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## HIGHWAYS AND MASS TRANSIT GUIDEWAYS

### Ballot Title

**HIGHWAYS AND MASS TRANSIT GUIDEWAYS. LEGISLATIVE CONSTITUTIONAL AMENDMENT.** Extends present use of revenues from motor vehicle fuel taxes and license fees for highway construction to permit use for research, planning and construction of mass transit guideways and mitigation of environmental effects of each. Unless approved by majority vote of area affected, funds may only be used for research and planning. Continues existing statutory formula for allocation of revenues to cities, counties, and areas of state until altered by Legislature. Permits up to 25% of area revenues available to be used to pay for voter-approved bond issues. Deletes obsolete provisions. Financial Impact: This measure involves no significant cost or revenue considerations.

### Analysis by Legislative Counsel

#### Effect:

Article XXVI of the Constitution now generally restricts the use of revenues derived from state-imposed highway users taxes and fees, such as the gas tax, diesel fuel tax, and vehicle registration and weight fees, to the construction and maintenance of public highways. Revenues derived from taxes or fees imposed upon vehicles or their operation, such as the vehicle registration and weight fees, may also be used for the administration and enforcement of laws on public highways.

This measure would broaden the uses for which such revenues may be expended, including:

#### (1) Public Mass Transit Purposes

Generally, the measure would authorize the use of these revenues for research, planning, construction, improvement, and specified maintenance of public mass transit guideways, and related fixed facilities, and for lessening the environmental effects of such transit facilities.

The expenditure of such revenues for public mass transit purposes in any county, or specified area thereof, except for research and planning, would be prohibited, however, unless such use is approved by a majority of voters in the county or area voting on the proposition.

The Legislature would be authorized, with respect to revenues so approved by voters for use for public mass transit purposes, to permit their use also for payment of principal and interest on voter-approved bonds issued for such transit purposes.

The Legislature would be required to continue the existing statutory public highways formulas for allocation of such revenues until another basis, as determined from standards and goals specified in this measure, exists to change such formulas. Until then, any use of such revenues for public mass transit purposes in any city, county, or area would be included within the existing statutory public highways allocations to, or expenditures in, such city, county, or area.

#### (2) Street and Highway Bonds

The Legislature would also be authorized to permit up to 25 percent of such revenues available to the state or any city or county for public highway purposes to be pledged or used for payment of principal and interest on voter-approved bonds issued for such purposes.

#### Fiscal Impact:

The Department of Finance and the Legislative Analysts advise that the adoption of this constitutional amendment will have no effect on state or local revenues or costs.

*You should vote "YES" on this measure if you want to allow state-imposed highway users tax revenues to be used for purposes related to public mass transit, as well as for purposes related to public highways.*

*You should vote "NO" on this measure if you want to retain present constitutional restrictions which limit use of such revenues for public highway purposes, including administration and enforcement of laws thereon.*

#### Statute Contingent Upon Adoption of Above Measure

Chapter 859 of the Statutes of 1973, which was enacted to become operative if and when the above amendment of the Constitution is approved, authorizes the state, and any city or county, to use for public mass transit guideways the following percentages of motor vehicle fuel tax revenues and motor vehicle registration and license fees available for highway and guideways, available to it:

Fiscal Year	Percentage
1974-75	5
1975-76	10
1976-77	15
1977-78	20
1978-79 and each fiscal year thereafter	25

Chapter 859 authorizes the Director of Transportation, if found to be necessary to maximize federal financial participation in such projects, to increase the above percentages to the following percentages:

Fiscal Year	Percentage
1974-75	15
1975-76	20
1976-77	25
1977-78 and each fiscal year thereafter	The percentage necessary to maximize federal financial participation

The text of Chapter 859 of the Statutes of 1973 is on record in the office of the Secretary of State in Sacramento and will be contained in the 1973 published statutes.

## Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 15 (Statutes of 1973, Resolution Chapter 145), expressly repeals an existing article of the Constitution and adds a new article thereto; therefore, EXISTING PROVISIONS proposed to be REPEALED are printed in STRIKEOUT TYPE, and NEW PROVISIONS proposed to be ADDED are printed in BOLDFACE TYPE.

### PROPOSED AMENDMENTS TO ARTICLE XXVI

First—That Article XXVI be repealed.

#### ARTICLE XXVI

##### MOTOR VEHICLE TAXATION AND REVENUES

SECTION 1. (a) From and after the effective date of this article, all moneys collected from any tax now or hereafter imposed by the State upon the manufacture, sale, distribution, or use of motor vehicle fuel; for use in motor vehicles upon the public streets and highways over and above the costs of collection; and any refunds authorized by law shall be used exclusively and directly for highway purposes, as follows:

(1) The construction, improvement, repair and maintenance of public streets and highways; whether in incorporated or unincorporated territory, for the payment for property, including but not restricted to rights of way, taken or damaged for such purposes and for administrative costs necessarily incurred in connection with the foregoing.

(2) As now or hereafter may be provided by law; the net revenue from not more than twenty per cent of one cent per gallon tax on such motor vehicle fuel may be expended under any act of the Legislature for the payment; redemption; discharge; purchase; adjustment; contributing to or refunding of special assessments or bonds or coupons issued for street or highway purposes as set forth in this section and which special assessment districts were initiated by an ordinance or resolution of intention adopted prior to January 1, 1933.

SEC. 2. (a) From and after the effective date of this article, all moneys collected from motor vehicle and other vehicle registration license fees and from any other tax or license fee now or hereafter imposed by the State upon vehicles, motor vehicles or the operation thereof, except as may otherwise be provided in Section 4 of this article, shall be used for the following purposes:

1. For costs of collection and for the administration and enforcement of all laws now in effect or hereafter enacted, regulating or concerning the use, operation or registration of vehicles used upon the public streets and highways of this State and for the exercise of those powers and for the performance of those duties now imposed upon the California Highway Patrol.

2. For street and highway purposes as specified in paragraph (1) of subdivision (a) of Section 1 of this article.

(b) The moneys referred to in subdivision (a) of this section allocated to the counties and any city and county may also be used as now or hereafter provided by the Legislature for the following additional purposes, provided such use will not in any manner cause the loss of Federal highway funds to this State:

(1) For the payment of any portion of the principal or interest of, or for the purchase or redemption at a discount of, or for transfer to the interest and sinking fund for the discharge and payment of bonds voted at an election prior to January 1, 1933, and issued by a city, county and county, or county, the proceeds of which have been used for the purposes specified in paragraph (1) of subdivision (a) of Section 1 of this article.

(2) For the payment, redemption, discharge, purchase, adjustment, contributing to or refunding of special assessments or bonds or coupons issued to represent such special assessments, which assessments were imposed wherein the ordinance or resolution of intention was adopted prior to January 1, 1933, for the acquisition of rights of way or easements for or for the construction or improvements of public streets, highways or parks.

SEC. 3. The provisions of this article are self-executing but the Legislature shall have full power to appropriate such moneys and to provide the manner of their expenditure by the State, counties, cities and counties, or cities for the purposes specified and to enact legislation not in conflict with this article. This article shall not prevent any part of the moneys referred to in Sections 1 or 2 hereof from being temporarily loaned to the State general fund upon condition that the amount loaned shall be repaid therefrom to the funds from which so borrowed to be used for the purposes specified in Sections 1 or 2 hereof.

SEC. 4. This article shall not affect or apply to any license fees or taxes imposed by Chapter 229, Statutes of 1933, as amended; nor to any tax which is now or may hereafter be imposed by the "Retail Sales Tax Act of 1933," as amended, or the "Use Tax Act of 1933," as

amended; nor shall it affect or repeal any provision of the "Unemployment Relief Bond Act of 1933," Chapter 267, Statutes of 1933, as approved by Section 9 of Article XXVI of this Constitution; nor shall it affect or invalidate Chapter 362, Statutes of 1935, as amended; imposing a motor vehicle license fee based upon value. The Legislature may continue in effect the tax imposed by Chapter 362, Statutes of 1935 as amended; provided that the continuation of, or any amendment to, said Chapter 362, shall provide that the revenue from said tax, excluding the costs of collection and subventions to counties, cities and counties, and cities, shall first be applied to the payment of principal and interest on all State highway bonds outstanding on the effective date of this article. In the event the tax imposed by said Chapter 362, Statutes of 1935 as amended, is repealed; the Legislature may make provision for such payment of said State highway bonds by means of any fees or taxes of the types mentioned in this article, whether now or hereafter imposed; provided such payment will not in any manner cause the loss of Federal highway funds to this State.

Nothing in this article shall be construed as repealing, superseding or modifying that provision of Section 15 of Article XIII of this Constitution, reading as follows:

"Out of the revenue from State taxes for which provision is made in this article, together with all other State revenues, there shall first be set apart the moneys to be applied by the State to the support of the public school system and the State university."

In the event, however, moneys are transferred to the general fund of the State from the funds referred to in this article for the support of the public schools and the State university, pursuant to Section 15 of Article XIII of this Constitution, the moneys so transferred shall be returned to the funds from which they were transferred from the first moneys available in the general fund in excess of those required under Section 15 of Article XIII of this Constitution for the support of the public schools and the State university.

Second—That Article XXVI be added, to read:

#### ARTICLE XXVI

##### MOTOR VEHICLE REVENUES

SECTION 1. Revenues from taxes imposed by the state on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the costs of collection and any refunds authorized by law, shall be used for the following purposes:

(a) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(b) The research, planning, construction, and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, the administrative costs necessarily incurred in the foregoing purposes, and the maintenance of the structures and the immediate right-of-way for the public mass transit guideways, but excluding the maintenance and operating costs for mass transit power systems and mass transit passenger facilities, vehicles, equipment, and services.

SEC. 2. Revenues from fees and taxes imposed by the state upon vehicles or their use or operation, over and above the costs of collection and any refunds authorized by law, shall be used for the following purposes:

(a) The state administration and enforcement of laws regulating the use, operation, or registration of vehicles used upon the public streets and highways of this state, including the enforcement of traffic and vehicle laws by state agencies and the mitigation of the environmental effects of motor vehicle operation due to air and sound emissions.

(b) The purposes specified in Section 1 of this article.

SEC. 3. The Legislature shall provide for the allocation of the revenues to be used for the purposes specified in Section 1 of this article in a manner which ensures the continuance of existing statutory allocation formulas for cities, counties, and areas of the state, until it determines that another basis for an equitable, geographical, and jurisdictional distribution exists; provided that, until such determination is made, any use of such revenues for purposes specified in subdivision (b) of Section 1 of this article by or in a city, county, or area of the state shall be included within the existing statutory allocations to, or for expenditure in, that city, county, or area. Any future statutory revisions shall provide for the allocation of these revenues, together with other similar revenues, in a manner which gives equal consideration to the transportation needs of all areas of the state and all segments of the population consistent with the orderly achievement of the adopted local, regional, and statewide goals for ground transportation in local general plans, regional transportation plans, and the California Transportation Plan.

SEC. 4. Revenues allocated pursuant to Section 3 may not be expended for the purposes specified in subdivision (b) of Section 1, except for research and planning, until such use is approved by a majority of the votes cast on the proposition authorizing such use of such revenues in an election held throughout the county or counties, or a specified area of a county or counties, within which the revenues are to be expended. The Legislature may authorize the revenues approved for allocation or expenditure under this section to be

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5096.92. Projects authorized for the purposes set forth in subdivisions (b), (c), and (e) of Section 5096.85 shall be subject to augmentation as provided in Section 16352 of the Government Code. The unexpended balance in any appropriation heretofore or hereafter made payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation may be transferred on order of the Director of Finance to and in augmentation of the appropriation made in Section 16352 of the Government Code.

5096.93. The Director of Parks and Recreation may make agreements with respect to any land acquired pursuant to subdivision (e) of Section 5096.85 of this chapter for continued tenancy of the seller of the property for a period of time and under such conditions as mutually agreed upon by the state and the seller so long as the seller promises to pay such taxes on his interest in property as shall become due, owing or unpaid on the interest created by such agreement and so long as the seller conducts his operations on the land according to specifications issued by the Director of Parks and Recreation to protect the property for the public use for which it was acquired. A copy of such agreement shall be filed with the county clerk in the county in which the property lies. Such arrangement shall be compatible with the operation of the area by the state, as determined by the Director of Parks and Recreation.

5096.94. Notwithstanding any other provisions of law, for the purposes of this chapter acquisition may include gifts, purchases, leases, easements, eminent domain, the transfer of property for other property of like value, purchases of development rights, and other interests unless the Legislature shall hereafter otherwise provide. Acquisition for the state park system by purchase or by eminent domain shall be under the Property Acquisition Law (commencing with Section 15850 of the Government Code), notwithstanding any other provisions of law.

5096.95. All grants, gifts, devises or bequests to the state, conditional or unconditional, for park, conservation, recreation or other purposes for which land may be acquired and developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate department head with the approval of the Director of Finance. Such grants shall be available, when appropriated by the Legislature, for expenditure for the purposes provided for in Section 5096.85 of this chapter.

5096.96. There shall be an agreement or contract between the Department of Parks and Recreation and the applicant in the case of a state grant project which shall contain therein the provisions that the property so acquired shall

be used by the grantee only for the purpose for which the state grant funds were requested and that no other use of the area shall be permitted except by specific act of the Legislature.

5096.97. Lands acquired by the state shall consist predominantly of open or natural lands, including lands under water capable of being utilized for multiple recreation purposes, and lands necessary for historic preservation. No funds derived from the bonds authorized by this section shall be expended for the construction of any reservoir designated as a part of the "State Water Facilities," as defined in subdivision (d) of Section 12334 of the Water Code, but such funds may be expended for the acquisition and development of beaches, parks, recreational facilities and historical monuments at or in the vicinity of any such reservoir.

5096.98. (a) The appropriation made by Item 379(c) of the Budget Act of 1973 for the acquisition of Century Ranch for the state park system is hereby validated and confirmed; provided, that before any funds are expended for such acquisition, the Century Ranch project shall be recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.

(b) Moneys deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 shall be used to reimburse the General Fund for any expenditure of moneys for the acquisition of Century Ranch for the state park system made pursuant to the enactment of Senate Bill No. 1194 of the 1973-74 Regular Session of the Legislature; provided, that the Century Ranch project shall have been recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency prior to such General Fund expenditure.

5096.99. Moneys deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 shall be used to reimburse the General Fund for any expenditure of moneys for the acquisition of lands located between Newport Beach and Laguna Beach for the state park system made pursuant to the enactment of Senate Bill No. 1089 of the 1973-74 Regular Session of the Legislature; provided, that such project shall have been recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency prior to such General Fund expenditure.

5096.100. The appropriation from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 made by Section 9.3 of Assembly Bill No. 1944 of the 1973-74 Regular Session shall not be subject to the provisions of Section 5096.79 relating to inclusion of proposed appropriations in a section in the Budget Bill and Budget Act.

TEXT OF PROPOSITION 2— continued from page 9

a reimbursement to the General Fund on account of principal and interest on the bonds which has been paid from the General Fund.

13994. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 13995, which sum is appropriated without regard to fiscal years.

13995. For the purpose of carrying out the provisions of this chapter, the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund and shall be disbursed by the board in accordance with this chapter. Any moneys made available under this section to the board shall

be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

13996. Upon request of the board, supported by a statement of the proposed arrangements to be made pursuant to Section 13991 for the purposes therein stated, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such arrangements, and, if so, the amount of bonds then to be issued and sold. Successive issues of bonds may be authorized and sold to make such arrangements progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

13997. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

13998. All proceeds from the sale of bonds, except those derived from premiums and accrued interest, shall be available for the purpose provided in Section 13991 but shall not be available for transfer to the General Fund to pay principal and interest on bonds. The money in the fund may be expended only as herein provided.

TEXT OF PROPOSITION 5— continued from page 21

pledged or used for the payment of principal and interest on voter-approved bonds issued for the purposes specified in subdivision (b) of Section 1.

SEC. 5. The Legislature may authorize up to 25 percent of the revenues available for expenditure by any city or county, or by the state, for the purposes specified in subdivision (a) of Section 1 of this article to be pledged or used for the payment of principal and interest on voter-approved bonds issued for such purposes.

SEC. 6. This article shall not prevent the designated tax revenues from being temporarily loaned to the State General Fund upon condition that amounts loaned be repaid to the funds from which they were borrowed.

SEC. 7. This article shall not affect or apply to fees or taxes imposed pursuant to the Sales and Use Tax Law or the Vehicle License Fee Law, and all amendments and additions now or hereafter made to such statutes.

## Argument in Favor of Proposition 5

Proposition 5 is your chance to do something positive about air pollution and the energy crisis, and improve public transportation in California at the same time. Please vote YES.

Since 1938, California has been restricted to using your gas tax money only for highway projects. While this limitation made good sense in the 1940's and 1950's when the State had a great need for a basic highway system, our requirements in the years ahead are different. We need more flexibility in order to solve our critical transportation problems.

Proposition 5 will give Californians, at the local level, an opportunity to say how they want their gas tax dollars used. Decisions to build additional roads or highways, or to construct alternate transportation systems, should be made locally and not imposed upon any area by the state.

Residents of urban areas may want to have modern transit systems to help reduce smog and congestion, preserve our limited fuel resources and reduce the number of highway deaths and injuries. Citizens living in rural areas, on the other hand, may prefer to have more and better roads.

This proposition provides a choice. Presently, no matter how unique or desperate an area's transportation problems, gas tax money can only meet part of the need, and sometimes it's the least important part. How do people benefit from a new highway if there's too little gas for traveling and the air is so polluted you want to stay home?

Proposition 5 is common sense. While Californians take pride in having the finest highways in the world, we must concede that in many areas we're nearly paralyzed because of congestion. Unless we want to put much more of our State under an asphalt blanket, accompanied by increased taxes and a deteriorating environment, we have to begin moving in a new direction. Proposition 5 points us in that direction.

Before highway funds may be used for mass transit projects, voters in the area involved must first approve such use. Approval may take various forms, ranging from a blanket approval for any future projects to approval for a specific project.

Such voter approval would also trigger new federal matching funds, returning to California more of the money we send Washington as federal taxes, thereby benefiting the construction industry. It is expected that the federal government will provide funds at the rate of four dollars for each state dollar.

Of course, local residents are free to continue using their share of gasoline taxes to build highways if that is their desire.

If you believe your gas tax money should solve the particular transportation problems of your community, you will vote YES on Proposition 5.

It's a nonpartisan proposal supported by business, labor, environmentalists, and good government groups. It will untie the hands of government, enabling it to do a better job responding to changing transportation needs in the final quarter of this century.

A vote for Proposition 5 is a vote for local control and more freedom of choice. Vote YES.

**JAMES R. MILLS**  
State Senator  
President pro Tempore—California State Senate

**ALFRED E. ALQUIST**  
State Senator  
(D—Santa Clara County)

**BOB MORETTI**  
Assemblyman  
Speaker—California State Assembly

## Rebuttal to Argument in Favor of Proposition 5

Proposition 5 is unfair to California's motorists. If rapid transit will not be paid for by those who use it or benefit from it, there is certainly no justification for requiring those who cannot or do not use it to pay for it on the basis of how far they must drive.

If transit systems are constructed, they will be used in very few big cities for very few trips—less than 5%. The remaining trips will be made on roads, as they are now. Smog and congestion will not be noticeably reduced by transit. Rapid transit will cost billions of dollars, and takes many years to build. Our air quality and energy problems must be solved before then. Immediate alternatives such as carpools and buses require good roads.

Gas tax revenues are already inadequate to finance needed road maintenance and improvements to provide us with our valued mobility. Fuel shortages will further reduce

gas tax collections. Diverting these limited revenues to transit can only result in higher gasoline taxes, and a rapid deterioration of our roads.

This measure encourages big cities with political muscle in the Legislature to drain needed road funds from outlying areas into congested areas to fund transit construction. Your area could be one of those shortchanged.

VOTE NO ON PROPOSITION 5 and reject the unfair taxation which will result. A vote against this measure assures motorists that the special taxes they pay for roads will be used only for that purpose.

**CLARK L. BRADLEY**  
Senator, 14th District  
**RANDOLPH COLLIER**  
Senator, 1st District

## Argument Against Proposition 5

Article XXVI is the reason that California has the fine, safe, fast and economical road travel that we enjoy today. This Amendment authorizes diversion of road funds to other purposes. To permit the Legislature to use motorists' tax funds for other than motorists' needs would be wrong—both in terms of delaying necessary improvements to our roads, and, in adding an element of gross unfairness to our tax structure.

For years some members of the Legislature have attempted to divert motorist taxes for welfare, unemployment benefits, public transit, and other uses. Californians rejected a similar proposal in 1970, and should do so again. Motorists' taxes such as the gasoline tax and vehicle fees are paid by motorists **in addition to** all other general taxes. Currently these special taxes are levied and used to provide services and facilities for motorists and the public, such as roads, vehicle title and drivers' licensing, and vehicle-related smog research and control programs. These taxes become unfair when the use of your automobile becomes the sole basis for taxing for services which the motorist will not, or cannot use. I do not believe that how many miles one must drive to work is a fair measure of how much he should pay in taxes for a transit system.

Gas tax revenues are inadequate to meet our present road needs. If our gas tax money is used for construction of transit systems, it can only result in higher gasoline taxes or rapid deterioration of our roads. People will continue to demand improved roads; transit is **not** a substitute. Transit systems require enormous sums of money not only to build, but to

operate. The 140-mile system proposed for Los Angeles is estimated to cost 6.6 billion dollars, and will carry **less than 3 percent** of the total person-trips in the Los Angeles area. Even with that system, more than half of all public transit passengers will ride on buses, which require good roads.

Proponents contend this measure is necessary to finance air pollution control programs. This is not true. Almost \$20 million has already been appropriated from motorists' taxes to support the Air Resources Board and to finance smog research. These funds are available for this purpose as long as the use has some relationship to the operation of the automobile. The Legislature can make more money available for necessary smog programs without changing the Constitution.

The state and federal governments have recently committed hundreds of millions of dollars to build transit systems and purchase new transit equipment. California's motorists are now contributing \$180 million annually from the new sales tax on gasoline which the Legislature made available to local governments for public transportation. These taxes can be used to match available federal grants.

Motorists cannot carry an even heavier tax burden for subsidizing transit. We need our present motorist taxes for improving roads which are vital to the well-being of all Californians. I urge a NO vote on Proposition 5.

CLARK L. BRADLEY  
*Senator, 14th District*  
RANDOLPH COLLIER  
*Senator, 1st District*

## Rebuttal to Argument Against Proposition 5

The opposition says that "to permit the Legislature to use motorists' tax funds for other than motorists' needs would be wrong . . . adding an element of unfairness to our tax structure."

**This statement is misleading.**

Proposition 5 **does not** permit the Legislature to use motorists' taxes to build public mass transit systems. Such construction may only take place if the voters in the area where the system would be built give their prior approval in a local election. In other words, each county or area would determine the best transportation use for its motorists' taxes.

**Thus, Proposition 5 makes our tax structure fairer by letting local voters decide how to spend their own taxes.**

It should be remembered that an overwhelming majority of voters in every part of California hold driver's licenses and pay gasoline taxes. These people would gain control of the use of their own money. No one else could impose anything upon them under this amendment.

We should not dictate to the people in any part of California what kind of local transportation they shall have and how their tax money will be spent. Local people should make local decisions. Proposition 5 will make this possible.

**Because it is responsive to the transportation needs of the people, Proposition 5 is supported by such diverse organizations as the League of Women Voters, Los Angeles Chamber of Commerce, Sierra Club and the State Transportation Board, as well as various labor unions.**

VOTE YES ON PROPOSITION 5.

JAMES R. MILLS  
*State Senator  
President pro Tempore—California State Senate*  
ALFRED E. ALQUIST  
*State Senator  
(D—Santa Clara County)*  
BOB MORETTI  
*Assemblyman  
Speaker—California State Assembly*

## Ballot Title

**PUBLIC LEGISLATIVE PROCEEDINGS. LEGISLATIVE CONSTITUTIONAL AMENDMENT.** Specifies that the proceedings of each house of the Legislature and the committees thereof shall be public except as provided by statute or concurrent resolution, where such resolution is adopted by a two-thirds vote of the members of each house. In the event of a conflict between such a statute and a concurrent resolution, the last adopted shall prevail. Financial Impact: This measure involves no significant cost or revenue considerations.

## Analysis by Legislative Counsel

## Effect:

The California Constitution now requires that the proceedings of each of the two houses of the Legislature be public, except on any occasion that, in the opinion of the house, requires secrecy. There is presently no such constitutional requirement as to legislative committees, but committee meetings are required by statute to be public, with specified exceptions.

This measure would amend the Constitution to specifically require that proceedings of committees of the Legislature, as well as proceedings of each of the two houses, be public. The measure would also specifically require that this requirement be made by a statute or by a concurrent resolution which resolution would have to be approved by two-thirds of the members of each house.

## Fiscal Impact:

The Department of Finance and the Legislative Analyst advise that this measure would not result in any increase or decrease in revenue or cost to state or local government.

*You should vote "YES" on this measure if you want to require that the proceedings of the legislative committees, as well as the two houses of the Legislature themselves, be public, except in cases where a specific statute, or a resolution of both houses, makes an exception.*

*You should vote "NO" on this measure if you want to reject this change.*

**Remember to Vote on Election Day  
Tuesday, June 4, 1974  
Polls are open from 7A.M. to 8P.M.**

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