Am No 393

Relative to Declaration of Rights

Oct 23. 78

Read & referred to Com on Preamble & Bill of Rights

Thornton

Ass Rec

Nov 8. 78

Reported back that it be not adopted & laid on table

Thornton

Ass Rec

Dudley of Solano

Amendment to Bill of Rights

McAnelly

Amendment. 1

Relative to Declaration of Rights.

Section ——. The public offices of the State government, and all municipal governments formed thereunder, which shall be filled by appointment from the governor or other authority, are public trusts, to be created and administered solely for the benefit of the people; and to make the tenure of said offices dependent on the ascendency of any political party or any private interests is a gross perversion of power.

Amendment concerning of appointed offices

A M Dudley

Am No 394

Relative to manner of filling Public Offices & the tenure thereof (11)

Oct 23. 1878

Read & referred to Com on Executive Department

Thornton

ass sea

Nov 2. 78

Reported back with Substitute No 468

Thornton

ass sea

Dudley

Ot Solano

a

Amendment.

Relative to the Manner of Filling Public Offices and the Tenure thereof.

#

Amend Sections Six and Seven, Article Eleven, of the Constitution, as follows:

Section 6. All officers whose election or appointment is not provided for by this constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct. All appointed officers of the State government must be appointed by the Governor, save such clerks or other subordinate officers in commissions or departments of the State government charged with handling public funds, for whose faithfulness the official head of such commission or department may be personally responsible on bonds. The ap-

pointment of such designated clerks or subordinate officers may be vested in their immediate official superiors, if the Legislature so directs. No office shall be filled by appointment of the Legislature, or either branch thereof, save the offices of its own body.

Section 7. When the duration of any office is not provided for by this constitution, it may be declared by law; but all offices of the State government filled by appointment shall be held during the pleasure of the authority making the appointment, provided that the Governor shall not remove any officer without immediately communicating to the Senate (if the Legislature be then in session) an explicit statement of his reasons for making such removal, ~~explaining~~ why

he deems it a furtherance of the public good; and if the Legislature be not in session at the time of making such removal, said statement shall be communicated within ten days after the beginning of the next succeeding regular or special session. In case of a Governor retiring from office before the beginning of the session following a removal from office, he shall, before the expiration of his term, place on file in the office of the executive department the required statement of reasons for removal, and such statement shall by his successor be transmitted to the Senate within the limit of time before specified.

Am to 395

Proposition

To collect Taxes in Installments.

By James J. Ayers.

Ask that it be referred to Committee on Revenue and Taxation.

Oct 23 1878

Read & referred to Com on Revenue & Taxation

Thornton
Ass Sec

Nov. 15 1878

Reported back with Substitute amendment No. 510.

~~Wright, Chief Clerk~~

Ayers

Proposition to collect taxes in installments.

By J. J. Ayers.

Sec. The Legislature shall have the power to provide for the collection of taxes in installments, by requiring the Treasurer to issue coupon receipts to each taxpayer for one twelfth or any quarter proportion of his total annual tax, the same to be taken up at the option of the taxpayer in gross or in such installments as the law may fix.

In relation to Capital and Labor

An to 396

by John D. Condon

Oct 23 of 8

Read & referred to Com on Labor and Capital

Thornton
ass sec

Nov 13 of 8

Reported back without recommendation that ~~no further action be taken~~ it be not adopted

Thornton
13 asst sec

Condon

Section — Transportation may be done and Supplies obtained for the State by Contract but only with such Persons firms or Corporations as employ no alien labor, Public work of all description, including buildings roads bridges aqueducts Wells and Water works of every kind to be constructed or repaired by or for the State, or by and for any County, or Municipality thereof shall not be Constructed or repaired by Contract,

But the State County or Municipality shall pay directly to the laborers employed thereon such compensation as may be agreed on and no alien or person employing aliens shall be employed thereon or to compensation for any labor he may perform thereon

Section Eight Hours shall Constitute a legal days work for all work done by the State or for any County Town or Municipality therein

Section The above Sections shall be enforced by appropriate Legislation

by John W. Condon

Amendment
No 397

Amendment to Bill of Rights

Oct 23 78
Read & referred to Com on Preamble & Bill of Rights
Thornton
Ass Sec

Nov 8 78
Reported back that it be not adopted & laid on Table
Thornton
ass sec

Beerstecher

Bill of Rights

Sec —. The free exercise and enjoyment of religious opinions and worship, without discrimination or preference, shall forever be allowed in this State; And no person shall be rendered incompetent in any manner, nor shall any person ever be questioned and forced to answer any questions concerning or on account of opinions on matters of religious belief: but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of this State, No law shall ever be enacted by the legislature making it unlawful to do on any day, that which may be lawfully done on any other day.

Beerstecher ——

Am to 398

Relative to Appropriations

Oct 23 1878 E O Smith

Read & referred to Com on Revenue & Taxation

Thornton
Asst Sec

Nov. 18, 1878
Reported back with Substitute Amendment No. 510.
Wright
Asst. Secretary.

16

Smith
of Santa Clara

Referred to Committee on Revenue & Taxation

Respecting appropriations

No appropriation shall ever be paid out of the treasury of this State or any of its funds, or any funds under its management, except in pursuance of an appropriation by law nor unless such appropriation be made within two years next after the passage of such appropriation act, and every such ~~act~~ law, making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum, and the object to which it is applied, and it shall not be sufficient for such, to refer to any law to fix such sum

Section -- In all such suits the Governor of the State shall be served with legal process, and such defense shall be authorised as in the case of a private indi=
=vidual,

By Martin of Alameda

Am No 399

For Adjudication

of Claims

against the State,

Oct 23. of 8

Read & referred to

Com on Judiciary and

Judicial Department

Thornton

as see

Nov 13. of 8

Reported back with

Substitute Am No 503

Thornton

as see

Martin

of Alameda

Section; The Legislature shall make no Law, authorizing the payment by any County, or municipal Corporation or town of any private Claim; but general laws shall be passed in such manner as the legislature shall deem meet providing for the adjudication of all such claims,

Section; The Legislature shall make no Law authorizing the payment by the State of any private Claim against the State, but suit shall be brought against the State on any such claim, in any Court of Competent Jurisdiction

Am. No 400

Revenue & Taxation

Oct 23. a/8

Read & referred to Com on Revenue and Taxation

Thornton
Ass Sec

Nov. 18, 1878

Reported back with Substitute amendment No 510.

J. Wright
Asst. Secretary

Hagen

Revenue & Taxation.

Propositions of amendments to the constitution in regard thereto.

1. The taxing power may be exercised by the Legislature for State purposes; and by the counties, cities and other public & municipal corporations, under authority granted to them by the Legislature, for county, city and other corporate purposes.

2. All taxes shall be levied & collected by general laws and for public purposes only. They must be equal and uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and may be levied on all subjects & objects of taxation.

3. All property subject to taxation shall be taxed in proportion to its value; but it shall be subject, in proportion to its value, to bear only its equal and relative proportion of taxation; and every person subject to taxation shall be taxed in proportion to what he may be worth in real estate, in personal estate, in money owned & in his possession & in money owing him which may be reduced to possession.

4. The power to tax corporations & corporate property shall not be surrendered or suspended by act of the legislature. ~~of this state~~ all corporations of this state shall be subject to taxation on the real and personal property, owned or used by them in this state, on their gross earnings, their franchises and their capital stock; & all corporations doing business in this state shall in like manner be taxed on the real & personal property, capital & money owned or used by them in this state.

5. All laws exempting property from taxation, except as in this constitution expressly prescribed, shall be void.

6. No county, city town or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

7. The making of profit out of state county city town ~~or~~ public school ~~money~~ or other public or municipal money, or using the same for any purpose not authorized by law, by any public officer, shall be a felony and shall be punished as prescribed by law.

Am No 401

Mr. Cassery

~~Relative to creation of~~

debts by City & County

Organizations

Oct 24 '18

Read & referred to

Com on ~~City, County~~

~~& Township Organizations~~

State & Municipal Indebtedness

Thornton

Ass Rec

3

Cassery

Mr. Cassidy
Print out of its order for the table

1

Article

No debt or liability shall be created or expressly incurred by a city or by a department, board or officer of a city, unless there shall be at the time in the treasury an unexpended appropriation applicable to such debt or liability and sufficient to discharge the same, and all debts and liabilities previously incurred and payable out of such appropriation and all contracts, engagements or transactions in violation hereof shall be unlawful and void.

Nor shall any debt or liability of a city be paid except out of money in the treasury appropriated thereto according to law. No money shall be drawn from the treasury except in pursuance of an appropriation lawfully made. Nor shall any extra compensation or allowance be made to any officer, servant, agent,

contractor or employee of such government, beyond the compensation agreed upon or fixed by law.

All transactions or violations of this section shall be illegal and void. The Legislature at its first session after this Constitution takes effect shall enact such laws, civil and criminal as may be necessary or appropriate to enforce the provisions of this section.

Article.

No money shall be borrowed by any city for the purpose of defraying any of the expenses of the city for which an appropriation has been made except in anticipation of the revenue of the year for which the same may be borrowed applicable to such purpose; and all moneys so borrowed must be paid out of such revenue or out of revenues specially provided to supply any deficiency in the collection thereof: Provided however that temporary loans in anticipation of the taxes may be renewed so far as such taxes may not have been collected; when the same are fully secured to the extent of twice their amount by valid liens on real estate.

In no event shall any indebtedness be incurred to an amount, including existing indebtedness, in the

aggregate exceeding per centum on the value of the taxable property of a city. Such value shall be ascertained from the Assessment Roll for State and County purposes, made immediately previous to incurring such indebtedness.

Provided however that a city may borrow money under and in accordance with the following conditions and limitations in addition to any other conditions and limitations contained in the Constitution namely :-

The debt must be for some single work or object only and must be authorized by a resolution passed by a vote of three-fourths of all the members elected to the Board of Supervisors and approved by the Mayor, distinctly specifying such work or object and the whole amount of the debt to be incurred.

The Legislature must before the creation of such a debt assent thereto by an act passed by a vote of two-thirds of all the members elected to each house respectively. Such vote shall be by yeas and nays recorded on the Journal of each house. Such law shall also distinctly specify the single work or object for which the debt is to be created and the amount of the debt authorized and shall contain provisions for a Sinking Fund to meet the same at maturity, and requiring at least ten percent of the principal to be annually raised by taxation and paid into the Sinking Fund. ~~Such law shall contain provisions for submitting the same to a vote of the people at an election~~

such act shall not take effect until it shall be ratified at an election held ~~at~~ & in said city at which no other matter is voted upon and which shall be held within days after the passage of said act.

The legislature shall make such laws as may be necessary to provide for holding such election and ascertaining the result thereof.