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CALIFORNIA STATE ARCHIVES
SECRETARY OF STATE

Proposed

AMENDMENTS TO CONSTITUTION

PROPOSITIONS AND PROPOSED LAWS

Together With Arguments

To Be Submitted to the Electors of the State of California at the

GENERAL ELECTION
TUESDAY, NOV. 8, 1966

Compiled by GEORGE H. MURPHY, Legislative Counsel
Distributed by FRANK M. JORDAN, Secretary of State

PART I—ARGUMENTS

1-a **CONSTITUTIONAL REVISION.** Legislative Constitutional Amendment. Repeals, amends, and revises various provisions of Constitution relating to separation of powers, and to the legislative, executive, and judicial departments; provides for annual general legislative sessions; provides compensation of members of Legislature shall be prescribed by statute passed by two-thirds vote, and limits rate of annual future adjustments; Legislature must enact laws prohibiting members from engaging in conflicting activities. Signatures necessary on petition for initiative statute reduced from 8% to 5%; eliminates initiatives to Legislature. Legislature shall provide for succession to the office of Governor in event of disability or vacancy.

YES	
NO	

(For Full Text of Measure, See Page 1, Part II)

General Analysis by the Legislative Counsel *

A "Yes" vote on the measure is a vote to revise portions of the California Constitution dealing with the separation of powers and with the legislative, executive, and judicial departments of state government.

A "No" vote is a vote to reject this revision.

For further details see below.

Detailed Analysis by the Legislative Counsel *

This measure would revise portions of the State Constitution dealing with the separation of powers and with the legislative, executive, and judicial departments of state government. Some provisions, mainly procedural, would be transferred to statutes enacted at the 1966 First Extraordinary Session. The major changes made by the measure include the following:

Legislative

The Legislature now meets in general session, at which all subjects can be considered, in odd-numbered years. It meets in budget sessions, at which only fiscal matters may be considered, in even-numbered years. Both sessions are of limited duration. Under this measure the Legislature would meet in annual general sessions, unlimited as to duration and unlimited as to subjects that could be considered.

Salaries and the expenses of legislators would be set by statute passed by a two-thirds vote in each house, rather than by the Constitution, provided: (a) beginning in 1967, an increase in salary could not exceed 5 percent for each year following the last adjustment; and (b) an increase could not apply until the commencement of the regular session following the next general election after enactment of the increase. Any increase in the legislator's salary over the present $500 per month could not be used in computing the retirement allowance of a member unless he receives the greater amount while serving as a Member of the Legislature.

The Legislature would be required to enact conflict of interest legislation applicable to legislators. Impeachment proceedings would be extended to cover additional elective officers of the state.

The number of signatures needed for an initiative petition for enactment of a statute would be reduced from 8 to 5 percent of the votes cast at the last election for Governor; however, the signature requirement for an initiative constitutional amendment would remain unchanged. Provisions for the submission of initiative petitions to the Legislature would be eliminated.

Executive

The age requirement for the office of Governor would be lowered to 21 years. The measure would make various technical changes in the pardoning and clemency powers of the Governor. Provisions setting minimums for statutory salaries of certain elective state officers would be deleted. Provision would be made for determining questions of succession to the governorship and temporary disability of Governor. The Legislature could authorize certain executive reorganizations.

Judiciary

When authorized by law a judge would be permitted, on agreement of the counties, to serve the superior courts of two or more counties. The experience required for judges of superior and higher courts would be increased. The Legislature could provide that the names of unopposed incumbent judges need not be placed on the ballot for any trial court in the state, rather than only for superior courts in counties of 700,000 population or more. The automatic suspension of judges charged with a felony or recommended for removal by qualifications commission would be required. A superior or municipal court judge would be required to take a leave of absence without pay when seeking other public office.

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* Section 3566 of the Elections Code requires the Legislative Counsel to prepare an impartial analysis of measures appearing on the ballot.

Argument in Favor of Proposition No. 1-a

We support the proposed revision of the State Constitution and urge all Californians to vote YES on Proposition 1-a.

EDMUND G. "PAT" BROWN
Governor of the State
of California

RONALD REAGAN

RICHARD J. DONOVAN
Judge, Municipal Court
San Diego Judicial District
(Former Member of the Assembly, 77th District)

Argument in Favor of Proposition No. 1-a

One of our most crucial needs in these times is effective government—based on a modern Constitution.

Yet, concerning the California Constitution, former State Supreme Court Justice Phil S. Gibson has stated:

"(Our Constitution is) . . . cumbersome, unelastic, and outmoded . . . It is not only much too long, but it is almost everything a Constitution ought not to be."

California's Constitution is hardly modern. It is the third longest Constitution in the world and has been amended over 300 times since 1879. In short, it is a mess.

In 1962, by more than a 2 to 1 vote, the people mandated modernization of their Constitution. As a result, a blue-ribbon Constitution Revision Commission of 69 leading Californians was appointed to recommend a revised Constitution. These prominent citizens from all walks of life worked without pay for three years and spent thousands of hours at their task.

The result is Proposition 1-a. It is the first phase of the Commission's work. It covers approximately one-third of the existing Constitution, and reduces that one-third from 22,000 to 6,000 words.

The reforms in Proposition 1-a have been labeled by party leaders and non-partisan groups alike as essential to the effective operation of government.

Proposition 1-a puts the Constitution into modern, concise and easily understandable language.

The changes in the legislative, executive and judicial articles would include machinery, with adequate safeguards, to remove a Governor from office if he is proven unable to carry on his duties; judges would be under stronger disciplinary procedures and the practice of running for political office while still a judge would be curtailed; and the Legislature would meet annually to consider all problems confronting California.

In keeping with increased time demands on the Legislature Proposition 1-a removes salary provisions frozen in the Constitution and ratifies a new compensation plan with careful controls and strict regulations regarding the outside activities and income of legislators.

The fundamental weapons available to California's citizens to combat abuses by their governmental officials—the initiative, the referendum and the recall—have been carefully preserved.

State government today faces new challenges and new responsibilities not dreamed of in 1879. This new Constitution helps to meet those challenges by making government itself more flexible and able to do the job which our citizens have a right to expect.

If states are to survive and prosper in our system, they need the tools of effective government—Proposition 1-a is a giant step toward that goal. California can lead the way. Vote YES on 1-a.

LUTHER E. GIBSON
State Senator, Solano County

BRUCE W. SUMNER
Chairman, Calif. Constitution
Revision Commission
Judge, Superior Court, Orange Co.

THOMAS L. PITTS
(Exec. Sec'y. Calif. Labor
Fed. AFL-CIO)
Member Calif. Constitution
Revision Commission

Argument Against Proposition No. 1-a

As the only person who cast a negative vote in the Assembly on the Constitutional Revision program, under California law I am designated to submit the negative argument on Proposition 1-a. At the time the vote was taken in the Assembly, I was not opposed to this proposition in its entirety; rather, I found fault with a few of its provisions which placed unrealistic restrictions on the legislature. It would be unfair to those persons who are vigorously opposed to this program for broad and fundamental philosophical beliefs if I were to submit an argument which would express, as is the case, only minor reservations about this program of reform. Because of these considerations, I have delegated my responsibility for the negative argument to Senator John G. Schmitz (R—Orange County) whose statement follows:

"This Constitutional Amendment, if passed, would mark a significant departure from our traditional system of citizen legislators to fully paid, full time legislators.

"The passing of laws in a free country ought not to be a fulltime profession for anyone. When it becomes so, the country permitting it will not long remain truly free.

"We certainly need legal professionals in our courts, at the bar and on the bench. We certainly need police professionals to enforce the law and protect the innocent. We may or may not need professional bureaucrats in other branches of government. But we do not need professional legislators.

"The men who founded our American system of government assigned the law-making responsibility to elected legislatures which were much closer to the people than either the executive or the judiciary. The executive and the judiciary were in the hands of professionals. The legislature was the people's check on the appetite of government professionals for more and ever more power and money.

"PRESCRIBING LAWS WHICH OTHER PEOPLE ARE TO BE FORCED TO OBEY CAN NEVER BE A PRIMARY OCCUPATION FOR ANY MAN WHO LOVES LIBERTY."

LEO J. RYAN
Assemblyman, San Mateo County

1	**PUBLIC RETIREMENT FUNDS. Legislative Constitutional Amendment.** Provides Legislature may authorize investment of moneys of any public pension or retirement fund, except Teachers' Retirement Fund, in stock or shares of any corporation or a diversified management investment company; provided that not to exceed 25% of the assets of the fund may be so invested and there is compliance with specified requirements as to registration of the stock in an exchange, financial condition of the corporation, and the percentage of stock which may be acquired in any one corporation.	YES	
		NO	

(For Full Text of Measure, See Page 27, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to permit the Legislature to enact a law to authorize the investment of up to 25 percent of the assets of a public retirement fund, other than the State Teachers' Retirement Fund, in common stock, and not to exceed 5 percent of the assets of such a fund in preferred stock, of any corporation which meets the conditions specified in the measure.

A "No" vote is a vote to deny the Legislature the authority to permit such investments.

For further details see below.

Detailed Analysis by the Legislative Counsel

Section 31 of Article IV and Section 13 of Article XII of the State Constitution now prohibit the state and all political subdivisions of the state from acquiring stock of any company or corporation, except where required in connection with the acquisition and furnishing of water.

This measure, if approved by the voters, would amend Section 13 of Article XII to authorize the Legislature to enact a law to permit the investment of moneys of a public retirement fund, other than the State Teachers' Retirement Fund, in stocks or shares of certain corporations, subject to the limitations that not more than 25 percent of the assets of the fund may be invested in common stock, and not more than 5 percent of the fund's assets may be invested in preferred stocks or shares.

The measure would require that any such investment be in stock listed on a national exchange except for (a) common stock in a bank which is a member of the Federal Deposit Insurance Corporation with capital funds of at least 50 million dollars, (b) common stock in an insurance company with capital funds of at least 50 million dollars, or (c) any preferred stock. It would further limit the investment to stock in a corporation (a) which has total assets of 100 million dollars or more, (b) whose bonds would be a legal investment for the retirement fund and which is not in arrears in dividend payments on its preferred stock, and (c) whose dividend payments meet certain prescribed standards. The fund could not be permitted to invest in more than 5 percent of the outstanding common stock of any one corporation, and the investment in a single corporation's common stock could not exceed 2 percent of the fund's assets.

The measure would further permit the investment of public pensions or retirement funds, other than the State Teachers' Retirement Fund, in stock or shares of a diversified management company registered under the Investment Company Act of 1940 which has total assets of 50 million dollars or more. Investments in such diversified management companies, together with investments in stocks or shares of other companies, could not exceed 25 percent of the assets of the fund.

Argument in Favor of Proposition No. 1

Proposition No. 1 was placed on the ballot by unanimous approval of the State Assembly and the State Senate and is supported by a wide range of groups and individuals.

Proposition No. 1 endorsements include labor unions, chambers of commerce, newspapers, taxpayers associations, financial and political leaders and many others.

The measure will permit selective investment of public employee retirement funds in common stocks on a restricted basis. It will improve an obsolete, 94-year-old law that impedes a business-like approach to management of public retirement funds.

These funds come from three sources—contributions from employees, contributions from taxpayers and income from investments. Increased investment earnings obviously will benefit both taxpayers and employees.

The country's leading financial authorities such as First National City Bank of New York, Chase Manhattan Bank, and Moody's Investors Service have strongly recommended investing in corporate stocks to reduce retirement system costs. Moody's said, ". . . a systematic program of periodic purchases of diversified, professionally selected stocks is the soundest way to achieve the lowest cost and greatest retirement benefits."

Common stocks have been used for years by hundreds of organizations seeking to increase investment earnings. They include:

1. Retirement systems of more than 30 states, the Federal Reserve System, most private companies and many labor unions.
2. Sixty-seven colleges and universities which have invested 60 percent of their endowments, totaling $6 billion, in common stocks. The conservative "Big Four"—Columbia, Harvard, Princeton and Yale—have invested more than $1 billion in common stocks with great success.
3. Retirement systems of California's charter cities and of the University of California. San Diego, a charter city, started such an investment program five years ago and has raised investment earnings by 50 percent.

The largest system affected by Proposition No. 1 is the California State Employees' Retirement System which manages retirement funds of more than 300,000 members working for the State, non-

teaching employees of most school districts, employees of most of California's counties and cities and many other public agencies. With an increase of only one-tenth of 1 percent in investment earnings, SERS income would grow by an additional $2 million a year—benefiting both employees and the public.

Proposition No. 1 strictly safeguards public retirement funds. Major restrictions include limitation of common stock investments to 25 percent of any fund's investment portfolio with no more than 5 percent of a stock of any company and no more than 2 percent of a fund's assets in a single common stock. Purchases would be limited to domestic corporations listed on a national exchange that have a capitalization of $100 million with a history of dividend payments in eight of the past 10 years, including the last three years. Banks and insurance companies with capital funds of $50 million or more would qualify.

Proposition No. 1 warrants a yes vote. It is one of those issues that will benefit every Californian.

ASSEMBLYMAN DON A. ALLEN, SR.
Chairman Joint Legislative Retirement Committee, California Legislature

ASSEMBLYMAN E. RICHARD BARNES
Member Joint Legislative Retirement Committee, California Legislature

LOUIS B. LUNDBORG, Chairman,
Californians for Yes on No. 1
Chairman, Board of Directors,
Bank of America

Argument Against Proposition No. 1

"Inflation nibbles; the stockmarket bites!" is a trite but true Wall Street cliché. The proponents of Proposition 1, however, would have you believe that they have found a system to beat the stockmarket. By the use of this system, called "dollar averaging", they claim that they will be able to obtain higher pensions for state employees at a lower cost to you, the taxpayer.

"Dollar averaging" consists of investing a fixed dollar amount of money in common stock at regular intervals. In this way the investor supposedly buys more shares of stock at low prices than at high prices and thus obtains the stock at a lower average cost per share than the average of the market prices. For this system to be successful, a doubtful assumption at best, the managers of the state employees' pension fund would need to have the cash to purchase stock at the bottom of a depression and they would also require the courage to do so. Human events and frailties being what they are, they probably would lack both and the system would then fail!

The state employees' pension fund must be prepared to meet two distinct obligations. It must pay earned pensions to employees when and after they retire, and it must be prepared to refund, in cash, the money contributed by employees whose employment is terminated for any reason prior to retirement. A major depression would result in reductions in force and forced early retirements when the stock market would be at a very low level. If the pension fund's investments should depreciate to the extent that it could not meet the demands for cash being made upon it, either the taxpayers would make up the difference, when they could least afford to, or the fund would default on its obligations.

A fundamental investment principle is that when investing other people's money for their and their families' security in their old age, safety should not be sacrificed for an increased return. This measure, proposed when stock prices are near an all time high and when gilt-edged bonds are paying the best interest rates in over forty years, would sacrifice both safety and a liberal return for the dubious prospect of speculative profits.

It is true that many other pension funds invest in common stocks and that investment dealers are recommending this proposal. With luck, taxpayers and state employees perhaps might benefit from it but the only assured benefit is to the investment community which is actively supporting this measure.

Californians, examine this Proposition 1 very carefully. Do not be influenced by what other states and other pension funds are doing. If, after considering both sides, you doubt the wisdom of speculating with your tax money and with the security of your public servants in their old age, stay off of this common stock bandwagon and vote NO!

PARKE L. BONEYSTEELE
Registered Professional Engineer
3151 Plymouth Road, Lafayette

JOHN R. GILLANDERS
Registered Professional Engineer
797 Castle Hill Road,
Redwood City

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2 **FOR BONDS TO PROVIDE STATE COLLEGE AND UNIVERSITY FACILITIES.** (This act provides for a bond issue of two hundred thirty million dollars ($230,000,000).)

AGAINST BONDS TO PROVIDE STATE COLLEGE AND UNIVERSITY FACILITIES. (This act provides for a bond issue of two hundred thirty million dollars ($230,000,000).)

(For Full Text of Measure, See Page 28, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote (a vote FOR BONDS) is a vote to authorize the issuance and sale of state bonds up to $230,000,000 to provide funds to meet the major building construction, equipment and site acquisition needs of the state for purposes of the University of California and the California State Colleges.

A "No" vote (a vote AGAINST BONDS) is a vote to refuse to authorize the issuance and sale of state bonds for this purpose.

For futher details see below.

Detailed Analysis by the Legislative Counsel

This act, the State Higher Education Construction Program Bond Act of 1966, would authorize the issuance and sale of state bonds in an amount not to exceed $230,000,000 to provide funds for major building construction, equipment and site acquisitions for the University of California and the California State Colleges. Bond proceeds in amounts which the Legislature shall determine are to be used for site acquisitions for new institutions of public higher education which the Legislature may authorize or approve after approval of this act by the people.

The act provides that the bonds are to be general obligations of the state for the payment of which the full faith and credit of the state is pledged. It annually appropriates from the General Fund the amount necessary to make the principal and interest payments on the bonds as they become due.

Bond proceeds may be expended only for projects for which funds are appropriated by the Legislature in a separate section of the Budget Act. The Department of Finance is required each year to total the appropriations made in such separate section of the Budget Act and to request the State Construction Program Committee, consisting of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Director of the Coordinating Council for Higher Education, to have sufficient bonds issued and sold to carry out such projects.

Argument in Favor of Proposition No. 2

Your YES vote on Proposition Two will provide the classrooms and laboratories needed to house the wave of college-age students now filling California's State Colleges and University systems. The post-war baby boom has now reached the college level, requiring added teaching facilities at all 20 state college and 9 university campuses as well as site acquisition for expansion and new campuses.

Despite maximum utilization of existing space by year-round operation and scientific utilization of present classrooms, facilities for 30,000 additional students must be provided over the next two years. In addition, professional schools must be greatly expanded to serve California's mushrooming population which will exceed 20 million in 1967. For example, 18 percent of the university's construction next year will be used to start or enlarge its medical schools at Los Angeles, San Francisco, San Diego and Davis to provide the doctors California's citizens so urgently need.

The instructional buildings which Proposition Two will finance have been carefully screened as to need and cost. These funds can be used only for college and university construction and are subject to specific legislative appropriation.

Because our college age group is now growing more than twice as fast as the rest of the population, we must make the choice of greatly increasing our taxes now or using these Higher Education bonds to spread part of the cost of construction over future generations using these facilities. In the past Californians have strongly supported education, and it has proven one of our most productive investments. The students trained in the classrooms provided by these bonds will, because of that training, return to the State in future years many times the cost of their education.

Although Proposition Two is needed now to provide the money for expanding our public higher education campuses, California's Legislature has already taken steps to meet our building needs in the 1970's by dedicating greatly increased future tideland oil revenues for higher education construction. In addition, the State has initiated a fiscal program to meet all other State capital outlay on a "pay-as-you-go" basis from yearly tax revenues. The $230 million provided by Proposition Two has been substantially reduced from past bond issues because of this "pay-as-you-go" policy.

By voting for Proposition Two you will make a substantial contribution to economic growth in California. Expansion of our educational facilities will continue to attract the business investment which is the backbone of employment in this State.

Passage of this measure will assure maintenance of California's greatest asset—its system of higher education.

WALTER W. STIERN
State Senator
Kern County

HOUSTON I. FLOURNOY
Member of the Assembly,
California Legislature

LEROY F. GREENE
Assemblyman, 3rd District,
California State Legislature

Argument Against Proposition No. 2

The burden of public debt and its costs has grown tremendously in California. State bond issues, which were intended to be used only on rare occasions to meet special needs, have become a regular biennial occurrence. Approval of this proposition for a new bond issue would only delay the working out of rational financing for California state expenditures, and make it less likely that a truly sound financing method will soon be found.

Over a 25-year normal repayment period, every $100 million in state bond borrowing costs about $50 million in interest. In this year of 1966 we face the tightest money market in three decades. Bonds sold now would carry a much higher interest than normal, thus placing a crushing burden upon future taxpayers—including the children of those now voting on this measure—who will have no part in the decision on whether or not to assume the responsibility of meeting these high interest costs. Nevertheless, they will have to meet these costs if this proposition is approved.

The traditional argument that interest costs are more than offset by rising land costs is not currently valid. Land bought in the next few years may actually be cheaper than land purchased now through this proposed bond issue, due to the tight money market.

On July 7, 1966 the Legislature passed Senate Bill No. 2 providing for funds from the City of Long Beach tideland oil and gas revenue to be placed in the newly created Capital Outlay Fund for Public Higher Education in the State Treasury. Funds from this source will be available July 1, 1967, precluding the necessity of the added indebtedness incurred by this proposed bond issue.

Senate Bill No. 43, introduced by Senators Stiern and Nisbet, co-authored by Assemblyman Rumford, which provides for the bond issue the voters will hereby approve or reject, nowhere specifies a construction plan, nor the school facilities to be acquired. Therefore it may be termed a "blank check" for $230 million of land acquisition.

Most people regard the term "higher education" as including our junior colleges. In this bill there is no provision for expenditures to assist the junior colleges, although they have in general proved more resistant than many universities and state colleges to the moral anarchy now threatening campus life.

The proposition shows nothing to indicate that the bond funds sought will be sufficient for more than a very short period.

Most if not all educational expenses ought to be met out of current revenues, not special bond issues. Had the revenue from the tax increases of the past years been allocated to capital outlay in education, a number of costly welfare and other programs could not have been enacted. The law provides that interest payments on a bond issue must be made from the general fund, that is, from tax revenue. Thus if this bond issue is approved, future administrations may claim that new and increased taxes are required.

JOHN G. SCHMITZ
State Senator
Orange County

3 OPEN SPACE CONSERVATION. Legislative Constitutional Amendment. Authorizes Legislature to define open space lands; provide restrictions to use thereof for recreation, scenic beauty, natural resources, or production of food or fiber; and establish basis of assessment of such lands.

YES	
NO	

(For Full Text of Measure, See Page 29, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to authorize the Legislature to specify the basis upon which "open space lands," as defined by the Legislature, shall be valued for property tax purposes.

A "No" vote is a vote to deny this power to the Legislature.

For further details see below.

Detailed Analysis by the Legislative Counsel

This measure, if approved by the voters, would add a new Article XXVIII to the State Constitution. It would authorize the Legislature to define "open space lands." It would provide that when any such lands are restricted, by restrictions specified by the Legislature, to use for recreation, enjoyment of scenic beauty, use of natural resources, or production of food or fiber, such lands would be valued for assessment purposes on the basis determined by the Legislature to be consistent with such restrictions and use. All assessors would be required to assess open space lands only on the basis of such restrictions and use and would be prohibited from considering any factors relating to the value of such lands other than those specified by the Legislature.

Argument in Favor of Proposition No. 3

Your "YES" vote on Proposition 3, the BREATHING SPACE AMENDMENT, will permit the California Legislature to alter certain assessment regulations now causing the destruction of California's open space and countryside.

Your "YES" vote on Proposition 3 will enable the Legislature to define open space lands and provide proper assessment guidelines when such lands are restricted solely to uses for: (a) recreation, (b) enjoyment of scenic beauty, (c) use of natural resources, and (d) growing of crops or trees.

Your "YES" vote will enable the Legislature to:

1. SAVE CALIFORNIA — ITS SCENIC BEAUTY, ITS INCOMPARABLE OPEN SPACES.

2. PROTECT YOUR AND YOUR FAMILY'S ENJOYMENT OF CALIFORNIA'S GREAT RECREATIONAL AREAS.

3. CONSERVE OUR IRREPLACEABLE NATURAL RESOURCES.

4. HELP KEEP FAMILY FOOD COSTS DOWN.

Our Constitution now provides "All property subject to taxation shall be assessed for taxation at its full cash value." Consequently, the assessor has no choice but to assess open space lands as if they were used for commercial subdivision or industrial values if he determines such lands COULD be soon used for those purposes.

Tracts of timbered land, purchased for RECREATIONAL purposes, are being assessed for their value as HARVESTABLE TIMBER, forcing owners to destroy recreational values by having to cut their trees to meet the higher taxes.

Family and many other farms, under present assessment practices, are frequently being taxed more than the farm's annual income and driven into subdivisions.

ORCHARDS, TRUCK GARDENS, DAIRY FARMS, TIMBER LANDS, AND OUR GREAT OPEN SPACES ARE BEING ENVELOPED BY URBAN SPRAWL.

EVERY DAY better than a half square mile o California's BEST agricultural land is being crushed under by the relentless bulldozer.

With more than 900 new arrivals each day, California's population boom is swallowing our open space. Vital breathing space will soon be gone.

What recreation will there be for city people when they head for the open spaces only to discover the trees chopped down, the fish gone, the wildlife destroyed?

PROPOSITION 3 MEANS "BREATHING-SPACE" FOR EVERYONE. Open Space Lands for recreation, scenic beauty, natural resources, and production of crops are ALL worthy of preservation and protection from the onslaught of unrestrained subdivision development.

Proposition 3 DOES NOT provide a tax dodge for any special interest groups. It is for the benefit of EVERYBODY. Presently, there is no fully adequate method of protecting California's privately owned remaining open space.

Proposition 3 will unshackle the hands of the legislature. It specifically requires the legislature to protect against land speculation. The role and tax base of local jurisdictions will be respected; it WILL result in dedication of open space land to continued open space use for crops, for recreation and protection of natural and scenic resources.

PROPOSITION 3 is supported by the League of California Cities, major agriculture, recreation and conservation groups, timber operators, and those citizens who feel the urgent need to protect "BREATHING SPACE NOW!"

PROPOSITION 3 passed the California Senate y a unanimous vote, and the Assembly overwhelmingly approved it 58 to 7.

SAVE CALIFORNIA'S BREATHING SPACE!
VOTE "YES" ON PROPOSITION 3!

FRED S. FARR,
Chairman, Senate Committee on Natural Resources.
WINFIELD A. SHOEMAKER,
Member, Assembly Committee on Natural Resources, Planning and Public Works
HERBERT F. STURDY,
Attorney and Trustee of Friends of Santa Monica Mountains Park

Argument Against Proposition No. 3

VOTE "NO" ON "TAX-SHIFT" SCHEME·

This tax shift scheme would set the stage for great inequities, granting special tax treatment to a favored few. Proposition 3 would permit the lowering of taxes for special groups whose taxes then would be shifted onto homeowners, business and industrial property owners. Further, Proposition 3 would empower a future legislative body to give tax breaks to special groups of land holders.

DON'T PAY OTHER PEOPLE'S TAXES

Do you want to reduce taxes on expensive tracts being held for residential, commercial or industrial use by picking up the burden on your own tax ll? Vote "NO" and keep market value as the sis for assessment on all types of properties. If it as proper and desirable to have open spaces, let them be so dedicated in perpetuity. Farmland owners can already get tax relief under the California Land Conservation Act of 1965 if they will restrict their land to agricultural purposes for 10 years. No other "tax break" is justified!

PROPOSITION 3 GIVES A TAX BREAK TO LAND SPECULATORS

The real beneficiaries from this special interest legislation are speculators who want to hold their lands at a lesser tax until they are ready to develop them. Proposition 3 would let them take all the speculative profits from land sales and escape a large percentage of the fair real estate taxes without a perpetual or long term restriction on their part. In the meantime—you pay the difference.

PROPOSITION 3 EXEMPTS OIL RIGHTS

This proposition would permit tax exemption for oil and other minerals underlying "open space" property. It's an oil operator's haven!

DO THOSE WHO EXPLOIT NATURAL RESOURCES DESERVE SPECIAL TAX ADVANTAGE?

Proposition 3 allows tax reduction on properties used for "natural resources." Private timber holdings, quarries and mines are "natural resources"!

PROPOSITION 3 IS VAGUE AND UNCERTAIN

Proposition 3 has no adequate definitions of lands used for production of "food and fiber." An estate-type residence with some of the land used for grazing could be given special treatment under this proposal. It could include uses local governments declare "compatible with agriculture" such as packing houses, feed lots or dairy operations and similar industrial uses. An industrialist's haven!

SPECIAL TREATMENT FOR A FEW IS A BAD TAX POLICY

Property taxation at present is geared to equalized assessment of all properties. If special groups are exempted the basic plan will have been scuttled. Don't let others shift their tax load onto you. Proposition 3 would benefit the speculators—"greenback lovers" rather than "green space lovers." What is eating up our open space is population growth, not taxes. Reducing taxes on open land will not stop the population growth; it will only produce large tax windfalls to land speculators and other favored groups. Let's not be tricked into letting land speculators, oil interests and industrial plants force you to pay their taxes while allegedly conserving open space land.

CITIZENS DEFEATED A SIMILAR (BUT LESS OMINOUS) TAX SCHEME IN 1962
DO IT AGAIN!
VOTE "NO" ON PROPOSITION 3!

RICHARD NEVINS, Member
State Board of Equalization
Fourth District
PHILIP E. WATSON, Assessor
Los Angeles County
FELIX J. WEIL, Secretary
Property Taxpayers Council

INDEBTEDNESS OF LOCAL AGENCIES. Legislative Constitutional Amendment. Provides that instead of a two-thirds vote to incur an indebtedness at an election held for that purpose, any local general obligation bonds for library purposes or public school purposes, may be approved by sixty percent of the qualified electors voting on such proposition at a primary or general election, including this election.

4

YES	
NO	

(For Full Text of Measure, See Page 29, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to permit a county, city, town, township, board of education, or school district (a) to issue general obligation bonds for library purposes, or (b) to incur any form of indebtedness or liability in excess of yearly income for public school purposes, if approved at a statewide primary or general election by at least 60 percent of the votes cast on the proposition.

A "No" vote is a vote to retain the existing requirement that such propositions be approved by two-thirds (66⅔ percent) of the votes cast.

For further details see below.

Detailed Analysis by the Legislative Counsel

Section 18 of Article XI of the State Constitution now requires approval by a majority of two-thirds (66⅔ percent) of the votes cast on a proposition by qualified electors of a county, city, town, township, board of education, or school district, before any such governmental entity may incur an indebtedness for any purpose when the indebtedness exceeds its income and revenue for the year.

This measure would amend this provision of the Constitution to reduce from 66⅔ percent to 60 percent, the voter majority required to approve a proposition for the incurrence of indebtedness or liability in the following instances, provided that the proposition is submitted to and approved by the electors of the public entity involved at the same time as a statewide primary or general election:

(a) For approval of general obligation bonds issued for library purposes by any of these governmental entities which is authorized to maintain a public library.

(b) For approval of any form of indebtedness or liability which might be incurred for public school purposes by any of these public entities which is authorized to incur indebtedness or liability for public school purposes.

If any such proposition is submitted to and approved by the electors at a time other than the time at which a statewide primary or general election is held, a majority of 66⅔ percent of the votes cast would still be necessary to approve the proposition.

This measure, if approved at this election, would be applicable to any proposition submitted at this election by any one of these public entities to approve general obligation bonds for library purposes or for liability and indebtedness for public school purposes.

Argument in Favor of Proposition No. 4

Voters should vote yes on Proposition 4 because its passage will improve the quality of California education and end a serious waste of taxpayers' money.

When the average school board seeks successful passage of school bonds, it does so because a serious need develops in the school system. This need may be for more classrooms to end double sessions; it may be to lower class size or provide a cafeteria, gym or playground. If the bonds are defeated because of the high 66⅔% vote required, the need still remains; education suffers. Further elections must be held until finally the bonds are passed. Each election is wasted money; each delay means inflated costs for sites and construction when construction finally begins.

Only four states (California, Kentucky, Idaho and Missouri) now have a 66⅔% requirement for the approval of school and library bonds. Thirty-two states require only a simple majority. Yet no other state has the pressure California has to provide school facilities—150 new classrooms every Monday morning. Passage of Proposition 4 will discourage expensive special elections and encourage placing bond issues on primary and general elections. At such elections it is almost a certainty that 60% of the voters will register approval if a real need exists—thus providing efficient, economical improvement in the school program.

CHARLES B. GARRIGUS
Chairman, Assembly
Committee on Education

ALBERT S. RODDA
State Senator
Sacramento County

PROPERTY TAXATION: RELIEF IN EVENT OF DISASTER. Legislative Constitutional Amendment. Legislature may authorize the assessment or reassessment of property damaged or destroyed by major misfortune or calamity after lien date, and property is located in disaster area proclaimed by Governor.

5

YES	
NO	

(For Full Text of Measure, See Page 30, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to permit the Legislature to authorize local taxing agencies to reassess property in a disaster area where the property has been damaged or destroyed by a major misfortune or calamity.

A "No" vote is a vote to continue in existence the present provision which permits the Legislature to authorize local taxing agencies to provide for appropriate relief from property taxation when property is located in a disaster area, but only when such property has been damaged or destroyed by fire, flood, earthquake or other act of God.

For further details see below.

Detailed Analysis by the Legislative Counsel

Under existing provisions of Section 2.8 of Article XIII of the State Constitution, when property is damaged or destroyed after the lien date (the first Monday in March of any year) by fire, flood, earthquake, or other act of God, the Legislature is permitted to provide, or to authorize local taxing agencies to provide for, any appropriate relief from ad valorem taxation for such property, if it is located in an area or region subsequently proclaimed by the Governor to be in a state of disaster.

This measure, if adopted by the voters, would amend Section 2.8 to permit the Legislature to authorize local taxing agencies to provide for the assessment or reassessment of property damaged or destroyed after the lien date in any year by any major misfortune or calamity where the damaged or destroyed property is located in an area or region subsequently proclaimed by the Governor to be in a state of disaster.

The measure would thus extend the provision to cover damage or destruction to property by any major misfortune or calamity, but would limit the relief to the assessment or reassessment of the property assessed by local taxing agencies.

Argument in Favor of Proposition No. 5

This proposed Constitutional Amendment would broaden the scope of circumstances under which the Legislature could authorize local taxing agencies to provide for reassessment and related tax relief to property owners whose property is damaged or destroyed as the result of a major misfortune or calamity, provided that the area in which the property is located is subsequently declared as being in a state of disaster by the Governor.

The California State Legislature during the 1964 First Extraordinary Session approved Assembly Constitutional Amendment No. 10 for submission to the voters. This proposal was approved by the voters at the General Election of November 3, 1964, and gave the Legislature the right to provide for, or to authorize local taxing agencies to provide for property tax relief after the tax lien date, when property is destroyed or damaged primarily through events of nature, and the area in which the property is located is subsequently declared to be in a state of disaster by the Governor.

This provision has been used by the Legislature on several occasions and has been considered to be an important aid to property owners who have found themselves faced with paying taxes on property that has been destroyed or damaged through no fault of their own. However, the present wording of the Constitution leaves some doubt as to whether property destroyed or damaged as the result of such things as arson, would qualify for tax relief, even though the area is subsequently declared to be in the state of disaster by the Governor.

The basic philosophy involved, is that property destroyed in a major calamity relieves local government of the responsibility of providing services and, therefore, local government should be allowed to waive the collection of taxes on such property. Therefore, the broadening of this constitutional provision is important to all property owners who might ever have the occasion to seek this method of tax relief in the event of disaster.

F. DOUGLAS FERRELL
Assemblyman, 55th District
Los Angeles County

ALVIN C. WEINGAND
State Senator
Santa Barbara County

Argument Against Proposition No. 5

A NO vote on Proposition 5 will prevent an unfair and discriminatory shifting of taxes which can only lead to unnecessary property tax increases.

The people in 1964 voted to allow the Legislature to provide relief from property taxes where "property is destroyed by fire, flood, or other act of God" in a disaster area. This Proposition broadens the scope of that authority; it opens the door to possible abuse and tax give-aways.

This Proposition is unfair and discriminatory. One property taxpayer who loses his home through "major misfortune" in a disaster area such as Watts, would be helped while another, who suffers the same "major misfortune" a few blocks outside the disaster area because of a molotov cocktail would receive no relief.

The Proposition makes no distinction between insured as opposed to uninsured loss. Why should an insured property taxpayer be allowed relief because he lives in a disaster area while another, who may not be covered outside the disaster area, gets no relief?

The Proposition places an unfair burden on other local property taxpayers who would have to pay

the cost through increased taxes. Why should the cost burden of a "major misfortune" proclaimed by the State as a disaster, fall only upon local property taxpayers? The State proclaims the disaster and, therefore, the burden perhaps should be shared statewide. In most cases state and federal emergency aid would also be forthcoming to provide relief in affected areas.

This provision may discourage relief for those in a disaster area because of the fear that the cost to other local taxpayers would be too high. If a "major misfortune" affects a large part of a county, tax relief would most likely not be provided because the cost would be too great for the rest of the county taxpayers to bear. This Proposition could, therefore, make it more difficult to actually help people in an area which is truly in need.

Why should we act now to broaden a provision of the Constitution we have just recently changed before enough experience is gained under the existing provisions which limit relief to cases involving fire, flood, or other act of God?

Your NO vote on Proposition 5 will pave the way for a fairer non-discriminatory approach to aiding those who suffer from a major calamity.

JOHN G. VENEMAN
Assemblyman, 30th District
California Legislature

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6 **LEGISLATIVE PROCEDURE. Legislative Constitutional Amendment.** Provides that acts of Legislature shall go into effect 60 days after adjournment of regular session and 90 days after any other session. Legislature shall reconvene for not more than 5 days after expiration of 30 days following a general session to reconsider those measures vetoed by Governor after adjournment.

YES	
NO	

(For Full Text of Measure, See Page 30, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to require the State Legislature to reconvene after a 30-day recess at the end of each general session, for the sole purpose of reconsidering bills vetoed by the Governor.

A "No" vote is a vote to continue the present provisions as to legislative sessions without provision for such a recess at the end of each general session.

For further details see below.

Detailed Analysis by the Legislative Counsel

Under the existing provisions of Article IV of the Constitution, a bill passed by the Legislature is then submitted to the Governor. The bill will become law unless the Governor vetoes it and returns it to the Legislature within 10 days (Sundays excepted) after it was presented to him. The Legislature may by a two-thirds vote of the members of each house override the Governor's veto. However, if the Legislature adjourns before the end of the 10-day period and thus prevents the return of a bill, the bill will not become law unless the Governor signs it within 30 days (Sundays excepted) after the end of the legislative session. In such cases there is no opportunity for the Legislature to override the Governor's veto.

This measure, if approved, would amend various sections of Article IV to provide that a bill passed within the last 10 days of a general session will become law unless the Governor vetoes it within 30 days after the end of the session. The measure would require the Legislature to recess at the end of a general session and to meet again on the first Monday following the expiration of 30 days following the date upon which it recessed for a period of not to exceed 5 days for the sole purpose of reconsidering measures vetoed by the Governor during the preceding general session.

Under the existing provisions of Section 1 of Article IV, a referendum petition with respect to a bill enacted at a general session may be filed within the 90-day period after final adjournment of the session. This measure would reduce the period for filing referendum petitions from 90 to 60 days after the final adjournment of a general session to allow for the recess referred to above.

The measure would *not* affect budget or extraordinary (special) sessions except as to the period of time during which the Governor is permitted to act on bills presented to him within the last 10 days of the session. Under the existing provisions, the Governor has 30 days (Sundays *excepted*) to sign a bill presented to him within the last 10 days of a budget or extraordinary session. Under this measure, the Governor would have 30 days (Sundays *included*) to act on such bills.

Argument in Favor of Proposition No. 6

Your YES vote on Proposition 6 (a nonpartisan proposal) will help abolish a relic of state government which now prevents the public from finding out why a governer has vetoed legislation which has passed the Legislature during the last ten days of a general session. The State Constitution now allows a governor to merely wait for 30 days after adjournment of a legislative general session and kill bills by "pocket veto" without any explanation to anyone. The file in the governor's office on a "pocket vetoed" bill is kept confidential, and the information in it is not available to you as a citizen, nor to the news sources nor is it available to the Legislature or any Legislator. This system of secrecy is contrary to public policy in California which demands that actions of public officials which affect the public are the public's business. The citizens of California have the right to know by full disclosure what goes on in state government, and the "pocket veto" is a denial of that right.

Proposition 6 protects your "right to know" by requiring a governor to tell the public and the Legislature his reasons for killing legislation. This official written explanation will be a full disclosure to be tested in debate—not just a brief press release with no chance for rebuttal.

Proposition 6 will mean that all bills passed by the Legislature in a general session will be subject to a governor's veto in exactly the same manner, regardless of when passed. A governor will still have the veto power over every bill, but Proposition 6 gives to the public the right to know why he has used his veto power.

Proposition 6 makes no change in the protections for a veto. A two-thirds vote against the governor will still be required in both Assembly and Senate to override a veto. Neither political party now controls two-thirds of either house.

Vote YES on Proposition 6 to help bring important official executive action affecting you out into the open!

ASSEMBLYMAN ROBERT S. STEVENS
60th District, Los Angeles County

SENATOR JACK SCHRADE
San Diego County

ASSEMBLYMAN PHILIP L. SOTO
50th District, Los Angeles County

Argument in Favor of Proposition No. 6

Vote YES on Proposition 6 and restore to California the equality of the executive and legislative branches of government essential to our basic constitutional system of checks and balances on government power. Without Proposition 6, one individual—a governor—can nullify the work of the Legislators elected by the people. The collective judgment of 120 Legislators in two houses can be defeated, and the intensive work of legislative committees in public hearings can be wasted by the pocket veto of one man. Since 1953, 953 bills have been nullified by pocket vetoes, with no chance for the Legislature to override by a two-thirds vote. During that time, only 99 bills have been vetoed by express veto which could have been overridden by the Legislature. Only eighteen states give their governors this great power of the pocket veto.

Vote YES on Proposition 6—for good government—for the protection of your representation in your Legislature!

SENATOR HUGH M. BURNS
President pro Tempore, State Senate
Fresno County

SENATOR GEORGE MILLER, JR.
Contra Costa County

ASSEMBLYMAN EDWARD E. ELLIOTT
40th District, Los Angeles County

Argument Against Proposition No. 6

We strongly urge a "NO" vote on this proposal. Its potential for harm to California exceeds substantially its potential for good.

Great significance must be attached to a Legislative Counsel's opinion, dated August 26, 1965, which states that under the provisions of the amendment, ACA 90, the power of the legislature to reconsider vetoed legislation will extend, not only to ordinary bills, but also to appropriation bills and to individual items in the budget bill.

It is clear that the proposed amendment is extremely far-reaching in its effect and that it will bring about, therefore, a drastic change in the historic distribution of power between the legislative and executive branches of government.

We do not believe such a significant constitutional change to be in the interest of good government and for the following reasons:

(1) The virtual elimination of the Governor's veto power will undermine his bargaining position in the legislative process and will, therefore, weaken future governors in their ability to develop and bring into law legislative programs of beneficial interest to the state.

(2) The elimination of the "pocket veto" over appropriation items will greatly impair the ability of the Governor to protect the fiscal soundness of state government, which he is charged by the Constitution to maintain. In addition, it will greatly facilitate and encourage the enactment into law of "pork-barrel" and "special interest" legislation, whose effect will be to introduce an extravagance in state spending not generally experienced in California under the present distribution of powers.

In conclusion, we would point out that there has been no demonstrated public need or demand for the elimination of the "pocket veto" and that the Constitutional Revision Commission, which has reviewed the veto power of the Governor's Office, has made no recommendation for a change in the exercise of that power.

We would also remind the voter that no showing has been made by the proponents of the amendment that, because of persistent abuse of the veto by past governors, the veto power should be emasculated. At the same time, we would suggest that there is considerable evidence available to show that, over the years, the "pocket veto" has been wisely used and in the public interest.

Finally, we would remind the voter that the proposal contained in ACA 90, if made a part of the California Constitution, will upset a balance of political power in California that has served the state well throughout its history.

Again, we urge a "NO" vote.

ALBERT S. RODDA
State Senator
Sacramento County

WILLIAM F. STANTON
Assemblyman
Santa Clara County

7	**COMPENSATION OF COUNTY OFFICERS. Legislative Constitutional Amendment.** Provides that boards of supervisors rather than Legislature shall fix their own salary subject to referendum and also salary of district attorneys and auditors. In charter counties boards of supervisors shall also fix their own salary.	**YES**	
		NO	

(For Full Text of Measure, See Page 31, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to require the board of supervisors of each chartered and nonchartered county to fix the compensation of the board members; and to require the county board of supervisors of each nonchartered county to fix the compensation of its district attorney and auditor.

A "No" vote is a vote that the Legislature continue to fix the compensation of these officers for nonchartered counties; and to continue the requirement that the charter of a chartered county provide for the fixing of the compensation of these officers.

For further details see below.

Detailed Analysis by the Legislative Counsel

Section 5 of Article XI of the State Constitution now requires the Legislature to regulate the compensation of the county supervisors, district attorneys and county auditors for nonchartered counties. Subdivision 1 of Section 7½ of Article XI requires that the charters of chartered counties provide for the compensation of the county supervisors. Subdivision 2 of Section 7½ requires that the charters of chartered counties fix the compensation of district attorneys and county auditors, among other designated officers, or provide for the fixing of such compensation by the board of supervisors.

If approved by the voters, this measure would amend the present provisions for the fixing of such compensation, and require the county board of supervisors in a nonchartered county to fix the compensation of the board members and the compensation of the district attorney and auditor. In a chartered county, the board of supervisors would be required to fix the compensation of the board members, while the charter would continue to provide the compensation of the district attorney and the auditor, among other designated officers, or for the fixing of such compensation by the board of supervisors.

The action of the board of supervisors in fixing the compensation of the board members would be subject to referendum.

The measure would also specify that the compensation of supervisors as now fixed by law or charter would continue to be paid until changed pursuant to this measure.

Argument in Favor of Proposition No. 7

This proposition removes an outdated section of the California Constitution which requires the State Legislature to set the salaries of county officers. Having local salaries set at the state level is directly contrary to the principle that matters affecting the voters of one county should be controlled locally by the voters and their representatives in that county.

A YES vote on this proposition would require the board of supervisors in each county to set the compensation to be paid to members of the board and other county officers.

Greater safeguards would be provided by the passage of this proposition. It would permit the people within a county affected by a proposed salary increase to hear and to present testimony at a public meeting of the local board of supervisors. There is also a right of referendum by the voters within the county if there is dissatisfaction with the action of the board of supervisors. And further, an existing board cannot increase their own salary during their term of office.

The present procedure lacks these protections. State officials can do no more than merely "rubber stamp" a request from a local grand jury for an increase in the salaries of the local officers in that county. Each legislative session there are numerous bills before the Legislature proposing salary increases for local officials. Legislators have little basis for judging the effect of a proposed increase on the voters in a particular county and the time that is required to consider these measures is time that should be devoted to matters of statewide concern. It is as illogical to continue this procedure as it would be to have Congress set state legislators' salaries.

When a matter such as compensation falls so clearly within the scope of local control, it should be authorized and reviewed on the local level and not at the state level.

VOTE YES FOR HOME RULE, TO RETURN CONTROL OF SETTING SALARIES OF COUNTY OFFICIALS TO LOCAL VOTERS.

MILTON MARKS, Assemblyman
San Francisco

GEORGE E. DANIELSON, Assemblyman
Los Angeles County

PAUL J. LUNARDI, Senator
Placer, Nevada and Sierra Counties

Argument Against Proposition No. 7

A "no" vote on this proposition is essential to protect the people of California and, particularly, more than ⅔ of our people who live in chartered counties (Alameda, Butte, Fresno, Los Angeles, Marin, Sacramento, San Bernardino, San Diego, San Mateo, Santa Clara and Tehama).

We must not give the Boards of Supervisors an unlimited power to set their own salaries. Legal opinion indicates that if this measure should become a part of our California Constitution those people who live in the chartered counties will not be able to use the referendum to correct runaway salaries of their supervisors. The power to set their own salaries should not be vested in the supervisors

because this would raise an inescapable conflict of interest between what a supervisor should get as a salary and what he wants.

A "no" vote on this proposition will retain the salary setting power in the State Legislature where it properly belongs. There are 58 counties in the State of California, of which 11 are chartered. County Government is an arm of State Government. State Legislators are more responsive to the needs of the people because they are elected for shorter terms of office. A "no" vote will keep better control on supervisors' salaries and be more sensitive to the voice of the people.

GEORGE A. WILLSON
Assemblyman, 52nd District
California Legislature

8 **TAXATION: INSURANCE COMPANIES; HOME OR PRINCIPAL OFFICE DEDUCTION. Legislative Constitutional Amendment.** Establishes formula and limits amount of real property taxes on home or principal office buildings deductible from gross premiums tax by foreign insurers immediately, and by domestic insurers on home or principal office buildings commenced after January 1, 1970. Redefines term "insurer" so that reciprocal or interinsurance exchanges together with their attorneys in fact be considered as single unit.

YES	
NO	

(For Full Text of Measure, See Page 32, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to limit the amount of the real property taxes on the home or principal office of certain insurance companies which may be deducted from the insurance tax, and to include corporate or other attorneys in fact of reciprocal or interinsurance exchanges within the constitutional definition of insurers which are subject to the insurance tax.

A "No" vote is a vote to retain this deduction in its present form and to retain the existing definition of "insurer" in the Constitution.

For further details see below.

Detailed Analysis by the Legislative Counsel

Section 14¼ of Article XIII of the State Constitution now provides, among other things, that each insurer shall pay an annual insurance tax, which is in lieu of all other state, county, and municipal taxes with specified exceptions, among which is the requirement that insurance companies pay property taxes on their real estate. However, an insurance company, other than an ocean marine insurer, is allowed to deduct from the insurance tax, the amount of property taxes paid on the real property which it owns and occupies as its home or principal office in this state. The property tax on the entire property is deductible, whether or not the insurer actually occupies the entire premises in which its home or principal office is located.

This measure, if adopted by the voters, would amend Section 14¼ to limit the amount of the home or principal office deduction by making it subject to a formula under which the deduction would be based on the percentage of the insurer's home or principal office building which the insurer is deemed to occupy, plus one-half of such percentage or 25 percent, whichever is less.

The limitation on the home or principal office deduction would not apply to real property owned by a domestic insurer organized under the laws of this state and licensed to transact insurance business in this state on or before December 31, 1966, when such real property is occupied by the insurer as its home or principal office on January 1, 1970, nor would it apply to such an insurer if construction of its home or principal office commenced prior to January 1, 1970.

In addition, the measure would amend Section 14¼ to expand the definition of "insurer" to include the corporate or other attorneys in fact of reciprocal or interinsurance exchanges and require them to be considered as a single unit.

The measure would further provide that, even though a corporate or other attorney in fact would be treated as a unit with its reciprocal or interinsurance exchange and the unit would pay the insurance tax, each such attorney would be subject to all other taxes imposed upon businesses generally, except for income derived from its principal business as attorney in fact.

Argument in Favor of Proposition No. 8

This tax reform measure will increase state revenues by an estimated million dollars annually without imposing new taxes or increasing existing tax rates.

Insurance companies pay California an annual tax of 2.35% of the total amount of premiums received. This is called the gross premiums tax. The Constitution authorizes companies to deduct from their premium tax bill the amount of real property taxes paid by them on a single office building, which they designate as their "principal office". Over the years, this has offered an effective inducement for companies to build offices in California thereby stimulating the economy in return for some relief from California's exceptionally high gross premiums tax rate. This has worked out to the State's advantage.

A few companies, however, mostly from out-of-state, built large office buildings and used only a small portion of the space for their insurance business, leasing the balance to tenants in competition with commercial building owners and operators. This caused understandable complaint from the owners of office buildings.

Proposition 8 solves this problem in a workable manner without unduly increasing the tax burden of the already heavily taxed insurance industry. This is done in the following manner:

New limitations are put on the use of the deduction for out-of-state companies and California companies licensed to transact insurance after 1966. For these companies, the new ground rules base

the deduction on an occupancy formula. Under these rules a company's deduction of its real property taxes depends on the percentage of the building occupied by it and its insurance affiliates. The deduction is limited to the percentage of such occupancy plus an expansion or growth allowance. Thus, a company can claim the full deduction only if it occupies 75% or more of its building. As occupancy decreases, the deduction decreases.

This formula continues the spirit of the original deduction which has been beneficial to California's economy but modifies it to meet changing conditions and prevent serious abuse.

California's own companies with home offices are permitted to keep the full deduction until they move into a new building, at which time they become subject to the same formula. Therefore, long range, all companies will be on the formula.

This slight advantage given to California's home industry will bring California into line with the 26 other states which give their home companies some form of tax advantage over out-of-state companies. Some states completely exempt their own companies from premium tax.

A purely technical change made by the measure brings the Constitution into conformity with a 1963 act of the Legislature designed to treat reciprocal insurers and their attorneys-in-fact as a single unit, rather than as separate entities. This unitary approach follows the Federal law and puts all domestic insurers in the same tax position.

This amendment received a unanimous vote in the Senate at the 1966 Session of the Legislature and only two negative votes in the eighty member Assembly. VOTE YES.

CHARLES EDWARD CHAPEL
Assemblyman, 46th District
STEPHEN P. TEALE
Senator, 26th District

Argument Against Proposition No. 8

This proposed constitutional amendment has two major defects and should be soundly rejected by the voters.

The first defect is that it gives a tax break to a small group of insurance companies by extending the provisions of the principal office deduction to attorneys-in-fact. In the next session, the Legislature will be faced with the necessity of making substantial changes in the state tax structure. If we are to start giving tax reductions, we should start by reducing taxes of the property owners of this state, rather than a small group of insurance companies.

The second defect of this measure is that it sets up a grossly discriminatory system of taxation in our state constitution. Out-of-state companies are to have, in effect, a higher net insurance tax rate than in-state companies, with the same type of principal office in California.

We should not use the power of government to give one firm a competitive advantage over any other. The end result of this will be a lessening of competition which will ultimately work to the disadvantage of the consumer. It is also setting a very bad precedent which could lead into a system of favoritism for certain firms through the use of the power of government.

Perhaps the most objectionable aspect to this whole procedure is that it is being sold to the people as a tightening up of an existing loophole. It is granted that this does reduce the principal office deduction for out-of-state insurance firms—but not California firms. This is what causes the objectionable discrimination. However, while closing this loophole it opens another by including the attorneys-in-fact in the definition of insurer. It is very questionable whether there will be any revenue advantage to the state by passage of this measure. At any rate, two defects which are cited above should be compelling reasons to defeat this measure. I am confident that the Legislature can work out a better solution to this problem than the one proposed.

E. RICHARD BARNES, Member
Assembly Committee on Revenue
and Taxation

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9 **VETERANS' TAX EXEMPTION FOR BLIND VETERANS. Legislative Constitutional Amendment.** Authorizes tax exemption on home of veteran who by reason of a permanent and total service-connected disability is blind. Limits such exemption to $5,000. Exemption shall apply to 1965–1966 fiscal year.

YES	
NO	

(For Full Text of Measure, See Page 34, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to authorize the Legislature to exempt from local property taxes, not more than $5,000 of the value of a home of a blind veteran who is blind in both eyes by reason of a permanent and total service-connected disability.

A "No" vote on this measure is a vote to deny the Legislature authority to allow such an exemption.

For further details see below.

Detailed Analysis by the Legislative Counsel

Under Section 1¼ of Article XIII of the Constitution, qualified veterans, including blind veterans, are now granted a property tax exemption to the amount of $1,000, if the veteran does not own property valued at $5,000 or more and the veteran's spouse does not own property valued at $5,000 or more.

This measure, if approved by the voters, would add Section 1¼b to Article XIII of the State Constitution to authorize the Legislature to grant to a blind veteran who would otherwise qualify for the $1,000 veteran's exemption, a property tax exemption on his home of an amount not to exceed $5,000. This exemption would be in lieu of the $1,000 exemption. The exemption would be available without regard to the value of property owned by the blind veteran or his spouse, but could not be applied to more than one home.

The exemption would be limited to otherwise qualified veterans who, by reason of a permanent and total service-connected disability incurred in the military or naval service of the United States, are blind in both eyes with visual acuity of 5/200 or less.

The measure would provide that a blind veteran who sells or otherwise disposes of his home, may apply the exemption to the next property he acquires and habitually occupies as his home. It also permits retroactive application of the exemption for the 1965–66 fiscal year in the manner provided by the Legislature.

Argument in Favor of Proposition No. 9

This amendment to the Constitution of California would correct a glaring inequity which has existed in our property tax laws concerning service-connected, totally blind veterans.

For many years we have had on our statute books the provision that veterans who are totally disabled from service-connected injuries; that is, injuries they have received as a result of service in the armed forces of the United States; of the wheelchair variety, such as paraplegics, etc., shall receive a $5,000 property tax exemption on their homes. Inadvertently there was not included in this group those people who received injuries while serving in the armed forces as a result of which they became totally blind. Certainly a totally blind war veteran is just as disabled as those who are confined to a wheelchair. This amendment would include the blind veterans of California who became blind as a result of service in the armed forces of their country in the same $5,000 home exemption as that of the other service-connected, totally disabled veterans. Equity and justice would support the argument that the blind veteran should be put on the same exemption basis as the other totally disabled veterans.

The number of persons affected by this is relatively small—perhaps only forty or fifty in the whole State of California, but in order to do justice to those affected, this measure should be adopted.

EDWIN L. Z'BERG
Member, 9th Assembly District,
California State Legislature

10 LOANS OF PUBLIC FUNDS. Legislative Constitutional Amendment.

Authorizes Legislature to provide by general law for the loaning of public funds without interest, or the payment of interest on loans made by others, to finance the repair, restoration, or replacement of private property damaged in area declared by Governor to be in a state of disaster.

YES	
NO	

(For Full Text of Measure, See Page 34, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to give the Legislature specific authority to provide, without regard to constitutional limitations, for interest-free loans of public funds for the purpose of financing the repair, restoration, or replacement of private property damaged or destroyed in an area declared to be in a state of disaster by the Governor. It would also permit the Legislature to provide for payment of interest on loans made from private funds for that purpose.

A "No" vote is a vote that the Legislature, in enacting such measures, must meet existing constitutional limitations.

For further details see below.

Detailed Analysis by the Legislative Counsel

The California Constitution now prohibits the Legislature from making any gift of public funds or lending or pledging the credit of the state, or authorizing such gifts or the lending of the credit of the state, in aid of any person or organization. These prohibitions do not apply where a statewide public purpose is served by the gift, loan, or pledge. Thus, the validity of legislation authorizing the lending or the making a gift of public funds in connection with the repair or replacement of private property damaged or destroyed in a disaster area, depends on whether or not such legislation serves a statewide public purpose.

This measure, if approved by the voters, would add Section 31d to Article IV of the Constitution to give the Legislature express authority to enact general laws, regardless of existing constitutional limitations, to authorize or provide for the lending of public funds, without interest, or for the payment of interest on loans made by others, to finance the repair, restoration, or replacement of private property damaged or destroyed in any area or region declared by the Governor to be in a state of disaster, where the damage or destruction is a result of the condition which caused the Governor to declare the area or region to be in a state of disaster.

Argument in Favor of Proposition No. 10

Proposition No. 10 is a nonpartisan measure which merits the support of all Californians.

Your Yes vote on Proposition No. 10 would permit the enactment of legislation to enable private businesses and private individuals who are located in areas proclaimed by the Governor to be disaster areas to rebuild, repair or replace private property destroyed by calamity either through the means of (1) noninterest bearing loans made by the state or (2) the state providing for the payment of all or a portion of the interest on private loans made for such purpose.

The state would thus be enabled to act in the situation where the widespread damage and destruction of private property in areas or regions which the Governor declares to be in a state of disaster results in a reduction of the tax base of such areas or regions to such an extent that sufficient revenues cannot be raised by state and local public agencies in such areas or regions to carry on the ordinary functions of such agencies at a time when they are in need of extraordinary revenues to repair, restore, or replace public property which has been damaged or destroyed.

Private and public agencies do not have the financial resources or necessary authority to provide the loans to private property owners in areas or regions which the Governor has declared to be in a state of disaster which are necessary to finance the repair, restoration, or replacement of property which has been damaged or destroyed as a result of the condition which caused the Governor to declare such areas or regions to be in a state of disaster. The human misery and suffering of large numbers of the inhabitants of such areas or regions which results from the destruction of private property which provided them with shelter or a means of livelihood cannot, therefore, be alleviated within a reasonable time, which causes an increase in death and disease and welfare costs in such areas and regions and disrupts or seriously impairs the economy of not only such areas or regions, but also the economy of the entire state.

The loaning of state funds to finance the repair, restoration, or replacement of private property which has been damaged or destroyed as a result of the condition which caused the Governor to declare areas or regions to be in a state of disaster would preserve and protect the tax base of state and local agencies in such areas or regions, alleviate human misery and suffering of large numbers of Californians, reduce the incidence of death and disease, prevent increases in welfare costs, and prevent the disruption or serious impairment of the economy of not only such areas or regions, but also the economy of the entire state.

I urge all Californians to vote Yes on Proposition No. 10.

CARL L. CHRISTENSEN, Jr.
State Senator, Humboldt County
(Now Judge, Superior Court)

EUGENE G. NISBET
State Senator
San Bernardino County

Argument Against Proposition No. 10

A "No" vote is respectfully urged in connectio with Senate Constitutional Amendment No. 8. This amendment to the Constitution would allow the Legislature to make a gift of public funds in the form of interest free loans or to actually pay the interest on loans extended by "others" to finance the repair, restoration or replacement of private property damaged or destroyed in an area declared to be in a state of disaster. Once the Legislature enacted such a law, the Governor would administer the law.

In the past it has been completely practical for the Legislature to enact specific legislation giving financial assistance for the repair, restoration or replacement of public property damaged or destroyed in an area which the Governor has declared to be in a state of disaster. Our present practice has enabled the Legislature to review the extent and the amount of damage, usually at a time when the damage can be ascertained with far more certainty than the estimates which are given at the time of the disaster. Setting up a permanent provision in the law through this Constitutional Amendment could very well lead to a much looser procedure, including a politically minded Governor declaring an area to be a disaster area when in fact it was not.

In addition, this proposed amendment opens the door for large scale expenditures of public funds never before authorized to repair private property. Such private property can and should be protected by insurance.

CLARK L. BRADLEY
State Senator
Santa Clara County

CHARLES WARREN
Member of the Assembly,
56th District,
California Legislature

11 BOXING AND WRESTLING CONTESTS. Amendment of Initiative. Submitted by Legislature. Provides Legislature may amend, revise, or supplement boxing and wrestling initiative act of November 4, 1924.

YES	
NO	

(For Full Text of Measure, See Page 34, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this act is a vote to continue and expand the authority of the Legislature to amend, revise, or supplement the boxing and wrestling initiative act, if Proposition 1-a is approved.

A "No" vote is a vote to terminate the authority of the Legislature to amend, revise, or supplement the boxing and wrestling initiative act, if Proposition 1-a is approved.

For further details see below.

Detailed Analysis by the Legislative Counsel

Generally, when the Legislature proposes an amendment to an initiative act which has been adopted by the voters, the amendment must also be approved by the voters unless such amendment without voter approval is authorized in the Constitution or in the initiative act itself.

Section 25.7 of Article IV of the State Constitution now specifically authorizes the Legislature to amend, revise, or supplement the initiative act which regulates boxing and wrestling in this state, but denies the Legislature power to prohibit wrestling and 12-round boxing contests. However, the proposed revision of portions of the Constitution (Proposition 1-a at this election) would delete that authorization and prohibition from the Constitution. This act would vest to the Legislature unrestricted authority to amend, revise, or supplement the initiative act regulating boxing and wrestling by adding this authorization to the initiative act itself. It would become operative if the people adopt Proposition 1-a.

If Proposition 1-a and this act are both approved by the voters, the Legislature will retain its po to so modify the boxing and wrestling initiative with the authorization to do so included as a pa... of the initiative measure instead of the Constitu-

tion. If, on the other hand, Proposition 1-a is approved but this act is defeated, the authority of the Legislature to so modify the boxing and wrestling initiative act will be terminated.

Argument in Favor of Proposition No. 11

Proposition 11 amends an initiative act of 1924 dealing with boxing and wrestling.

It is a noncontroversial measure and from a practical standpoint makes no significant or material change affecting boxing or wrestling in this state. The State Athletic Commission charged with regulation of boxing and wrestling agrees with this conclusion.

The measure is technical and deals with the intricacies of the relationships of state constitution, initiative acts and statutes adopted by the Legislature. For this reason, it may be difficult to understand, but it should be emphasized again that its effect is purely technical and not substantive.

An initiative act such as the act of 1924 which this would amend, can be amended only by the people at an election unless the people permit the Legislature to amend such an act. The people did permit the Legislature to amend the boxing and wrestling initiative of 1924 and incorporated a provision in the Constitution extending that permission.

In the revision of the Constitution, including the shortening of that document, which would be accomplished under Proposition 1A on this same ballot, all of the provisions relating to boxing and wrestling are removed from the Constitution on the basis that it is not appropriate that they appear in the state's basic governing document. Thus the permission which the people gave for legislative amendment of the boxing and wrestling initiative would be repealed and it is necessary to extend that permission in the initiative act itself (rather than in the Constitution). That is what this proposition will do.

In the last analysis, the people do not surrender control since the initiative and referendum which have been used on the question of boxing and wrestling before can always be used by the people if there were abuse, but the regulation of these sports is such that action by the Legislature which can be accomplished more quickly, more cheaply and more easily should be available and this proposition would only continue the policy previously approved by the people in the Constitution.

There has been no opposition expressed to the measure.

Vote YES on Proposition 11.

LUTHER E. GIBSON
State Senator for
Solano County

JAMES R. MILLS
Member of the Legislature
79th Assembly District

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2 COUNTY ASSESSMENT APPEALS BOARDS. Legislative Constitutional Amendment. Authorizes any county to create assessment appeals board to act as board of equalization of taxable property in the county.

YES	
NO	

(For Full Text of Measure, See Page 35, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to change the name of county "tax appeals boards" to "assessment appeals boards" and to authorize the board of supervisors of each county, regardless of population, to create such a board.

A "No" vote is a vote to retain the present name "tax appeals boards" and continue to permit creation of such a board only in a county which has a population in excess of 400,000 when specifically authorized by the Legislature.

For further details see below.

Detailed Analysis by the Legislative Counsel

Under existing provisions of Section 9 of Article XIII of the Constitution, the board of supervisors of each county is required to sit as a county board of equalization to equalize the valuation of taxable property in its county for purposes of taxation. However, as an alternative to this procedure, Section 9.5 of Article XIII now provides that the board of supervisors of any county having a population in excess of 400,000 may, when so authorized by law, adopt an ordinance creating tax appeals boards for the county. When created, such a tax appeals board performs the functions which would otherwise be performed with respect to the equalization of property by a county board of supervisors sitting as a county board of equalization.

This measure, if adopted by the voters, would amend Section 9.5 to change the name "tax appeals boards" to "assessment appeals boards" and to permit the board of supervisors of each county, regardless of the county's population and without legislative authorization, to adopt an ordinance creating an assessment appeals board to carry out the equalization functions for the county. The Legislature would retain authority to provide by law for the number of assessment appeals boards, in excess of one, which may be created within any county and for the composition and discontinuance of such boards.

Argument in Favor of Proposition No. 12

Is the job of equalizing property assessments becoming too time consuming and too complex to be done by county boards of supervisors? In many counties the answer is "yes".

Under our present laws every property owner who wishes to protest the assessment on his property has a right to a hearing before the board of supervisors in their capacity as a local board of equalization. This right to protest property assessments is a vital part of our local property tax system and must not be abridged. In practice, however, the total volume of protests which a board of supervisors must handle oftentimes dilutes the effectiveness of an individual property owner's protest. In order to hear all protests, for example, a local board of supervisors is sometimes forced to

limit protest hearings to less time than either they or the property owners would like.

Los Angeles County faced up to this situation in 1962 and secured a constitutional amendment permitting it to establish separate assessment appeals boards to review property owners protests. The Los Angeles system has worked well and a number of other counties have indicated that they would like to adopt it. At present, however, the Constitution prohibits the assessment appeals board system from being used in counties with a population of less than 400,000.

The proposed constitutional amendment (A. C. A. 10) eliminates this artificial prohibition. The amendment would permit all counties to establish separate appeals boards to handle assessment protests.

The permissive wording of the proposed constitutional amendment leaves the actual decision to establish an appeals board in the hands of the board of supervisors of each county. Thus, it insures that the appeals board system will be activated only in those counties in which the local authorities have decided there is a genuine need for it.

The proposed constitutional amendment has the enthusiastic support of the County Supervisors Association and other representatives of local government.

JOHN T. KNOX
Chairman, Assembly Municipal and County Government Committee

WALTER W. STIERN
State Senator

NICHOLAS PETRIS
Chairman, Assembly Revenue and Taxation Committee

PROPERTY TAX STATEMENT. Legislative Constitutional Amendment.

13 Removes from Constitution requirement that Legislature shall require each taxpayer file annual property statement.

YES ☐

NO ☐

(For Full Text of Measure, See Page 35, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to repeal the provision of the Constitution which directs the Legislature to enact laws requiring each taxpayer to deliver a property statement to the county assessor each year.

A "No" vote is a vote to retain this requirement in the Constitution.

For further details see below.

Detailed Analysis by the Legislative Counsel

Section 8 of Article XIII of the State Constitution now provides that the Legislature shall enact laws to require every taxpayer to make, under oath, and deliver to the county assessor an annual property statement which shows all real and personal property owned, possessed, or controlled by the taxpayer as of noon on the first Monday in March. The Legislature has enacted such legislation.

This measure, if approved by the voters, would delete this requirement from the Constitution. However, approval of the measure would not repeal the statutory provisions relating to property statements.

Argument in Favor of Proposition No. 13

Are you breaking the law?

You are if you do not furnish your county assessor with a complete listing of your property each year.

The State Constitution requires every property owner to report to the assessor what he owns as the first Monday in March.

However, this law has never been enforced. Taxpayers do not furnish this information at the present time, unless requested by the assessor.

A yes vote on this measure will remove this unused section from the Constitution. If this requirement were to be enforced, it would be an unjustified harassment of the taxpayer.

There are laws on the books which allow the assessor to request and get the information he needs to make an accurate assessment of property. This measure will not change these laws, and the assessor will continue to have access to the necessary information.

To remove this unnecessary section from the Constitution, vote YES on Proposition 13.

NICHOLAS C. PETRIS
Assemblyman, Alameda County
JAMES A. COBEY
State Senator
Merced-Madera Counties

PERSONAL INCOME TAXES. Legislative Constitutional Amendment.

14 Authorizes Legislature to provide for reporting and collecting California personal income taxes by reference to provisions of the laws of the United States and may prescribe exceptions and modifications thereto.

YES ☐

NO ☐

(For Full Text of Measure, See Page 35, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to authorize the Legislature to incorporate federal laws which may be enacted in the future, as well as existing federal laws, into California's law in the reporting and collection of California personal come taxes; and to permit the amount of inc tax computed under federal law to be used in re-

porting and collecting California personal income taxes.

A "No" vote is a vote to deny the Legislature this authority.

For further details see below.

Detailed Analysis by the Legislative Counsel

This measure, if approved by the voters, would add Section 11½ to Article XIII to permit the Legislature, in the reporting and collection of the state personal income tax, to incorporate provisions of the federal law as they may be enacted or amended in the future, as well as to incorporate existing provisions of federal law, so as to make any of those provisions apply to the reporting and collection of state income taxes. The federal law so incorporated would be made subject to exceptions or modifications, if any, that the Legislature may prescribe.

The measure would specifically permit the inclusion of a reference to the amount of any federal tax on, in respect to, or measure by, personal income which is computed under any provision of federal law. This would permit the amount of income tax computed under federal law to be used in reporting and collecting California personal income taxes.

Argument in Favor of Proposition No. 14

At last! Here is a proposal to make our income tax easier to figure out.

A YES vote on this proposition will allow the Legislature to adopt federal income tax laws as much as practical for our own state income tax ·rposes. This means we will be able to use the .lculations made for federal tax purposes in our state tax form. We would not accept the higher federal tax rates.

Under present law we make all the additions and subtractions necessary for the federal tax form and then go through the same process all over again for the state tax return.

There are now 54 differences between the federal law and the state law—this proposal will make the two laws the same. Improved administration can be achieved without incurring additional costs as returns will be easier to check and verify. Furthermore, it will be easier to check on those who are not reporting correctly.

The vast majority of the federal income tax law and the state income tax law is the same now—but the few differences that do exist are the problem area we seek to simplify with this constitutional amendment.

We are not giving away our own power to make necessary changes in our tax laws in the future. We simply say that the present federal method of computing income is acceptable to us and should be incorporated in our state law. At any time in the future the Legislature may determine that a particular new federal law would seriously affect our state financial structure and we could reject that change. Thus our own state Legislature will retain the power to write our tax laws so they will truly reflect the economy of California and her taxpayers. Every year the Legislature wastes ·· ne and effort processing bills which make the ·st recent changes in federal statutes the law of .lifornia.

The State Assembly conducted a two-year study of our tax structure and this proposal is one of the recommendations they made. New York has already adopted the system and our California State Bar Association Committees have supported this action.

Vote YES for simplicity.

MILTON MARKS, Chairman
Assembly Committee on Government Organization

NICHOLAS C. PETRIS, Chairman
Assembly Committee on Revenue and Taxation

Argument Against Proposition No. 14

A "No" vote on Proposition 14 insures fiscal responsibility on the part of your elected state officials.

Proposition 14 would authorize the California Legislature—made up of your elected representatives in Sacramento—to abdicate a large part of their responsibility for enacting laws relating to the income tax you must pay to the State of California. This responsibility would be shifted to Washington, D.C., where only 38 out of 435 Members of the House of Representatives and only two of the 100 Members of the Senate are elected by Californians.

This measure would allow the Legislature to make all future federal income tax enactments an integral part of California's Personal Income Tax Law. It would reverse the normal legislative process. Under the State Constitution, as it presently reads, the Legislature may adopt existing federal laws by taking affirmative action to enact appropriate legislation. It is in this manner that California's law has been made to conform to the federal tax system in the past.

Proposition 14 would allow the State Legislature to incorporate future federal income tax laws into California's system by reference. Such federal legislation would remain a part of our State's law until positive action were taken by the Legislature to change it. If the Legislature were not in session, objectionable or unworkable laws would remain on the books until your elected officials convened and acted.

Dilution of accountability for tax legislation will not best serve California's taxpayers. Responsibility for increases in your state income tax should not be divided between Sacramento and Washington. The legislative body spending the tax dollar should be solely answerable to the electorate for levying the tax. This is the best assurance that your elected representatives will carefully balance the interests of taxpayers and the beneficiaries of state appropriations.

The California Legislature could not adopt future congressional acts by reference without an authorization similar to that contained in Assembly Constitutional Amendment No. 18. However, even without such a constitutional amendment, there is no prohibition against the incorporation by reference of existing federal income tax laws.

FRANK LANTERMAN
Member of the Assembly
47th District
California Legislature

ELIGIBILITY TO VOTE. Legislative Constitutional Amendment. Provides

15 that educational requirement for eligibility to vote shall not apply to any person who on June 27, 1952, was at least 50 years of age and a resident of the United States at least 20 years.

YES	
NO	

(For Full Text of Measure, See Page 36, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote that any person otherwise entitled to vote, who on June 27, 1952, was at least 50 years of age and a resident of the United States for at least 20 years, be permitted to vote although he cannot write his name and read the Constitution in the English language.

A "No" vote is a vote to retain the existing constitutional provision which imposes these educational qualifications for everyone except persons who had the right to vote on October 10, 1911, and persons who were 60 years of age or older on that date.

For further details see below.

Detailed Analysis by the Legislative Counsel

Section 1 of Article II of the Constitution, which governs the right to vote, now contains, among other things, educational qualifications to the effect that a person who cannot read the Constitution in the English language and cannot write his or her name shall not be allowed to vote in this state. It provides, however, that these educational qualifications do not apply to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age or older on October 10, 1911.

This measure, if approved by the voters, would amend Section 1 to retain the educational qualifications; however, these qualifications would not apply to any person who on June 27, 1952, was at least 50 years of age and a resident of the United States for periods totaling at least 20 years.

Argument in Favor of Proposition No. 15

The California Constitution provides that any person, who is otherwise qualified and wishes to register as a voter, must prove his ability to read at least 100 words of the U. S. Constitution in the English language.

This is the kind of "literacy" test that the U. S. Congress is gradually eliminating as a condition for voting in federal elections.

This proposition would affect only a limited number of potential voters in California. The number is estimated to be less than 10,000. All of them are naturalized American citizens. All of them are Americans by choice and by dint of serious study.

These individuals were permitted, under federal law, to take their naturalization examinations in their native languages. They studied hard to pass, know about our constitution and governmental process and are anxious to be able to vote and assume the responsibilities of American citizenship. Aside from their inability to master the English language, which for them is a foreign language, they are good citizens who want to be Americans in every respect.

The numerous news publications, radio and television programs, in the various languages, would be of practical assistance to them in their consideration of the candidates and issues. They will most certainly vote as intelligent and concerned citizens.

A "Yes" vote will give this hard-earned opportunity to them.

ALFRED H. SONG
Assemblyman, 45th District
California Legislature

PHILIP L. SOTO
Assemblyman, 50th District
California Legislature

Argument Against Proposition No. 15

California's Constitution now enables the maximum number of qualified voters to participate in state elections. Vote No on Proposition 15 because it will allow unqualified voters to cast a ballot.

Proposition 15 would permit persons who could not read the Constitution in the English language or write his or her name to vote, provided they are over 50 years of age and have resided in the United States for periods totaling at least 20 years.

President Johnson, in his Voting Rights Speech to Congress on March 15, 1965, said, "To exerc these privileges takes much more than just a leg right. It requires a trained mind . . . people cannot contribute to the nation if they are never taught to read and write."

Since 1894, California's Constitution, with some exceptions, has required literacy as a condition of voting. If the ability to read and write was considered necessary for voting under the comparatively simple life of the 19th century, it is doubly important today when a voter must evaluate not only the qualifications of the candidates, but the many complex issues which appear on his ballot.

The requirement that voters be able to read and write was brought about by the tactics of big city bosses who made a practice of herding illiterates to the polls.

Under our present Constitution, California has not experienced the major vote scandals all too common in some other areas.

With the opportunities to become literate through the many adult education programs now available to California residents, there is no need for further exemptions. Proposition 15 is a step toward permitting all illiterates to vote with the evils that inevitably will follow.

Vote No on Proposition 15 and keep California elections clean and free from bossism.

JACK SCHRADE
State Senator
40th District

CHARLES J. CONRA
Assemblyman
57th District

16	**OBSCENITY. Initiative.** Declares state policy is to prohibit obscene matter and conduct. Redefines "obscene" and "knowingly"; provides rules and procedures for prosecuting violations; jury unless waived determines amount of fine. Makes conspiracy to violate obscenity laws a felony. Authorizes seizure of obscene matter with procedure for summary determination of character. Requires vigorous enforcement and authorizes civil action to compel prosecutor to perform his duties.	**YES**	
		NO	

(For Full Text of Measure, See Page 36, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to revise the law relating to the printing, publication, distribution, exhibition, sale, or possession of obscene matter.

A "No" vote is a vote to retain without change the existing provisions of law referred to.

For further details see below.

Detailed Analysis by the Legislative Counsel

Penal Code Section 311 and following make it a crime, generally, to print, distribute, exhibit, sell or possess obscene matter.

This measure, if adopted by the voters, would amend Section 311 of the Penal Code (1) to eliminate the requirement that matter be "utterly without redeeming social importance" to be obscene and (2) to provide that in determining whether matter is obscene, the determination shall be made, not with reference to its effect on the average person in all instances, but with reference to a specially susceptible audience, if the matter is designed for such an audience, or an average person of the age of a minor to whom the matter is distributed, if matter is distributed to minors under 18.

Section 311 would be amended to redefine "knowingly" (a necessary element in certain provisions affected by the measure) to include recklessly failing to exercise reasonable inspection which would have disclosed the character of the same, as well as having knowledge that the matter is obscene.

Section 311.7 now makes it a misdemeanor (1) to impose as a condition of a sale, allocation, consignment, or delivery for resale of any publication or other merchandise that the purchaser or consignee also receive obscene matter, or (2) to deny or revoke a franchise or impose any penalty by reason of any person's failure to accept obscene matter or his returning such matter. This measure would make the section operative when (1) the sale, allocation, consignment, or delivery for resale is conditioned upon receipt by the purchaser or consignee of matter he reasonably believes to be obscene, or (2) when the denial or revocation of franchise or imposition of a penalty results from the failure of any person to accept, or from the return of, matter a person reasonably believes to be obscene.

Section 311.8 now makes it a defense to any prosecution for an obscenity law violation that the act charged was in aid of a legitimate scientific or educational purpose. The measure would change this to provide that the obscenity law is inapplicable when the possession or distribution of matter or any conduct otherwise prohibited occurs in the course of a law enforcement activity or of a bona fide scientific, educational, or comparable research or study, or "like circumstances of justification" when the possession, distribution, or conduct does not relate to the subject matter's appeal to prurient interest.

Section 311.9 would be amended to provide that in an obscenity case tried by jury, the jury shall determine and fix the fine, and to prohibit the judge from remitting or reducing the fine so determined and fixed without setting forth his reasons in the court minutes. The measure would also amend the section to make it a felony to conspire to commit a violation of an obscenity law.

The measure would add Sections 311.10 to 311.16, inclusive, which relate, generally, to the prosecution of obscenity law violations, the summary determination of the character of matter seized as obscene, and the functions of judges and juries in obscenity law violation trials.

Argument in Favor of Proposition No. 16

Your YES Vote on Proposition 16 will protect your children from smut and obscenity in California.

Your YES Vote on Proposition 16 is needed because the situation concerning obscenity and pornography in California is growing increasingly worse. Some 60 percent of the nation's lewd paperbacks and magazines are now published in California. The content of this material becomes more vile each year, and now represents a body of hard core perversion literature, 75 to 90 percent of which falls into the hands of teen-agers or younger children.

Your YES Vote on Proposition 16 is urgently needed because California's present law on obscenity is so weak that it provides smut publishers and distributors with escape hatches and virtual immunity from prosecution. District attorneys have declined to initiate prosecutions of smut peddlers because they believed the present law is inadequate to secure convictions.

The California Legislature has repeatedly failed to adopt a workable law to stop obscenity. If our children are to be protected from smut and filth, Californians must take direct action through the initiative process.

Your YES Vote on Proposition 16 is needed because pornography and obscenity contribute to the growing problem of crime in this State. California now leads the nation in terms of crime. Law enforcement officials have consistently testified to the fact that there is a direct relationship between the distribution of pornography and the incidence of criminal conduct.

Proposition 16 is a responsible, constitutional, legal document. Drafted by a group of highly competent attorneys, under the direction of a past president of the American Bar Association, Propo-

sition 16 includes the basic principles set forth in current U.S. Supreme Court decisions on pornography. "Obscenity," the court has held, "is not within the area of constitutionally protected speech and press."

Proposition 16 makes no attempt to limit speech or thought, but provides legal punishment for specific acts of criminal conduct.

Proposition 16 is patterned closely after the American Law Institute's Model Penal Code obscenity statute, which was authored by a number of America's leading jurists and educators, and which has repeatedly been cited with approval in prevailing opinions in recent U.S. Supreme Court obscenity decisions.

The United States Supreme Court has indicated that a State may adopt a stronger anti-obscenity statute than California's present law. Proposition 16 closes the gap between the Supreme Court's decisions and the inadequate California statute.

Proposition 16 leaves determination of what is obscene to California's legally established court system. No private censorship boards are created by this measure.

Proposition 16 has received the endorsement of 600,000 Californians who signed petitions to place the initiative on the 1966 ballot. Churches of many denominations, civic organizations, outstanding Assemblymen and Senators of both parties, and legally constituted bodies, including the Los Angeles County Board of Supervisors, have enthusiastically endorsed this non-partisan, constitutional anti-obscenity measure.

Your YES Vote on Proposition 16 will give law enforcement officers and the courts the authority necessary to control smut in California.

Vote YES on Proposition 16.

CHAPLAIN E. RICHARD BARNES
Capt. USN (Ret)
Assemblyman, 78th District

LOYD WRIGHT, SR.
Past President, American Bar Association

JAY KAUFMAN, PH. D.
Consulting Psychologist

Argument Against Proposition No. 16

The proposed initiative amendment to the California obscenity law is a drastic, badly written and unconstitutional attempt to impose a system of state censorship of art and literature upon the citizens of California. The proposal is so broad and sweeping that, if adopted, it might, according to the Board of Directors of the Northern California Council of Churches, prohibit the "works of Shakespeare and even the Holy Bible." If the measure is held unconstitutional, as opinions from the District Attorney of Los Angeles County and the City Attorney of San Diego predict, it could leave California without any obscenity law at all. In either event, the obscenity initiative would destroy the established California obscenity law, a law carefully drafted to ban pornography but also to protect valued works of art and literature. For these or other reasons, the obscenity initiative is opposed by church leaders, librarians and officers charged with the enforcement of the obscenity law.

The initiative measure would freeze its drastic provisions into the law. It could only be changed by vote of the people. It could even, states the City Attorney of San Diego, "destroy the right of the State legislature to enact laws to protect children from material which is harmful to them but is permissible for adult consumption."

The measure would also abolish the social importance test. The social importance test provides the protection for works of art and literature, scientific treatises and other valued matter. The California Supreme Court has unanimously said that such test is required by the First Amendment. Its deliberate removal could render the initiative obscenity measure unconstitutional. Thus the Los Angeles Times has said, in opposition to the measure, "Passage of the measure would repeal the existing obscenity statute. If it were subsequently found unconstitutional there would be nothing left on the statute books to control pornography."

There are other serious flaws in the measure which the District Attorney of Los Angeles County has carefully documented. Section 2. he states, creates "a basis for criminal responsibility (which) has never been countenanced under our system of law". Section 4(d) "might well judicially interpreted so as to bar a judge fro. imposing a jail sentence in addition to the fine assessed by the jury." Section 5 "appears to violate the separation of powers doctrine of the California Constitution, and also the constitutional guarantee to a jury trial." And Section 7 would be an unconstitutional prior restraint.

The obscenity initiative is opposed by the Board of Directors of the Northern California Council of Churches, the California Library Association, law enforcement officers, such as the City Attorney of San Diego, and many others who are concerned about regulating pornography within constitutional boundaries.

We strongly urge you to vote "No" on Proposition 16, the Obscenity Initiative Measure.

BISHOP DONALD HARVEY TIPPETT
President, Northern California Council of Churches

CHARLES WARREN
Member of the Assembly, 56th District, California Legislature

MARTHA BOAZ
Past Chairman, Committee on Intellectual Freedom, American Library Association

PART II—APPENDIX

CONSTITUTIONAL REVISION. Legislative Constitutional Amendment.

1-a Repeals, amends, and revises various provisions of Constitution relating to separation of powers, and to the legislative, executive, and judicial departments; provides for annual general legislative sessions; provides compensation of members of Legislature shall be prescribed by statute passed by two-thirds vote, and limits rate of annual future adjustments; Legislature must enact laws prohibiting members from engaging in conflicting activities. Signatures necessary on petition for initiative statute reduced from 8% to 5%; eliminates initiatives to Legislature. Legislature shall provide for succession to the office of Governor in event of disability or vacancy.

YES	
NO	

(This amendment proposed by Assembly Constitutional Amendment No. 13, 1966 First Extraordinary Session, expressly amends existing sections of the Constitution, amends and renumbers existing sections thereof, repeals existing sections and existing articles thereof, and adds new sections and new articles thereto; therefore **EXISTING PROVISIONS** proposed to be **DELETED** or **REPEALED** are printed in ~~STRIKEOUT TYPE~~; and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BLACK-FACED TYPE.**)

PROPOSED AMENDMENTS TO ARTICLES III, IV, V, VI, VII, VIII, XIII, XXII

First, that Article III of the Constitution of the State is repealed.

~~ARTICLE III~~

~~DISTRIBUTION OF POWERS~~

~~SECTION 1. The powers of the government of the State of California shall be divided into three separate departments—the legislative, executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted.~~

Second, That Article III is added, to read:

ARTICLE III
SEPARATION OF POWERS

The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution.

Second and One-half, That the heading of Article IV is amended to read:

LEGISLATIVE ~~DEPARTMENT~~

Third, That Section 1 of Article IV is repealed.

~~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 reject any act, or section or part of any act, ssed 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 130 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 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 measures 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 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 proved 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 ople are hereby further reserved to the electors each county, city and county, city and town of ~~ate 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 XI 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.~~

Fourth, That Section 1a of Article IV is amended and renumbered to be Section 20 of Article XIII, to read:

~~SEC. 1a~~ **Sec. 20.** Notwithstanding any limitations or restrictions in this Constitution contained, every ~~State~~ state office, department, institution, board, commission, bureau, or other agency of the State, whether created by initiative law or otherwise, shall be subject to the regulations and requirements with respect to the filing of claims with the State Controller and the submission, approval and enforcement of budgets prescribed by law.

Fifth, That Section 1b of Article IV is repealed.

~~SEC. 1b. Laws may be enacted by the Legislature to amend or repeal any act adopted or vote of the people under the initiative, to become effective only when submitted to and approved by the electors unless the initiative act affected permits the amendment or the repeal without such approval. The Legislature shall by law prescribe the method and manner of submitting such a proposal to the electors.~~

Sixth, That Section 1c of Article IV is repealed.

~~SEC. 1c. Every constitutional amendment or statute proposed by the initiative shall relate to but one subject. No such amendment or statute shall hereafter be submitted to the electors if it embraces more than one subject, nor shall any such amendment or statute embracing more than one subject, hereafter submitted to or approved by the electors, become effective for any purpose.~~

Seventh, That Section 1d of Article IV is repealed.

~~SEC. 1d. (a) No amendment to the Constitution and no law or amendment thereto whether proposed by the initiative or by the Legislature which names any individual or individuals by name or names to hold any office or offices shall hereafter be submitted to the electors, nor shall any such amendment to the Constitution, law, or amendment thereto hereafter submitted to or approved by the electors become effective for any purpose.~~

~~(b) No amendment to the Constitution, whether proposed by the initiative or by the Legislature, which names any private corporation, or more than one such corporation, by name or names, to perform any function or have any power or duty,~~

shall be submitted to the electors, nor shall any such amendment to the Constitution, submitted to or approved by the electors at the 1964 general election or any election thereafter become effective for any purpose.

Eighth, That Section 2 of Article IV is repealed.

Sec. 2. (a) The sessions of the Legislature shall be annual, but the Governor may, at any time, convene the Legislature, by proclamation, in extraordinary session.

All regular sessions in odd-numbered years shall be known as general sessions and no general session shall exceed 120 calendar days in duration, not including Saturdays or Sundays.

All regular sessions in even-numbered years shall be known as budget sessions, at which the Legislature shall consider only the Budget Bill for the succeeding fiscal year, revenue acts necessary therefor, the approval or rejection of charters and charter amendments of cities, counties, and cities and counties, and acts necessary to provide for the expenses of the session.

All general sessions shall commence at 12 o'clock m., on the first Monday after the first day of January.

At the general session, no bill, other than the Budget Bill, shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced; provided, that this provision may be dispensed with by the consent of three-fourths of the members of the house.

(b) Each Member of the Legislature shall receive for his services the sum of five hundred dollars ($500) for each month of the term for which he is elected.

No Member of the Legislature shall be reimbursed for his expenses, except for expenses incurred (1) while attending a regular, special or extraordinary session of the Legislature (the expense allowances for which may equal but not exceed the expense allowances at the time authorized for other elected state officers), not exceeding the duration of any general session or of any budget session or the duration of a special or extraordinary session or (2) while serving after the Legislature has adjourned or during any recess of the two houses of the Legislature as a member of a joint committee of the two houses or of a committee of either house, when the committee is constituted and acting as an investigating committee to ascertain facts and make recommendations, not exceeding, during any calendar year, 40 days as a member of one or more committees of either house, or 60 days as a member of one or more joint committees, but not exceeding 60 days in the aggregate for all such committee work. The limitations in this subsection (b) are not applicable to mileage allowances.

(c) Notwithstanding any provisions in subdivision (a) of this section of this article to the contrary, all budget sessions shall commence at 12 m. on the first Monday in February and no budget session shall exceed 30 calendar days in duration exclusive of the recess authorized to be taken by this subdivision. After the introduction of the Budget Bill at a budget session a recess of both houses may be taken for a period not to exceed 30 calendar days. Members of the committees to which the Budget Bill is assigned for consideration during such recess shall be reimbursed for their expenses incurred for days while serving as members of such committees during the recess, in addition to the days allowed by subdivision (b) of this section.

Ninth, That Section 3 of Article IV is repealed.

Sec. 3. Members of the Assembly shall be elected biennially, and their term of office shall be two years. Each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

Tenth, That Section 4 of Article IV is repealed.

Sec. 4. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

Eleventh, That Section 5 of Article IV is repealed.

Sec. 5. The Senate shall consist of 40 members, and the Assembly of 80 members, to be elected by districts, numbered as hereinafter provided. One-half of the Senators shall be elected every two years, those from the odd-numbered districts being elected when the number of the year is divisible by four.

Twelfth, That Section 7 of Article IV is repealed.

Sec. 7. Each House shall choose its officers, and judge of the qualifications, elections, and returns of its members.

Thirteenth, That Section 8 of Article IV is repealed.

Sec. 8. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as each House may provide.

Fourteenth, That Section 9 of Article IV is repealed.

Sec. 9. Each House shall determine the rule of its proceedings, and may, with the concurrence of two-thirds of all members elected, expel a member.

Fifteenth, That Section 10 of Article IV is repealed.

Sec. 10. Each House shall keep a Journal of its proceedings, and publish the same, and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the Journal.

Sixteenth, That Section 11 of Article IV is repealed.

Sec. 11. Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

Seventeenth, That Section 12 of Article IV is repealed.

Sec. 12. When vacancies occur in either House the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

Eighteenth, That Section 13 of Article IV is repealed.

~~Sec. 13. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.~~

Nineteenth, That Section 14 of Article IV is repealed.

~~Sec. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting.~~

Twentieth, That Section 15 of Article IV is repealed.

~~Sec. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each House, unless, in case of urgency, two-thirds of the House where such bill may be pending, shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either House, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the Journal; and no bill shall become a law without the concurrence of a majority of the members elected to each House.~~

Twenty-first, That Section 16 of Article IV is repealed.

~~Sec. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If after such reconsideration, it again pass both houses, by yeas and nays, two-thirds of the members elected to each House voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within thirty days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the House in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disproved by the Governor.~~

Twenty-second, That Section 17 of Article IV is repealed.

~~Sec. 17. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members elected.~~

Twenty-third, That Section 18 of Article IV is repealed.

~~Sec. 18. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Chief Justice and Associate Justices of the Supreme Court, judges of the district court of appeal, and judges of the superior courts, shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.~~

Twenty-fourth, That Section 19 of Article IV is repealed.

~~Sec. 19. No Senator or member of Assembly shall, during the term for which he shall have been elected, hold or accept any office, trust, or employment under this State; *provided*, that this provision shall not apply to any office filled by election by the people.~~

Twenty-fifth, That Section 20 of Article IV is repealed.

~~Sec. 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; provided, that local officers or postmasters whose compensation does not exceed five hundred dollars ($500) per annum, or officers in the militia or members of any reserve component of the armed forces of the United States except where on active federal duty for more than 30 days in any year, shall not be deemed to hold lucrative offices; provided further, that the holding of any civil office of profit under this State shall not be affected or suspended by such military service as above described.~~

Twenty-sixth, That Section 21 of Article IV is repealed.

~~Sec. 21. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any State, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.~~

Twenty-seventh, That Section 22 of Article IV is amended and renumbered to be Section 21 of Article XIII, to read:

~~Sec. 22.~~ **Sec. 21.** No money shall be drawn from the Treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller. ~~; and no~~ **No** money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state in-

stitution, nor shall any grant or donation of property ever be made thereto by the State, except that notwithstanding anything contained in this or any other section of the Constitution:

(1) Whenever federal funds are made available for the construction of hospital facilities by public agencies and nonprofit corporations organized to construct and maintain such facilities, nothing in this Constitution shall prevent the Legislature from making state money available for that purpose, or from authorizing the use of such money for the construction of hospital facilities by nonprofit corporations organized to construct and maintain such facilities.

(2) The Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or ~~in~~ is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions.

(3) The Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, and no person concerned with the administration of aid to needy blind persons shall dictate how any applicant or recipient shall expend such aid granted him, and all money paid to a recipient of such aid shall be intended to help him meet his individual needs and is not for the benefit of any other person, and such aid when granted shall not be construed as income to any person other than the blind recipient of such aid, and the State Department of Social Welfare shall take all necessary action to enforce the provisions relating to aid to needy blind persons as heretofore stated.

(4) The Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State.

(5) The State shall have at any time the right to inquire into the management of such institutions.

(6) Whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control.

An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Twenty-eighth, That Section 22a of Article IV is repealed.

~~SEC. 22a. The Legislature shall have power to provide for the payment of retirement salaries to employees of the State who shall qualify therefor by service in the work of the State as provided by law. The Legislature shall have power to fix and from time to time change the requirements and conditions for retirement which shall include a minimum period of service, a minimum attained age and minimum contribution of funds by such employees and such other conditions as the Legislature may prescribe, subject to the power of the Legislature to prescribe lesser requirements for retirement because of disability.~~

~~The rates of contribution and the periods and conditions of service and amount of retirement salaries fixed in pursuance of this section shall not be changed except by the vote of two-thirds of the members elected to each of the two Houses of the Legislature.~~

Twenty-ninth, That Section 23 of Article IV is repealed.

~~SEC. 23. The Members of the Legislature shall receive mileage to be fixed by law and paid out of the State Treasury, such mileage not to exceed five cents ($0.05) per mile.~~

Thirtieth, That Section 23a of Article IV is repealed.

~~SEC. 23a. The Legislature shall provide for the selection of all officers, employees and attaches of both houses.~~

Thirtieth and one-half, That Section 23b of Article IV is repealed.

~~SEC. 23b. Members of the Legislature shall receive no compensation for their services other than that fixed by the Constitution but each member shall be allowed and reimbursed expenses necessarily incurred by him while attending regular, special and extraordinary sessions of the Legislature. The amount of the expense necessarily incurred by the respective members, while attending any such sessions, shall be determined and payment thereof provided for by joint rules of the Senate and Assembly. Such expense allowances may equal but shall not exceed the expense allowances now authorized for other elected State officers.~~

Thirty-first, That Section 24 of Article IV is repealed.

~~SEC. 24. Every Act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be enacted and published at length as revised amended; and all laws of the State of California,~~

and all official writings, and the executive, legislative, and judicial proceedings shall be conducted, preserved, and published in no other than the English language.

Thirty-second, That Section 25 of Article IV is repealed.

Sec. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

First—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of Courts of justice.

Fourth—Providing for changing the venue in civil or criminal actions.

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

Seventh—Authorizing the laying out, opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plats, parks, cemeteries, graveyards, or public grounds not owned by the State.

Eighth—Summoning and impaneling grand and petit juries, and providing for their compensation.

Ninth—Regulating county and township business, or the election of county and township officers.

Tenth—For the assessment or collection of taxes.

Eleventh—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

Twelfth—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

Thirteenth—Extending the time for the collection of taxes.

Fourteenth—Giving effect to invalid deeds, wills, or other instruments.

Fifteenth—Refunding money paid into the State treasury.

Sixteenth—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

Seventeenth—Declaring any person of age, or authorizing any minor to sell, lease, or encumber his or her property.

Eighteenth—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

Nineteenth—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

Twentieth—Exempting property from taxation.

Twenty-first—Changing county seats.

Twenty-second—Restoring to citizenship persons convicted of infamous crimes.

Twenty-third—Regulating the rate of interest on money.

Twenty-fourth—Authorizing the creation, extension, or impairing of liens.

Twenty-fifth—Chartering or licensing ferries, bridges, or roads.

Twenty-sixth—Remitting fines, penalties, or forfeitures.

Twenty-seventh—Providing for the management of common schools.

Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, ities and counties, townships, election or school districts.

Twenty-ninth—Affecting the fees or salary of any officer.

Thirtieth—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimation of children.

Thirty-second—For limitation of civil or criminal actions.

Thirty-third—In all other cases where a general law can be made applicable.

Thirty-third, That Section 25a of Article IV is repealed.

Sec. 25a. The Legislature may provide for the regulation of horseraces and horserace meetings and wagering on the results thereof.

Thirty-fourth, That Section 25½ of Article IV is repealed.

Sec. 25½. The Legislature may provide for the division of the State into fish and game districts and may enact such laws for the protection of fish and game in such districts or parts thereof as it may deem appropriate.

There shall be a Fish and Game Commission of five members appointed by the Governor, subject to confirmation by the Senate, with a term of office of six years and until their respective successors are appointed and qualified, except that the terms of the members first appointed shall expire as follows: One member, January 15, 1913; one member, January 15, 1914; one member, January 15, 1915; one member, January 15, 1916; and one member, January 15, 1917. Each subsequent appointment shall be for six years, or, in case of a vacancy, then for the unexpired portion of such term. The Legislature may delegate to the commission such powers relating to the protection, propagation and preservation of fish and game as the Legislature sees fit. Any member of the commission may be removed by concurrent resolution of the Legislature passed by the vote of a majority of the members elected to each of the two houses thereof.

Thirty-fifth, That Section 25¾ of Article IV is amended and renumbered to be Section 22 of Article XIII, to read:

Sec. 25¾. **Sec. 22.** All money collected under the provision of any law of this State relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans and all fines and forfeitures imposed by any court for the violation of any such law shall be used and expended exclusively for the protection, conservation, propagation, and preservation of fish, game, mollusks, or crustaceans and for the administration and enforcement of laws relating thereto. The Legislature may provide for the division of money derived from such fines and forfeitures.

Thirty-sixth, That Section 25.7 of Article IV is repealed.

Sec. 25.7. The Legislature may amend, revise, or supplement any part of that certain initiative act approved by the electors November 4, 1924, which is set forth in the Statutes of 1925, preceding page 1.

The Legislature shall, however, have no power to prohibit wrestling and 12-round boxing contests in the State of California.

Thirty-seventh, That Section 26 of Article IV is repealed.

~~Sec. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to prohibit the fictitious buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange or stock market under the control of any corporation or association. All contracts for the purchase or sale of shares of the capital stock of any corporation or association without any intention on the part of one party to deliver and of the other party to receive the shares, and contemplating merely the payment of differences between the contract and market prices on divers days, shall be void, and neither party to any such contract shall be entitled to recover any damages for failure to perform the same, or any money paid thereon, in any court of this State.~~

Thirty-eighth, That Section 28 of Article IV is repealed.

~~Sec. 28. In all elections by the Legislature the members thereof shall vote viva voce, and the votes shall be entered on the Journal.~~

Thirty-ninth, That Section 29 of Article IV is amended and renumbered to be Section 23 of Article XIII, to read:

~~Sec. 29.~~ **Sec. 23.** The Legislature may provide that any money belonging to the State in the control of any State agency or department or collected under the authority of this State from any source whatever other than money in the control of or collected by ~~The~~ **the** Regents of ~~the~~ **The** University of California shall be held in trust by the State Treasurer prior to its deposit in the State ~~treasury~~ **Treasury** by the State agency or department as may be required by law. Any money held in trust may be disbursed by the State Treasurer upon the order of the State agency or department in the manner permitted by law and money held in trust may be deposited in banks to the same extent that money in the State ~~treasury~~ **Treasury** may be deposited in banks.

Fortieth, That Section 30 of Article IV is amended and renumbered to be Section 24 of Article XIII, to read:

~~Sec. 30.~~ **Sec. 24.** Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the ~~State~~ **state**, or any city, city and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section ~~22~~ **21** of this article.

Forty-first, That Section 31 of Article IV is amended and renumbered to be Section 25 of Article XIII, to read:

~~Sec. 31.~~ **Sec. 25.** 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~~ **21** 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, wat 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 the time of war, in the acquisition of, or payments for, (1) 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, or (2) any business, land or any interest therein, buildings, supplies, equipment, machinery, or tools, to be used by the veteran in pursuing a gainful occupation.

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 politica

subdivision shall not exceed ~~eighty-five percent~~ 85 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.

Forty-second, That Section 31a of Article IV is amended and renumbered to be Section 26 of Article XIII, to read:

~~SEC. 31a.~~ **SEC. 26.** No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide by general law, from public moneys or funds, for the indemnification of the owners of live stock taken, slaughtered or otherwise disposed of pursuant to law to prevent the spread of a contagious or infectious disease; *provided*, the amount paid in any case for such animal or animals shall not exceed the value of such animal or animals.

Forty-third, That Section 31b of Article IV is amended and renumbered to be Section 27 of Article XIII, to read:

~~SEC. 31b.~~ **SEC. 27.** 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~~ 30 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 property subject thereto has been sold in the manner provided by law for the payment of said tax.

Forty-fourth, That Section 31c of Article IV is amended and renumbered to be Section 28 of Article XIII, to read:

~~SEC. 31c.~~ **SEC. 28.** No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide by general law for the refunding, repayment or adjustment, from public funds raised or appropriated by the United States, the State or any city, city and county, or county for street and highway improvement purposes, of assessments or bonds, or any portion thereof, which have become a lien upon real property, and which were levied or issued to pay the cost of street or highway improvements or of opening and widening proceedings which may be or may have become of more than local benefit. Any such acts of the Legislature heretofore adopted are hereby confirmed and declared valid and shall have the same force and effect as if adopted after the effective date of this amendment.

Forty-fifth, That Section 32 of Article IV is repealed.

~~SEC. 32. The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole part, nor to pay, or to authorize the payment or, any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.~~

Forty-sixth, That Section 33 of Article IV is repealed.

~~SEC. 33. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage, in which there is a public use, and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.~~

Forty-seventh, That Section 34 of Article IV is repealed.

~~SEC. 34. The Governor shall, at each regular session of the Legislature, submit to the Legislature, with an explanatory message, a budget containing a complete plan and itemized statement of all proposed expenditures of the State provided by existing law or recommended by him, and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for the ensuing fiscal year, together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the last completed fiscal year and the actual and estimated expenditures for the existing fiscal year. If the proposed expenditures for the ensuing fiscal year shall exceed the estimated revenues therefor, the Governor shall recommend the sources from which the additional revenue shall be provided.~~

~~The Governor shall submit the budget within the first 30 days of each general session, and prior to its recess, and within the first three days of each budget session.~~

~~The Governor, and also the Governor-elect, shall have the power to require any institution, department, board, bureau, commission, officer, employee or other agency to furnish him with any information which he may deem necessary in connection with the budget or to assist him in its preparation.~~

~~The budget shall be accompanied by an appropriation bill covering the proposed expenditures, to be known as the Budget Bill. The Budget Bill shall be introduced immediately into each house of the Legislature by the respective chairmen of the committees having to do with appropriations, and shall be subject to all the provisions of Section 15 of this article. The Governor may at any time amend or supplement the budget and propose amendments to the Budget Bill before or after its enactment, and each such amendment shall be referred in each house to the committee to which the Budget Bill was originally referred. Until the Budget Bill has been finally enacted, neither house shall place upon final passage any other appropriation bill, except emergency bills recommended by the Governor, or appropriations for the salaries, mileage and expenses of the Senate and Assembly.~~

~~No bill making an appropriation of money, except the Budget Bill, shall contain more than one~~

item of appropriation, and that for one single and certain purpose to be therein expressed.

In any appropriation bill passed by the Legislature, the Governor may reduce or eliminate any one or more items of appropriation of money while approving other portions of the bill, whereupon the effect of such action and the further procedure shall be as provided in Section 16 of this article.

In case of conflict between this section and any other portion of this Constitution, the provisions of this section shall govern, except that any item of appropriation in the Budget Act, other than for the usual current expenses of the State, shall be subject to the referendum.

The Legislature shall enact all laws necessary or desirable to carry out the purposes of this section, and may enact additional provisions not inconsistent herewith.

Forty-eighth, That Section 34a of Article IV is repealed.

Sec. 34a. Appropriations from the General Fund of the State for any fiscal year, exclusive of appropriations for the support of the public school system, shall be void unless two-thirds of all the members elected to each house of the Legislature vote in favor thereof.

Not more than 25 per centum of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

Forty-ninth, That Section 35 of Article IV is repealed.

Sec. 35. Any person who seeks to influence the vote of a Member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of a felony, and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any Member of the Legislature, who shall be influenced in his vote or action upon any matter pending before the Legislature by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a Member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Fiftieth, That Section 36 of Article IV is repealed.

Sec. 36. The Legislature shall have power to establish a system of State highways or to declare any road a State highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway.

Fifty-first, That Section 37 of Article IV is repealed.

Sec. 37. In order to expedite the work of the Legislature, either house of the Legislature may by resolution provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control, and joint committees for such purposes, consisting of members of both houses, may be created by concurrent resolutions.

The resolution creating any such committee may authorize it to act either during sessions of the Legislature or after final adjournment. Any such committee shall have such powers and perform such duties as may be provided by the resolution creating it and in addition shall have such powers and perform such duties as may be provided by law or by the rules of the Legislature or either house thereof.

Members of such committees shall not receive any additional compensation for their services other than their salaries as members of the Legislature, but each house of the Legislature may provide for the payment of the expenses necessarily incurred by any such committee or the members thereof either from its contingent fund or from any money provided by law for that purpose.

Fifty-second, That Section 38 of Article IV is repealed.

Sec. 38. Nothing in this Constitution shall limit the power of the Legislature to provide by law at any time for:

(a) The filling of the offices of members of either house of the Legislature and Governor should incumbent Governor or at least one-fifth of incumbent members of either house of the Legislature as a result of a war or enemy-caused disaster occurring in the State of California be either killed, missing or so seriously injured as to be unable to perform their duties until said incumbent or incumbents are able to perform their duties or until successors are chosen.

(b) The convening of the Legislature into general or extraordinary session during or after a war or enemy-caused disaster occurring in this State, and to specify subjects that may be considered and acted upon at any such extraordinary session. At any such general session the Legislature may consider and act upon any subject within the scope of legislative regulation and control. Nothing in this Constitution limiting the length of general or budget sessions, or requiring a recess thereof, or restricting the introduction of bills shall apply to general sessions convened pursuant to this section.

(c) The calling and holding of elections to fill offices that are elective under this Constitution and which, as a result of a war or enemy-caused disaster occurring in this State, are either vacant or are being filled by persons not elected thereto.

(d) The selection and changing from time to time of a temporary seat of government of this State, and of temporary county seats, to be used, if made necessary by enemy attack.

Fifty-third, That Section 1 is added to Article IV, to read:

Sec. 1. The legislative power of this S' 's vested in the California Legislature which c· s of the Senate and Assembly, but the people re-

serve to themselves the powers of initiative and r ndum.

cy-fourth, That Section 2 is added to Article IV, to read:

Sec. 2. (a) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to begin every 2 years. The Assembly has a membership of 80 Assemblymen elected for 2-year terms.

(b) Election of Assemblymen shall be on the first Tuesday after the first Monday in November of even-numbered years unless otherwise prescribed by the Legislature. Senators shall be elected at the same time and places as Assemblymen.

(c) A person is ineligible to be a member of the Legislature unless he is an elector and has been a resident of his district for one year, and a citizen of the United States and a resident of California for 3 years, immediately preceding his election.

(d) When a vacancy occurs in the Legislature the Governor immediately shall call an election to fill the vacancy.

Fifty-fifth, That Section 3 is added to Article IV, to read:

Sec. 3. (a) The Legislature shall meet annually in regular session at noon on the Monday after January 1. A measure introduced at any session may not be deemed pending before the Legislature at any other session.

(b) On extraordinary occasions the Governor by proclamation may convene the Legislature in special session. When so convened it has power to l ate only on subjects specified in the procla- a but may provide for expenses and other matters incidental to the session.

Fifty-sixth, That Section 4 is added to Article IV, to read:

Sec. 4. Compensation of members of the Legislature, and reimbursement for travel and living expenses in connection with their official duties, shall be prescribed by statute passed by rollcall vote entered in the journal, two thirds of the membership of each house concurring. Commencing with 1967, in any statute enacted making an adjustment of the annual compensation of a member of the Legislature, the adjustment may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. Any adjustment in the compensation may not apply until the commencement of the regular session commencing after the next general election following enactment of the statute.

The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of 500 dollars paid to any member of the Legislature unless the member receives the greater amount while serving as a member in the Legislature. The Legislature may, prior to their retirement, limit the retirement benefits payable to members of the Legislature who serve during or after the term commencing in 1967.

When computing the retirement allowance of a member who serves in the Legislature during the t ommencing in 1967 or later, allowance may b de for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the member, except that the Legislature may provide that no member shall be deprived of a cost of living adjustment based on a monthly salary of 500 dollars which has accrued prior to the commencement of the 1967 Regular Session of the Legislature.

Fifty-seventh, That Section 5 is added to Article IV, to read:

Sec. 5. Each house shall judge the qualifications and elections of its members and, by rollcall vote entered in the journal, two thirds of the membership concurring, may expel a member.

The Legislature shall enact laws to prohibit members of the Legislature from engaging in activities or having interests which conflict with the proper discharge of their duties and responsibilities; provided that the people reserve to themselves the power to implement this requirement pursuant to Section 22 of this article.

Fifty-eighth, That Section 7 is added to Article IV, to read:

Sec. 7. (a) Each house shall choose its officers and adopt rules for its proceedings. A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members.

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

(c) The proceedings of each house shall be public except on occasions that in the opinion of the house require secrecy.

(d) Neither house without the consent of the other may recess for more than 3 days or to any other place.

Fifty-ninth, That Section 8 is added to Article IV, to read:

Sec. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

(b) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring. No bill may be passed until the bill with amendments has been printed and distributed to the members. No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

(c) No statute may go into effect until the 91st day after adjournment of the session at which the bill was passed, except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the

bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

Sixtieth, That Section 9 is added to Article IV, to read:

Sec. 9. A statute shall embrace but one subject, which shall be expressed in its title. If a statute embraces a subject not expressed in its title, only the part not expressed is void. A statute may not be amended by reference to its title. A section of a statute may not be amended unless the section is re-enacted as amended.

Sixty-first, That Section 10 is added to Article IV, to read:

Sec. 10. (a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if he signs it. He may veto it by returning it with his objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two thirds of the membership concurring, it becomes a statute. A bill presented to the Governor that is not returned within 12 days, becomes a statute unless the Legislature by adjournment of the session prevents the return. It does not then become a statute unless the Governor signs the bill and deposits it in the office of the Secretary of State within 35 days after adjournment.

(b) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. He shall append to the bill a statement of the items reduced or eliminated with the reasons for his action. If the Legislature is in session, the Governor shall transmit to the house originating the bill a copy of his statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills.

Sixty-second, That Section 11 is added to Article IV, to read:

Sec. 11. The Legislature or either house may by resolution provide for the selection of committees necessary for the conduct of its business, including committees to ascertain facts and make recommendations to the Legislature on a subject within the scope of legislative control. Committees may be authorized to act during sessions or after adjournment of a session.

Sixty-third, That Section 12 is added to Article IV, to read:

Sec. 12. (a) Within the first 30 days of each regular session, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements of recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, he shall recommend the sources from which the additional revenues should be provided.

(b) The Governor and the Governor-elect may require a state agency, officer or employee to furnish him whatever information he deems necessary to prepare the budget.

(c) The budget shall be accompanied by a budget bill itemizing recommended expendi[illegible]. The bill shall be introduced immediately in [illegible] house by the chairmen of the committees that consider appropriations. Until the budget bill has been enacted, neither house may pass any other appropriation bill, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

(d) No bill except the budget bill may contain more than one item of appropriation, and that for one certain, expressed purpose. Appropriations from the general fund of the State, except appropriations for the public schools, are void unless passed in each house by rollcall vote entered in the journal, two thirds of the membership concurring.

Sixty-fourth, That Section 13 is added to Article IV, to read:

Sec. 13. A member of the Legislature may not, during the term for which he is elected, hold any office or employment under the State other than an elective office.

Sixty-fifth, That Section 14 is added to Article IV, to read:

Sec. 14. A member of the Legislature is not subject to civil process during a session of the Legislature or for 5 days before and after a session.

Sixty-sixth, That Section 15 is added to Article IV, to read:

Sec. 15. A person who seeks to influence the vote or action of a member of the Legislature in his legislative capacity by bribery, promise of reward, intimidation, or other dishonest mea[illegible] a member of the Legislature so influenced, is guilty of a felony.

Sixty-seventh, That Section 16 is added to Article IV, to read:

Sec. 16. A local or special statute is invalid in any case if a general statute can be made applicable.

Sixty-eighth, That Section 17 is added to Article IV, to read:

Sec. 17. The Legislature has no power to grant, or to authorize a city, county, or other public body to grant, extra compensation or extra allowance to a public officer, public employee, or contractor after service has been rendered or a contract has been entered into and performed in whole or in part, or to authorize the payment of a claim against the State or a city, county, or other public body under an agreement made without authority of law.

Sixty-ninth, That Section 18 is added to Article IV, to read:

Sec. 18. (a) The Assembly has the sole power of impeachment. Impeachments shall be tried by the Senate. A person may not be convicted unless, by rollcall vote entered in the journal, two thirds of the membership of the Senate concurs.

(b) State officers elected on a statewide basis, members of the State Board of Equalization, and judges of state courts are subject to impeachment for misconduct in office. Judgment may extend only to removal from office and disqualification to hold any office under the State, but the person convicted or acquitted remains subject to criminal punishment according to law.

Seventieth, That Section 19 is added to Article [illegible] read:

Sec. 19. (a) The Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the State.

(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

Seventy-first, That Section 20 is added to Article IV, to read:

Sec. 20. (a) The Legislature may provide for division of the State into fish and game districts and may protect fish and game in districts or parts of districts.

(b) There is a Fish and Game Commission of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 6-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. The Legislature may delegate to the commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. A member of the commission may be removed by concurrent resolution adopted by each house, a majority of the membership concurring.

Seventy-second, That Section 21 is added to Article IV, to read:

Sec. 21. To meet the needs resulting from war-caused or enemy-caused disaster in California, the Legislature may provide for:

(a) Filling the offices of members of the Legislature should at least one fifth of the membership of either house be killed, missing, or disabled, until they are able to perform their duties or successors are elected.

(b) Filling the office of Governor should he be killed, missing, or disabled, until he or his successor designated in this Constitution is able to perform his duties or a successor is elected.

(c) Convening the Legislature.

(d) Holding elections to fill offices that are elective under this Constitution and that are either vacant or occupied by persons not elected thereto.

(e) Selecting a temporary seat of state or county government.

Seventy-third, That Section 22 is added to Article IV, to read:

INITIATIVE AND REFERENDUM

Sec. 22. (a) The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them.

(b) An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election.

(c) The Secretary of State shall then submit the measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

(d) An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

Seventy-fourth, That Section 23 is added to Article IV, to read:

Sec. 23. (a) The referendum is the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State.

(b) A referendum measure may be proposed by presenting to the Secretary of State, within 90 days after adjournment of the session at which the statute was passed, a petition certified to have been signed by electors equal in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election, asking that the statute or part of it be submitted to the electors.

(c) The Secretary of State shall then submit the measure at the next general election held at least 31 days after it qualifies or at a special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

Seventy-fifth, That Section 24 is added to Article IV, to read:

Sec. 24. (a) An initiative or referendum measure approved by a majority of the votes thereon takes effect 5 days after the date of the official declaration of the vote by the Secretary of State unless the measure provides otherwise. If a referendum petition is filed against a part of a statute the remainder of the statute shall not be delayed from going into effect.

(b) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

(c) The Legislature may amend or repeal referendum statutes. It may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval.

(d) Prior to circulation of an initiative or referendum petition for signatures, a copy shall be submitted to the Attorney General who shall prepare a title and summary of the measure as provided by law.

(e) The Legislature shall provide the manner in which petitions shall be circulated, presented, and certified, and measures submitted to the electors.

Seventy-sixth, That Section 25 is added to Article IV, to read:

Sec. 25. Initiative and referendum powers may be exercised by the electors of each city or county under procedures that the Legislature shall provide. This section does not affect a city having a charter.

Seventy-seventh, That Section 26 is added to Article IV, to read:

Sec. 26. No amendment to the Constitution, and no statute proposed to the electors by the Legislature or by initiative, that names any individual to hold any office, or names or identifies any private corporation to perform any function

or to have any power or duty, may be submitted to the electors or have any effect.

Seventy-eighth, That Section 28 is added to Article IV, to read:

MISCELLANEOUS

Sec. 28. A person holding a lucrative office under the United States or other power may not hold a civil office of profit. A local officer or postmaster whose compensation does not exceed 500 dollars per year or an officer in the militia or a member of a reserve component of the armed forces of the United States except where on active federal duty for more than 30 days in any year is not a holder of a lucrative office, nor is his holding of a civil office of profit affected by this military service.

Seventy-ninth, That Article V is repealed.

~~ARTICLE V~~

~~EXECUTIVE DEPARTMENT~~

~~SECTION 1. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the Governor of the State of California.~~

~~SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified.~~

~~SEC. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his election, and attained the age of twenty-five years at the time of such election.~~

~~SEC. 4. The Legislature may regulate by law the manner of making returns of elections for Governor and Lieutenant Governor.~~

~~SEC. 5. The Governor shall be Commander-in-Chief of the militia, the army and navy of this State.~~

~~SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.~~

~~SEC. 7. He shall see that the laws are faithfully executed.~~

~~SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.~~

~~SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto.~~

~~SEC. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.~~

~~SEC. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.~~

~~SEC. 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor except as hereinafter expressly provided.~~

~~SEC. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."~~

~~SEC. 14. All grants and commissions shall be in the name and by the authority of The People of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.~~

~~SEC. 15. A Lieutenant Governor shall be elected at the same time and place and in the same manner as the Governor, and his term of office and his qualifications shall be the same. He shall be president of the Senate, but shall only have a casting vote therein.~~

~~SEC. 16. In case of vacancy in the Office of Governor the Lieutenant Governor shall become Governor and the last duly elected President pro Tempore of the Senate shall become Lieutenant Governor, for the residue of the term; but, if there be no such President pro Tempore of the Senate, the last duly elected Speaker of the Assembly shall become Lieutenant Governor for the residue of the term. In case of vacancy in the Office of Governor and in the Office of Lieutenant Governor, the last duly elected President pro Tempore of the Senate shall become Governor and the last duly elected Speaker of the Assembly shall become Lieutenant Governor, for the residue of the term; or if there be no President pro Tempore of the Senate, then the last duly elected Speaker of the Assembly shall become Governor for the residue of the term; or if there be none, then the Secretary of State; or if there be none, then the Attorney General; or if there be none, then the Treasurer; or if there be none, then the Controller; or if, as the result of a war or enemy-caused disaster, there be none, then such person designated as provided by law. If at the time this amendment takes effect a vacancy has occurred in the Office of Governor or in the Offices of Governor and Lieutenant Governor, within the term or terms thereof, the provisions of this section as amended by this amendment shall apply. In case of impeachment of the Governor or officer acting as Governor, his absence from the State, or his other temporary disability to discharge the powers and duties of office, then the powers and duties of the Office of Governor devolve upon the same officer as in the case of vacancy in the Office of Governor, but only until the disability shall cease.~~

~~In case of the death, disability or other failure to take office of the Governor-elect, whether occurring prior or subsequent to the returns of election, the Lieutenant Governor-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect and shall, in case of death, be Governor for the full term in the case of disability or other failure to take office,~~

~~ab~~" ~~act as Governor until the disability of the~~ G ~~ernor-elect shall cease.~~

~~... case of the death, disability or other failure to take office of both the Governor-elect and the Lieutenant Governor-elect, the last duly elected President pro Tempore of the Senate, or in case of his death, disability, or other failure to take office, the last duly elected Speaker of the Assembly, or in case of his death, disability, or other failure to take office, the Secretary of State-elect, or in case of his death, disability, or other failure to take office, the Attorney General-elect, or in case of his death, disability, or other failure to take office, the Treasurer-elect, or in case of his death, disability, or other failure to take office, the Controller-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect. Such person shall, in the case of death, be Governor for the full term or in the case of disability or other failure to take office shall act as Governor until the disability of the Governor-elect shall cease.~~

~~In any case in which a vacancy shall occur in the Office of Governor, and provision is not made in or pursuant to this Constitution for filling such vacancy, the senior deputy Secretary of State shall convene the Legislature by proclamation to meet within eight days after the occurrence of the vacancy in joint convention of both houses at an extraordinary session for the purpose of choosing a person to act as Governor until the office may be filled at the next general election appointed for election to the Office of Governor.~~

~~... such a session the Legislature may provide f... necessary expenses of the session and other ma...ers incidental thereto.~~

~~SEC. 17. A Secretary of State, a Controller, a Treasurer, and an Attorney General shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant Governor, and their terms of office shall be the same as that of the Governor.~~

~~SEC. 18. The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.~~

~~SEC. 20. United States Senators shall be elected by the people of the State in the manner provided by law.~~

~~SEC. 21. Subject to the powers and duties of the Governor vested in him by Article V of the Constitution, the Attorney General shall be the chief law officer of the State and it shall be his duty to see that the laws of the State of California are uniformly and adequately enforced in every county of the State. He shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make to him such written reports concerning the investigation, detection, prosecution or ...nishment of crime in their respective jurisdi... as to him may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases he shall have all the powers of a district attorney. When required by the public interest, or directed by the Governor, he shall assist any district attorney in the discharge of his duties. In addition to appropriations made by law for the use of the Attorney General, the Governor and the Controller may in writing authorize the setting aside and the payment in accordance with law, from moneys in the State treasury not otherwise appropriated, of such sums as they consider proper for the necessary expenses of the Attorney General in performing the duties imposed by this paragraph.~~

~~He shall also have such powers and perform such duties as are or may be prescribed by law and which are not inconsistent herewith.~~

~~The Attorney General shall receive the same salary as that now or hereafter prescribed by law for an associate justice of the Supreme Court, and he shall not engage in the private practice of law, nor shall he be associated directly or indirectly with any attorney in private practice, and he shall devote his entire time to the service of the State.~~

~~All provisions of this section shall be self-executing, but legislation may be enacted to facilitate their operation.~~

~~SEC. 22. The compensation for the services of the Governor, the Lieutenant Governor, the State Controller, Secretary of State, Superintendent of Public Instruction and State Treasurer may be fixed at any time by the Legislature at an amount not less than ten thousand dollars ($10,000) per annum, for the Governor, and not less than five thousand dollars ($5,000) per annum for each of the other state officers named herein. The compensation of no state officer named herein shall be increased or diminished during his term of office. Such compensation shall be in full for all services respectively rendered by them in any official capacity or employment whatsoever during their respective terms of office, and none of the officers named in this section, or the Attorney General, shall receive for his own use any fees or perquisites for the performance of any official duty.~~

Eightieth, That Article V is added, to read:

ARTICLE V

Executive

Sec. 1. The supreme executive power of this State is vested in the Governor. He shall see that the law is faithfully executed.

Sec. 2. The Governor shall be elected every fourth year at the same time and places as Assemblymen and hold office from the Monday after January 1 following his election until his successor qualifies. He shall be an elector who has been a citizen of the United States and a resident of this State for 5 years immediately preceding his election. He may not hold other public office.

Sec. 3. The Governor shall report to the Legislature at each session on the condition of the State and may make recommendations. He may adjourn the Legislature if the Senate and Assembly disagree as to adjournment.

Sec. 4. The Governor may require executive officers and agencies and their employees to furnish information relating to their duties.

Sec. 5. Unless the law otherwise provides, the Governor may fill a vacancy in office by appointment until a successor qualifies.

Sec. 6. Authority may be provided by statute for the Governor to assign and reorganize functions among executive officers and agencies and their employees, other than elective officers and agencies administered by elective officers.

Sec. 7. The Governor is commander in chief of a militia that shall be provided by statute. He may call it forth to execute the law.

Sec. 8. Subject to application procedures provided by statute, the Governor, on conditions he deems proper, may grant a reprieve, pardon, and commutation, after sentence, except in case of impeachment. At each session he shall report to the Legislature each reprieve, pardon, and commutation granted, stating the pertinent facts and his reasons for granting it. He may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

Sec. 9. The Lieutenant Governor shall have the same qualifications as the Governor. He is President of the Senate but has only a casting vote.

Sec. 10. The Lieutenant Governor shall become Governor when a vacancy occurs in the office of Governor.

He shall act as Governor during the impeachment, absence from the State, or other temporary disability of the Governor or of a Governor-elect who fails to take office.

The Legislature shall provide an order of precedence after the Lieutenant Governor for succession to the office of Governor and for the temporary exercise of his functions.

The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

Standing to raise questions of vacancy or temporary disability is vested exclusively in a body provided by statute.

Sec. 11. The Lieutenant Governor, Attorney General, Controller, Secretary of State, and Treasurer shall be elected at the same time and places and for the same term as the Governor.

Sec. 12. Compensation of the Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Superintendent of Public Instruction, and Treasurer shall be prescribed by statute but may not be increased or decreased during a term.

Sec. 13. Subject to the powers and duties of the Governor, the Attorney General shall be the chief law officer of the State. It shall be his duty to see that the laws of the State are uniformly and adequately enforced. He shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make to him such reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions as to him may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases he shall have all the powers of a district attorney. When required by the public interest or directed by the Governor, he shall assist any district attorney in the discharge of his duties.

Eighty-first. That Article VI is repealed.

~~ARTICLE VI~~

~~JUDICIAL DEPARTMENT~~

~~SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, district courts of appeal, superior courts, municipal courts, and justice courts.~~

~~SEC. 1a. There shall be a Judicial Council. It shall consist of: (i) the Chief Justice or Acting Chief Justice; (ii) one associate justice of the Supreme Court, three justices of districts courts of appeal, four judges of superior courts, two judges of municipal courts, and one judge of a justice court, designated by the Chief Justice for terms of two years; (iii) four members of the State Bar of California appointed by the Board of Governors of the State Bar for terms of two years, two of the first such appointees to be appointed for one year and two for two years; and (iv) one member of each house of the Legislature designated as provided by the respective house. If any judge so designated shall cease to be a judge of the court in which he is selected, his designation shall forthwith terminate. If any member of the State Bar so appointed shall cease to be a member of the State Bar, his appointment shall forthwith terminate, and the Board of Governors of the State Bar shall fill the vacancy in his unexpired term. If any member of the Legislature so designated shall cease to be a member of the house from which designated, his designation shall forthwith terminate, and a new designation shall be made in the manner provided by the respective house. The Chief Justice or Acting Chief Justice shall be chairman and the Clerk of the Supreme Court shall serve as secretary. The council may appoint an administrative director of the courts, who shall hold office at its pleasure and shall perform such of the duties of the council and of its chairman, other than to adopt or amend rules of practice and procedure, as may be delegated to him. No act of the council shall be valid unless concurred in by a majority of its members.~~

~~The Judicial Council shall from time to time:~~

~~(1) Meet at the call of the chairman or as otherwise provided by it.~~

~~(2) Survey the condition of business in the several courts with a view to simplifying and improving the administration of justice.~~

~~(3) Submit such suggestions to the several courts as may seem in the interest of uniformity and the expedition of business.~~

~~(4) Report to the Governor and Legislature at the commencement of each regular session such recommendations as it may deem prop~~

~~(5) Submit to the Legislature, at each general session thereof, its recommendations with reference~~

to amendments of, or changes in, existing laws re[illegible] to practice and procedure.

Adopt or amend rules of practice and procedure for the several courts not inconsistent with laws that are now or that may hereafter be in force.

(7) Exercise such other functions as may be provided by law.

The chairman shall seek to expedite judicial business and to equalize the work of the judges, and shall provide for the assignment of any judge to another court of a like or higher jurisdiction to assist a court or judge whose calendar is congested, to act for a judge who is disqualified or unable to act, or to sit and hold court where a vacancy in the office of judge has occurred. A judge may likewise be assigned with his consent to a court of lower jurisdiction, and a retired judge may similarly be assigned with his consent to any court.

The judges shall co-operate with the council, shall sit and hold court as assigned, and shall report to the chairman at such times and in such manner as he shall request respecting the condition, and manner of disposal, of judicial business in their respective courts.

No member of the council shall receive any compensation for his services as such, but shall be allowed his necessary expenses for travel, board and lodging incurred in the performance of his duties as such. Any judge assigned to a court wherein a judge's compensation is greater than his own shall receive while sitting therein the compensation of a judge thereof. The extra compensation shall be paid in such manner as may be provided by law. Any j assigned to a court in a county other than t which he regularly sits shall be allowed his necessary expenses for travel, board and lodging incurred in the discharge of the assignment.

Sec. 1b. There shall be a Commission on Judicial Qualifications. It shall consist of: (i) Two justices of district courts of appeal, two judges of superior courts, a d one judge of a municipal court, each selected by the Supreme Court for a four-year term; (ii) two members of the State Bar, who shall have practiced l. w in this State for at least 10 years and who shall be appointed by the Board of Governors of the State Bar for a four-year term; and (iii) two citizens, neither of whom shall be a justice or judge of any court, active or retired, nor a member of the State Bar, and who shall be appointed by the Governor for a four-year term. Every appointment made by the Governor to the commission shall be subject to the advice and consent of a majority of members elected to the Senate, except that if a vacancy occurs when the Legislature is not in session, the Governor may issue an interim commission which shall expire on the last day of the next regular or special session of the Legislature. Whenever a member selected under subdivision (i) ceases to be a member of the commission or a justice or judge of the court from which he was selected, his membership shall forthwith terminate and the Supreme Court shall select a successor for a four-year term; and whenever a member appointed under subdivision (ii) ceases to be a member of the commission or of the State Bar, his membership shall forthwith terminate and the Board of f nors of the State Bar shall appoint a success s r a four-year term; and whenever a member appointed under subdivision (iii) ceases to be a member of the commission or becomes a justice or judge of any court or a member of the State Bar, his membership shall forthwith terminate and the Governor shall appoint a successor for a four-year term. No member of the commission shall receive any compensation for his services as such, but shall be allowed his necessary expenses for travel, board and lodging incurred in the performance of his duties as such.

No act of the commission shall be valid unless concurred in by a majority of its members. The commission shall select one of its members to serve as chairman.

Sec. 1c. The State Bar of California is a public corporation with perpetual existence and succession. Every person admitted and licensed to practice law in this State is and shall be a member of the State Bar except while holding office as a justice or judge of a court of record.

Sec. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The Court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes and all questions arising therein, subject to the provisions hereinafter contained in relation to the Court in bank. The presence of three Justices shall be necessary to transact any business in either of the departments, except such as may be done at Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the Court to be heard and decided by the Court in bank. The order may be made before or after judgment pronounced by a department, but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Associate Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four Justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the Court in bank at any time, and shall be the presiding Justice of the Court when so convened. The concurrence of four Justices present at the argument shall be necessary to pronounce a judgment in bank; but if four Justices, so present, do not concur in a judgment, then all the Justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four Judges shall be necessary. In the determination of

causes, all decisions of the Court in bank or in departments shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the Justices assigned to each department shall select one of their number as presiding Justice. In case of the absence of the Chief Justice from the place at which the Court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

SEC. 3. The Chief Justice and the associate justices shall be elected by the qualified electors of the State at large at the general elections, at the time and places at which state officers are elected as provided in Section 26 of this article, and the term of office shall be 12 years from and after the first Monday after the first day of January next succeeding their election, except that the term of a justice elected to fill a term which expires subsequent to the first Monday after the first day of January next after his election shall be for the remainder of the unexpired term in the office to which he is elected.

SEC. 4. The supreme court shall have appellate jurisdiction on appeal from the superior courts in all cases in equity, except such as arise in municipal or justices' courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine also, in all such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters and proceedings pending before a district court of appeal, which shall be ordered by the supreme court to be transferred to itself for hearing and decision, as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court or before any district court of appeal, or before any justice thereof, or before any superior court in the State, or before any judge thereof.

SEC. 4a. The State shall be divided into at least three appellate districts, known as the First, Second and Third Appellate Districts, in each of which there shall be a district court of appeal, consisting of such number of divisions having three justices each as the Legislature shall determine.

The Legislature may from time to time create and establish additional district courts of appeal or divisions thereof and fix the places at which the regular sessions thereof shall be held and may provide for the maintenance and operation thereof. For that purpose the Legislature may redivide the State into appellate districts, subject to the power of the Supreme Court to remove one or more counties from one appellate district to another as in this section provided.

Each of such divisions shall have and exercise all of the powers of the district court of appeal.

Upon the creation of any additional division of the district court of appeal the Governor shall appoint three persons to serve as justices t[he] as provided in Section 26 of this article. The [jus]tices of said division first elected as provided in Section 26 of this article shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of 12 years, and entry of such classification shall be made in the minutes of said division, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State.

The justices of the district courts of appeal shall be elected by the qualified electors within their respective districts at the general elections as provided in Section 26 of this article, and the term of office of said justices shall be 12 years from and after the first Monday after the first day of January next succeeding their election, except that the term of a justice elected to fill a term which expires subsequent to the first Monday after the first day of January next after his election shall be for the remainder of the unexpired term in the office to which he is elected.

One of the justices of each of the district courts of appeal, and of each division of said courts, shall be the presiding justice thereof, and as such shall be appointed or elected, as the case may be.

In cases wherein the presiding justice is not acting, the other justices shall designate one of their number to perform the duties and exercise the powers of presiding justice.

The presence of two justices shall be necessary for the transaction of any business by such [court] except such as may be done at chambers, as [provided] concurrence of two justices shall be necessary to pronounce a judgment.

No appeal taken to the supreme court or to a district court of appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

The Supreme Court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

The district courts of appeal in the First, Second and Third Appellate Districts shall hold their regular sessions respectively at San Francisco, Los Angeles and Sacramento, and they shall always be open for the transaction of business.

SEC. 4b. The district courts of appeal shall have appellate jurisdiction on appeal from the superior courts (except in cases in which appellate jurisdiction is given to the supreme court) in all cases at law in which the superior courts are given original jurisdiction; also, in all cases of forcible or unlawful entry or detainer (except such as arise in municipal, or in justices' or other inferior courts); in proceedings in insolvency; in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, prohibition, usurpation of office, removal from office, contesting elections, eminent domain, and in such other special proce[edings] as may be provided by law; also, on questi[ons of] law alone, in all criminal cases prosecuted by an

dictment or information, except where judgment e[illegible]th has been rendered.

[illegible] said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the supreme court which shall be ordered by the supreme court to be transferred to a district court of appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the district court of appeal of his district, or before any superior court within his district, or before any judge thereof.

Sec. 1c. The Supreme Court may order any case: (i) in the Supreme Court transferred to a district court of appeal for decision; and (ii) in the district court of appeal for one district transferred to the district court of appeal for another district, or in one division of a district court of appeal transferred to another division of the same district court of appeal, for decision. An order under this section must be made before decision by the court or division from which the case is to be transferred.

Sec. 1d. The Supreme Court may order any case in a district court of appeal transferred to it for decision. An order under this section may be [illegible] before decision by the district court of appeal [illegible] reafter up to the time such decision becomes final as provided by rule of the Judicial Council.

Sec. 1e. The district courts of appeal shall have appellate jurisdiction on appeal in all cases within the original jurisdiction of the municipal and justice courts, to the extent and in the manner provided for by law.

Sec. 4½. No judgment shall be set aside, or new trial granted, in any case, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any error as to any matter of pleading, or for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.

Sec. 4¾. In all cases where trial by jury is not a matter of right or where trial by jury has been waived, the Legislature may grant to any court of appellate jurisdiction the power, in its discretion, to make findings of fact contrary to, or in addition to, those made by the trial court. The Legislature may provide that such findings may be based on the evidence adduced before the trial court, either with or without the taking of additional evidence by the court of appellate jurisdiction. The Legislature may also grant to any court of appellate jurisdiction the power, in its discretion, for the purpose of making such findings or for any other purpose in the interest of justice, t[illegible]e additional evidence of or concerning facts [illegible]ing at any time prior to the decision of the appeal, and to give or direct the entry of any judgment or order and to make such further or other order as the case may require.

Sec. 5. The superior courts shall have original jurisdiction in all civil cases and proceedings (except as in this article otherwise provided, and except also cases and proceedings in which jurisdiction is or shall be given by law to municipal or to justices or other inferior courts); in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; and of all such special cases and proceedings as are not otherwise provided for; and said court shall have the power of naturalization and to issue papers therefor.

The superior courts shall have appellate jurisdiction in such cases arising in municipal and in justices' and other inferior courts in their respective counties or cities and counties as may be prescribed by law. The Legislature may, in addition to any other appellate jurisdiction of the superior courts, also provide for the establishment of appellate departments of the superior court in any county or city and county wherein any municipal court is established, and for the constitution, regulation, jurisdiction, government and procedure of such appellate departments. Superior courts, municipal courts and justices' courts in cities having a population of more than forty thousand inhabitants shall always be open, legal holidays and nonjudicial days excepted. The process of superior courts shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said superior courts, and their judges shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and nonjudicial days. The process of any municipal court shall extend to all parts of the county or city and county in which the city is situated where such court is established, and to such other parts of the State as may be provided by law, and such process may be executed or enforced in such manner as the Legislature shall provide.

Upon stipulation of the parties litigant or their attorneys of record a cause in the superior court or in a municipal court may be tried by a judge pro tempore who must be a member of the bar sworn to try the cause, and who shall be empowered to act in such capacity in the cause tried before him until the final determination thereof. The selection of such judge pro tempore shall be subject to the approval and order of the court in which said cause is pending and shall also be subject to such regulations and orders as may be prescribed by the judicial council.

Sec. 6. There shall be in each of the organized counties, or cities and counties, of the State, a superior court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general state election, except that in any county or city and

county containing a population of more than 700,000, as determined by the last preceding federally published decennial census, in which only the incumbent has filed nomination papers for the office of superior court judge, his name shall not appear on the ballot unless there is filed with the county clerk or registrar of voters, within 20 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by 100 registered voters qualified to vote with respect to the office.

If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by 100 registered voters qualified to vote with respect to the office, is filed with the county clerk or registrar of voters not less than 15 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot.

There may be as many sessions of a superior court, at the same time, as there are judges elected, appointed or assigned thereto. The judgments, orders, and proceedings of any session of a superior court, held by any one or more of the judges sitting therein, shall be equally effectual as though all the judges of said court presided at such session.

If, in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the county clerk or registrar of voters, on the day of the general election, shall declare the incumbent reelected.

SEC. 7. The judges of each superior court in which there are more than two judges sitting, shall choose, from their own number, a presiding judge, who may be removed as such at their pleasure. Subject to the regulations of the judicial council, he shall distribute the business of the court among the judges, and prescribe the order of business.

SEC. 8. The term of office of judges of the superior courts shall be six years from and after the first Monday of January after the first day of January next succeeding their election. A vacancy in such office shall be filled by the election of a judge for a full term at the next general state election after the first day of January next succeeding the accrual of the vacancy; except that if the term of an incumbent, elective or appointive, is expiring at the close of the year of a general state election and a vacancy accrues after the commencement of that year and prior to the commencement of the ensuing term, the election to fill the office for the ensuing full term shall be held in the closing year of the expiring term in the same manner and with the same effect as though such vacancy had not accrued. In the event of any vacancy, the Governor shall appoint a person to hold the vacant office until the commencement of the term of the judge elected to the office as herein provided.

SEC. 9. The Legislature shall have no power to grant leave of absence to any judicial officer, and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office. The Legislature of the State may at any time, two-thirds of the members of the Senate and two-thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county, of the State; *provided*, that no such reduction shall affect the term of any Judge who has been elected.

SEC. 10. Justices of the supreme court, and of the district courts of appeal, and judges of the superior courts may be removed by concurrent resolution of both Houses of the Legislature adopted by a two-thirds vote of each House. All other judicial officers, except justices of the peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the Journal.

SEC. 10a. Whenever a justice of the supreme court, or of a district court of appeal, or a judge of any court of this State, has been convicted in any court of this State or of the United States, of a crime involving moral turpitude, the supreme court shall of its own motion or upon a petition filed by any person, and upon finding that such a conviction was had, enter its order suspending said justice or judge from office until such time as said judgment of conviction becomes final, and the payment of salary of said justice or judge shall also be suspended from the date of such order. When said judgment of conviction becomes final, the supreme court shall enter its order permanently disbarring said justice or judge and striking his name from the roll of attorneys and counsellors, and removing said justice or judge from office and his right to salary shall cease from the date of the order of suspension. If said judgment of conviction is reversed, the supreme court shall enter its order terminating the suspension of said justice or judge and said justice or judge shall be entitled to his salary for the period of the suspension.

SEC. 10b. A justice or judge of any court of this State, in accordance with the procedure prescribed in this section, may be removed for willful misconduct in office or willful and persistent failure to perform his duties or habitual intemperance, or he may be retired for disability seriously interfering with the performance of his duties, which is, or is likely to become, of a permanent character. The Commission on Judicial Qualifications may, after such investigation as the commission deems necessary, order a hearing to be held before it concerning the removal or retirement of a justice or a judge, or the commission may in its discretion request the Supreme Court to appoint three special masters, who shall be justices or judges of courts of record, to hear and take evidence in any such matter, and to report thereon to the commission. If, after hearing, or after considering the record and report of the masters, the commission finds good cause therefor, it shall recommend to the Supreme Court the removal or retirement, as the case may be, of the justice or judge.

The Supreme Court shall review the record of the proceedings on the law and facts and in its discretion may permit the introduction of additional evidence and shall order removal or retirement, as

it finds just and proper, or wholly reject the rec- ndation. Upon an order for retirement, the e or judge shall thereby be retired with the same rights and privileges as if he retired pursuant to statute. Upon an order for removal, the justice or judge shall thereby be removed from office, and his salary shall cease from the date of such order.

All papers filed with and proceedings before the Commission on Judicial Qualifications or masters appointed by the Supreme Court, pursuant to this section, shall be confidential, and the filing of papers with and the giving of testimony before the commission or the masters shall be privileged; but no other publication of such papers or proceedings shall be privileged in any action for defamation except that (a) the record filed by the commission in the Supreme Court continues privileged and upon such filing loses its confidential character and (b) a writing which was privileged prior to its filing with the commission or the masters does not lose such privilege by such filing. The Judicial Council shall by rule provide for procedure under this section before the Commission on Judicial Qualifications, the masters, and the Supreme Court. A justice or judge who is a member of the commission or Supreme Court shall not participate in any proceedings involving his own removal or retirement.

This section is alternative to, and cumulative with, the methods of removal of justices and judges provided in Sections 10 and 10a of this article, Sections 17 and 18 of Article IV, and Article XXIII, of this Constitution.

, 11. Each county of the State shall be di- into judicial districts in the manner to be prescribed by the Legislature; provided, however, that no incorporated city or city and county shall be divided so as to lie partly within one district and partly within another.

In each district containing a population of more than forty thousand inhabitants, as ascertained in the manner prescribed by the Legislature, and in each consolidated city and county there shall be a municipal court; in each district containing a population of forty thousand inhabitants or less, as ascertained in the manner prescribed by the Legislature, there shall be a justice court, except that the Legislature may provide that each incorporated city the boundaries of which were coextensive with those of the township two years before the effective date of this amendment and which is entirely surrounded by another incorporated city containing a population of more than forty thousand inhabitants shall constitute a judicial district in which there shall be a municipal court. For each such municipal court and justice court at least one judge, with such additional judges as may be authorized, shall be elected by the qualified electors of the district, provided, however, that the judges of the municipal courts heretofore established pursuant to general law shall continue in office during the terms for which they were elected or appointed and until their successors are elected and qualify.

The Legislature shall provide by general law for the regulation, government, procedure and jurisdiction of municipal courts and of justice courts, ' all fix by law the powers, duties and respon- es of such courts and of the judges thereof. xcept as such matters are otherwise provided in this article, the Legislature shall prescribe the manner in which, the time at which, and the terms for which the judges, officers and attaches of municipal courts and of justice courts shall be elected or appointed, the number, qualifications and compensation of the judges, officers and attaches of municipal courts, and provide for the manner in which the number, qualifications and compensation of the judges, officers and attaches of justice courts shall be fixed.

In each judicial district or consolidated city and county in which a municipal or justice court is established, and in cities and townships situated in whole or in part in such district or city and county, there shall be no other court inferior to the superior court; provided, however, that in each such district or city and county existing courts shall continue to function as presently organized until the first selection and qualification of the judge or judges of the municipal or justice court, at which time, unless otherwise provided by law, pending actions, trials and all pending business of existing courts shall be transferred to and become pending in the municipal or justice court established for the judicial district or city and county in which they are situated, and all records of such superseded courts shall be transferred to, and thereafter be and become records of said municipal or justice court.

The compensation of the justices or judges of all courts of record shall be fixed, and the payment thereof prescribed, by the Legislature.

The Legislature shall enact such general or special laws, except in the particulars otherwise specified herein, as may be necessary to carry out the provisions of this section.

SEC. 12. The supreme court, the district courts of appeal, the superior courts, the municipal courts, and such other courts as the Legislature shall prescribe, shall be courts of record.

SEC. 14. The county clerks shall be ex officio clerks of the courts of record, other than municipal courts, in and for their respective counties or cities and counties. The Legislature may also provide for the appointment, by the several superior courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the judges of the superior courts, to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law.

SEC. 15. No judicial officer shall receive to his own use any fees or perquisites of office.

SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the supreme court and of the district courts of appeal as the supreme court may deem expedient, and all opinions shall be free for publication by any person.

SEC. 18. The justices of the supreme court, and of the district courts of appeal and the judges of the superior courts and the municipal courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected or appointed, and no justice or judge of a court of record shall practice law in or out of court during his continuance in office; *provided, however,* that a judge of the superior court or of a municipal court shall be eligible to election or appointment to a public office during the time for which he may be

elected, and the acceptance of any other office shall be deemed to be a resignation from the office held by said judge.

SEC. 19. The court may instruct the jury regarding the law applicable to the facts of the case, and may make such comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the case. The court shall inform the jury in all cases that the jurors are the exclusive judges of all questions of fact submitted to them and of the credibility of the witnesses.

SEC. 20. The style of all process shall be, "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 21. The Supreme Court shall appoint a clerk of the Supreme Court. Said court may also appoint a reporter and assistant reporters of the decisions of the Supreme Court and of the district courts of appeal. Each of the district courts of appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed.

SEC. 23. No person shall be eligible to the office of a Justice of the Supreme Court, or of a district court of appeal, or of a judge of a superior court, or of a municipal court, unless he shall have been admitted to practice before the Supreme Court of the State for a period of at least five years immediately preceding his election or appointment to such office; provided, however, that any elected judge or justice of an existing court who has served in that capacity by election or appointment for five consecutive years immediately preceding the effective date of this amendment shall be eligible to become the judge of a municipal court by which the existing court is superseded upon the establishment of said municipal court or at the first election of judges thereto and for any consecutive terms thereafter for which he may be reelected. The requirement of consecutive years of judicial service shall be deemed to have been met even though interrupted by service in the armed forces of the United States during the period of war.

SEC. 24. No justice of the supreme court nor of a district court of appeal, nor any judge of a superior court nor of a municipal court shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undetermined that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the supreme court and of the district courts of appeal shall be given in writing, and the grounds of the decision shall be stated.

SEC. 26. Within thirty days before the sixteenth day of August next preceding the expiration of his term, any justice of the Supreme Court, justice of a District Court of Appeal, or judge of a superior court in any county the electors of which have adopted the provisions of this section as applicable to the judge or judges of the superior court of such county in the manner hereinafter provided, may file with the officer charged with the duty of certifying nominations for publication the official ballot a declaration of candidacy, election to succeed himself. If he does not file such declaration the Governor must nominate a suitable person for the office before the sixteenth day of September, by filing such nomination with the officer charged with said duty of certifying nominations.

In either event, the name of such candidate shall be placed upon the ballot for the ensuing general election in November in substantially the following form:

For —————————— (title of office) Shall —————————— (name) be elected to the office for the term expiring January ——, ——? (year)	Yes No

No name shall be placed upon the ballot as a candidate for any of said judicial offices except that of a person so declaring or so nominated. If a majority of the electors voting upon such candidacy vote "yes," such person shall be elected to said office. If a majority of those voting thereon vote "no," he shall not be elected, and may not thereafter be appointed to fill any vacancy in that court, but may be nominated and elected thereto as hereinabove provided.

Whenever a vacancy shall occur in any judicial office above named, by reason of the failure of a candidate to be elected or otherwise, the Governor shall appoint a suitable person to fill the vacancy. An incumbent of any such judicial office serving a term by appointment of the Governor shall hold office until the first Monday after the first day of January following the general election next after his appointment, or until the qualification of any nominee who may have been elected to said office prior to that time.

No such nomination or appointment by the Governor shall be effective unless there be filed with the Secretary of State a written confirmation of such nomination or appointment signed by a majority of the three officials herein designated as the Commission on Judicial Appointments. The commission shall consist of (1) the Chief Justice of the Supreme Court, or, if such office be vacant, the acting Chief Justice; (2) the presiding justice of the district court of appeal of the district in which a justice of a district court of appeal or a judge of a superior court is to serve, or, if there be two such presiding justices, the one who has served the longer as such; or, in the case of the nomination or appointment of a justice of the Supreme Court, the presiding justice who has served longest as such upon any of the district courts of appeal; and (3) the Attorney General. If two or more presiding justices above designated shall have served terms of equal length, they shall choose the one who is to be a member of the commission by lot, whenever occasion for action arises. The Legislature shall provide by general law for the retirement, with reasonable retirement allowance, of such justices and judges for age or disability.

In addition to the methods of removal by Legislature provided by sections 17 and 18 of Ar-

~~Article IV and by section 10 of this article, the provi- of Article XXIII relative to the recall of e re public officers shall be applicable to justices and judges elected and appointed pursuant to the provisions of this section so far as the same relate to removal from office.~~

~~The provisions of this section shall not apply to the judge or judges of the superior court of any county until a majority of the electors of such county voting on the question of the adoption of such provisions, in a manner to be provided for by the Legislature, shall vote in favor thereof.~~

~~If the Legislature diminishes the number of judges of the superior court in any county or city and county, the offices which first become vacant, to the number of judges diminished, shall be deemed to be abolished.~~

Eighty-second, That Article VI is added, to read:

ARTICLE VI

JUDICIAL

Sec. 1. The judicial power of this State is vested in the Supreme Court, courts of appeal, superior courts, municipal courts, and justice courts. All except justice courts are courts of record.

Sec. 2. The Supreme Court consists of the Chief Justice of California and 6 associate justices. The Chief Justice may convene the court at any time. Concurrence of 4 judges present at the argument is necessary for a judgment.

A n acting Chief Justice shall perform all func- of the Chief Justice when he is absent or u. e to act. The Chief Justice or, if he fails to do so, the court shall select an associate justice as acting Chief Justice.

Sec. 3. The Legislature shall divide the State into districts each containing a court of appeal with one or more divisions. Each division consists of a presiding justice and 2 or more associate justices. It has the power of a court of appeal and shall conduct itself as a 3-judge court. Concurrence of 2 judges present at the argument is necessary for a judgment.

An acting presiding justice shall perform all functions of the presiding justice when he is absent or unable to act. The presiding justice or, if he fails to do so, the Chief Justice shall select an associate justice of that division as acting presiding justice.

Sec. 4. In each county there is a superior court of one or more judges. The Legislature shall prescribe the number of judges and provide for the officers and employees of each superior court. If the governing body of each affected county concurs, the Legislature may provide that one or more judges serve more than one superior court.

The county clerk is ex officio clerk of the superior court in his county.

Sec. 5. Each county shall be divided into municipal court and justice court districts as provided by statute, but a city may not be divided into more than one district. Each municipal and ju court shall have one or more judges.

re shall be a municipal court in each district o re than 40,000 residents and a justice court in each district of 40,000 residents or less. The number of residents shall be ascertained as provided by statute.

The Legislature shall provide for the organization and prescribe the jurisdiction of municipal and justice courts. It shall prescribe for each municipal court and provide for each justice court the number, qualifications, and compensation of judges, officers, and employees.

Sec. 6. The Judicial Council consists of the Chief Justice as chairman and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 3 judges of municipal courts, and 2 judges of justice courts, each appointed by the chairman for a 2-year term; 4 members of the State Bar appointed by its governing body for 2-year terms; and one member of each house of the Legislature appointed as provided by the house.

Council membership terminates if a member ceases to hold the position that qualified him for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or its chairman, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.

The chairman shall seek to expedite judicial business and to equalize the work of judges; he may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Judges shall report to the chairman as he directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Sec. 7. The Commission on Judicial Appointments consists of the Chief Justice, the Attorney General, and the presiding justice of the court of appeal of the affected district or, if there are 2 or more presiding justices, the one who has presided longest or, when a nomination or appo t ment to the Supreme Court is to be considered, the presiding justice who has presided longest on any court of appeal.

Sec. 8. The Commission on Judicial Qualifications consists of 2 judges of courts of appeal, 2 judges of superior courts, and one judge of a municipal court, each appointed by the Supreme Court; 2 members of the State Bar who have practiced law in this State for 10 years, appointed by its governing body; and 2 citizens who are not judges, retired judges, or members of the State Bar, appointed by the Governor and approved by the Senate, a majority of the membership concurring. All terms are 4 years.

Commission membership terminates if a member ceases to hold the position that qualified him for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

Sec. 9. The State Bar of California is a public corporation. Every person admitted and licensed to practice law in this State is and shall be a member of the State Bar except while holding office as a judge of a court of record.

Sec. 10. The Supreme Court, courts of appeal, superior courts, and their judges have original jurisdiction in habeas corpus proceedings. Those courts also have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition.

Superior courts have original jurisdiction in all causes except those given by statute to other trial courts.

The court may make such comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the cause.

Sec. 11. The Supreme Court has appellate jurisdiction when judgment of death has been pronounced. With that exception courts of appeal have appellate jurisdiction when superior courts have original jurisdiction and in other causes prescribed by statute.

Superior courts have appellate jurisdiction in causes prescribed by statute that arise in municipal and justice courts in their counties.

The Legislature may permit appellate courts to take evidence and make findings of fact when jury trial is waived or not a matter of right.

Sec. 12. The Supreme Court may, before decision becomes final, transfer to itself a cause in a court of appeal. It may, before decision, transfer a cause from itself to a court of appeal or from one court of appeal or division to another. The court to which a cause is transferred has jurisdiction.

Sec. 13. No judgment shall be set aside, or new trial granted, in any cause, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any error as to any matter of pleading, or for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.

Sec. 14. The Legislature shall provide for the prompt publication of such opinions of the Supreme Court and courts of appeal as the Supreme Court deems appropriate, and those opinions shall be available for publication by any person.

Decisions of the Supreme Court and courts of appeal that determine causes shall be in writing with reasons stated.

Sec. 15. A person is ineligible to be a judge of a court of record unless for 5 years immediately preceding selection to a municipal court or 10 years immediately preceding selection to other courts, he has been a member of the State Bar or served as a judge of a court of record in this State. A judge eligible for municipal court service may be assigned by the chairman of the Judicial Council to serve on any court.

Sec. 16. (a) Judges of the Supreme Court shall be elected at large and judges of courts of appeal shall be elected in their districts at general elections at the same time and places as the Governor. Their terms are 12 years beginning the Monday after January 1 following their ele
except that a judge elected to an unexpired
serves the remainder of the term. In creating a new court of appeal district or division the Legislature shall provide that the first elective terms are 4, 8, and 12 years.

(b) Judges of other courts shall be elected in their counties or districts at general elections. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.

(c) Terms of judges of superior courts are 6 years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

(d) Within 30 days before August 16 preceding the expiration of his term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed himself. If he does not, the Governor before September 16 shall nominate a candidate. At the next general election, only the candidate so declared or nominated may appear on the ballot, which shall present the question whether he shall be elected. If he receives a majority of the votes on the question he is elected. A candidate not elected may not be appointed to that court but later may be nominated and elected.

The Governor shall fill vacancies in those courts by appointment. An appointee holds office
the Monday after January 1 following the
general election at which he had the right to become a candidate or until an elected judge qualifies. A nomination or appointment by the Governor is effective when confirmed by the Commission on Judicial Appointments.

Electors of a county, by majority of those voting and in a manner the Legislature shall provide, may make this system of selection applicable to judges of superior courts.

Sec. 17. A judge of a court of record may not practice law and during the term for which he was selected is ineligible for public employment or public office other than judicial employment or judicial office. A judge of the superior or municipal court may, however, become eligible for election to other public office by taking a leave of absence without pay prior to filing a declaration of candidacy. Acceptance of the public office is a resignation from the office of judge.

A judicial officer may not receive fines or fees for his own use.

Sec. 18. (a) A judge is disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging him in the United States with a crime punishable as a felony under California or federal law, or (2) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his removal or retirement.

(b) On recommendation of the Commission on Judicial Qualifications or on its own motio
Supreme Court may suspend a judge from
without salary when in the United States he

pleads guilty or no contest or is found guilty of a crime punishable as a felony under California or of any felony law or of any other crime that involves moral turpitude under that law. If his conviction is reversed suspension terminates, and he shall be paid his salary for the period of suspension. If he is suspended and his conviction becomes final the Supreme Court shall remove him from office.

(c) On recommendation of the Commission on Judicial Qualifications the Supreme Court may (1) retire a judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and (2) censure or remove a judge for action occurring not more than 6 years prior to the commencement of his current term that constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(d) A judge retired by the Supreme Court shall be considered to have retired voluntarily. A judge removed by the Supreme Court is ineligible for judicial office and pending further order of the court he is suspended from practicing law in this State.

(e) The Judicial Council shall make rules implementing this section and providing for confidentiality of proceedings.

Sec. 19. The Legislature shall prescribe compensation for judges of courts of record.

A judge of a court of record may not receive his salary while any cause before him remains pending and undetermined for 90 days after it has been submitted for decision.

Sec. 20. The Legislature shall provide for retirement, with reasonable allowance, of judges of courts of record for age or disability.

Sec. 21. On stipulation of the parties litigant the court may order a cause to be tried by a temporary judge who is a member of the State Bar, sworn and empowered to act until final determination of the cause.

Sec. 22. The Legislature may provide for the appointment by trial courts of record of officers such as commissioners to perform subordinate judicial duties.

Eighty-third, That Article VII is repealed.

~~ARTICLE VII~~

~~PARDONING POWER~~

~~SECTION 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.~~

Eighty-fourth, That Article VIII is repealed.

~~ARTICLE VIII~~

~~MILITIA~~

~~SECTION 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.~~

~~SEC. 2. All military organizations provided for by this Constitution, or any law of this State, and receiving State support, shall, while under arms either for ceremony or duty, carry no device, banner, or flag of any State or nation, except that of the United States or the State of California.~~

Eighty-fifth, That Section 29 is added to Article XIII, to read:

Sec. 29. Not more than 25 percent of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

Eighty-sixth, That Section 4 is added to Article XXII, to read:

Sec. 4. Nothing in Section 15 of Article VI affects the eligibility of a judge to serve in or be elected to his office if the judge was selected prior to the operative date of Section 15 and was eligible under the law at the time of that selection.

Eighty-seventh, That Section 5 is added to Article XXII, to read:

Sec. 5. In any case in which, under the law in effect prior to the operative date of this section, the term of a judge of a municipal or justice court expires in January in a year in which a general election is held, that term shall be extended until the Monday after January 1 following the next general election following the date when the term would otherwise expire, at which general election a successor shall be elected.

Eighty-eighth, That Section 6 is added to Article XXII, to read:

Sec. 6. Any law enacted at the 1966 First Extraordinary Session of the Legislature and providing for increased compensation for members of the Legislature shall become operative only at the time the 1967 Regular Session of the Legislature is convened. Any such law enacted at the 1966 First Extraordinary Session of the Legislature is not subject to the requirement of Section 4 of Article IV as to passage by a two thirds vote or to the requirement of Section 4 of Article IV that any adjustment of the annual compensation of a member of the Legislature may not

exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. The provisions of Assembly Bill No. 173 of the 1966 First Extraordinary Session are hereby ratified.

Eighty-ninth, That Section 7 is added to Article XXII, to read:

Sec. 7. To the extent there is a conflict, constitutional amendments adopted by the electors at the November 1966 General Election shall prevail over the provisions transferred from Article IV to Article XIII by Assembly Constitutional Amendment No. 13, adopted by the Legislature at the 1966 First Extraordinary Session.

[Second Resolved Clause]

And be it further resolved, That the Legislature having adopted Assembly Constitutional Amendment No. 90 at its 1965 Regular Session to propose an amendment to portions of Sections 1, 2 and 16 of Article IV of the State Constitution for the sole purpose of requiring the Legislature to reconvene and reconsider measures submitted to the Governor during the last ten days of a general session (Sundays excepted) which he fails to sign, and since said amendment did not propose any other change in the length, duration or scope of general or budget sessions of the Legislature, it is the intent of the Legislature, if both Assembly Constitutional Amendment No. 90 and Assembly Constitutional Amendment (Revision) No. 13, 1966 First Extraordinary Session, are approved by the electors, that both shall be given effect regardless of the vote by which they are approved and that their provisions be construed together so as to give effect to both in the following manner:

First, That subdivision (a) be added to Section 3 of Article IV thereof, to read:

(a) The Legislature shall meet annually in regular session at noon on the Monday after January 1. At the end of each regular session the Legislature shall recess for 30 days. It shall reconvene on the Monday after the 30-day recess, for a period not to exceed 5 days, to reconsider vetoed measures.

A measure introduced at any session may not be deemed pending before the Legislature at any other session.

Second, That Section 4 be added to Article IV thereof, to read:

Sec. 4. Compensation of members of the Legislature, and reimbursement for travel and living expenses in connection with their official duties, shall be prescribed by statute passed by rollcall vote entered in the journal, two thirds of the membership of each house concurring. Commencing with 1967, in any statute enacted making an adjustment of the annual compensation of a member of the Legislature the adjustment may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. Any adjustment in the compensation may not apply until the commencement of the regular session commencing after the next general election following enactment of the statute.

Members of the Legislature shall receive 5 cents per mile for traveling to and from their ho in order to attend reconvening following the ay recess after a regular session.

The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of 500 dollars paid to any member of the Legislature unless the member receives the greater amount while serving as a member in the Legislature. The Legislature may, prior to their retirement, limit the retirement benefits payable to members of the Legislature who serve during or after the term commencing in 1967.

When computing the retirement allowance of a member who serves in the Legislature during the term commencing in 1967 or later, allowance may be made for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the member, except that the Legislature may provide that no member shall be deprived of a cost of living adjustment based on a monthly salary of 500 dollars which has accrued prior to the commencement of the 1967 Regular Session of the Legislature.

Third, That subdivision (c) be added to Section 8 of Article IV thereof, to read:

(c) No statute may go into effect until the 61st day after adjournment of the regular session at which the bill was passed, or until the 91st day after adjournment of the special session at which the bill was passed, except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expense the State, and urgency statutes.

Fourth, That subdivision (a) be added to Section 10 of Article IV thereof, to read:

(a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if he signs it. He may veto it by returning it with his objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two thirds of the membership concurring, it becomes a statute. A bill presented to the Governor that is not returned within 12 days becomes a statute. If the 12-day period expires during the recess at the end of a regular session, the bill becomes a statute unless the Governor vetoes it within 30 days from the commencement of the recess. If the Legislature by adjournment of a special session prevents the return of a bill it does not become a statute unless the Governor signs the bill and deposits it in the office of the Secretary of State within 30 days after adjournment.

Fifth, That subdivision (b) be added to Section 23 of Article IV thereof, to read:

(b) A referendum measure may be proposed by presenting to the Secretary of State, within 60 days after adjournment of the regular session at which the statute was passed or within 90 days after adjournment of the special session at which the statute was passed, a petition certified to have been signed by electors equal in number to 5 percent of the votes for all candidates for nor at the last gubernatorial election, asking the statute or part of it be submitted to the electors.

Sixth, That the provisions of the second resolution clause of this measure shall become operative only if the amendment to Article IV of the State Constitution proposed by Assembly Constitutional Amendment No. 90 of the 1965 Regular Session are approved by a majority of the electors, in which case subdivision (a) of Section 3, Section 4, subdivision (c) of Section 8, subdivision (a) of Section 10 and subdivision (b) of Section 23 of Article IV of the Constitution, as appearing in the first resolved clause of Assembly Constitutional Amendment (Revision) No. 13, shall not become operative.

1	**PUBLIC RETIREMENT FUNDS. Legislative Constitutional Amendment.** Provides Legislature may authorize investment of moneys of any public pension or retirement fund, except Teachers' Retirement Fund, in stock or shares of any corporation or a diversified management investment company; provided that not to exceed 25% of the assets of the fund may be so invested and there is compliance with specified requirements as to registration of the stock in an exchange, financial condition of the corporation, and the percentage of stock which may be acquired in any one corporation.	**YES**	
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 57, 1965 Regular Session, expressly amends an existing section of the Constitution, therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE.**)

PROPOSED AMENDMENT TO ARTICLE XII

SEC. 13. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the state and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold 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, municipal or governmental purposes; and such holding of such stock shall entitle such holder thereof to all of the rights, powers and privileges, and shall subject such holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which such stock is so held.

Notwithstanding provisions to the contrary in this section and Section 31 of Article IV of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13901 of the Education Code, or any successor thereto, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of any corporation provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended, but such registration shall not be required with respect to the following stocks:

1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

3) Any preferred stock

b. Such corporation has total assets of at least one hundred million dollars ($100,000,000);

c. Bonds of such corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund, and there are no arrears of dividend payments on its preferred stock;

d. Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last 3 years;

e. Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f. No single common stock investment may exceed 2 percent of the assets of the fund, based on cost.

Notwithstanding provisions to the contrary in this section and Section 31 of Article IV of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13901 of the Education Code, or any successor thereto, in stock or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); provided, however, that the total investment in such stocks and shares, together with stocks and shares of all other corporations may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

FOR BONDS TO PROVIDE STATE COLLEGE AND UNIVERSITY FACILITIES. (This act provides for a bond issue of two hundred thirty million dollars ($230,000,000).)

2

AGAINST BONDS TO PROVIDE STATE COLLEGE AND UNIVERSITY FACILITIES. (This act provides for a bond issue of two hundred thirty million dollars ($230,000,000).)

(This law proposed by Senate Bill No. 43, 1966 First Extraordinary Session, 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

Section 1. This act shall be known and may be cited, as the State Higher Education Construction Program Bond Act of 1966.

Sec. 2. The purpose of this act is to provide the necessary funds to meet the major building construction, equipment and site acquisition needs of the state for purposes of the University of California and the California State Colleges.

Proceeds of the bonds authorized to be issued under this act, in an amount or amounts which the Legislature shall determine, shall be used for site acquisitions for new institutions of public higher education which institutions are approved or authorized by the Legislature subsequent to the adoption of this act by the people.

Sec. 3. Bonds in the total amount of two hundred thirty million dollars ($230,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 2 of this act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Government Code Section 16724.5. Said bonds shall be known and designated as State Higher Education Construction Program bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

Sec. 4. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

Sec. 5. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

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

(b) Such sum as is necessary to carry out the provisions of Section 8 of this act, which sum is appropriated without regard to fiscal years.

Sec. 6. The proceeds of bonds issued and sold pursuant to this act, together with interest earned thereon, if any, shall be deposited in the State Construction Program Fund. The money so deposited in the fund shall be reserved and allocated solely for expenditure for the purposes specified in this act and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

Sec. 7. A section shall be included in the Budget Bill for each fiscal year bearing the caption State Higher Education Construction Bond Act Program. Said section shall contain proposed appropriations only for the program contemplated by this act, and no funds derived from the bonds authorized by this act may be expended pursuant to an appropriation not contained in said section of the Budget Act. The Department of Finance, which is hereby designated as the board for the purposes of this act, shall annually total the Budget Act appropriations referred to in this section and, pursuant to Section 16730 of the Government Code, request the State Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

Sec. 8. For the purposes of carrying out the provisions of this act 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 have been authorized to be sold for the purpose of carrying out this act. Any amounts withdrawn shall be deposited in the State Construction Program Fund, and shall be reserved, allocated for expenditure, and expended as specified in Section 6 of this act. 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 act, together with interest at the rate of interest fixed in the bonds so sold.

Sec. 9. The bonds authorized by this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 of Part 3, Division 4, Title 2 of the Government Code), and all of the provisions of said law are applicable to said bonds and to this act, and are hereby incorporated in this act as though set forth in full herein.

Sec. 10. The State Construction Program Committee is hereby created. The committee shall consist of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Director of the Coordinating Council for Higher Education. For the purpose of this act the State Construction Program Committee shall "the committee" as that term is used in the State General Obligation Bond Law.

OF 3	**SPACE CONSERVATION. Legislative Constitutional Amendment.** Authorizes Legislature to define open space lands; provide restrictions to use thereof for recreation, scenic beauty, natural resources, or production of food or fiber; and establish basis of assessment of such lands.	YES	
		NO	

(This amendment proposed by Senate Constitutional Amendment No. 4, 1966 First Extraordinary Session, does not expressly amend any existing section of the Constitution, but adds a new article thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED ARTICLE XXVIII

ARTICLE XXVIII
OPEN SPACE CONSERVATION

Section 1. The people hereby declare that it is in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence open space lands for the production of food and fiber and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. The people further declare that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes, and it is the intent of this article to so provide.

Sec. 2. Notwithstanding any other provision of this constitution, the Legislature may by law define open space lands and provide that when such lands are subject to enforceable restriction, as specified by the Legislature, to the use thereof solely for recreation, for the enjoyment of scenic beauty, for the use of natural resources, or for production of food or fiber, such lands shall be valued for assessment purposes on such basis as the Legislature shall determine to be consistent with such restriction and use. All assessors shall assess such open space lands on the basis only of such restriction and use, and in the assessment thereof shall consider no factors other than those specified by the Legislature under the authorization of this section.

4	**INDEBTEDNESS OF LOCAL AGENCIES. Legislative Constitutional Amendment.** Provides that instead of a two-thirds vote to incur an indebtedness at an election held for that purpose, any local general obligation bonds for library purposes or public school purposes, may be approved by sixty percent of the qualified electors voting on such proposition at a primary or general election, including this election.	YES	
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 1, 1966 First Extraordinary Session, expressly amends an existing section of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in ~~STRIKEOUT TYPE~~, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE.**)

PROPOSED AMENDMENT TO ARTICLE XI

SEC. 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, except that: any such public entity which is authorized to maintain a public library may incur indebtedness or liability in the form of general obligation bonds for library purposes only, and any such public entity which is authorized to incur any form of indebtedness or liability for public school purposes may incur any form of indebtedness or liability for public school purposes only, provided that any proposition for the incurrence of indebtedness or liability in the form of general obligation bonds for library purposes only or any proposition for the incurrence of any form of indebtedness or liability for public school purposes only, approved by 60 percent of the qualified electors of the public entity voting on the proposition and the proposition is submitted to the electors at the same time as a statewide primary or general election.

~~nor unless before~~ **Before** or at the time of incurring ~~such~~ **any** indebtedness or liability **under this section**, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness or liability as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed 40 years from the time of contracting the same.

~~; provided, however, anything~~ **Any provision herein** to the contrary ~~herein~~ notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or 60 percent, as the case may be, of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

In the event that at the election upon the question of the adoption of the amendment to this section proposed to the people of the State of California by the Legislature at its 1966 First Extraordinary Session, there is presented also, to the voters of any public entity subject to this section any proposition for the issuance of general obligation bonds for library purposes only, or any proposition for the incurrence of any form of indebtedness or liability for public school purposes only, the issuance of such general obligation

bonds, or the incurrence of such indebtedness or liability, under any such proposition, shall be deemed properly authorized and approved provided that: (1) the amendment to this section so proposed is approved by the electors of the state at such election; and (2) the proposition for issuance of such general obligation bonds, or the incurrence of such indebtedness or liability approved by 60 percent of the qualified electors of the public entity voting on such proposition.

5 **PROPERTY TAXATION: RELIEF IN EVENT OF DISASTER. Legislative Constitutional Amendment.** Legislature may authorize the assessment or reassessment of property damaged or destroyed by major misfortune or calamity after lien date, and property is located in disaster area proclaimed by Governor.

YES	
NO	

(This amendment proposed by Assembly Constitutional Amendment No. 8, 1966 First Extraordinary Session, expressly amends an existing section of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in ~~STRIKEOUT TYPE~~, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE.**)

PROPOSED AMENDMENT TO ARTICLE XIII

SEC. 2.8. The Legislature shall have the power to ~~provide for, or~~ authorize local taxing agencies to provide for ~~any appropriate relief from ad valorem taxation~~ **the assessment or reassessment of taxable property** where ~~(a)~~ after the lien date for a given tax year taxable property is damaged or destroyed by ~~fire, flood, earthquake or other act of God,~~ **a major misfortune or calamity** and ~~(b)~~ the damaged or destroyed property is located in an area or region which was subsequently proclaimed by the Governor to be in a state of disaster.

6 **LEGISLATIVE PROCEDURE. Legislative Constitutional Amendment.** Provides that acts of Legislature shall go into effect 60 days after adjournment of regular session and 90 days after any other session. Legislature shall reconvene for not more than 5 days after expiration of 30 days following a general session to reconsider those measures vetoed by Governor after adjournment.

YES	
NO	

(This amendment proposed by Assembly Constitutional Amendment No. 90, 1965 Regular Session, expressly amends existing sections of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in ~~STRIKEOUT TYPE~~; and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE.**)

PROPOSED AMENDMENT TO ARTICLE IV

First, That the first and second sentences of the fourth paragraph of Section 1 of Article IV thereof be amended to read:

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~~ 60 days after ~~the~~ final adjournment ~~of the session~~ **of a general session, or 90 days after final adjournment of any other 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 of the members elected to each house.

Second, That the fifth paragraph of Section 1 of Article IV thereof be amended to read:

Upon the presentation to the Secretary of State within ~~ninety~~ 60 days after ~~the~~ final adjournment **of a general session or, 90 days after the final adjournment of any other session** of the Legislature, of a petition certified as herein provided, to have been signed by qualified electors equal in number of 5 percent 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 30 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.

Third, That the third [sic] * paragraph of subdivision (a) of Section 2 of Article IV thereof be amended to read:

All regular sessions in odd-numbered years shall be known as general sessions and no general session shall exceed 120 calendar days in duration, not including Saturdays or Sundays, **except**

* From the text of the measure it is clear that the paragraph amended is the second paragraph of subdivision (a) of Section 2 of Article IV.

that at the end of such 120-calendar-day period the Legislature shall recess until the first Monday following the expiration of 30 days following the day upon which it recessed and shall then reconvene for not to exceed five days for the sole purpose of reconsidering measures vetoed by the Governor. Members of the Legislature shall receive mileage of five cents ($0.05) per mile for traveling to and from their homes in order to attend the reconvening of the Legislature following such recess.

Fourth, That Section 16 of Article IV thereof be amended to read:

SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the Journal and proceed to reconsider it. If after such reconsideration, it again pass both houses, by yeas and nays, two-thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within 10 days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature has recessed at the end of a general session as provided in subdivision (a) of Section 2 of Article IV, in which case, if the bill shall not be returned to the house in which it originated within 30 days after the commencement of such recess, together with the Governor's objections thereto, the same shall become law in like manner as if he had signed it, or, in the case of a budget session or special session, the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within 30 days after such adjournment ~~(Sundays excepted)~~, shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

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7 **COMPENSATION OF COUNTY OFFICERS. Legislative Constitutional Amendment.** Provides that boards of supervisors rather than Legislature shall fix their own salary subject to referendum and also salary of district attorneys and auditors. In charter counties boards of supervisors shall also fix their own salary.

YES	
NO	

(This amendment proposed by Assembly Constitutional Amendment No. 42, 1965 Regular Session, expressly amends existing sections of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in ~~STRIKEOUT TYPE~~, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE.**)

PROPOSED AMENDMENT TO ARTICLE XI

First, that the first paragraph of Section 5 of Article XI be amended to read:

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It ~~shall~~ may regulate the compensation of ~~boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may classify the counties by population. It may regulate the compensation of~~ grand and trial jurors in all courts ~~within the classes of counties herein permitted to be made.~~ **in the respective counties and for this purpose may classify the counties by population. Each board of supervisors shall fix the compensation to be paid to members of the board, provided that such action shall be subject to the referendum.** The boards of supervisors in the respective counties shall **also** regulate the compensation of all officers in said counties, ~~other than boards of supervisors, district attorneys, auditors, and judges of municipal courts,~~ and shall regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the counties. **The compensation prescribed by law for the members of a board of supervisors shall continue to be paid to such members until their compensation is fixed pursuant to this section.**

Second, that subdivision 1 of Section 7½ of Article XI be amended to read:

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 **provided, further, that each board of supervisors shall fix the compensation to be paid to members of the board, but the compensation payable to the members of the board pursuant to the county charter shall continue to be paid to such members until their compensation is fixed pursuant to this subdivision; and**

8 **TAXATION: INSURANCE COMPANIES; HOME OR PRINCIPAL OFFICE DEDUCTION.** Legislative Constitutional Amendment. Establishes formula and limits amount of real property taxes on home or principal office buildings deductible from gross premiums tax by foreign insurers immediately, and by domestic insurers on home or principal office buildings commenced after January 1, 1970. Redefines term "insurer" so that reciprocal or interinsurance exchanges together with their attorneys in fact be considered as single unit.

YES	
NO	

(This amendment proposed by Assembly Constitutional Amendment No. 1, 1966 Second Extraordinary Session, expressly amends an existing section of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in ~~STRIKEOUT TYPE~~, and **NEW PROVISIONS** proposed to be **INSERTED** are printed **in BLACK-FACED TYPE.**)

PROPOSED AMENDMENTS TO ARTICLE XIII

SEC. 14¼. (a) "Insurer," as used in this section, includes insurance companies or associations and reciprocal or interinsurance exchanges **together with their corporate or other attorneys in fact considered as a single unit,** and the State Compensation Insurance Fund. As used in this paragraph, "companies" includes persons, partnerships, joint stock associations, companies and corporations.

(b) An annual tax is hereby imposed on each insurer doing business in this state on the base, at the rates, and subject to the deductions from the tax hereinafter specified.

(c) In the case of an insurer not transacting title insurance in this state, the "basis of the annual tax" is, in respect to each year, the amount of gross premiums, less return premiums, received in such year by such insurer upon its business done in this state, other than premiums received for reinsurance and for ocean marine insurance.

In the case of an insurer transacting title insurance in this state, the "basis of the annual tax" is, in respect to each year, all income upon business done in this state, except:

(1) Interest and dividends.

(2) Rents from real property.

(3) Profits from the sale or other disposition of investments.

(4) Income from investments.

"Investments" as used in this subdivision (d) includes property acquired by such insurer in the settlement or adjustment of claims against it but excludes investments in title plants and title records. Income derived directly or indirectly from the use of title plants and title records is included in the basis of the annual tax.

In the case of an insurer transacting title insurance in this state which has a trust department and does a trust business under the banking laws of this state, there shall be excluded from the basis of the annual tax imposed by this section, the income of, and from the assets of, such trust department and such trust business, if such income is taxed by this state or included in the measure of any tax imposed by this state.

(d) The rate of the tax to be applied to the basis of the annual tax in respect to each year is 2.35 percent.

(e) (1) Each insurer shall have the right to deduct from the annual tax imposed by this section upon such insurer in respect to a particular year the amount of real estate taxes paid by it, in that year, before, or within 30 days after, becoming delinquent, on real property owned by it at the time of payment, and in which was located, in that year, its home office or principal office in this state. Such real property may consist of one building or of two or more adjacent buildings in which such an office is located, the land on which they stand, and so much of the adjacent land as may be required for the convenient use and occupation thereof.

(2) In the event a portion of the real property described in paragraph (1) of this subdivision is occupied by a person or persons other than the insurer the deduction granted the insurer by said paragraph shall be limited to that percentage, not to exceed 100 percent, equal to the of (i) the percentage of occupancy of the r obtained by deducting from 100 percent th... tio that the square footage of said building or buildings occupied by the person or persons other than the insurer bears to the total square footage of said building or buildings plus (ii) the lesser of one-half of said percent of occupancy of the insurer or 25 percent, provided, however, that the limitation set forth in this paragraph shall not be applicable to such real property occupied by a domestic insurer as its home office or principal office in this state on January 1, 1970, or to such real property upon which construction of the home office or principal office of the domestic insurer commenced prior to January 1, 1970. As used in this paragraph, "domestic insurer" means an insurer organized under the laws of this state and licensed to transact insurance in this state on or before December 31, 1966.

(3) The phrase "person or persons other than the insurer" as used in paragraph (2) of this subdivision shall not include (i) another insurance company or association affiliated directly or indirectly with the insurer through direct ownership or common ownership or control; or (ii) the corporate or other manager of the insurer to the extent of its insurance management activities. The Legislature may define the terms used in this paragraph for the sole purpose of facilitating the operation of this paragraph.

(f) The tax imposed on insurers by this ...n is in lieu of all other taxes and licenses, ...ate,

e[illegible]w, and municipal, upon such insurers and t[illegible]roperty, except:

(1) Taxes upon their real estate.

(2) That an insurer transacting title insurance in this state which has a trust department or does a trust business under the banking laws of this state is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this state.

(3) When by or pursuant to the laws of any other state or foreign country any taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements or other material obligations, prohibitions or restrictions are or would be imposed upon California insurers, or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state; so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses and other fees, in the aggregate, or fines, penalties or deposit requirements or other material obligations, prohibitions, or restrictions, of whatever kind shall be imposed upon the insurers, or upon the agents or re[illegible]ives of such insurers, of such other state o[illegible]ntry doing business or seeking to do business in California. Any tax, license or other fee or other obligation imposed by any city, county, or other political subdivision or agency of such other state or country on California insurers or their agents or representatives shall be deemed to be imposed by such state or country within the meaning of this paragraph (3) of subdivision (f).

The provisions of this paragraph (3) of subdivision (f) shall not apply as to personal income taxes, nor as to ad valorem taxes on real or personal property nor as to special purpose obligations or assessments heretofore imposed by another state or foreign country in connection with particular kinds of insurance, other than property insurance; except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration in determining the propriety and extent of retaliatory action under this paragraph (3) of subdivision (f).

For the purposes of this paragraph (3) of subdivision (f) the domicile of an alien insurer, other than insurers formed under the laws of Canada, shall be that state in which is located its principal place of business in the United States.

In the case of an insurer formed under the laws of Canada or a province thereof, its domicile shall be deemed to be that province in which its head office is situated.

The provisions of this paragraph (3) of subdivision (f) shall also be applicable to reciprocals or interinsurance exchanges and fraternal benefit societies.

(4) The tax on ocean marine insurance.

(5) Motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the state upon vehicles, motor vehicles or the operation thereof.

(6) That each corporate or other attorney in fact of a reciprocal or interinsurance exchange shall be subject to all taxes imposed upon corporations or others doing business in the state, other than taxes on income derived from its principal business as attorney in fact.

A corporate or other attorney in fact of each exchange shall annually compute the amount of tax that would be payable by it under prevailing law except for the provisions of this section, and any management fee due from each exchange to its corporate or other attorney in fact shall be reduced pro tanto by a sum equivalent to the amount so computed.

(g) Every insurer transacting the business of ocean marine insurance in this state shall annually pay to the state a tax measured by that proportion of the underwriting profit of such insurer from such insurance written in the United States, which the gross premiums of the insurer from such insurance written in this state bear to the gross premiums of the insurer from such insurance written within the United States, at the rate of 5 per centum, which tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such insurer, except taxes upon real estate, and such other taxes as may be assessed or levied against such insurer on account of any other class of insurance written by it. Deductions from the annual tax pursuant to subdivision (e) cannot be made from the ocean marine tax. The Legislature shall define the terms "ocean marine insurance" and "underwriting profit," and shall provide for the assessment, levy, collection and enforcement of the ocean marine tax.

(h) The taxes provided for by this section shall be assessed by the State Board of Equalization.

(i) The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may by law change the rate or rates of taxes herein imposed upon insurers.

(j) This section is not intended to and does not change the law as it has previously existed with respect to the meaning of the words "gross premiums, less return premiums, received" as used in this section or as used in Section 14 or 14½ of this article.

VETERANS' TAX EXEMPTION FOR BLIND VETERANS. Legislative Constitutional Amendment. Authorizes tax exemption on home of veteran who by reason of a permanent and total service-connected disability is blind. Limits such exemption to $5,000. Exemption shall apply to 1965–1966 fiscal year.

9

YES	
NO	

(This amendment proposed by Assembly Constitutional Amendment No. 41, 1965 Regular Session, 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 they are **NEW.**)

PROPOSED AMENDMENT TO ARTICLE XIII

Sec. 1¼b. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this state who, by reason of his military or naval service, is qualified for the exemption provided in subdivision (a) of Section 1¼ of this article, without regard to any limitation contained therein on the value of property owned by such person or his spouse, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service is blind in both eyes with visual acuity of 5/200 or less; except that such exemption shall not extend to more than one home nor exceed five thousand dollars ($5,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in subdivision (a) of Section 1¼ of this article.

Where such blind person sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the government of the United States, any other property which such totally disabled person occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

This section shall apply to such property for the 1965–1966 fiscal year in the manner provided by law.

LOANS OF PUBLIC FUNDS. Legislative Constitutional Amendment. Authorizes Legislature to provide by general law for the loaning of public funds without interest, or the payment of interest on loans made by others, to finance the repair, restoration, or replacement of private property damaged in area declared by Governor to be in a state of disaster.

10

YES	
NO	

(This amendment proposed by Senate Constitutional Amendment No. 8, 1965 Regular Session, 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 ARTICLE IV

31d. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature, by general law, to authorize or provide for the loaning of any public funds, without interest, or to authorize or provide for the payment of interest or a portion of the interest on loans extended by others, to finance the repair, restoration, or replacement of private property damaged or destroyed in any area or region which the Governor has declared to be in a state of disaster as a result of the condition which caused the Governor to declare such area or region to be in a state of disaster.

BOXING AND WRESTLING CONTESTS. Amendment of Initiative. Submitted by Legislature. Provides Legislature may amend, revise, or supplement boxing and wrestling initiative act of November 4, 1924.

11

YES	
NO	

(This law proposed by Assembly Bill No. 147, 1966 First Extraordinary Session, amends the boxing and wrestling initiative act of November 4, 1924, by adding Section 18608 to the Business and Professions Code; therefore the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW.**)

PROPOSED LAW

SEC. 30. Section 18608 is added to the Business and Professions Code, to read:

18608. The Legislature may amend, revise, or supplement any part of that certain initiative act relating to boxing and wrestling, approved by the electors on November 4, 1924, as embodied in Chapter 2 (commencing with Section 18600) of Division 8 of the Business and Professions Code.

12	"Y ASSESSMENT APPEALS BOARDS. Legislative Constitutional Amendment. Authorizes any county to create assessment appeals board to act as board of equalization of taxable property in the county.	YES	
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 10, 1966 First Extraordinary Session, expressly amends an existing section of the Constitution; therefore **EXISTING PROVISIONS** proposed to be **DELETED** are printed in ~~STRIKEOUT TYPE~~, and **NEW PROVISIONS** proposed to be **ADDED** are printed in **BLACK-FACED TYPE.**)

PROPOSED AMENDMENTS TO ARTICLE XIII

SEC. 9.5. (a) ~~On or before the last day of January in any year, the~~ The board of supervisors of any county ~~having a population in excess of 400,000 as ascertained by the last United States decennial census~~ may by ordinance create ~~tax~~ assessment appeals boards for the county.

When created and in existence ~~tax~~ assessment appeals boards shall constitute boards of equalization for their respective counties. Each board shall have the power to equalize the valuation of the taxable property in the county for the purpose of taxation in the manner provided for in Section 9 of this article. All general laws pertaining to county boards of equalization shall be applicable to county ~~tax~~ assessment appeals boards. The board of supervisors shall fix the compensation payable to members of ~~tax~~ assessment appeals boards, provide such clerical and other assistance as is necessary therefor and adopt such rules of notice and procedure for such boards as may be required to facilitate their work and to insure uniformity in the processing and decision of equalization petitions.

(b) The Legislature shall provide by law for:

(1) The number of ~~tax~~ assessment appeals boards, in excess of one, which may be created within any county and the number of members to serve on each such board.

(2) The qualifications of and manner of selection and appointment of persons to serve on such boards.

(3) The terms for which members shall serve, for their removal and for the procedure for the discontinuance of such boards in any county.

~~(c) This section shall not become applicable in any county until the Legislature has by legislation authorized the creation of a tax appeals board for that county.~~

13	P RTY TAX STATEMENT. Legislative Constitutional Amendment. Removes from Constitution requirement that Legislature shall require each taxpayer file annual property statement.	YES	
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 11, 1966 First Extraordinary Session, expressly repeals an existing section of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in ~~STRIKEOUT TYPE~~.)

PROPOSED AMENDMENT TO ARTICLE XIII

That the Constitution of the State be amended by repealing Section 8 of Article XIII thereof.

~~SEC. 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the County Assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian, on the first Monday of March.~~

14	**PERSONAL INCOME TAXES. Legislative Constitutional Amendment.** Authorizes Legislature to provide for reporting and collecting California personal income taxes by reference to provisions of the laws of the United States and may prescribe exceptions and modifications thereto.	YES	
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 18, 1965 Regular Session, 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 ARTICLE XIII

11½. The Legislature may simplify the reporting and collection of California personal income taxes, notwithstanding any other provision of this Constitution, by reference to any provision of the laws of the United States as the same may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

As used in this section "any provision of the laws of the United States" includes a reference to the amount of any federal tax on in respect to or measured by personal income which is computed under any provision of federal law.

15	**ELIGIBILITY TO VOTE. Legislative Constitutional Amendment. Provides** that educational requirement for eligibility to vote shall not apply to any person who on June 27, 1952, was at least 50 years of age and a resident of the United States at least 20 years.	YES	
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 28, 1965 Regular Session, expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in ~~STRIKEOUT TYPE~~ and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE.**)

PROPOSED AMENDMENT TO ARTICLE II

SECTION 1. Every native citizen of the United States of America, every person who shall have acquired the rights of citizenship under and by virtue of the Treaty of Querétaro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the state one year next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 54 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within 54 days, or any person duly registered as an elector in any county in California and removing therefrom to another county in California within 90 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct or county from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who ~~had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upwards on October 10, 1911,~~ **on June 27, 1952, was at least 50 years of age and a resident of the United States for periods totaling at least 20 years,** provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical dis[illegible], on the day on which any election is held.

16	**OBSCENITY. Initiative.** Declares state policy is to prohibit obscene matter and conduct. Redefines "obscene" and "knowingly"; provides rules and procedure for prosecuting violations; jury unless waived determines amount of fine. Makes conspiracy to violate obscenity laws a felony. Authorizes seizure of obscene matter with procedure for summary determination of character. Requires vigorous enforcement and authorizes civil action to compel prosecutor to perform his duties.	YES	
		NO	

(This proposed amendment expressly amends existing sections of the Penal Code; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in ~~STRIKEOUT TYPE~~, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE.**)

PROPOSED LAW

An act to amend Sections 311, 311.7, 311.8 and 311.9 of, and to add Sections 311.10, 311.11, 311.12, 311.13, 311.14, 311.15 and 311.16 to, the Penal Code, relating to obscene matter; defining the words, "obscene" and "knowingly"; prohibiting tie-in sales; establishing special defenses; authorizing a jury to determine fines; providing for the felony crime of conspiracy; providing for function of jury and court and authorizing special verdicts in obscenity trials; authorizing seizure of obscene matter and providing for hearing thereon; authorizing a civil action and providing penalty for wilful failure to enforce obscenity laws.

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

DECLARATION OF INTENT. During the past several years, the spread of obscene matter has become of increasingly grave concern to the people of this State. The indiscriminate dissemination of material, the essential character of which is to degrade sex will, over a long period of time, have an eroding effect on moral standards. For this reason, the elimination of this evil is in the best interests of the morale and general welfare of the people. The accomplishment of this end in view of the continued lack of action by the Legislature, can best be achieved by providing through the initiative effective powers to reach residents and non-residents responsible for the composition, publication and distribution of obscene matter within the State. It is hereby declared to be the intent of this act to proscribe all obscene matter and conduct that is beyond the protection of the free speech and press guaranteed by the First and Fourteenth Amendments to the

United States Constitution by adopting the defi- and test for obscene matter as was ap- by the United States Supreme Court in the Roth-Alberts case, 354 U. S. 476.

Section 1. Section 311 of the Penal Code is hereby amended to read as follows:

311. **DEFINITIONS**: As used in this chapter:

(a) ~~"Obscene" means that to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest, i.e.,~~ **A thing is obscene if, considered as a whole, its dominant theme or purpose is an appeal to prurient interest. Prurient interest is defined as a** shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters ~~and is matter which is utterly without redeeming social importance~~. **If it appears from the character of the material or the circumstances of its dissemination that the subject matter is designed for a specially susceptible audience, the appeal of the subject matter shall be judged with reference to such audience. When the subject matter is distributed to minors under 18 years of age, the appeal of the subject matter shall be judged with reference to an average person of the actual age of the minor to whom such material is distributed. In all other cases, the appeal of the subject matter shall be judged with reference to the average person in the community.**

(b) "Matter" means any book, magazine, newspaper, or other printed or written material or any p drawing, photograph, motion picture, or o pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines or materials.

(c) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(d) "Distribute" means to transfer possession of, whether with or without consideration.

(e) "Knowingly" means having knowledge ~~that the matter is obscene.~~ **of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the character of the same.**

Section 2. Section 311.7 of the Penal Code is hereby amended to read as follows:

311.7. **REQUIRING RECEIPT OF OBSCENE MATTER AS CONDITION TO SALE OR DELIVERY OF PAPERS, MAGAZINES, BOOKS, ETC.; DENYING OR THREATENING TO DENY FRANCHISE.** Every person who, knowingly, as a condition to a sale, allocation, consignment, or delivery for resale of any paper, magazine, book, periodical, publication or other merchandise, requires that the purchaser or consignee receive any ~~obscene~~ matter **reasonably believed by such purchaser or consignee to be obscene** or who denies or threatens to deny a franchise, revokes or threatens to revoke, or imposes any penalty, financi otherwise, by reason of the failure of any p to accept ~~obscene~~ **such** matter, or by rea- ne return of such ~~obscene~~ matter, **is guilty of a misdemeanor.**

Section 3. Section 311.8 of the Penal Code is hereby amended to read as follows:

311.8. **DEFENSE.** ~~It shall be a defense in any prosecution for a violation of this chapter that the act charged was committed in aid of legitimate scientific or educational purposes.~~ **This act shall not apply to persons who may possess or distribute obscene matter or participate in conduct otherwise proscribed by this chapter when such possession, distribution, or conduct occurs in the course of law enforcement activities or in the course of bona fide scientific, educational, or comparable research or study, or like circumstances of justification where the nature of the possession, distribution, or conduct has no relationship to the subject matter's appeal to prurient interest.**

Section 4. Section 311.9 of the Penal Code is hereby amended to read as follows:

311.9. **PUNISHMENT.**

(a) Every person who violates Section 311.2 is punishable by fine of not more than one thousand dollars ($1,000) plus five dollars ($5) for each additional unit of material coming within the provisions of this chapter, which is involved in the offense, not to exceed ten thousand dollars ($10,000), or by imprisonment in the county jail for not more than six months plus one day for each additional unit of material coming within the provisions of this chapter, and which is involved in the offense, such basic maximum and additional days not to exceed 360 days in the county jail, or by both such fine and imprisonment. If such person has previously been convicted of a violation of Section 311.2, he is punishable by fine of not more than two thousand dollars ($2,000) plus five dollars ($5) for each additional unit of material coming within the provisions of this chapter, which is involved in the offense, not to exceed twenty-five thousand dollars ($25,000), or by imprisonment in the county jail for not more than one year, or by both such fine and such imprisonment. If such person has been twice convicted of a violation of this chapter, a violation of Section 311.2 is punishable as a felony.

(b) Every person who violates Sections 311.3 and 311.4 is punishable by fine of not more than two thousand dollars ($2,000) or by imprisonment in the county jail for not more than one year, or by both such fine and such imprisonment. If such person has been previously convicted of a violation of Section 311.3 or Section 311.4, he is punishable by imprisonment in the state prison not exceeding five years.

(c) Every person who violates Section 311.7 is punishable by fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail for not more than six months in the county jail, or by both such fine and imprisonment. For a second and subsequent offense he shall be punished by a fine of not more than two thousand dollars ($2,000), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. If such person has been twice convicted of a violation of this chapter, a violation of Section 311.7 is punishable as a felony.

(d) Where trial is by jury, the jury shall fix and determine the amount of the fine and no judge shall remit or reduce the fine so fixed, unless he spreads his reasons for so doing in full on the minutes of the court.

(e) If two or more persons conspire to commit any of the acts proscribed by this chapter, they shall be subject to prosecution for a felony under Penal Code Section 182.1.

Section 5. Section 311.10 is added to the Penal Code to read as follows:

311.10. FUNCTION OF JURY IN OBSCENITY TRIAL; JURY TRIAL; FUNCTION OF COURT. The jury is the exclusive judge of what the common conscience of the community is, and in determining that conscience the jury must consider the community as a whole, young and old, educated and uneducated, the irreligious and the religious—men, women and children.

Criminal prosecutions and other proceedings involving the ultimate issue of obscenity shall be tried by jury, unless both parties to the action waive a jury trial in writing or by statement in open court, entered in the minutes, with the approval of the court.

The court shall have no power, either before, or during trial, to dismiss an obscenity proceedings on the ground that the subject matter is not obscene, if reasonable men could differ as to whether the material is obscene; nor may a court, after trial, set aside an obscenity verdict on the same grounds, if an examination of the evidence indicates the verdict is supported by sufficient evidence. A dismissal by the court on such grounds shall be appealable by the people under Penal Code Section 1238.

Section 6. Section 311.11 is added to the Penal Code to read as follows:

311.11. SPECIAL VERDICT. In criminal prosecutions, involving the issue of obscenity, the jury, or the court, if a jury trial is waived, shall render a general verdict, and must also render a special verdict as to whether the matter named in the charge is obscene. The special verdict or findings on the issue of obscenity may be: "We find the _____ (title or description of matter) to be obscene," or, "We find the _____ (title or description of matter) not to be obscene," as they may find each item is or is not obscene.

Section 7. Section 311.12 is added to the Penal Code to read as follows:

311.12. SEIZURE OF OBSCENE MATTER AUTHORIZED. Every peace officer or other public officer who is authorized or enjoined to arrest any person for a violation of this chapter is equally authorized and enjoined to seize obscene matter found in possession, or under the control of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested, is required to be taken.

Section 8. Section 311.13 is added to the Penal Code to read as follows:

311.13. CHARACTER OF SEIZED MATTER TO BE SUMMARILY DETERMINED. If the seizure be controverted, the magistrate to whom any obscene matter is delivered pursuant to the foregoing section or to the return of a search warrant must within the next legal court day after service of the motion for restoration proceed to take testimony in relation thereto. A decision as to whether there is probable cause to believe the seized material to be obscene shall be rendered by the court within two legal court days next following the conclusion of the restoration proceedings.

Section 9. Section 311.14 is added to the Penal Code to read as follows:

311.14. POLICY. The several prosecuting attorneys of this State shall, without interference, supervision or control by the Attorney General or by any other law enforcement officer, except as may be authorized or directed by the Constitution of California, vigorously enforce the provisions of this chapter within their respective jurisdictions.

Section 10. Section 311.15 is added to the Penal Code to read as follows:

311.15. CONSTRUCTION. This chapter shall be liberally construed by the courts of this State so as to repress and prohibit the obscene matter and conduct proscribed herein.

Section 11. Section 311.16 is added to the Penal Code to read as follows:

311.16. CIVIL ACTION. Whenever there is reason to believe that any person knowingly has committed or is committing any of the acts proscribed by this chapter, and the responsible prosecuting attorney neglects and refuses to perform the duties imposed upon him, a civil action may be instituted, to require such performance. If such prosecuting attorney shall, after demand in writing, refuse to undertake the performance of said duties within 10 days and thereafter prosecute the same to conclusion within a reasonable time, any citizen may maintain a civil action against such prosecutor to compel him to perform all of the duties imposed by this chapter, failing which he shall be subject to removal from office according to law.

Section 12. If any section, subsection, sentence, or clause of this act is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portion of this act. It is hereby declared that this act would have been passed, and each section, subsection, sentence or clause thereof, irrespective of the fact that any one or more sections, subsections, sentences or clauses might be adjudged to be unconstitutional, or for any other reason invalid.

CERTIFICATE OF SECRETARY OF STATE

State of California, Department of State
Sacramento, California

I, Frank M. Jordan, Secretary of State of the State of California, do hereby certify that the foregoing 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, 1966, and that the foregoing pamphlet is correct.

Witness my hand and the Great Seal of the State, at office in Sacramento, California, the fifth day of August, A.D. 1966.

Frank M. Jordan

FRANK M. JORDAN
SECRETARY OF STATE

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