked well in other counties of similar character, or which have been prepared by experts in county government. Moreover, it has been found that inexperienced or unfriendly freeholders often insist on the inclusion in a proposed charter of features which discredit the entire instrument and cause it to be rejected at the polls.

Largely because of the unacceptable character of charters proposed by freeholders, only six of our fifty-eight counties have taken advantage of the home rule provisions of the Constitution, which permit greater local control and more suitable forms of government than the general law affords. The general law, which must be uniform, can not make different provisions for counties of different size and character, while experience has shown that these differences create serious needs for corresponding differences in governmental framework of counties. For example, many counties can use a road engineer, a planning commission, or a public defender to advantage, while other counties can operate quite satisfactorily without such officers. By the adoption of a charter a county may secure the form of government most suited to its needs.

It should be noted that this amendment is not in any sense a radical departure from existing principles, inasmuch as county supervisors may now propose amendments to a county charter once it has been adopted. The new feature simply provides an alternative and more satisfactory method of adopting a charter. The amendment does not apply to the city and county of San Francisco.

The recommendations of the California Commission on County Home Rule suggested the amendment, and its adoption will further the long established and well settled policy of bringing local government closer home to the people.

GEORGE R. BLISS,
Assemblyman, 49th District.

GEORGE B. BOWERS,
Assemblyman, 78th District.

CITY CHARTER PROVISIONS FOR NOMINATION AND ELECTION OF OFFICERS. Senate Constitutional Amendment 9. Amends Section 8½ of Article XI of Constitution. Adds provision permitting city or city and county charters to provide any mode for the nomination and/or election of officers of such city or city and county, and to adopt and provide for any system of proportional representation on the legislative body thereof, also the manner of voting under such system.

YES

NO

(For full text of measure, see page 23, Part II)

Argument in Favor of Senate Constitutional Amendment No. 9

In accordance with the recommendation of the recent State Constitutional Commission, this amendment to our Constitution, as well as Constitutional Amendment No. 8, was suggested to provide other methods of election and representation for the legislative bodies of our chartered cities.

If approved by the people this amendment will permit those cities which are governed under a freeholders' charter to adopt other systems for the nomination and election of their officials than the one to which they are now limited by the Constitution and general laws, also permitting them to adopt other methods of representation in their legislative bodies.

It is designed to overcome the objections raised by the courts in the case of "People v. Elkus", Vol. 59, California Appellate Reports, page 396, wherein the election system provided in one of our city charters was declared invalid.

Every student of American government will agree that our cities and towns should be encouraged to use such improved methods as may be devised from time to time for the more effective and satisfactory administration of municipal government. If there are better modes of election or superior systems of representation for our legislative bodies than those to which they are now restricted by the Constitution and general laws, the people of our chartered cities should be authorized to employ

them, if they so desire. Why should that right be denied?

Cities everywhere have been burdened with "boss rule" and the iniquitous "spoils system", as the result of which millions of dollars of the taxpayers' money have been wasted in extravagance and misgovernment. Why not permit the cities to adopt some other plan of election and representation which would do away with "machine" politics and save the taxpayers vast sums that are now wasted in needless "spoils"?

One of the plans which could be adopted is known as Proportional Representation. It is a system whereby minority groups receiving a certain number of votes would secure representatives on the legislative body or city council in proportion to the total number of votes cast. Its use would have the effect of arousing more interest in municipal government and encouraging the people to vote because of the fact that under the system every vote cast is effective in the election of one or more candidates. It is being used successfully in a number of our eastern cities and with greater satisfaction to the people. Why not permit its use in California?

The amendment has the support and endorsement of all groups of our citizenry who sponsor the "home rule" theory of our American democracy. We know of no valid opposition.

GEORGE W. ROCHESTER,
State Senator, 37th District.

HERBERT C. JONES,
State Senator, 18th District.

COUNTY CHARTER PROVISIONS FOR NOMINATION AND ELECTION OF OFFICERS. Senate Constitutional Amendment 8.

Amends Section 7½ of Article XI of Constitution. Adds provision permitting county charters to provide any other mode in place of that provided by general laws for the nomination and/or election of elective officers of counties, townships, road districts and highway construction divisions therein, and to adopt and provide for any system of proportional representation on the legislative or governing body of counties, also the manner of voting under such system.

20

YES

NO

(For full text of measure see page 28, Part II)

Argument in Favor of Senate Constitutional Amendment No. 8

The purpose of the proposed amendment is to permit counties in framing their own charter under section 7½ of article eleven of the State Constitution, to provide in such charters any mode they see fit for the nomination and for election of all elective officers of the county and of townships, road districts and highway construction divisions. It also permits them to adopt and provide for any system of proportional representation on the legislative or governing body of such county and also the manner of voting under such system.

Under the present constitutional provision county charters must provide that all elective officers shall be nominated and elected in the manner provided by the general laws of the state for the nomination and election for such officers.

The purpose of county charters is to provide home rule for counties; this home rule theory should include the right of each county to select the method of nominating and electing its officers; if it is required to adopt that system which is provided by the general laws, then one of the main objects of home rule would be

defeated. The people in the counties should have the option to nominate and elect their officers by any system that they deem best suited for their purposes.

Many counties also may desire to adopt some method of proportional representation on the legislative or governing body of the county. Due to the fact that the Supreme Court of this state has held that a method of electing officers by a proportional system would be invalid unless authorized by the constitution, the amendment includes by special reference this system of electing the legislative officers of the county. This technical objection makes necessary this amendment in order for the people to rule themselves as they see fit.

As the sole purpose of this amendment is to give to the people of the county the right in adopting their county charter to select the method of nominating and electing county officers, there can be no valid objection against the proposed amendment.

GEO. W. ROCHESTER,
State Senator, 37th District.

J. M. INMAN,
State Senator, 7th District.

PART II
APPENDIX

WRIGHT ACT REPEAL. Initiative measure. Repeals Act of Legislature commonly known as Wright Act, approved by electors on referendum November 7, 1922, which Act provided for enforcement by State of California of the Eighteenth Amendment of the United States Constitution, prohibited all acts or omissions prohibited by Volstead Act, adopted penal provisions of that Act, imposed duties on courts, prosecuting attorneys, sheriffs, grand juries, magistrates and peace officers in this State, extended their jurisdiction, and provided for the disposition of fines and forfeitures.

YES

NO

Sufficient qualified electors of the State of California have presented to the secretary of state a petition and request that the proposed law hereinafter set forth be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed law is as follows:

(This proposed law expressly repeals an existing law; therefore the EXISTING LAW proposed to be REPEALED is printed in STRIKE-OUT TYPE.)

PROPOSED LAW.

Act to Repeal Act of Legislature of California, Known as the Wright Act, Approved by the Governor May 7th, 1921; Approved by Electors at the General Election Held November 7th, 1922; Effective December 21st, 1922.

The people of the State of California do enact as follows:

That certain act of the legislature of the State of California, known as the Wright Act, approved by the Governor May 7th, 1921; approved by the electors of the State on referendum at General Election held November 7th, 1922; effective December 21st, 1922, and entitled:

"An act to enforce the provisions of article eighteen of the amendments to the constitution of the United States; prohibiting all acts or omissions prohibited by the Volstead Act; imposing duties on courts, prosecuting attorneys, sheriffs and other officers, and extending their jurisdiction; and providing for the disposition of fines and forfeitures." is hereby repealed

An act to enforce the provisions of article eighteen of the amendments to the constitution of the United States; prohibiting all acts or omissions prohibited by the Volstead act; imposing duties on courts, prosecuting attorneys, sheriffs and other officers, and extending their jurisdiction; and providing for the disposition of fines and forfeitures.

The people of the State of California do enact as follows:

SECTION 1. California hereby recognizes the requirements of the eighteenth amendment to the constitution of the United States for its concurrent enforcement by the congress and the several states. To that end, the penal provisions of the Volstead act are hereby adopted as the law of this state; and the courts of this state are hereby vested with the jurisdiction; and the duty is hereby imposed upon all prosecuting attorneys, sheriffs, grand juries, magistrates and peace officers in the state, to enforce the same.

SEC. 2. All acts or omissions prohibited or declared unlawful by the eighteenth amendment to the constitution of the United States or by the Volstead act are hereby prohibited and declared unlawful; and violations thereof are subject to the penalties provided in the Volstead act.

SEC. 3. California hereby recognizes that its power to enforce the eighteenth amendment to the constitution of the United States should at all times be exercised in full concurrence with the exercise of the like power of congress; and to that end, whenever congress shall amend or repeal the Volstead act, or enact any other law to enforce the eighteenth amendment to the constitution of the United States, then the provisions of sections one and two of this act shall apply thereto.

SEC. 4. Nothing in this act shall be construed as limiting the power of any city or county, or city and county, to prohibit the manufacture, sale, transportation or possession of intoxicating liquors for beverage purposes; and all fines and forfeitures collected under any ordinance now or hereafter enacted in the exercise of such power shall be paid into the treasury of the city or county, or city and county, whose ordinance is violated.

SEC. 5. The phrase "Volstead act" as used herein is defined as title two of the act of congress enacted October 28, 1919, such title two being enacted under the authority of the eighteenth amendment to the constitution of the United States and providing for the enforcement thereof.

SEC. 6. Should any section or any portion of any section of this act be found unconstitutional, the remainder shall continue in full force and effect, it being expressly declared that such is the intention.

STATE LIQUOR REGULATION. Initiative Constitutional Amendment.**2**

Declares, if Wright Act is repealed, and when lawful under Federal Constitution and laws, State of California shall have exclusive right to license and regulate the manufacture, sale, possession, transportation, importation and exportation, of intoxicating liquors; prohibits public saloons, bars or drinking places where intoxicating liquors are kept, sold or consumed; permits serving wine and beer with meals furnished in good faith to patrons of hotels, boarding houses, restaurants and public eating places; permits Legislature to authorize, under reasonable restrictions, sale of liquor in original packages in retail stores where same not consumed therein.

YES

NO

Sufficient qualified electors of the State of California have presented to the secretary of state a petition and request that the proposed amendment to the constitution hereinafter set forth be submitted to the people of the State of California for their approval or rejection at the next ensuing general election. The proposed amendment to the constitution is as follows:

(This proposed amendment does not amend any existing section of the Constitution but adds a new section thereto; therefore the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

First. A new section numbered 22 is hereby added to Article XX of the Constitution of the State of California, to read as follows:

Sec. 22. In the event of the repeal of the State Prohibition Enforcement Law, commonly known as the Wright Act, and if and when it shall become lawful under the Constitution and laws of the United States to manufacture, sell, purchase, possess or transport intoxicating liquor for beverage purposes within the United States, the State of California,

subject to the internal revenue laws of the United States, shall have the exclusive right and power to control, license and regulate the manufacture, sale, purchase, possession, transportation and disposition of intoxicating liquor within the state, and, subject to the laws of the United States regulating commerce between foreign nations and among the states, shall have the exclusive right and power to control and regulate the importation into and the exportation from the state of intoxicating liquor; provided, however, no public saloon, public bar or barroom or other public drinking place where intoxicating liquors to be used for any purpose shall be kept, bought, sold, consumed or otherwise disposed of, shall ever be established, maintained or operated within the state; provided, further, subject to the above provisions, that in hotels, boarding houses, restaurants, cafes, cafeterias and other public eating places, wines and beer may be served and consumed with meals furnished in good faith to the guests and patrons thereof, and the legislature may authorize, subject to reasonable restrictions, the sale in retail stores of liquor contained in original packages, where such liquor is not to be consumed on the premises where sold.

FORECLOSURE OF MORTGAGES AND TRUST DEEDS. Initiative. Defines

3 mortgage as contract, trust deed, or instrument, hereafter executed, making specific real property security for performance without changing possession; forbids power of sale therein; declares same enforceable solely by Court action; requires action dismissed, and mortgage reinstated, upon mortgagor paying, before judgment, amount delinquent (other than by acceleration), costs and three months advance interest; prescribes notice before execution or foreclosure sale, and twelve months redemption period during which person in possession must pay rental specified by Court or surrender possession to execution purchaser, crediting same on judgment upon redemption; permits Legislative amendments.

YES

NO

Sufficient qualified electors of the State of California have presented to the secretary of state a petition and request that the proposed law hereinafter set forth be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed law is as follows:

(This proposed law expressly amends and repeals existing Code sections and adds new sections; therefore EXISTING PROVISIONS proposed to be DELETED or REPEALED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED or ADDED are printed in BLACK-FACE TYPE.)

PROPOSED LAW.

An act to add a new section to the Code of Civil Procedure to be numbered six hundred ninety-two-a relating to notice of sale of real property, and to amend section seven hundred one of the Code of Civil Procedure relating to redemption and redemptioners, and to amend section seven hundred two of the Code of Civil Procedure relating to twelve months redemption period and interest during redemption period; to add a new section to the Code of Civil Procedure to be numbered seven hundred seven-a, relating to rents during redemption period; and to add a new section to the Code of Civil Procedure to be numbered seven hundred seven-b, relating to reinstatement after default, and to add a new section to the Code of Civil Procedure to be numbered seven hundred twenty-five, defining a mortgage and providing the method of foreclosure; to add a new section to the Code of Civil Procedure to be numbered seven hundred twenty-five-a, providing that a power of sale contained in a mortgage shall be void; to add a new section to the Code of Civil Procedure to be numbered seven hundred twenty-five-b, providing that a mortgage shall be forecloseable only by action in court, and providing that this act shall not apply to mortgages executed by the State, political subdivisions thereof, or by public utilities; and to repeal sections two thousand nine hundred twenty, two thousand nine hundred twenty-four, two thousand nine hundred twenty-four-a, and two thousand nine hundred thirty-two of the Civil Code relating to trust deeds, the

power of sale therein and sale thereunder; and to repeal all acts and portions of acts in conflict with this act; and empowering the Legislature to amend this act in furtherance of its purposes; and relating to the construction and constitutionality of this act, and prohibiting waiver of the provisions of this act as against public policy.

The people of the State of California do enact as follows:

Sec. 1. A new section is hereby added to the Code of Civil Procedure to be numbered six hundred ninety-two-a, which shall read as follows:

692-a. Before the sale of real property on execution, or on the foreclosure of a mortgage or other lien, other than a leasehold of two years unexpired term, notice thereof shall be given, which notice shall contain the time and place of sale, and shall particularly describe the property to be sold, which description shall include the legal description and also the commonly known and used street address, if any. Such notice shall include a copy of the order or decree upon which the sale is based. Such notice shall be posted on the property for at least twenty days prior to the day of sale. Notices herein provided shall contain such other matters as are now, or hereafter may be, provided by law.

Sec. 2. Section seven hundred one of the Code of Civil Procedure is hereby amended to read as follows:

701. Real property or any interest therein, sold subject to redemption, as provided in the last section, or any part sold separately, under execution or on the foreclosure of a mortgage or other lien, other than a leasehold of two years unexpired term, may be redeemed in the manner hereinafter provided, by the following persons, or their successors in interest, who are termed redemptioners:

1. The judgment debtor, or his successor in interest, in the whole or any part of the property;

2. A creditor having a mortgage or judgment lien by judgment or mortgage or any other lien on the property sold, or on some share or part thereof, subsequent to that under which the property was sold. The persons mentioned in the second subdivision of this section are, in this chapter, termed redemptioners.

Sec. 3. Section Seven Hundred Two of the Code of Civil Procedure is hereby amended to read as follows:

702. The judgment debtor, or redemptioner, may redeem the property from the purchaser any time within twelve months after the sale on paying the purchaser the amount of his purchase, with one per cent per month together with interest thereon in addition, at the rate provided in the instrument foreclosed, if any interest is therein provided, and if no interest is therein provided, then interest shall be at the rate of seven per cent per annum, up to the time of the redemption, together with the amount of any assessment or taxes which the purchaser may have paid thereon after the purchase, and interest on such amount. And if the purchaser be also a creditor, having a prior lien to that of the redemptioner, other than the judgment under which said purchase was made, the amount of such lien with interest.

Sec. 4. A new section is hereby added to the Code of Civil Procedure to be numbered Seven Hundred Seven-a, which shall read as follows:

707-a. In any action to foreclose a mortgage or other encumbrance subject to redemption, the Court shall, at the time of judgment, or at any time during the redemption period, determine the reasonable rental value of the encumbered property, or so much thereof as may be ordered sold, or so much thereof as shall have been sold by virtue of the foreclosure decree, and shall order the payment by the person in possession to the purchaser at the execution sale or his successor in interest of such rental value in monthly installments during the twelve months period of redemption, or for such portion of the twelve months period of redemption as such person shall remain in possession, such payments to be made on dates to be fixed by the Court, and if such person in possession shall fail to pay such rental value as determined by the Court for a period of fifteen days after the same becomes due, the Court may, upon an order to show cause, order such person in possession to deliver possession of the property to the judgment creditor or his successor in interest. In the event the mortgagor or other redemptioner shall redeem the mortgaged property as herein provided, all sums paid or collected by way of rent shall be allowed and credited on the judgment or certificate of sale. Nothing contained in this section shall be construed as affecting the right to redeem the property.

Sec. 5. A new section is hereby added to the Code of Civil Procedure to be numbered Seven Hundred Seven-b, which shall read as follows:

707-b. The mortgagor or his successor in interest in the mortgaged property may, at any time prior to the entry of judgment in any action brought to foreclose a mortgage, pay to the mortgagee or into court for his benefit all delinquent interest together with unpaid principal payments, if any, which may have become due on said mortgage other than by

acceleration, and cure all other defaults which may have occurred according to the terms of the mortgage, together with three months advance interest and all costs, fees, and expenses as fixed by the court, and in such event, the foreclosure proceedings shall be dismissed by the Court and the said mortgage shall be reinstated as if no default had occurred.

Sec. 6. A new section is hereby added to the Code of Civil Procedure to be numbered Seven Hundred Twenty-five, which shall read as follows:

725. Every contract, conveyance in trust, deed of trust, deed, or other instrument, regardless of its form, hereafter executed, by which specific real property is made security for the performance of an act, without the necessity of a change of possession, is a mortgage, and shall be foreclosed only as a mortgage.

Sec. 7. A new section is hereby added to the Code of Civil Procedure to be numbered Seven Hundred Twenty-five-a, which shall read as follows:

725-a. No power of sale shall be included in a mortgage of real property. Every term or provision in any mortgage of real property hereafter executed which grants, creates, vests or delegates a power of sale, in any person, is void.

Sec. 8. A new section is hereby added to the Code of Civil Procedure to be numbered Seven Hundred Twenty-five-b, which shall read as follows:

725-b. All rights of a mortgagee of real property in the mortgaged property shall be enforceable solely by action brought in a court of competent jurisdiction to foreclose the mortgage.

Sec. 9. The provisions of this act shall not apply to mortgages executed by the State or any political subdivision thereof or by any public utility subject to the provisions of the Public Utilities Act.

Sec. 10. Sections Two Thousand Nine Hundred Twenty, Two Thousand Nine Hundred Twenty-four, Two Thousand Nine Hundred Twenty-four-a, and Two Thousand Nine Hundred Thirty-two of the Civil Code, and all acts and laws and portions of acts and laws in conflict with this act are hereby expressly repealed.

2020. Mortgage is a contract by which specific property is hypothecated for the performance of an act, without the necessity of a change of possession.

2024. Every transfer of an interest in property, other than in trust, made only as a security for the performance of another act, is to be deemed a mortgage, except when in the case of personal property it is accompanied by actual change of possession, in which case it is to be deemed a pledge. Where, by a mortgage created after July 27, 1917, of any estate in real property, other than an estate at will or for years, less than two, or in any transfer in trust made after July 27, 1917, of a like estate to secure the performance of an obligation, a power of sale is conferred upon the mortgagee, trustee, or any other person, to be exercised after a breach of the obligation for which such mortgage or transfer is a security, such power shall not be exercised except where such

mortgage or transfer is made pursuant to an order, judgment, or decree of a court of record; or to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the commissioner of corporations; or is made by a public utility subject to the provisions of the public utilities act; until, (a) the trustee, mortgagee, or beneficiary, shall first file for record, in the office of the recorder of the county wherein the mortgaged or trust property or some part thereof is situated, a notice identifying the mortgage or deed of trust and giving the book and page where the same is recorded or a description of the mortgaged or trust property, and containing a statement that a breach of the obligation for which such mortgage or transfer in trust is security has occurred, and of his election to sell or cause to be sold such property to satisfy the obligation; (b) not less than three months shall thereafter elapse; and (c) the mortgagee, trustee or other person authorized to make the sale shall give notice of the time and place thereof, in the manner and for a time not less than that required by law for sales of real property upon execution.

2021a. Where by the terms of any trust or deed of trust a power of sale is conferred upon the trustee, the attorney for such trustee may conduct the sale and act in such sale as the auctioneer for the trustee.

2022. A power of sale may be conferred by a mortgage upon the mortgagee or any other person; to be exercised after a breach of the obligation for which the mortgage is a security.

Sec. 11. The Legislature shall have the power to amend this act in furtherance of the objects and purposes of this act, provided, that the Legislature shall not in any manner whatsoever abridge the requirements of the foreclosure of mortgages by an action in a Court of competent jurisdiction, or the right of redemption for a period of twelve months after the foreclosure sale.

Sec. 12. Actions to foreclose mortgages shall be set for trial at the earliest possible date and shall take precedence of all other cases except matters to which special precedence may be given by law.

Sec. 13. Whenever this act, or any part or section thereof is interpreted by a Court, it shall be liberally construed so as to provide for the foreclosure of all encumbrances on real property by court procedure, and so as to provide for a twelve-months period of redemption after foreclosure sale.

Section 14.

1. If any section, sub-section, or sub-division of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

2. If this act should be held to be unconstitutional because of the existence herein of any section, sub-section, or sub-division, such section, sub-section or sub-division shall be deleted and the remainder of the act shall be construed without such section, sub-section, or sub-division.

3. Any agreement to waive, or the waiver of, any provision of this act shall be deemed to be in violation of public policy and is expressly prohibited.

REMOVING RESTRICTION UPON USE OF STATE'S HALF OF HIGHWAY TRANSPORTATION TAXES. Senate Constitutional Amendment

22. Amends Section 15 of Article XIII of Constitution. Eliminates from present section provision therein which requires that State's half of revenue from taxes upon highway transportation companies be devoted exclusively to the maintenance and repair of public highways.

4

YES

NO

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment of the constitution of said state by amending section 15 of article XIII thereof, relating to revenue and taxation.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 15 of article XIII 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. 15. Taxes levied, assessed and collected as hereinafter provided upon companies owning, operating or managing any automobile, truck or auto truck, jitney bus, stage or auto stage used in the business of transportation of persons or property as a common carrier for compensation over any public highway in this state between fixed termini or over a regular route, other than busses used exclusively for the transportation of pupils to or from any public school, when owned or operated by the school or school district, shall be entirely and exclusively for state highway purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies," as used in this section, shall

[Five]

include persons, partnerships, joint stock associations, companies and corporations.

(a) All such companies engaged in the business of transportation of persons, or persons and baggage, or persons and express, or persons, baggage and express where the same is transported on the same automobile, jitney bus, stage or auto stage transporting said persons shall annually pay to the state a tax upon their franchises, cars, equipment, and other property, or any part thereof, used exclusively in the operation of their business in this state, equal to four and one-quarter per cent of the gross receipts from operations of such companies, and each thereof, within this state.

All such companies operating trucks or auto trucks engaged in the business of transporting property shall annually pay to the state a tax upon their franchises, trucks or auto trucks, equipment, and other property, or any part thereof, used exclusively in the operation of their business in this state, equal to five per cent of the gross receipts from operations of such companies, and each thereof, within this state.

When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies; provided, that nothing herein shall be construed to release any such company from the payment of any amount to be paid or required by law to be paid for any special privilege or franchise heretofore granted by any of the municipal authorities of this state.

One-half of the revenues from the taxes provided for in this section shall be deposited in the general fund and shall be applied and the same are hereby appropriated one-half to the State of California to be devoted exclusively to the maintenance and repair of public highways within this state, and the remaining one-half shall be apportioned among the respective counties of this state, in the proportion that the number of motor vehicles registered within such county for the preceding calendar year bears to the total number of motor vehicles

registered in the State of California under the motor vehicle act of such state for the preceding year, and such sums so paid to said counties shall be devoted exclusively to the maintenance and repair of public highways within such county. In the event that all other state revenues are at any time deemed insufficient to meet the annual expenditures of the state, there may be levied in the manner to be provided by law, a tax, for state purposes, on all the property in the state, including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district on the first day of October, one thousand nine hundred and twenty-five. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes hereunder.

(b) All the provisions of this section shall be self-executing, and the Legislature shall pass all laws necessary to carry this section into effect, and shall provide for the valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration thereof.

The rates of taxation fixed in this section shall remain in force until changed by the Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section.

(c) No injunction shall ever issue in any suit, action or proceeding in any court against this state or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section; but after payment action may be maintained to recover any tax illegally collected in such a manner and at such time as may now or hereafter be provided by law.

RACING. Initiative Measure. Creates California Racing Board, consisting of three members, appointed by Governor, empowered to regulate and license racing and wagering, within race track enclosure, by system known as Certificate System; limits racing period at each track; requires all fees collected by board be paid into California Racing Board Fund, appropriating Thirty Thousand Dollars thereof annually for payment of salaries and expenses of members of Board and its appointees, and annually dividing balance thereof between Veterans' Welfare Board and State Board of Agriculture; authorizes licenses for limited periods at county fairs or agricultural exhibits.

YES

NO

Sufficient qualified electors of the State of California have presented to the secretary of state a petition and request that the proposed measure hereinafter set forth be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

(This proposed law does not expressly amend any existing law; therefore the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED LAW.

The people of the State of California do enact as follows:

Section 1. There is hereby created and established the California Racing Board, which shall be vested with the powers and charged with the duties in this Act specified and also the powers necessary or proper to enable it to carry out fully and effectually all the purposes of this Act. The jurisdiction, supervision, powers and duties of said California Racing Board shall extend to any and every person or persons, association or corporation that shall hereafter hold or conduct any meeting within the State of California whereat racing shall be conducted for any stake, purse, reward or otherwise.

Sec. 2. Said California Racing Board shall consist of three members, all of whom shall be appointed by the Governor after this act shall have been in effect 30 days. The Governor, at the time of making the appointment of said three members, shall designate one of said members to serve for the term of two years, one to serve for the term of three years, and one to serve for the term of four years.

The term of office of each member thereafter appointed shall be four years from the expiration of the preceding term. Vacancies in said board shall be filled by the Governor for the unexpired term. Each member of said board shall be eligible for reappointment in the discretion of the Governor.

The Governor may remove any board member for inefficiency, neglect of duty, or misconduct in office, giving to him a copy of the charges against him and an opportunity of being heard. No person shall be eligible for appointment or shall hold the office of board member or be appointed by the board, or hold any office or position under the board, who holds any

financial interest in racing within the State of California, or who accepts any pecuniary reward therefrom except as provided under this Act.

Sec. 3. Before entering upon the discharge of the duties of his office, each member of the board shall take oath of office as provided in the Political Code, and shall give bond to the State of California, with personal or corporate surety approved by the Governor in the penalty of fifty thousand dollars, with the condition that he will well and faithfully perform the duties appertaining to his office. Every such bond, when duly executed and approved, shall be filed and recorded in the office of the Secretary of State. The Governor, whenever in his opinion the surety of any member of said board shall have become or is liable to become insufficient, shall require such member of said board forthwith to renew his bond. Any member of said board who shall fail to renew his bond within ten days after the same shall have been required by the Governor, shall be deemed to be guilty of neglect of duty and shall be removable as hereinbefore provided. The cost of any bond given by any member of said board under this section shall be taken to be a part of the necessary expense of said board.

Sec. 4. Said board shall meet at such times and places within the State of California as the board shall determine. The members thereof shall be entitled to their reasonable expenses for each meeting so attended. A majority of the board shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the board. The board may appoint a secretary, an attorney and such officers, clerks, stenographers, inspectors, experts and employees as may be necessary, all of whom shall serve during the pleasure of said board. The board may require bonds from any or all of such appointees. The secretary shall keep a record of all proceedings of the board, shall preserve all books, maps, documents and papers belonging to the board or intrusted to its care, and perform such other duties as the board may prescribe.

Sec. 5. The salary of each member of the board except the chairman shall be three thousand dollars per year; the salary of the chairman of the board shall be four thousand dollars per year. The board shall fix the salaries of the secretary and other

appointees of the board. All fees collected by the board shall be paid to the State Treasurer and shall be deposited to the credit of the California Racing Board Fund. All moneys in such fund to the amount of thirty thousand dollars annually are hereby appropriated to be used to pay the salaries of the members of the board, the secretary and other appointees of the board, and the rental of offices, and other expenses of the board. Moneys to pay such expenses shall be drawn from said fund upon warrants drawn by the Controller of the State upon demands made by the board and audited by the State Board of Control. All moneys remaining in said fund at the close of each fiscal year shall be transferred and are hereby appropriated as follows:

Fifty per cent of said moneys shall be paid over to the Veterans' Welfare Board of the State of California, to be used by said board for the purposes of administering that act of the Legislature known as the Veterans' Dependents Educational Act, as established by Chapter 1017, Statutes of 1931 as enacted by the Legislature of California, and furthermore, for the purpose of retiring bonds issued pursuant to the Veterans' Welfare Bond Act of 1921, the Veterans' Welfare Bond Act of 1925 and the Veterans' Welfare Bond Act of 1929, and the other fifty per cent of said moneys shall be paid to the State Board of Agriculture, to be held, used and expended in the discretion of said board, for the purpose of promoting, encouraging and improving agriculture, horticulture, animal industry and the breeding and improving of live stock in the State of California, and for aiding, assisting and promoting state fairs and fairs conducted by agricultural fair corporations now or hereafter organized or created under the laws of the State of California.

Sec. 6. No person, or persons, association or corporation shall hereafter hold or conduct any meeting within the State of California whereat racing shall be permitted for any stake, purse, reward or otherwise, except as such person, association, or corporation shall be licensed by the board as hereinafter provided.

Sec. 7. Any person, or persons, association or corporation desiring to conduct racing within the State of California, as hereinafter defined, shall apply to the California Racing Board for a license to do so. Such application shall be filed with the secretary of the board on or before such day as shall be fixed by the board from time to time. Such application shall specify the days on which such racing is desired to be conducted or held, and shall be in such form and supply such data and information as the said board shall prescribe. Said board shall, as soon as practicable during the year nineteen hundred and thirty-three (1933) and on or before the first day of March of each year thereafter, award all dates for racing in the State of California within the period ending on the first day of March of the next following calendar year; but the dates so awarded to any one track only in each county shall not exceed two meetings of not to exceed twenty-five days each during

any calendar year and at least ninety days shall elapse between each of said race meetings, and the decision of the board on the award of such dates shall be final. The board shall have the power to reject any application for a license in any case where it shall have reason to believe that the applicant has not sufficient financial responsibility to insure the proper completion of the race meeting applied for, or that the applicant is not likely to conduct the same in strict accordance with law and the rules and regulations of said board, or for any cause which it may deem sufficient, and the action of the board shall be final. No person, corporation or association shall be given a license to race before 7 o'clock a.m. or after 7 o'clock p.m.; or during December.

Sec. 8. Each applicant desiring to hold races on the days or day awarded by the board shall, before the issuance of any license therefor, pay to the said board a license fee of \$2000 for each racing day license in Los Angeles or San Francisco County and \$1500 for each racing day license in other counties.

Sec. 9. Said board may at its discretion meet subsequent to the first day of March and award dates for racing within the limits heretofore provided on applications submitted to it, provided that the days so awarded in no way conflict with licenses granted to others or with the further provisions of this Act; and provided, further, that no license for a race meeting shall issue prior to the payment of the fees therefor at the rate hereinbefore provided.

Sec. 10. Upon the award to any applicant and upon the payment of the license fees as hereinbefore prescribed, the board shall issue a license which shall permit the licensee, during the dates awarded to such applicant, excepting Sundays, and for which license fees shall have been paid, to conduct at its track a race meeting, or meetings, and wagering on the results thereof as hereinafter provided. Such license shall be subject to all rules, regulations and conditions from time to time prescribed by the board, and shall contain such conditions as shall be deemed by said board necessary or desirable for the purposes of this Act. Such license shall be subject to suspension or revocation by the board in any case where the board shall have reason to believe that any condition of its license has not been complied with or any law or any rule or regulation of such board shall have been broken or violated. If any license is suspended or revoked, said board shall state publicly its reason for so doing, and cause an entry of such reason to be made on the minute book of the board, and the action shall be final, provided, however, that the propriety of such action shall be subject to review, upon questions of law only, by the Superior Court of the county or city and county within which such license was to be exercised, the action of the board to stand unless and until reversed by the court.

Within the enclosure of any race meeting duly licensed and conducted, but not elsewhere, the Certificate System, under such regulations as the Commission shall prescribe, is hereby authorized and per-

mitted. Commissions on such shall amount to ten per cent of certificates purchased.

Sec. 11. Said racing board shall have full power to prescribe rules, regulations and conditions under which all racing shall be conducted within the State of California. Said board shall make rules governing, permitting, regulating, supervising and checking any and all wagering under the system of betting known as the Certificate System and the distribution thereof, which Certificate System method shall be conducted only by such licensee and only within the enclosure, and only on the dates for which such racing has been licensed by the board. All other forms of wagering or betting on the result of racing shall be and remain illegal and any and all wagering on racing outside the enclosure where such racing shall have been licensed by the board shall be and remain illegal.

Sec. 12. In addition to licensing racing for not exceeding fifty days in any one year the aggregate on any one track, limiting one track for each county, as hereinbefore provided, the board may license bona fide country fairs or agricultural exhibits to conduct racing not more than seven days each in any one year, upon payment by the applicant of a license fee of one hundred dollars per day for each meeting so authorized.

Sec. 13. Immediately after the last days of June and December in each year, the board shall file with the State Board of Control a complete statement of its receipts and disbursements for the preceding six months. The board shall make a report to the Governor on or before the first day of January of each year beginning in the year 1933, which report shall include copies of the said statements of receipts and disbursements, and any additional information and recommendations which the board may deem of value.

Sec. 14. Any person aiding or abetting in the conduct of any meeting within the State of Califor-

nia at which racing shall be permitted for any stake, purse or reward except in accordance with a license duly issued and unsuspended or unrevoked by the California Racing Board, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than five hundred dollars and not more than ten thousand dollars for each day of such unauthorized meeting, or by imprisonment for not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

Sec. 15. If by reason of any cause beyond control, and through no fault or neglect of any licensee, and when such licensee is not in default, it should become impossible for such licensee to hold or conduct racing upon any date or dates licensed by the board, the board in its discretion and at the request of such licensee shall have power to return the fees paid by such licensee for racing upon the days upon which it is impossible for such licensee to hold or conduct racing or to specify any other day or days which may replace the days omitted and to take their place.

Sec. 16. It shall be the duty of all officers of the law to cooperate with the board for proper enforcement of this Act.

Sec. 17. If any section, sub-section, sentence clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the Act. It is hereby declared that this Act and each section, sub-section, sentence, clause and phrase thereof, would have been enacted irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Sec. 18. All other acts and parts of acts inconsistent with the provisions of this Act are hereby repealed. This measure to become effective February 1, 1933.

WAR VETERANS TAX EXEMPTION. Senate Constitutional Amendment 6.**6**

Amends Section 1¼ of Article XIII of Constitution. Exempts from taxation property to the amount of \$1000 of every resident of this State who served in the army, navy, marine corps or revenue marine service of the United States in time of war and has thereafter continued in such service, provided such person or his wife does not own property of the value of \$5000 or more.

YES

NO

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one and one-quarter of article thirteen, relating to exemptions of property on account of military service.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its forty-ninth regular session commencing on the fifth day of January, one thousand nine hundred thirty-one, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section one and one-quarter of article thirteen of the constitution of this 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, if any, 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. 1¼. The property to the amount of one thousand dollars of every resident of this state who has served in the army, navy, marine corps or revenue marine service of the United States in time of war, and received an honorable discharge therefrom, or who after such service of the United States in time of war has continued in such service, or who has been

released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and the property to the amount of one thousand dollars of the widow resident in this state, or if there be no such widow, of the widowed mother resident in this state, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this state, of soldiers, sailors and marines who served in the army, navy or marine corps or revenue marine service of the United States shall be exempt from taxation; provided, this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not legal resident of the state; provided, however, all real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

7 LEGISLATIVE EXPENSES. Senate Constitutional Amendment 17. Amends Section 23a, Article IV, of Constitution. Increases limit upon Legislature's total daily expenses for its officers, employees and attaches, at regular session from \$300 for each House to \$400 for Senate and \$450 for Assembly, exclusive of salaries of Secretary of Senate and Chief Clerk of Assembly and salaries and expenses of interim committees; and at special session from aggregate of \$200 for both Houses to \$150 for each House, exclusive of salaries of such Secretary and Chief Clerk.

YES	
NO	

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to section 23a of article 4 of the constitution of said state, relating to officers, employees and attaches.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its forty-ninth regular session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 23a of article four 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. 23a. Each house of the Legislature may by resolution provide for additional the employment of

help, prescribe the duties and fix the compensation thereof; but in no case shall the total expense for officers, employees and attaches exceed the sum of three four hundred dollars per day for either house, the Senate and four hundred fifty dollars per day for the Assembly at any regular or biennial session, exclusive of the salaries of the secretary of the Senate and the chief clerk of the Assembly, who shall each receive such salary as shall be fixed by resolution, and also exclusive of the salaries and expenses of employees of any interim committee of the Legislature, or of either house thereof, appointed pursuant to resolution adopted thereby, nor the sum of one two hundred fifty dollars per day for both houses each house at any special or extraordinary session, nor shall the pay of any officer, employee or attache be increased after he is elected or appointed. The Legislature shall provide for the selection of all officers, employees and attaches of both houses and so far as advisable shall require such selection to be under the provisions of the law governing civil service, exclusive of the salaries of the secretary of the Senate and the chief clerk of the Assembly. Except as herein otherwise specified, the provisions of this section shall be self-executing.

8 INITIATIVE AND REFERENDUM. Senate Constitutional Amendment 3. Amends Section 1 of Article IV of Constitution. Requires proponents of any initiative or referendum petition, before circulating same for signatures, submit draft thereof to attorney general with written request that he prepare therefor a title and summary in not to exceed one hundred words, such request to be preserved by him until after next election. Reserves to such proponents the right to file original petition; requires county clerk and registrar of voters disregard any section thereof or supplement thereto not presented by such proponents or by persons authorized by them in writing.

YES	
NO	

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to section 1 of article four of the constitution of said state, relating to the submission of drafts of initiative and referendum measures to the attorney general, and to the filing of initiative or referendum petition.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its

forty-ninth regular session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 1 of article four of the constitution of said state be amended to read as follows:

(This proposed amendment expressly amends an existing section of the constitution; therefore EXIST-

ING 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.

Section 1. The legislative power of this state shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same, at the polls independent of the Legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the Legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

The first power reserved to the people shall be known as the initiative. Upon the presentation to the secretary of state of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law or amendment to the constitution, set forth in full in said petition, the secretary of state shall submit the said proposed law or amendment to the constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve-point black-face type the following: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the secretary of state, at any time not less than ten days before the commencement of any regular session of the Legislature, of a petition certified as herein provided to have been signed by qualified electors of the state equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law set forth in full in said petition, the secretary of state shall transmit the same to the Legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the Legislature, within forty days from the time it is received by the Legislature. If any law proposed by such petition shall be enacted by the Legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature, within said forty days, the secretary of state shall submit it to the people for approval or rejection at the next ensuing general election. The Legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in such event both meas-

ures shall be submitted by the secretary of state to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve-point black-face type the following: "Initiative measure to be presented to the Legislature."

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 days after the final adjournment of the 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 the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; provided, however, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the secretary of state within ninety days after the final adjournment of the Legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent 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 thirty 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.

Any act, law or amendment to the constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the secretary of state. No act, law or amendment to the constitution, initiated or adopted by the people, shall be subject to the veto power of the governor, and

no act, law or amendment to the constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the Legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by the ~~proponents and opponents thereof, those in favor of, and those opposed to~~, it shall be mailed to each elector in the same manner as now provided by law as to amendments to the constitution, proposed by the Legislature; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the constitution, proposed by the Legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Prior to circulation of any initiative or referendum petition for signatures thereof, a draft of the said petition shall be submitted to the attorney general with a written request that he prepare a title, and summary of the chief purpose and points of said proposed measure, said title and summary not to exceed one hundred words in all. The persons presenting such request to the attorney general shall be known as "proponents" of said proposed measure. The attorney general shall preserve said written request until after the next general election.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person

soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk or registrar of voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow said clerk or registrar additional assistance for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition, together with his said certificate, to the secretary of state and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the secretary of state, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid.

The right to file the original petition shall be reserved to its proponents, as defined herein and any section thereof or supplement thereto presented for filing by any person or persons other than the proponents of a measure or by persons duly authorized in writing by such proponents shall be disregarded by the county clerk or registrar of voters.

The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the secretary of state.

When the secretary of state shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been

signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state his certificate showing such fact. A petition shall be deemed to be filed with the secretary of state upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the state. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office. The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the state, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the

legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or cities and counties having charters adopted under the provisions of section 8 of article eleven of this constitution. In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this state, except as is herein otherwise provided. This section is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

SCHOOL FUNDS. INCOME, SALES TAX. Initiative constitutional amendment. Provides for income tax on individuals, estates and trusts, and selective sales tax. Provides for state public school equalization fund, requiring therefor annual minimum appropriation of forty dollars per elementary pupil and seventy dollars per high school pupil. Permits county and district school taxes. Requires school district taxes to meet district budget. Requires district apply to teachers' salaries seventy-five per cent of state moneys received for elementary schools and seventy per cent of that received for secondary schools, unless it expends therefor seventy per cent of maintenance budget less auxiliary expenses.

YES

NO

Sufficient qualified electors of the State of California have presented to the secretary of state a petition and request that the proposed amendment to the constitution hereinafter set forth be submitted to the people of the State of California for their approval or rejection at the next ensuing general election. The proposed amendment to the constitution is 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.

First. Section 6 of Article IX of the constitution of the State of California is hereby amended to read as follows:

Section 6. The public school system shall include day and evening elementary schools, and such day and evening secondary schools, technical schools, kindergarten schools and normal schools or teachers colleges, as may be established by the legislature, or by municipal or district authority.

The legislature shall add to the state school fund such other means from the revenues of the state as shall

provide in said fund for distribution in each school year in such manner as the legislature shall provide an amount not less than thirty dollars per pupil in average daily attendance in the day and evening elementary schools in the public school system during the next preceding school year.

The legislature shall provide a state high school fund from the revenues of the state for the support of the day and evening secondary and technical schools, which for each school year, shall provide for distribution in such manner as the legislature shall provide an amount not less than thirty dollars per pupil in average daily attendance in the day and evening secondary and technical schools in the public school system during the next preceding school year.

The Legislature shall provide for the levying of a county, and city and county, elementary school tax, by the board of supervisors of each county, and city and county, sufficient in amount to produce a sum of money not less than the amount of money to be received during the current school year from the State for the support of the public day and evening elementary schools of the county, or city and county, provided, that said elementary school tax levied by any board of supervisors shall produce not less than thirty dollars per pupil in average daily attendance

in the public day and evening elementary schools of the county, or city and county, during the next preceding school year.

The Legislature shall provide for the levying of a county, and city and county, high school tax by the board of supervisors of each county, and city and county sufficient in amount to produce a sum of money not less than twice the amount of money to be received during the current school year from the State for the support of the public day and evening secondary and technical schools of the county, or city and county; provided, that the high school tax levied by the board of supervisors shall produce not less than sixty dollars per pupil in average daily attendance in the public day and evening secondary schools of the county, or city and county, during the next preceding school year.

In addition to the funds hereinbefore provided, there is hereby created a state public school equalization fund for which the legislature shall provide from the revenues of the state, an amount which each school year shall be not less than forty dollars per pupil in average daily attendance in the elementary school districts of the state during the next preceding school year plus not less than seventy dollars per pupil in average daily attendance in the high school districts of the state during the next preceding school year; such fund to be apportioned in such manner as the legislature shall provide, for the purpose of equalizing educational opportunities and school tax burdens among the school districts and counties of the state.

The legislature shall provide in addition to other state revenues for the levy and collection of a tax upon the net incomes of individuals, estates and trusts, and a selective sales tax upon such commodities as shall be designated by the legislature.

The legislature shall provide whereby the board of supervisors of each county, and city and county, may levy county and city and county taxes for the support of public elementary schools, secondary schools, technical schools and kindergarten schools or for any other public school purpose authorized by the legislature.

The legislature shall provide for the levying of school district taxes by the board of supervisors of each county, and city and county, for the support of public elementary schools, secondary schools, technical schools, and kindergarten schools, or for any other public school purposes authorized by the legislature, sufficient to provide for each school district the amounts which the budget of the district shows must be raised by a school district tax; provided, that no school district tax shall be levied in excess of the maximum rates of tax fixed in accordance with law.

Seventy-five per cent of the entire amount of money provided by the state, and not less than sixty per cent of the amount of money provided by county, or city and county, school taxes for elementary school purposes and seventy per cent of the money provided by the state for secondary school purposes shall be applied exclusively by the school districts receiving such money to the payment of public school teachers' salaries; provided, that any school district expending annually for teachers' salaries seventy per cent of the total current expenditures of the district, after deducting current expenditures for pupil transportation and other auxiliary agencies, may expend any funds received from the state for maintenance purposes.

The revenues provided for the public school system for the school year ending June 30, 1924-1933, shall not be affected by this amendment except as the legislature may provide.

AUTHORIZING CITY OF ESCONDIDO TO HOLD STOCK IN MUTUAL WATER COMPANY. Assembly Constitutional Amendment 14. Adds Section 31b to Article IV of Constitution. Authorizes City of Escondido, California, for purpose of supplying water for public or municipal purposes or for use of its inhabitants, to acquire and hold shares of capital stock of mutual water company or corporation; declares such holding shall entitle city to all rights, powers and privileges, and subject it to obligations and liabilities, given or imposed by law to or upon other holders of stock in said corporation.

10

YES	
NO	

Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding a new section thereto to be known as and numbered section 31b of article four of the constitution of the State of California, relating to the ownership by the City of Escondido, California, of stock in a mutual water company.

The Legislature of the State of California, at its regular session commencing on the fifth day of January, 1931, two-thirds of the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes an amendment to the constitution of said state by adding a new section thereto to be known as and numbered section 31b of article four of the State of California to read as follows:

(This proposed amendment does not expressly amend any existing section of the constitution, but adds a new section thereto; therefore, the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 31b. Nothing contained in this constitution shall preclude the city of Escondido, California, from acquiring or holding shares of the capital stock of any mutual water company or corporation, when

such stock is so acquired or held for the purpose of furnishing a supply of water for public or municipal purposes or for the use of the inhabitants of the city and the city is hereby authorized to acquire and hold such stock, and said holding of such stock shall entitle such holder thereof to all the rights, powers and privileges, and subject such holder to the obligations and liabilities as are given or are imposed by law to or upon other holders of stock in the mutual water corporation in which such stock is so held.

TIDELAND GRANT TO CITY OF HUNTINGTON BEACH. Initiative Constitutional Amendment. Adds Section Four to Article Fifteen of Constitution. Grants to City of Huntington Beach tide and submerged lands situated within present boundaries of said city. Empowers city to use such lands for promotion and accommodation of recreation, commerce, navigation, harbor, fishery, production of minerals, oil, gas and other hydrocarbons. Empowers City to lease said lands for such purposes. Provides fifty per cent of income from such leases be paid into State treasury to credit of general fund. Confirms previous leases and agreements to lease. Reserves to people right to fish.

YES

NO

Sufficient qualified electors of the State of California have presented to the secretary of state a petition and request that the proposed amendment to the constitution hereinafter set forth be submitted to the people of the State of California for their approval or rejection at the next ensuing general election. The proposed amendment to the constitution is as follows:

(This proposed amendment does not expressly amend any existing section of the constitution but adds a new section thereto; therefore the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

First. A new section numbered 4 is hereby added to article XV of the constitution of the State of California, to read as follows:

Sec. 4. There is hereby granted to the City of Huntington Beach, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all tidelands and submerged lands, whether filled or unfilled, situated below the line of mean high tide of the Pacific Ocean, within the present boundaries of said city, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions, following, to wit:

(a) That said lands shall be used by said city, and by its successors, for purposes in connection with, or for the promotion and accommodation of recreation, commerce, navigation and fishery, or a

harbor, or the production of minerals, oil, gas and other hydrocarbons, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands or any part thereof, to any individual, firm or corporation for any purpose whatsoever; provided, that said city, or its successors, may grant leases, franchises, and permits thereon for limited periods, in any event not to exceed thirty years, for said purposes or for any and all purposes which shall not interfere with the trusts by which said lands are held by the State of California;

(b) That said tide and submerged lands shall be improved by said city without expense to the state, and any harbor constructed thereon shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed by said city on said lands or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California;

(c) That in the management, conduct or operation of any such harbor, or of any of the utilities, structures or appliances constructed in connection therewith, no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city, or by its successors;

(d) That if, under the express conditions hereinabove specified, any franchise, permit, or lease is granted or made by said city, fifty per cent of the income derived therefrom shall be paid promptly by said city into the state treasury to the credit of the general fund;

(e) That there is reserved in the people of the State of California, the absolute right to fish in said waters, with the right of convenient access to said waters over said lands for said purposes;

(f) In all cases in which the City of Huntington Beach has, prior to the fifth day of August, 1932, leased, or entered into an agreement with any person, or persons, or corporation to lease, for the development and production of oil and gas upon and from any tide or submerged lands belonging to the State, within the municipal boundaries of said city, or within boundaries over which it was at the time of any such agreement or lease acting in the exercise of de facto authority, each such agreement or lease is hereby validated and confirmed, and the

exclusive right to the use and possession of such lands for the full term of said lease made or agreed to be made as aforesaid, not exceeding thirty years in any case, is hereby confirmed to the lessee or lessees thereof, or to the proposed and intended lessee or lessees under any such agreement, and their respective successors in interest; and priority in date of any such lease or agreement is given priority in right; provided that nothing herein contained shall be deemed or taken to confirm any such leases or agreements unless the property therein described shall at all times during the continuance of such leases be applied by the lessees or their successors in interest to the trusts and conditions herein provided.

AUTHORIZING CITY OF GLENDALE, AFTER ELECTION THEREFOR, TO PAY OWNERS CERTAIN IMPROVEMENT ASSESSMENTS UPON THEIR PROPERTY. Assembly Constitutional Amendment 32. Amends Section 31 of Article IV of Constitution. Provides that City of Glendale, in Los Angeles County, when authorized by majority vote at election therefor, may pay from surplus of its public service department to owners of property at time of such authorization the amount of any assessment for replacement of water mains levied upon such property between May 11, 1921 and ratification of this amendment, and that no statute of limitations shall apply thereto.

12

YES
NO

Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to section 31, article four, of the constitution of said state, relating to certain payments by the city of Glendale.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its forty-ninth regular session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, that section 31 of article four 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, if any, 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. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state, or of any county, city and county, city, township or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of

any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to section 22 of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided, further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

Provided, further, that nothing contained in this constitution shall prohibit the use of state money or

credit, in aiding veterans who served in the military or naval service of the United States during time of war, in the acquisition of, or payments for, farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans.

The California veterans' welfare bond act of 1921 (statutes of 1921, chapter 578), as enacted at the forty-fourth session of the Legislature of the State of California, authorizing the issuance and sale of state bonds in the sum of ten million dollars, for the purpose of creating a fund to carry out the provisions of the California veterans' welfare act, providing land settlement for veterans (statutes of 1921, chapter 580), and the provisions of the "veterans' farm and home purchase act," providing farm and home aid for veterans (statutes of 1921, chapter 519) is hereby approved, adopted, legalized, validated and made fully and completely effective irrespective of the vote that may be cast upon the proposition of approving or disapproving such veterans' welfare bond act of 1921 at the general election of November 7, 1922. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action.

And provided, still further, that notwithstanding the restrictions contained in this constitution, the treasurer of any city, county, or city and county shall have power and it shall be his duty to make such temporary transfers from the funds in his custody

as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in his custody and are paid out solely through his office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed eighty-five per cent of the taxes accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

And provided, further, that the city of Glendale, of Los Angeles county, may, when authorized so to do, by a majority of the voters thereof voting at an election held for that purpose, pay from the surplus of the public service department of said city the amount of any assessment or assessments levied by said city between the eleventh day of May, 1921, and the ratification of this amendment, for the replacement of water mains, to the person or persons owning the property so assessed at the time said payment is so authorized; and that no statute of limitations shall apply in any manner.

AMENDING STATE ATHLETIC COMMISSION INITIATIVE ACT.

13 **Assembly Constitutional Amendment 26.** Adds Section 25³/₄ to Article IV of Constitution. Declares Legislature may amend State Athletic Commission initiative act, except provisions thereof allowing wrestling and twelve round boxing contests, to provide for supervision and regulation of wrestling, boxing or sparring, matches or exhibitions, but limits boxing or sparring match or exhibition to twelve rounds not exceeding three minutes each. Appropriates State moneys derived from such matches or exhibitions, (less expenses of Commission and salaries), to maintain homes for care of war veterans, apportioning same as Legislature directs.

YES	
NO	

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the constitution of the state by adding a new section to article four thereof to be numbered twenty-five and three-quarters, relating to boxing, sparring and wrestling matches or exhibitions.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its forty-ninth regular session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California an amendment to the constitution of this

state by adding a new section to article four thereof, to be numbered 25³/₄ to read as follows:

(This proposed amendment does not expressly amend any existing section of the Constitution but adds a new section thereto; therefore the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 25³/₄. The Legislature may provide for the supervision, regulation and conduct, in such manner as it may determine, of wrestling matches or exhibitions and of boxing and sparring matches or exhibitions; provided, that no boxing or sparring

match or exhibition shall be of more than twelve rounds in length, such rounds to be of not more than three minutes for each round. All moneys, except such sum as the Legislature shall appropriate annually to defray the expenses of the state athletic commission of California and to pay the salaries of officers and employees as provided by law, received by the state from license fees, taxes or other means, on or in relation to boxing, sparring and wrestling matches or exhibitions, shall be and are hereby appropriated for the purpose of maintaining such homes for the care of veterans of any war of the United States as may be existing at the time this amendment becomes effective, or that may be established by the laws of this state. Such moneys shall be apportioned as the Legislature of the State of California may direct.

The Legislature in the exercise of the power granted herein may amend, revise, or supplement any part of that certain initiative act approved by the electors November 4, 1924, entitled "An act to

authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to twelve rounds; to create an athletic commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests."

The Legislature shall, however, have no power to take away the effect of the provisions of the initiative act hereinabove cited which allow wrestling and twelve-round boxing contests in the State of California. The repeal either in fact or effect of the sections of the above cited act shall rest entirely in the hands of the people of the State of California as heretofore.

EXEMPTING VESSELS FROM TAXATION. Assembly Constitutional

14 **Amendment 28.** Amend Section 4 of Article XIII of Constitution. Declares all vessels of more than fifty tons burden registered at any port in this state and engaged in the transportation of freight or passengers shall be exempt from taxation except for state purposes until and including the first day of January 1955.

YES

NO

Assembly Constitutional Amendment No. 28—A resolution proposing to the people of the State of California an amendment of section 4 of article thirteen of the constitution of the State of California, relating to the exemption of vessels engaged in commerce from taxation.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, nineteen hundred thirty-one, two-thirds of all the members elected to each of the houses of said Legislature voting in favor thereof hereby propose to the electors of the State of California that section 4 of

article thirteen 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. 4. All vessels of more than fifty (50) tons burden registered at any port in this state and engaged in the transportation of freight or passengers, shall be exempt from taxation except for state purposes, until and including the first day of January, ~~nineteen hundred thirty-five~~ 1955.

DEPOSIT OF PUBLIC MONEYS. Assembly Constitutional Amendment 33.**15**

Amends Section 16 $\frac{1}{2}$ of Article XI of Constitution. Extends to any public or municipal corporation within this State provisions of said section permitting deposit in national or state banks within this State of moneys belonging to or in custody of the State, or any county or municipality thereof; also extends to such public or municipal corporation provisions of said section permitting deposit in banks outside this State of moneys for payment of principal or interest of bonds issued by such corporation and payable at places outside this State.

YES

NO

Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California, an amendment to the constitution of said state by amending section 16 $\frac{1}{2}$ of article eleven of the constitution of the State of California, relating to the deposit of public moneys in banks.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, in regular session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the constitution of the State of California be amended by amending section 16 $\frac{1}{2}$ of article eleven thereof 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. 16 $\frac{1}{2}$. All moneys belonging to, or in the custody of, the state, or any county, city and county, city, town, municipality, or other ~~political subdivision~~ public or municipal corporation, within this state may be deposited in any national bank or banks within this state, or in any bank or banks organized under the laws of this state, in such manner and under such conditions as may be provided by any law adopted by the people under the initiative or by a two-thirds vote of each house of the Legislature and approved by the governor and subject to the referendum; provided, that the laws now governing the deposit of such moneys shall continue in force until such laws shall be amended, changed or repealed as in this section authorized; and provided, further, that the state or any county, city and county, city, town, municipality or other ~~political subdivision~~ public or municipal corporation, issuing bonds under the laws of this state, may deposit moneys in any bank or banks outside this state for the payment of the principal or interest of such bonds at the place or places at which the same are payable.

16 TAX LIENS. Assembly Constitutional Amendment 2. Adds Section 31b to Article IV of Constitution. Empowers Legislature to provide that the lien of every tax, heretofore or hereafter attaching, shall cease for all purposes thirty years after such tax became a lien, or to provide that every tax, heretofore or hereafter levied, shall be conclusively presumed to have been paid after thirty years from time same became a lien unless the property subject thereto has been sold in manner provided by law for payment of said tax.

YES

NO

Assembly Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to the constitution of said state by adding to article four thereof a new section to be numbered 31b, relating to the release of lien for taxes in certain cases.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its forty-ninth regular session, two-thirds of all the members elected to each of the two houses of the Legislature voting in favor thereof, that the constitution of said state be amended by adding to article four thereof a new section to be numbered 31b and to read as follows:

(This proposed amendment does not expressly amend any existing section of the constitution, but

adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

- PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 31b. No provision of this constitution shall be construed as a limitation upon the power of the Legislature to provide that the lien of every tax, whether heretofore or hereafter attaching, shall cease to exist for all purposes after thirty years from the time such tax became a lien, or to provide that every tax whether heretofore or hereafter levied shall be conclusively presumed to have been paid after thirty years from the time the same became a lien unless the property subject thereto has been sold in the manner provided by law for the payment of said tax.

17 CITY CHARTERS. Assembly Constitutional Amendment 31. Amends Section 8, Article XI, of Constitution. Requires board of freeholders, within one year after their election, to prepare a proposed city charter, and if city's population exceeds 50,000 requires copies thereof be printed and mailed each elector. Requires petition for submission of charter amendment be filed with legislative body of city at least sixty days before general election next preceding a regular session of Legislature. Permits charter provision for division of city into boroughs or districts; eliminates provision that borough's powers be not changed without consent of electors of borough.

YES

NO

Assembly Constitutional Amendment Number 31—A resolution to propose to the people of the State of California, an amendment to section 8, of article eleven of the constitution of the State of California, relating to the drafting of a charter by the board of freeholders.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its forty-ninth session, commencing on the fifth day of January, 1931, two-thirds of all 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 eleven 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 PRO-**

VISIONS proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 8. 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 of 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 having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of

[Twenty-one]

the legislative body of such city, and; on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty ~~or~~ nor more than sixty days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city, or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within ~~one hundred twenty days~~ **one (1) year** after the result of the election is declared, prepare and propose a charter for the government of such city; ~~but the said period of one hundred twenty days may, with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days.~~ The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall, within fifteen (15) days after such filing, cause such charter to be published once in the official newspaper of said city; ~~and each edition thereof, during the day of publication (or in case there be no such official newspaper, in a newspaper of general circulation within such city and all the editions thereof issued during the day of publication);~~ and in any city or city and county with over 50,000 population shall cause copies of such charter to be printed in convenient pamphlet form and in type of not less than ten point and shall cause copies thereof to be mailed to each of the qualified electors of such city, and shall, until the ~~date~~ day fixed for the election upon such charter, advertise in one or more newspapers of general circulation published in said city a notice that ~~such~~ copies thereof may be had upon application therefor. Such charter shall be submitted to the electors of ~~said~~ such city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city, or city and county; and supersede any existing charter and all

lays inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the secretary of state, one with the recorder ~~of~~ in the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city, or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city, or city and county not less than sixty days prior to the **general election next preceding a regular session of the Legislature.** The signatures on such petitions shall be verified by the authority having charge of the registration records of such city, or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city, or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon; held at a date to be fixed by the legislative body of such city, not less than forty, ~~nor~~ and not more than sixty, days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof, it shall be deemed ratified, and shall be submitted to the Legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the ~~larger~~ largest number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters; and in respect to other matters they shall be subject to general laws. It shall be competent in any ~~such~~ charter; ~~or amendment thereof,~~ to provide for the ~~erection~~ division of boroughs in all or any part of the territory of the city, or city and county governed thereby; into boroughs or districts, and to

provide that each such borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be prescribed provided for each such borough or district in such the charter; provided, however, that after the creation of any such borough, the powers thereof shall not be modified, amended or abridged in any manner without the consent of a majority of the qualified electors of such borough voting at a regular or special election of the city, or city and county.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city, or city and county shall, so far as applicable, govern all elections held under the authority of this section.

AUTHORIZING BOARD OF SUPERVISORS TO DRAFT COUNTY CHARTER. Assembly Constitutional Amendment 23. Adds Section 7 1/4

18 to Article XI of Constitution. Confers upon board of supervisors of any county same power to draft a proposed charter for said county as is conferred upon board of freeholders elected under Section 7 1/2 of Article XI; declares provisions of latter section shall otherwise apply in every respect to such proposed charter.

YES	
NO	

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California, an amendment to the constitution of said state by adding to article eleven thereof, a new section to be numbered 7 1/4, relative to the drafting of charters for counties by boards of supervisors.

amended by adding to article eleven thereof, a new section to be numbered 7 1/4, and to read as follows:

(This proposed amendment does not expressly amend any existing section of the constitution, but adds a new section thereto; therefore, the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, 1931, 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 the constitution of said state be

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 7 1/4. The board of supervisors of any county may draft a proposed charter for the county as if said board were a board of freeholders elected under the provisions of section 7 1/2 of this article, and the provisions of said section shall otherwise apply in every respect to such proposed charter.

CITY CHARTER PROVISIONS FOR NOMINATION AND ELECTION OF OFFICERS. Senate Constitutional Amendment 9. Amends Section 8 1/2 of Article XI of Constitution. Adds provision permitting city or city and county charters to provide any mode for the nomination and/or election of officers of such city or city and county, and to adopt and provide for any system of proportional representation on the legislative body thereof, also the manner of voting under such system.

19 8 1/2 of Article XI of Constitution. Adds provision permitting city or city and county charters to provide any mode for the nomination and/or election of officers of such city or city and county, and to adopt and provide for any system of proportional representation on the legislative body thereof, also the manner of voting under such system.

YES	
NO	

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California, an amendment to the constitution of said state by amending section 8 1/2 of article eleven of the constitution of said state, relating to city charters and to the mode of elections held thereunder.

California, that the constitution of said state be amended by amending section 8 1/2 of article eleven thereof to read as follows:

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

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, 1931, 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

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 8 1/2. It shall be competent, in all charters framed under the authority given by section 8 of

this article, to provide, in addition to those provisions allowable by this constitution, and by the laws of the state as follows:

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; and for the establishment, constitution, regulation, government and jurisdiction of municipal courts and judges thereof, with such civil, criminal and magisterial jurisdiction as by law may be conferred upon inferior courts and judges thereof; and for the manner in which, the times at which and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; provided, such municipal courts shall never be deprived of the jurisdiction given inferior courts created by general law.

In any city or any city and county, when such municipal court has been established, there shall be no other court inferior to the superior court; and pending actions, trials, and all pending business of inferior courts within the territory of such city or city and county, upon the establishment of any such municipal court, shall be and become pending in such municipal court, and all records of such inferior court shall thereupon be and become the records of such municipal court.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches, and for all expenses incident to the holding of any election.

It shall be competent in any charter framed in accordance with the provisions of this section, or section 8 of this article, for any city or consolidated city and county, and plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several county and municipal officers and employees whose compensation

is paid by such city or city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such city or consolidated city and county, heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

It shall be competent in such charters to provide any mode for the nomination and/or election of the officers of such city or city and county, and to adopt and provide for any system of proportional representation on the legislative body thereof, also the manner of voting under such system.

5. It shall be competent in any charter or amendment thereof, which shall hereafter be framed under the authority given by section 8 of this article, by any city having a population in excess of fifty thousand ascertained as prescribed by said section 8, to provide for the separation of said city from the county of which it has theretofore been a part and the formation of said city into a consolidated city and county to be governed by such charter, and to have combined powers of a city and county, as provided in this constitution for consolidated city and county government, and further to prescribe in said charter the date for the beginning of the official existence of said consolidated city and county.

It shall also be competent for any such city, not having already consolidated as a city and county to hereafter frame, in the manner prescribed in section 8 of this article, a charter providing for a city and county government, in which charter there shall be prescribed territorial boundaries which may include contiguous territory not included in such city, which territory, however, must be included in the county within which such city is located.

If no additional territory is proposed to be added, then, upon the consent to the separation of any such city from the county in which it is located, being given by a majority of the qualified electors voting thereon in such county and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city, and the approval thereof by the Legislature, as prescribed in section 8 of this article, said charter shall be deemed adopted and upon the date fixed therein said city shall be and become a consolidated city and county.

If additional territory which consists wholly of only one incorporated city or town, or which consists wholly of unincorporated territory, is proposed to be added, then, upon the consent to such separation of such territory and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city so pro-

posing the separation, and also upon the approval of the proposal hereinafter set forth, by a majority of the qualified electors voting thereon in the whole of such additional territory, and the approval of said charter by the Legislature, as prescribed in section 8 of this article, said charter shall be deemed adopted, the indebtedness hereinafter referred to shall be deemed to have been assumed, and upon the date fixed in said charter such territory and such city shall be and become one consolidated city and county.

The proposal to be submitted to the territory proposed to be added shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designate in general terms the territory to be added) consolidate with the city of (herein insert name of the city initiating the proposition to form a city and county government) in a consolidated city and county government, and shall the charter as prepared by the city of (herein insert the name of the city initiating such proposition) be adopted as the charter of the consolidated city and county, and shall the said added territory become subject to taxation along with the entire territory of the proposed city and county, in accordance with the assessable valuation of the property of the said territory, for the following indebtedness of said city (herein insert name of the city initiating such proposition) to wit: (herein insert in general terms reference to any debts to be assumed, and if none insert 'none')?"

If additional territory is proposed to be added, which includes unincorporated territory and one or more incorporated cities or towns, or which includes more than one incorporated city or town, the consent of any such incorporated city or town shall be obtained by a majority vote of the qualified electors thereof voting upon a proposal substantially as follows:

"Shall (herein insert the name of the city or town to be included in such additional territory) be included in a district to be hereafter defined by the city of (herein insert the name of the city initiating the proposition to form a city and county government) which district shall, within two years from the date of this election, vote upon a proposal submitted as one indivisible question that such district to be then described and set forth shall consolidate with (herein insert name of the city initiating said consolidation proposition) in a consolidated city and county government, and also that a certain charter, to be prepared by the city of (herein insert name of the city initiating such proposition) be adopted as the charter of such consolidated city and county, and that such district become subject to taxation along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city of (herein insert name of the city initiating such proposition) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')?"

Any and all incorporated cities or towns to which the foregoing proposal shall have been submitted and

a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city initiating such consolidation proposal may desire to have included, the whole to form an area contiguous to said city, shall be created into a district by such city, and the proposal substantially as above prescribed to be used when the territory proposed to be added consists wholly of only one incorporated city or town, or wholly of unincorporated territory, shall, within two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to the separation of such district and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city, and upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of said district so proposed to be added, and upon the approval of said charter by the Legislature, as prescribed in section 8 of this article, said charter shall be deemed adopted, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date fixed in said charter, such district and such city shall be and become one consolidated city and county.

6. It shall be competent for any consolidated city and county now existing, or which shall hereafter be organized, to annex territory contiguous to such consolidated city and county, unincorporated or otherwise, whether situated wholly in one county, or parts thereof be situated in different counties, said annexed territory to be an integral part of such city and county; provided, that such annexation of territory shall only include any part of the territory which was at the time of the original consolidation of the annexing city and county, within the county from which such annexing city and county was formed, together with territory which was concurrently, or has since such consolidation been joined in a county government with the area of the original county not included in such consolidated city and county.

If additional territory, which consists wholly of only one incorporated city, city and county or town, or which consists wholly of unincorporated territory, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, then, upon the consent to any such annexation being given by a majority of the qualified electors voting thereon in any county or counties in which any such additional territory is located, and upon the approval of such annexation proposal by a majority of the qualified electors voting thereon in such city and county, and also upon the approval of the proposal hereinafter set forth by a majority of the qualified electors voting thereon in the whole of such territory proposed to be annexed, the indebtedness hereinafter referred to shall be deemed to have been assumed, and at the time stated in such proposal, such

additional territory and such city and county shall be and become one consolidated city and county, to be governed by the charter of the city and county proposing such annexation, and any subsequent amendment thereto.

The proposal to be submitted to the territory proposed to be annexed, shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designate in general terms the territory to be annexed) consolidate with the city and county of (herein insert the name of the city and county initiating the annexation proposal) in a consolidated city and county government, said consolidation to take effect (herein insert date when such consolidation shall take effect) and shall the said annexed territory become subject to taxation, as an integral part of the city and county so formed, in accordance with the assessable valuation of property of said territory for the following indebtedness of said city and county of (herein insert name of the city and county) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')?"

If additional territory including unincorporated territory and one or more incorporated cities, cities and counties, or towns, or including more than one incorporated city, city and county, or town, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, the consent of each such incorporated city, city and county, or town, shall be obtained by a majority vote of the qualified electors of any such incorporated city, city and county, or town, voting upon a proposal substantially as follows:

"Shall (herein insert name of the city, city and county, or town, to be included in such annexed territory) be included in a district to be hereafter defined by the city and county of (herein insert the name of the city and county initiating the annexation proposal) which district shall within two years from the date of this election vote upon a proposal submitted as one indivisible question, that such district to be then described and set forth shall consolidate with (herein insert name of the city and county initiating the annexation proposal) in a consolidated city and county government, and that such district become subject to taxation, along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district, for the following indebtedness of said city and county of (herein insert name of the city and county initiating the annexation proposal) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')?"

Any and all incorporated cities, cities and counties, or towns, to which the foregoing proposal shall have been submitted, and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city and county initiating such annexation pro-

posal may desire to have included, the whole to form an area contiguous to said city and county, shall be created into a district by said city and county, and the proposal substantially in the form above set forth to be used when the territory proposed to be added consists wholly of only one incorporated city, city and county, or town, or wholly of unincorporated territory, shall, within said two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to any such annexation being given by a majority of the qualified electors voting thereon in any county or counties in which any such territory proposed to be annexed to said city and county is located, and upon the approval of any such annexation proposal by a majority of the qualified electors voting thereon in such city and county proposing such annexation, and also upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of the district so proposed to be annexed, then, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date stated in such annexation proposal such district and such city and county shall be and become one consolidated city and county, to be governed by the charter of the city and county proposing such annexation, and any subsequent amendment thereto.

Whenever any proposal is submitted to the electors of any county, territory, district, city, city and county, or town, as above provided, there shall be published, for at least five successive publications, in a newspaper of general circulation printed and published in any such county, territory, district, city, city and county, or town, the last publication to be not less than twenty days prior to any such election, a particular description of any territory or district to be separated, added, or annexed, together with a particular description of any debts to be assumed, as above referred to, unless such particular description is contained in the said proposal so submitted. In addition to said description, such territory shall also be designated in such notice by some appropriate name or other words of identification, by which such territory may be referred to and indicated upon the ballots to be used at any election at which the question of annexation or consolidation of additional territory is submitted as herein provided. If there be no such newspaper so printed and published in any such county, territory, district, city, city and county, or town, then such publication may be made in any newspaper of general circulation printed and published in the nearest county, city, city and county, or town where there may be such a newspaper so printed and published.

If, by the adoption of any charter, or by annexation, any incorporated municipality becomes a portion of a city and county, its property, debts and liabilities of every description shall be and become the property, debts and liabilities of such city and county.

Every city and county which shall be formed, or the

territory of which shall be enlarged as herein provided from territory taken from any county or counties, shall be liable for a just proportion of the debts and liabilities and be entitled to a just proportion of the property and assets of such county or counties, existing at the time such territory is so taken.

The provisions of this constitution applicable to cities, and cities and counties, and also those applicable to counties, so far as not inconsistent or prohibited to cities, or cities and counties, shall be applicable to such consolidated city and county government; and no provision of subdivision five or six of this section shall be construed as a restriction upon the plenary authority of any city or city and county having a freeholders' charter, as provided for in this constitution, to determine in said charter any and all matters elsewhere in this constitution authorized and not inconsistent herewith.

The Legislature shall provide for the formation of one or more counties from the portion or portions of a county or counties remaining after the formation of or annexation to a consolidated city and county, or for the transfer of such portion or portions of such original county or counties to adjoining counties. But such transfer to an adjoining county shall only be made after approval by a majority vote of the qualified electors voting thereon in such territory proposed to be so transferred.

The provisions of section 2 of this article, and also those provisions of section 3 of this article which refer to the passing of any county line within five miles of the exterior boundary of a city or town in which a county seat of any county proposed to be divided is situated, and to the reducing of the population of any county upon the establishment of a new county, and to the minimum population on the forming of a new county, shall not apply to the formation of, nor to the extension of the territory of such consolidated cities and counties, nor to the formation of new counties, nor to the annexation of existing counties, as herein specified.

Any city and county formed under this section shall have the right, if it so desires, to be designated by the official name of the city initiating the consolidation as it existed immediately prior to its adoption of a charter providing for a consolidated city and county government, except that such city and county shall be known under the style of a city and county.

It shall be competent in any charter framed for a consolidated city and county, or by amendment thereof, to provide for the establishment of a borough system of government for the whole or any part of the territory of said city and county, by which one or more districts may be created therein, which districts shall be known as boroughs and which shall exercise such municipal powers as may be granted

thereto by such charter, and for the organization, regulation, government and jurisdiction of such boroughs; provided, that in the event of such establishment or creation of a borough or boroughs, as hereinabove permitted, the boundaries thereof shall never afterwards be changed or altered, nor shall the governmental rights, powers or jurisdiction of any such borough or boroughs be thereafter limited, extended, modified or taken away, unless and until the borough or boroughs affected by such proposed change or alteration of boundaries, or by the proposed limitation, extension, modification or taking away of governmental rights, powers or jurisdiction, as the case may be, shall each have consented thereto, by the vote of a majority of the voters in each and every such borough, voting at an election or elections called and held for such purpose in each of the boroughs so affected.

No property in any territory hereafter consolidated with or annexed to any city or city and county shall be taxed for the payment of any indebtedness of such city or city and county outstanding at the date of such consolidation or annexation and for the payment of which the property in such territory was not, prior to such consolidation or annexation, subject to such taxation, unless there shall have been submitted to the qualified electors of such territory the proposition regarding the assumption of indebtedness as hereinbefore set forth and the same shall have been approved by a majority of such electors voting thereon.

7. In all cases of annexation of unincorporated territory to an incorporated city, or the consolidation of two or more incorporated cities, assumption of existing bonded indebtedness by such unincorporated territory or by either of the cities so consolidating may be made by a majority vote of the qualified electors voting thereon in the territory or city which shall assume an existing bonded indebtedness. This provision shall apply whether annexation or consolidation is effected under this section or any other section of this constitution, and the provisions of section 18 of this article shall not be a prohibition thereof.

The Legislature shall enact such general laws as may be necessary to carry out the provisions of this section and such general or special laws as may be necessary to carry out the provisions of subdivisions five and six of this section, including any such general or special act as may be necessary to permit a consolidated city and county to submit a new charter or charter amendment to take effect at the time that any consolidation, by reason of annexation to such consolidated city and county, takes effect, and, also, any such general law or special act as may be necessary to provide for any period after such consolidation, by reason of such annexation, takes effect, and prior to the adoption and approval of any such new charter or charter amendment.

COUNTY CHARTER PROVISIONS FOR NOMINATION AND ELECTION OF OFFICERS. Senate Constitutional Amendment 8. Amends Section

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7½ of Article XI of Constitution. Adds provision permitting county charters to provide any other mode in place of that provided by general laws for the nomination and/or election of elective officers of counties, townships, road districts and highway construction divisions therein, and to adopt and provide for any system of proportional representation on the legislative or governing body of counties, also the manner of voting under such system.

YES

NO

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California to amend the constitution of said state by amending section 7½ of article eleven, relating to charters of counties and the election of officers thereunder.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California at its regular session commencing on the fifth day of January, 1931, 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 7½ of article eleven 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, if any, 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. 7½. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one); and relating to matters authorized by provisions of the constitution, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the

registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; provided, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections. It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of gen-

eral circulation, printed, published and circulated in such county; and provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; provided, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and filed, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published

and circulated in such county; provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for governor at the last general election, at which a governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance.

which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; provided, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county and in or near the entrance to at least one public schoolhouse in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

It shall be competent, in all charters, framed under the authority given by this section to provide, in addition to any other provisions allowable by this constitution, and the same shall provide, for the following matters:

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

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal

and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; provided, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

4½. For the assumption and discharge by county officers of certain of the municipal functions of the cities and towns within the county, whenever, in the case of cities and towns incorporated under general laws, the discharge by county officers of such municipal functions is authorized by general law, or whenever, in the case of cities and towns organized under section 8 of this article, the discharge by county officers of such municipal functions is authorized by provisions of the charters, or by amendments thereto, of such cities or towns.

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers; provided however, it shall be competent in such charters to provide any other mode for their nomination and/or election, and to adopt and provide for any system of proportional representation on the legislative or governing body of counties, also the manner of voting under such system.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

For offices other than those required by the constitution and laws of the state, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws

for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; provided, further, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the state is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of sections 4 and 5 of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided; and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two-thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city.

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Manner in Which Proposed Constitutional Amendments and Other Measures Will Be Designated and Appear on the Ballot

<p>1 WRIGHT ACT REPEAL. Initiative measure. Repeals Act of Legislature commonly known as Wright Act, approved by electors on referendum November 7, 1922, which Act provided for enforcement by State of California of the Eighteenth Amendment of the United States Constitution, prohibited all acts or omissions prohibited by Volstead Act, adopted penal provisions of that Act, imposed duties on courts, prosecuting attorneys, sheriffs, grand juries, magistrates and peace officers in this State, extended their jurisdiction, and provided for the disposition of fines and forfeitures.</p>	YES	
<p>2 STATE LIQUOR REGULATION. Initiative Constitutional Amendment. Declares, if Wright Act is repealed, and when lawful under Federal Constitution and laws, State of California shall have exclusive right to license and regulate the manufacture, sale, possession, transportation, importation and exportation, of intoxicating liquors; prohibits public saloons, bars or drinking places where intoxicating liquors are kept, sold or consumed; permits serving wine and beer with meals furnished in good faith to patrons of hotels, boarding houses, restaurants and public eating places; permits Legislature to authorize, under reasonable restrictions, sale of liquor in original packages in retail stores where same not consumed therein.</p>	YES	
<p>3 FORECLOSURE OF MORTGAGES AND TRUST DEEDS. Initiative. Defines mortgage as contract, trust deed, or instrument, hereafter executed, making specific real property security for performance without changing possession; forbids power of sale therein; declares same enforceable solely by Court action; requires action dismissed, and mortgage reinstated, upon mortgagor paying, before judgment, amount delinquent (other than by acceleration), costs and three months advance interest; prescribes notice before execution or foreclosure sale, and twelve months redemption period during which person in possession must pay rental specified by Court or surrender possession to execution purchaser, crediting same on judgment upon redemption; permits Legislative amendments.</p>	YES	
<p>4 REMOVING RESTRICTION UPON USE OF STATE'S HALF OF HIGHWAY TRANSPORTATION TAXES. Senate Constitutional Amendment 22. Amends Section 15 of Article XIII of Constitution. Eliminates from present section provision therein which requires that State's half of revenue from taxes upon highway transportation companies be devoted exclusively to the maintenance and repair of public highways.</p>	YES	

<p>RACING. Initiative Measure. Creates California Racing Board, consisting of three members, appointed by Governor, empowered to regulate and license racing and wagering, within race track enclosure, by system known as Certificate System; limits racing period at each track; requires all fees collected by board be paid into California</p> <p>5 Racing Board Fund, appropriating Thirty Thousand Dollars thereof annually for payment of salaries and expenses of members of Board and its appointees, and annually dividing balance thereof between Veterans' Welfare Board and State Board of Agriculture; authorizes licenses for limited periods at county fairs or agricultural exhibits.</p>	YES	
	NO	
<p>WAR VETERANS TAX EXEMPTION. Senate Constitutional Amendment</p> <p>6 Amends Section 1$\frac{1}{2}$ of Article XIII of Constitution. Exempts from taxation property to the amount of \$1000 of every resident of this State who served in the army, navy, marine corps or revenue marine service of the United States in time of war and has thereafter continued in such service, provided such person or his wife does not own property of the value of \$5000 or more.</p>	YES	
	NO	
<p>LEGISLATIVE EXPENSES. Senate Constitutional Amendment 17.</p> <p>Amends Section 23a, Article IV, of Constitution. Increases limit upon Legislature's total daily expenses for its officers, employees and attaches, at regular session from \$300 for each House to \$400</p> <p>7 for Senate and \$450 for Assembly, exclusive of salaries of Secretary of Senate and Chief Clerk of Assembly and salaries and expenses of interim committees; and at special session from aggregate of \$200 for both Houses to \$150 for each House, exclusive of salaries of such Secretary and Chief Clerk.</p>	YES	
	NO	
<p>INITIATIVE AND REFERENDUM. Senate Constitutional Amendment 3.</p> <p>Amends Section 1 of Article IV of Constitution. Requires proponents of any initiative or referendum petition, before circulating same for signatures, submit draft thereof to attorney general with written request that he prepare therefor a title and summary in</p> <p>8 not to exceed one hundred words, such request to be preserved by him until after next election. Reserves to such proponents the right to file original petition; requires county clerk and registrar of voters disregard any section thereof or supplement thereto not presented by such proponents or by persons authorized by them in writing.</p>	YES	
	NO	

9	<p>SCHOOL FUNDS. INCOME, SALES TAX. Initiative constitutional amendment. Provides for income tax on individuals, estates and trusts, and selective sales tax. Provides for state public school equalization fund, requiring therefor annual minimum appropriation of forty dollars per elementary pupil and seventy dollars per high school pupil. Permits county and district school taxes. Requires school district taxes to meet district budget. Requires district apply to teachers' salaries seventy-five per cent of state moneys received for elementary schools and seventy per cent of that received for secondary schools, unless it expends therefor seventy per cent of maintenance budget less auxiliary expenses.</p>	YES	NO
10	<p>AUTHORIZING CITY OF ESCONDIDO TO HOLD STOCK IN MUTUAL WATER COMPANY. Assembly Constitutional Amendment 14. Adds Section 31b to Article IV of Constitution. Authorizes City of Escondido, California, for purpose of supplying water for public or municipal purposes or for use of its inhabitants, to acquire and hold shares of capital stock of mutual water company or corporation; declares such holding shall entitle city to all rights, powers and privileges, and subject it to obligations and liabilities, given or imposed by law to or upon other holders of stock in said corporation.</p>	YES	NO
11	<p>TIDELAND GRANT TO CITY OF HUNTINGTON BEACH. Initiative Constitutional Amendment. Adds Section Four to Article Fifteen of Constitution. Grants to City of Huntington Beach tide and submerged lands situated within present boundaries of said city. Empowers city to use such lands for promotion and accommodation of recreation, commerce, navigation, harbor, fishery, production of minerals, oil, gas and other hydrocarbons. Empowers City to lease said lands for such purposes. Provides fifty per cent of income from such leases be paid into State treasury to credit of general fund. Confirms previous leases and agreements to lease. Reserves to people right to fish.</p>	YES	NO
12	<p>AUTHORIZING CITY OF GLENDALE, AFTER ELECTION THEREFOR, TO PAY OWNERS CERTAIN IMPROVEMENT ASSESSMENTS UPON THEIR PROPERTY. Assembly Constitutional Amendment 32. Amends Section 31 of Article IV of Constitution. Provides that City of Glendale, in Los Angeles County, when authorized by majority vote at election therefor, may pay from surplus of its public service department to owners of property at time of such authorization the amount of any assessment for replacement of water mains levied upon such property between May 11, 1921 and ratification of this amendment, and that no statute of limitations shall apply thereto.</p>	YES	NO

<p>AMENDING STATE ATHLETIC COMMISSION INITIATIVE ACT. Assembly Constitutional Amendment 26. Adds Section 25½ to Article IV of Constitution. Declares Legislature may amend State Athletic Commission initiative act, except provisions thereof allowing wrestling and twelve round boxing contests, to provide for supervision and regulation of wrestling, boxing or sparring, matches or exhibitions, but limits boxing or sparring match or exhibition to twelve rounds not exceeding three minutes each. Appropriates State moneys derived from such matches or exhibitions, (less expenses of Commission and salaries), to maintain homes for care of war veterans, apportioning same as Legislature directs.</p>	YES	
<p>13</p>	NO	
<p>EXEMPTING VESSELS FROM TAXATION. Assembly Constitutional Amendment 28. Amends Section 4 of Article XIII of Constitution. Declares all vessels of more than fifty tons burden registered at any port in this state and engaged in the transportation of freight or passengers shall be exempt from taxation except for state purposes until and including the first day of January 1955.</p>	YES	
<p>14</p>	NO	
<p>DEPOSIT OF PUBLIC MONEYS. Assembly Constitutional Amendment 33. Amends Section 16½ of Article XI of Constitution. Extends to any public or municipal corporation within this State provisions of said section permitting deposit in national or state banks within this State of moneys belonging to or in custody of the State, or any county or municipality thereof; also extends to such public or municipal corporation provisions of said section permitting deposit in banks outside this State of moneys for payment of principal or interest of bonds issued by such corporation and payable at places outside this State.</p>	YES	
<p>15</p>	NO	
<p>TAX LIENS. Assembly Constitutional Amendment 2. Adds Section 31b to Article IV of Constitution. Empowers Legislature to provide that the lien of every tax, heretofore or hereafter attaching, shall cease for all purposes thirty years after such tax became a lien, or to provide that every tax, heretofore or hereafter levied, shall be conclusively presumed to have been paid after thirty years from time same became a lien unless the property subject thereto has been sold in manner provided by law for payment of said tax.</p>	YES	
<p>16</p>	NO	

CITY CHARTERS. Assembly Constitutional Amendment 31. Amends Section 8, Article XI, of Constitution. Requires board of freeholders, within one year after their election, to prepare a proposed city charter, and if city's population exceeds 50,000 requires copies thereof be printed and mailed each elector. Requires petition for submission of charter amendment be filed with legislative body of city at least sixty days before general election next preceding a regular session of Legislature. Permits charter provision for division of city into boroughs or districts; eliminates provision that borough's powers be not changed without consent of electors of borough.

17

YES

NO

AUTHORIZING BOARD OF SUPERVISORS TO DRAFT COUNTY CHARTER. Assembly Constitutional Amendment 23. Adds Section 7½ to Article XI of Constitution. Confers upon board of supervisors of any county same power to draft a proposed charter for said county as is conferred upon board of freeholders elected under Section 7½ of Article XI; declares provisions of latter section shall otherwise apply in every respect to such proposed charter.

18

YES

NO

CITY CHARTER PROVISIONS FOR NOMINATION AND ELECTION OF OFFICERS. Senate Constitutional Amendment 9. Amends Section 8½ of Article XI of Constitution. Adds provision permitting city or city and county charters to provide any mode for the nomination and/or election of officers of such city or city and county, and to adopt and provide for any system of proportional representation on the legislative body thereof, also the manner of voting under such system.

19

YES

NO

COUNTY CHARTER PROVISIONS FOR NOMINATION AND ELECTION OF OFFICERS. Senate Constitutional Amendment 8. Amends Section 7½ of Article XI of Constitution. Adds provision permitting county charters to provide any other mode in place of that provided by general laws for the nomination and/or election of elective officers of counties, townships, road districts and highway construction divisions therein, and to adopt and provide for any system of proportional representation on the legislative or governing body of counties, also the manner of voting under such system.

20

YES

NO

CERTIFICATE OF SECRETARY OF STATE

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
SACRAMENTO, CALIFORNIA.

I, Frank C. Jordan, Secretary of State of the State of California, do hereby certify that the foregoing twenty measures will be submitted to the electors of the State of California at the general election to be held throughout the State on the eighth day of November, 1932.

Witness my hand and the great seal of State, at office in Sacramento, California, the twenty-fourth day of September, A.D. 1932.



Frank C. Jordan
Secretary of State