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CALIFORNIA STATE ARCHIVES
SECRETARY OF STATE

Proposed

AMENDMENTS TO CONSTITUTION

PROPOSITIONS AND PROPOSED LAWS

Together With Arguments

(Arguments in support or opposition of the proposed laws are opinions of the authors)

PRIMARY ELECTION

Tuesday, June 6, 1972

Compiled by GEORGE H. MURPHY, Legislative Counsel
Distributed by EDMUND G. BROWN Jr., Secretary of State

PART I — ARGUMENTS

FOR THE VETERANS BOND ACT OF 1971. This Act provides for a bond issue of two hundred fifty million dollars ($250,000,000) to provide farm and home aid for California veterans. **1**	
AGAINST THE VETERANS BOND ACT OF 1971. This Act provides for a bond issue of two hundred fifty million dollars ($250,000,000) to provide farm and home aid for California veterans.	

(For full text of measure, see page 1, 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 $250,000,000 to provide funds for farm and home purchase aid under the Veterans' Farm and Home Purchase Act of 1943.

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 further details, see below.

Detailed Analysis by the Legislative Counsel*

This act, the Veterans Bond Act of 1971, would authorize the issuance and sale of state bonds in an amount not to exceed $250,000,000. Money from the sale of these bonds would be used for farm and home purchase aid under the Veterans' Farm and Home Purchase Act of 1943 (Sections 984–987.25, inclusive, Military and Veterans Code).

The act provides that the bonds, when sold, are to be general obligations of the state, for which the full faith and credit of the state is pledged. It appropriates from the General Fund in the State Treasury the amount necessary to make the principal and interest payments on the bonds as they become due. However, the bond payments would be made from funds received from veterans as principal and interest on money advanced for the purchase or construction of their farms and homes.

Funds received from veterans would be deposited in a special fund, the Veterans' Farm and Home Building Fund of 1943. On the due date for bond payments, the amount necessary would be transferred from the special fund to the General Fund. If the amount in the special fund was insufficient, the balance would be transferred to the General Fund with interest, as soon as it became available.

The amounts of the bonds to be issued from time to time would be determined by the Veterans' Finance Committee of 1943, which consists of the Governor, State Controller, State Treasurer, Director of Finance, and Director of Veterans Affairs.

* Section 3566 of the Elections Code requires the Legislative Counsel to prepare an impartial analysis of each ballot measure.

Cost Analysis by the Legislative Analyst †

This Act authorizes the state to borrow $250 million through the sale of general obligation bonds to provide funds by which the Department of Veterans Affairs may purchase farms or homes for resale, on contract, to qualified veterans pursuant to the Veterans Farm and Home Purchase Act of 1943. Veterans making such purchases are required to make monthly payments in such amounts as will provide for repayment of principal during a period no longer than forty years plus interest at a rate which will provide coverage for the bond interest, averaged with prior bonds, and also provide operating expenses for the services of the Division of Farm and Home purchases of the Department of Veterans Aff and the services of the State Treasurer in (nection with the preparation and sale of such bonds.

Since the Veterans Farm and Home Building Bond Program was initiated in 1946 after World War II, bond sales totaling $2,175,000,000 have been authorized. All of these bonds have been sold, and as of February 1, 1972, $945,450,000 had been redeemed and $1,229,550,000 were outstanding.

The last $50 million in Veterans bonds authorized for sale were sold on January 25, 1972. The average interest rate on the sale was 4.597 percent and a total interest cost over the life of those bonds will be $24,138,675.

Prior experience with similar bond issues has developed a clear history of self-liquidation and payment of all interest by veterans without cost to the general taxpayer. Nevertheless, these are general obligation bonds to which the full faith and credit of the state are pledged and any failure to receive sufficient funds through payments by veteran purchasers of property would obligate the general taxpayer for the difference.

† Section 3566.3 of the Elections Code requires the Legislative Analyst to prepa impartial analyses of the cost of b measures.

Argument in Favor of Proposition 1

This Bond Act will continue the Cal-Vet Program, which has enabled more than 250,000 California veterans to become home and farm owners.

The entire program, from its inception in 1921 and through 13 previous bond issues, has been entirely self-supporting at no cost to the taxpayers. Not one cent of tax money will ever be necessary; even administrative costs and expenses are paid out of interest revenue from the veteran loan holders. Independent audits, excellent management and adequate financial reserves in combination have maintained total self-sufficiency, even in periods of economic decline.

The interest rate to the veteran has been maintained at a low $4\frac{1}{2}\%$. It supports the principle of lending a hand, rather than a handout, to our veterans via low-cost home loans.

Many states are attempting to duplicate this Cal-Vet plan, which has proved, with its self-liquidating features, to be the most intelligent approach to a veterans benefit.

This program, having well served the needs of the veterans of World War I, World War II and the Korean War, now is essential to provide the same benefits to our Vietnam veterans. The Vietnam veterans in California number in excess of 600,000, increasing at a rate of 8,000 per month.

Cal-Vet offers significant collateral, economic and social benefits to the people of California. Expanded home building and home ownership is financed by private investors who purchase the bonds. The home supply and building materials industries achieve an increased pace of activity, as do the real estate and insurance markets. Thousands of jobs are created and maintained, and millions of dollars of new purchasing power are developed, stimulating the entire economy. The veteran and his family, as home owners, are happier and more secure citizens.

This program does not increase the bonded indebtedness of the State because $70,000,000 of Cal-Vet bonds are paid off each year by the veterans of previous conflicts.

A vote for Proposition 1 is a vote to continue the vital Cal-Vet loan program and to insure that our servicemen from Vietnam are given the same fair treatment as all other veterans—all at no cost to the taxpayer.

We sincerely urge your <u>YES</u> vote on Proposition 1.

EDWIN L. Z'BERG
Assemblyman, 9th District

NEWTON R. RUSSELL
Assemblyman, 62nd District

Rebuttal to Argument in Favor of Proposition 1

Interest paid to the purchaser of these bonds amounts to 5.4% to 5.5%, depending upon the term which may extend to 30 years. The costs of marketing the bonds, interest paid the bondholders, loan processing and other administrative costs, by mathematics alone, exceed the revenue of $4\frac{1}{2}\%$ charged the veteran. The taxpayer is obligated for the difference.

The State should not be permitted to be in the lending business, competing with banks and other lending institutions. These bonds pay interest to investors which is tax-free, effectively reducing the monies received for taxes by the state and federal agencies which is sorely needed to pay the ever-increasing costs of government.

This program has its faults: When one of these mortgages transfers through a sale to a "non-qualified" buyer, which may be a non-vet, or an out-of-state veteran, the tax supported benefit of a low interest rate is enjoyed by one that is not entitled. Accordingly, the beneficial value does not rest with the veteran as intended.

The Federal GI Bill insures the veteran's loan. It does not lend money . . . California should not lend money, it should guarantee the loan. This would remove the discrimination against other veterans residing in the state paying taxes, but unable to qualify for this restricted loan.

You are urged to vote <u>NO</u> on Proposition 1.

WILBUR McLAUGHLIN
U.S. Marine Corps, Retired

Argument Against Proposition 1

California should get out of the money-lending business that accommodates the veterans. This function belongs with private financial institutions. Approval of the bonds by the voters permits the State of California to borrow money at a high interest rate, and then loan it to the veteran at a lower rate. The difference in the cost of the money is paid for by the taxpayers, and it runs into millions each year.

The State should only guarantee loans just as the Federal Government does—not finance them. Why should a California veteran be entitled to two loan privileges? A veteran not from California is only allowed one, yet he has to help finance both Federal and State.

WILBUR McLAUGHLIN
U.S. Marine Corps, Retired

Rebuttal to Argument Against Proposition 1

The argument against this measure is based on statements that are completely false. The Veterans Bonds which are sold to enable veterans to buy homes at a lower interest rate are not borrowed at a high interest rate and loaned to the veteran at a lower rate. By law, the amount of interest charged to the veteran must be sufficient to pay back the money borrowed by the state. In other words, this is a completely self-supporting program and there is absolutely no cost to the state c any taxpayer. These facts are supportec annual certified audits.

The Veterans Home Loan Program has been an outstanding example of a program which has been repeatedly and enthusiastically endorsed by you, the voters of the state. The voters have recognized that the program has consistently provided worthwhile benefits to deserving veterans. I am certain that you will again resoundingly approve this measure.

EDWIN L. Z'BERG
Assemblyman, 9th District

2		
	FOR THE STATE SCHOOL BUILDING AID AND EARTHQUAKE RECONSTRUCTION AND REPLACEMENT BOND LAW OF 1972. This Act provides for a bond issue of three hundred fifty million dollars ($350,000,000) to provide capital outlay for construction or improvement of public schools.	
	AGAINST THE STATE SCHOOL BUILDING AID AND EARTHQUAKE RECONSTRUCTION AND REPLACEMENT BOND LAW OF 1972. This Act provides for a bond issue of three hundred fifty million dollars ($350,000,000) to provide capital outlay for construction or improvement of public schools.	

(For full text of measure, see page 2, 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 $350,000,000 to provide funds for public school buildings, to acquire land, equipment, and facilities therefor; for the rehabilitation, reconstruction, or replacement of unsafe school facilities; and for the repair of school facilities actually damaged by an earthquake after February 1, 1971.

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

For further details, see below.

Detailed Analysis by the Legislative Counsel

This act, the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972, would authorize the issuance and sale of state bonds in an amount not to exceed $350,000,000. Bond proceeds would be used for financial assistance to school districts, under the State School Building Aid Law of 1952. Under that law funds are allocated to school districts to acquire school lands, buildings, and equipment. The allotments are generally repayable by the districts through either or both local bond issues or increased local tax rates.

(Continued on page 5, column 1)

Cost Analysis by the Legislative Analy

This Act authorizes the state to borrow $350 million through the sale of general obligation bonds to provide funds to school districts for construction of school buildings. Of this total a maximum of $250 million could be used by school districts for the rehabilitation or replacement of unsafe school facilities or for the renovation of buildings recently damaged by earthquakes. The balance of $100 million would be available for the previously authorized state school building aid program. The bonds are general obligation in nature and pledge the full faith and credit of the state for their payment.

The State School Building Aid program was initiated in 1947 and the first bond act was approved in 1949. To date, a total of $1,890,000,000 in bonds has been authorized for this program. These have all been sold except $94,900,000, which are proposed to be sold during 1972. As of February 1, 1972, bonds totaling $586,575,000 had been redeemed and $1,208,525,000 were outstanding. The last sale of school building aid bonds totaling $50 million was made on September 8, 1971. The average interest rate on that sale was 4.4582 percent and the total interest cost over the life of those bonds will be $23,406,000.

The State School Building Aid progr provides site acquisition, planning, and

(Continued on page 5, column 2)

Detailed Analysis by the Legislative Counsel

(Continued from page 4, column 1)

Of the total funds, not more than $250,000,000 would be set aside for rehabilitating, reconstructing, or replacing school facilities which are structurally unsafe under standards established by law, or for the purpose of repairing actual damage to school facilities caused by an earthquake after February 1, 1971, if no other state or federal funds are available for these purposes.

The act provides that the bonds, when sold, are to be general obligations of the state for the payment of which the full faith and credit of the state is pledged, with an annual appropriation from the General Fund in the State Treasury of the amount necessary to make the principal and interest payments on the bonds as they become due.

The bonds are to be sold at the times determined by the State Treasurer, in such amounts as may be authorized by the State School Building Finance Committee, based upon review of the requests of the State Allocation Board for funds. Sufficient bonds would have to be sold to make available for apportionment $75,000,000 on July 5, 1972, and $15,000,000 each month thereafter until the total is $350,000,000.

Statute Affected by the Above Measure

Under the provisions of Chapter 118 of the Statutes of 1971, $250,000,000 of the bond funds could be expended pursuant to the provisions of Chapter 118. That law provides for the rehabilitation and replacement of structurally inadequate school facilities and prescribes specific conditions under which school districts are eligible for allocation of state funds and establishes comprehensive procedures for administration of the law by the State Allocation Board.

Cost Analysis by the Legislative Analyst

(Continued from page 4, column 2)

struction loans to districts which (1) demonstrate a need for additional facilities based on enrollment projections, and (2) are bonded to capacity. To prevent excessive indebtedness, the amount of local bonds a district is permitted to have outstanding is limited by law to an amount equivalent to five percent of the district's assessed valuation. Once this bonding limit is reached, a district can no longer issue local bonds but must rely on state loans to provide building capital.

Both the state and school districts participate in the repayment of school building aid bonds. From the first sale of bonds in 1950 to June 30, 1973, total interest and redemption costs will amount to an estimated $1,229,594,206. Of this total, the state's portion is estimated to be $661,635,457, or 53.8 percent, and the school districts' portion $567,958,749, or 46.2 percent. Based on this repayment history, it can be estimated that $46.2 million (plus interest) of the $100 million assigned by this bond act to the regular State School Building Aid program would be repaid to the state. The districts would be forgiven the remaining $53.8 million (plus interest) which would become a state government cost.

This bond proposition differs from previous state school building aid bond acts by (1) reserving funds for earthquake safety measures, (2) extending the availability of funds to districts not normally eligible for state school building aid and (3) requiring funds to be matched by local school districts as follows. A district would be required to match state funds in the proportion which the district's assessed valuation bears to the statewide average assessed valuation. For example, if a district's assessed valuation per pupil corresponds with the state average it would be eligible to receive 60 percent of the total cost of a project from the state, and would receive a greater share, up to 80 percent, if its assessed valuation is below the statewide average. Repayments to the state would come directly from a special district tax. The conditions for borrowing and the repayment of the bond proceeds for earthquake safety are contained in Chapter 118, Statutes of 1971 (AB 109).

As a result of this tax, it is estimated that 90 percent of the loans would be fully repaid (with interest). The remaining ten percent, $25 million (plus interest), would be forgiven by the state. However, any portion of the $250 million not used by districts for earthquake safety measures would revert to the regular State School Building Aid program, which has a repayment history indicating that 46.2 percent of the repayment costs are borne by school districts and the remainder by the state.

Argument in Favor of Proposition 2

A YES vote on Proposition 2 is needed to insure the safety of the thousands of school children in California. Voting YES means nothing more than giving the State of California permission to loan money to school districts. School districts must repay the loans.

Scientists agree that California will continue to suffer major earthquakes. Across the State there are 1700 school buildings that might suffer substantial damage or total destruction from such quakes. Proposition 2 would make $250,000,000 in loan funds available to strengthen or replace those buildings.

Statutes are currently in effect requiring that all school buildings which do not meet earthquake structural safety standards be replaced or reconstructed by July 1, 1975. Many school districts have neither available funds nor bonding capacity to meet this requirement.

Proposition 2 will meet this need. School districts will be able to borrow the needed reconstruction funds from the State of California. All but the very poorest districts must repay in full. It is estimated that 90% of the borrowed money will be repaid.

The February 1971 earthquake in Los Angeles County points up the need to provide safer schools for our children. This quake alone caused the immediate and permanent closure of two elementary schools and one high school which had previously housed 4,780 students. Damage to the remaining buildings in the area led to the permanent closure of 95 more buildings which had housed 65,220 pupils.

The Los Angeles quake struck in the early hours of the morning. How much loss of life would there have been if the earthquake had occurred during school hours?

The great San Andreas Fault of California is strung out like a taut rubber band. It will give sooner or later as will other faults. Californians must be prepared to meet impending quakes with school buildings that will let our children live.

A YES vote on Proposition 2 will permit the State to loan money to districts allowing them to bring schools up to safety standards. In addition, Proposition 2 will provide $100,000,000 for loans to continue the State School Building Aid Law of 1952, which provides funds for loans to districts that are experiencing rapid growth and are bonded to capacity.

Without Proposition 2 children would continue to be housed in facilities that are unsafe and any delay in replacing the school buildings would only mean higher costs.

These loans are needed and the money will be repaid. For the safety of the school children of California a YES vote on Proposi 2 is vital.

JAMES W. DENT
Assemblyman, 10th District

LEROY F. GREENE
Assemblyman, 3rd District

Rebuttal to Argument in Favor of Proposition 2

No child should have to go to school in an unsafe building. But my quarrel is not with this. It is with the method of replacing those buildings and financing the new buildings.

California has the resources to close the school buildings declared unfit to withstand earthquakes, and still not be required to go to debt financing. New schools built to replace unsafe ones can be financed by loans out of current tax revenues to school districts, or by outright state grants to very poor districts. There is no need to pile on more new long-term debts requiring high-cost debt service, when the legislature is empowered to develop alternative financing for justified projects.

I reiterate, however, that the greater part of this bond issue would finance new school buildings that should not be built, or replace existing school buildings that are unneeded. With proper utilization of existing space imaginative thinking by school district n agers, California can avoid adopting this new debt burden. Therefore I suggest a "no" vote on this proposition.

JOHN L. HARMER
State Senator, 21st District

Argument Against Proposition 2

I have studied this bond proposal and recommend that the people of California reject it. Although school children should not be permitted to attend classes in patently unsafe buildings, there are many alternatives to increasing California's perilously high bonded indebtedness. As of December, 1970, California's outstanding general obligation bonds for all purposes exceeded $5.2 billion with an additional $670 million authorized but unsold.

A significant portion of this unparalleled amount of debt consists of school building bonds. Even though the proponents of this measure assure us that most of these proposed state bonds will be regarded as loans to the school districts which are to be repaid, this does not take into account the heavy debts which already burden local districts.

It is a fact that many school districts are now devoting so much of their taxing capacity (which is set by law) to retiring local bo that they are unable to repay existing s loans.

Population statistics and declining public school enrollments suggest that California has more school buildings than are necessary to serve California's public school population throughout the 1970's. Sufficient safe school buildings exist to close poorly constructed or damaged schools entirely. $30 million in earthquake appropriations were passed by the Legislature in the December, 1971, special session which created the School Building Safety Fund. The Legislature obviously can continue to appropriate funds out of general revenues to replace buildings where it determines emergency situations exist, without going to long-term financing at present high rates of interest.

Voters will observe that only 71% of the money that would be appropriated by this bond issue goes to reconstruction of schools regarded as unable to withstand earthquakes, while 29% is new capital outlay. This is a wholly unjustified attempt to use an emotional and seemingly salutary purpose to build more new and unneeded schools, and to repair and renovate old buildings in school districts which cannot justify by enrollment projections the number of schools presently in operation.

Therefore, I recommend rejection of this measure so that the school districts will be obliged to maximize use of present buildings and resources. Secondly I propose the Legislature seek long-range alternatives to new capital outlay by adopting more effective time-utilization of existing buildings, including, where appropriate, full-day and year-round operation of school buildings.

JOHN L. HARMER
State Senator, 21st District

Rebuttal to Argument Against Proposition 2

Senator Harmer suggests that declining school enrollments would make available sufficient safe school buildings to house all of our children. There is no evidence to show this to be true and certainly those classrooms which might be available would not likely be in the areas where there is need to replace unsafe buildings. Surely he does not contemplate busing large groups of children from district to district or even county to county.

It is true that the bond issue serves a dual purpose, and it was deliberately developed that way. The bulk of the money (71%) will be used for reconstruction of unsafe schools. The cost of replacing all unsafe public schools approximates $1 billion. Recognizing school population trends, we do not seek to replace or repair all unsafe schools. Two hundred fifty million dollars in loans will help finance repair or replacement of needed but unsafe facilities.

The balance of the funds, $100 million, will be used for continuing loans to impoverished, rapidly growing school districts which are unable to construct new schools to house their children.

In both types of programs the school districts must justify their needs to the State Allocation Board. Present law does not permit loans unless it is proven that school-age children exist and that schools for them do not. Similarly, the law does not permit loans for repair or replacement of unsafe schools unless there is proof that they are both unsafe and that they are needed.

JAMES W. DENT
Assemblyman, 10th District

LEROY F. GREENE
Assemblyman, 3rd District

3 **RIGHT TO ASSISTANCE OF COUNSEL. Legislative Constitutional Amendment.** Amends Constitution to provide that a defendant has the right to have the assistance of counsel in any criminal prosecution. Deletes provision giving defendant the right to defend himself without counsel and authorizes Legislature to require a defendant in a felony case to have the assistance of counsel.	**YES**	
	NO	

(For full text of measure, see page 4, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to: (1) Eliminate from the California Constitution the provision giving a defendant in a criminal prosecution the right to defend himself in person; (2) Restate the provisions giving the accused the right to assistance of counsel and the right to be personally present with counsel; and (3) Authorize the Legislature to require that a defendant in a felony case have assistance of counsel.

A "No" vote is a vote to retain the constitutional provision giving the defendant in a criminal prosecution the right to appear and defend himself in person.

For further details, see below.

Detailed Analysis by the Legislative Counsel

Section 13 of Article I of the California Constitution **now** provides that the defendant in a criminal prosecution in any court has the right to appear and defend himself in person and with counsel. This measure would eliminate the guarantee of a right of a person to defend himself in person and would restate the remainder of the provision, as interpreted by the courts, by providing that the defendant in a criminal prosecution has the right to have the assistance of counsel for his defense and to be personally present with counsel. In addition, this measure would authorize the Legislature to require defendants in felony cases to have the assistance of counsel.

If this measure is adopted, certain statutory provisions enacted by Chapter 1800 of the Statutes of 1971 (Senate Bill No. 839) will become operative (see analysis of Ch ter 1800 below).

Statutes Contingent Upon Adoption of Above Measure

The text of Chapter 1800 of the Statutes of 1971, portions of which were enacted to become operative if and when the above amendment is approved, is on record in the office of the Secretary of State in Sacramento and is contained in the 1971 published statutes. A digest of that chapter is as follows:

The chapter requires the defendant in a capital case to be represented in court by counsel at all stages of the preliminary and trial proceedings, and makes related statutory changes with respect to informing defendants of their rights and assigning counsel to them.

Argument in Favor of Proposition 3

Proposition 3 deletes language in the State Constitution which gives a person an absolute right to act as his own attorney in all criminal cases. It provides instead language to allow the Legislature, when it finds that justice demands, to limit this absolute right by requiring that a defendant be represented by an attorney in serious felony cases. In 1971 the Legislature made such a decision providing that in cases where the defendant is on trial for his life, he must be represented by a lawyer. This new law will be effective only if this proposition is approved.

This change in our Constitution, and the legislation which it authorizes, is necessary in order to ensure the defendant is fairly advised of his rights during the trial, and at the same time reduce the delays, reversals, and courtroom disruptions which occur when an untrained person attempts to be his own lawyer.

A FAIR TRIAL FOR EVERY DEFENDANT—"The man who acts as his own lawyer has a fool for a client." Today's complex legal system leaves no room for the person unschooled in law and criminal procedure. Studies show that the person who represents himself in a serious criminal case is unable to defend himself adequately. In Los Angeles County in 1970, for example, 23% of the defendants pleading not guilty to felony charges and represented by counsel were acquitted. On the other hand, only 8% of those defendants pleading not guilty and representing themselves at trial received the same verdict. Without counsel, these persons were at a distinct disadvantage in our adversary legal system.

DELAYS, REVERSALS, AND COURTROOM DISRUPTIONS—Not only is self representation harmful to the defendant, but it can work havoc upon the judicial process. Delays caused by a defendant's lack of familiarity with criminal law and courtroom procedure substantially contribute to the backlogs which plague our criminal courts, and add to the enormous cost of criminal trials (each extra day of trial in Los Angeles County, for example, costs the taxpayers $1,100.00). Adding to the burden placed on o[illegible] courts by the unlimited exercise of this ri[illegible] are the numerous retrials necessitated by [illegible]pellate court reversals stemming from trials at which the attempt at self representation has been made. Furthermore, through willful misconduct or innocent ignorance of procedure, persons representing themselves can seriously disrupt a trial. On occasion such persons have abused and insulted judges and witnesses, and have done their best to turn their trial into a shambles. Problems such as those discussed above can be eliminated by the passage of Proposition 3 and the legislation which it authorizes.

This measure will benefit the defendant, the courts, and the people in general. It has the support of the Judicial Council of California, the District Attorneys and Peace Officers Associations, the Attorney General, and concerned individuals and organizations throughout the State. Its enactment will be a major step toward increasing the fairness and efficiency of our court.

GORDON COLOGNE
State Senator

ANTHONY C. BEILENSON
State Senator

EVELLE J. YOUNGER
Attorney General
State of California

Rebuttal to Argument in Favor of Proposition 3

I urge your no vote on Proposition 3 which would deny any person the right to defend himself in all criminal cases if he chooses, for the following reasons:

Under the statutes of this provision, no person, no attorney, including a U.S. Supreme Court Justice could defend himself even though he had passed the California State Bar examination and even though he may be a specialist schooled in the subject.

While I do not disagree with the contention that the trial of a serious criminal case is no place for a person not schooled in courtroom procedure, methods of pleading, rules of evidence, etc., I feel this is but sad commentary on the court and its officers in that the legal profession seems all too swept-up with procedure than with its basic purpose, to provide justice. Witness the number of delays, appeals and reversals directly attributable to those so schooled in legal procedure. If delays due to technicalities, or appeals and reversals due to abridgement of defendants' rights are a cause for blame, then I feel that the judicial system has only itself to blame particularly when it decides a case granting "new" rights defendant or a person already tried and icted.

In regard to the concept that a person has "a fool for a client", if he defends himself, it does not deny the fact that a defendant can have a fool for an attorney even if he does not represent himself.

H. L. RICHARDSON
State Senator, 19th District

Argument Against Proposition 3

Proposition 3 should be defeated because if we change the Constitution we would be depriving ourselves of a fundamental right, the right to defend ourselves in court. If a person wants to represent himself, he certainly should have that right.

Proposition 3 would force upon a citizen a member of the legal profession. Lawyers have enough business as it is. Additionally, if Proposition 3 is adopted I can see our already vast, expensive tax-supported Public Defender facilities expanded, placing an unneeded and unwanted additional burden on the taxpayers of this State.

H. L. RICHARDSON
State Senator, 19th District

Rebuttal to Argument Against Proposition 3

In response to the arguments against Proposition 3, the following facts are offered:

1. Proposition 3 does not deprive us of our right to defend ourselves. It does authorize the legislature to ensure us the assistance of counsel when it is needed. We may still assist in our own defense, or, with the court's permission, act as cocounsel.
2. Proposition 3 will not give lawyers more work. Because it will shorten trials, reduce appeals, and eliminate retrials, it will give lawyers less work.
3. Proposition 3 will save money presently wasted on lengthy trials, appeals, and retrials. For example, the presence of the public defender will shorten trials. In Los Angeles each day the length of a trial is reduced saves the taxpayers $1,100. Similar savings are effected by reduced appeals and retrials.

GORDON COLOGNE
State Senator

ANTHONY BEILENSON
State Senator

EVELLE J. YOUNGER
Attorney General
State of California

4	**OPEN PRESIDENTIAL PRIMARY. Legislative Constitutional Amendment.** Requires Legislature to provide for open presidential primary in which candidates on ballot are those found by Secretary of State to be recognized candidates throughout nation or California for office of President of the United States and such candidates whose names are placed on ballot by petition. Excludes any candidate who has filed affidavit that he is not a candidate.	**YES**	
		NO	

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

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to ire the placement on the presidential pri- ballot of the names of all recognized candidates for president and all candidates qualified by virtue of nominating petitions, unless such a candidate withdraws.

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

For further details, see below.

Detailed Analysis by the Legislative Counsel

Section 2.5 of Article II of the California Constitution **now** permits the Legislature to enact laws relative to the election of delegates to conventions of political parties. The present statutory law provides for a separate ballot for each political party in the presidential primary, and for the election of slates of delegates to the conventions of those political parties. Each slate of candidates to be voted for is designated either as a slate of candidates expressing a preference for a named person as a candidate for nomination as presidential candidate of that party, or as a slate of candidates expressing no preference. Each slate of candidates for selection as delegates qualifies for placement on the ballot of a political party by filing nominating petitions signed by a specified number of eligible signers.

This measure would add Section 8 to ticle II of the California Constitution direct the Legislature to provide for an open presidential primary. It would require the Secretary of State to place upon the presidential primary ballot of the appropriate political party as its candidates for the office of President of the United States, the names of those persons who he determined to be either (a) recognized as candidates throughout the nation or (b) recognized as candidates throughout California. This measure would also require the placement on the ballot of the names of presidential candidates who qualified by virtue of nominating petitions. However, the name of any candidate would be excluded from the ballot if he withdrew himself from consideration by the filing of an affidavit that he was not a candidate.

Argument in Favor of Proposition 4

This Constitutional Amendment is designed to give voters a meaningful voice in choosing their party's presidential nominee. It requires the Legislature to provide for an open presidential primary in which the Secretary of State places on the ballot the names of recognized candidates for the office of President of the United States.

Persons not named by the Secretary of State may qualify for the ballot by circulating petitions as required by existing law.

Persons placed on the ballot and wishing to be removed may withdraw simply by filing an affidavit that they are not a candidate for President.

If the amendment is approved, it will become effective with the presidential primary of 1976.

The present system of selecting presidential candidates often leaves the voter without a direct voice in the decision. The "favorite son" device has been used by Governors from both parties to prevent a contested primary, depriving the voters of a chance to vote for the candidate of his choice.

In the last presidential primary election, California voters were denied the opportunity of voting for or against either of the men who eventually became the presidential nominees.

Opponents claim an open primary would impair "party unity" and would require costly election campaigns. But who wants "party unity" at the expense of party members? And why shouldn't the candidates campaign in California as well as in New Hampshire, Indiana, and Oregon?

The open primary plan would make California the key state every presidential election. As the most populous state in the union, it should be. It is time the voters have a say in nominating their party's candidate for the highest office in the land.

ALFRED E. ALQUIST
State Senator, 13th District

HOWARD WAY
State Senator, 15th District

Rebuttal to Argument in Favor of Proposition 4

Proponents of Proposition 4 have stated that in the last presidential primary election, California voters were denied the opportunity of voting for either of the men who eventually became the presidential nominees.

That statement is a half-truth. First, all California voters did have the opportunity to vote for or against the presidential nominees in the November 1968 general election. Second, if one or both of those men had desired to place their name before their own party members in California in June 1968, they could have done so. There is absolutely nothing in present law which prevented them from entering the primary. For their own reasons, they chose not to do so, and each man went on to gain the nomination of his party at the respective national conventions.

As we have said, each presidential candidate should be free to decide which primaries he will enter, and Proposition 4 will deny such candidates their freedom of decision.

Finally, proponents of Proposition 4 say, ". . . why shouldn't the candidates campaign in California as well as in New Hampshire, Indiana, and Oregon?" It is interesting to note that two of these three states have laws similar to California's—i.e., presidential candidates enter the primary only if t wish to. They are not forced to decide betw...

'ng in the particular primary or com-
p. .ly disavowing their candidacy.

GEORGE DEUKMEJIAN
Senator, 37th District

E. RICHARD BARNES
Assemblyman, 78th District

Argument Against Proposition 4

Proposition 4 would provide for a so-called "open" presidential primary in California. This is misleading, for it implies that our present presidential primary is somehow "closed." The fact is that there is nothing in the current law to prevent any candidate and his supporters from entering the California primary.

This proposal gives just one man, the California Secretary of State, the right to determine which names will be placed on the ballot for the highest office in this country.

Under the present law, this determination is now made by the registered voters of each party. To appear on the ballot, a candidate and his supporters need only gather a reasonable number of signatures of registered voters who wish to have the candidate's name placed on the ballot.

'he net effect of Proposition 4 is to take decisionmaking power away from the people, and give it instead to one individual—who is himself a partisan elected official.

Proposition 4 forces a candidate to enter the California primary. This means that he must commit an immense amount of time and money to a campaign here, even though he may feel that his chances for the nomination might better be served by using that time and money elsewhere.

It also means that he is forced to risk his entire candidacy. California's primary comes late in the year, usually just a few weeks before the national conventions. A defeat here could cause a candidate's rejection at his party's national nominating convention even though he had the overwhelming support of the majority of his party throughout the United States. Thus, Proposition 4 could result in denying the people of California and all Americans the opportunity to vote in the general election for the party's real choice for President.

Why do we say that a presidential candidate is forced to enter the California primary under this proposal? Because the only way he can have his name removed from the ballot is by filing a formal affidavit that he is not a candidate. Please note that wording: he must state that he is not a candidate.

A man who may indeed be a serious and strong candidate for the presidential nomination loses his freedom of decision. Presidential candidates, after all, are free citizens of this country, too, and they should have the right to make their own decisions about which primaries they will enter in their quest for the nomination.

California's present presidential primary system already provides for direct citizen involvement; it in no way handicaps serious contenders for presidential office; and it is fair to both the people and the candidates. The present system should be retained; Proposition 4 should be defeated. Please vote NO.

GEORGE DEUKMEJIAN
Senator, 37th District

E. RICHARD BARNES
Assemblyman, 78th District

Rebuttal to Argument Against Proposition 4

The opponents of the open presidential primary argue semantics instead of reality.

Instead of limiting the right to place names on the ballot, this proposition will simply provide an additional process to that which already exists! Persons not placed on the ballot by the Secretary of State will have only to circulate petitions and secure signatures just as they do now and have done for many years.

By placing the names of all recognized candidates on the ballot the Secretary of State can help ensure that Californians have a chance to choose which candidate they wish to represent their party. California is the most populous state in the Union and serves as a cross section of the entire nation. It is only fitting that our presidential primary should be important in the selection of presidential nominees.

The open presidential primary will free the voters of California to choose their own candidates for President of the United States and take the decision out of the smoke-filled rooms.

ALFRED E. ALQUIST
State Senator, 13th District

HOWARD WAY
State Senator, 15th District

5	**APPOINTMENT OF REGENTS, UNIVERSITY OF CALIFORNIA.** **Legislative Constitutional Amendment.** Requires that appointments to the Regents of the University of California by the Governor be approved by a majority of the membership of the Senate.	**YES**	
		NO	

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

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to require that appointments by the Governor to the Regents of the University of California be approved by the State Senate.

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

For further details, see below.

Detailed Analysis by the Legislative Counsel

Section 9 of Article IX of the California Constitution **now** empowers the Governor to appoint 16 members of the Regents of the University of California and to fill vacancies in such memberships by appointment. The appointments are not subject to approval by the State Senate.

This measure would require that such appointments be approved by a majority of the members of the State Senate.

Argument in Favor of Proposition 5

The people of the State of California should be aware of the fact that a most important appointment is not subject to Legislative confirmation.

The Constitution of the State of California provides Senate confirmation of many Boards and Commissions but overlooks completely the Board of Regents of the University of California. Each member of the Board of Regents is appointed for 16 years and controls a vast educational system with an annual budget of over $337,000,000 and a total of nine (9) campuses with over 110,000 students.

Proposition 5 would make the Board of Regents of the University of California subject to confirmation by a simple majority of the State Senate.

This amendment would, in no way, prevent the Governor from choosing an appointee, for it would only allow the State Senate to ratify or reject the choice of the Governor.

It would, therefore, allow for the careful consideration of the qualification of members of the University of California Board of Regents by two branches of government, the same consideration now given appointees to many lesser bodies that have a far smaller effect on the State of California.

The people of the State of California must be given an opportunity to pass upon the appointments to the extremely important office of Regent of the University. Adoption of this amendment will give the people, through their elected representatives, that opportunity.

JOHN A. NEJEDLY
State Senator, 7th District

WALTER W. STIERN
State Senator, 18th District

Rebuttal to Argument in Favor of Proposition 5

The arguments both "for" and "against" Proposition 5 raise the following points:

1. Should this proposition pass, will not the appointing process of the Regents devolve into a highly political situation? Matters of public education have traditionally been nonpartisan in California.
2. The Senate's current powers to reject or accept appointees is limited and does cover other bodies concerned with ed tion such as: Board of Governors of the California Maritime Academy, Teachers' Retirement Board, Educational Innovation and Planning Commission, California Advisory Council on Vocational Education and Technical Training, etc., etc.

If the selection of the Regents is to be approved by the Senate, what about the other educational bodies?

Would a lack of uniformity exist if we change the procedure for one body, but not the others?

Remember, it is not the people of the State of California who would be given an opportunity to pass upon these appointments, but rather your state senator who is one man of forty in the Senate.

JOHN L. E. "BUD" COLLIER
Assemblyman, 54th District

Argument Against Proposition 5

Proposition 5 (SCA 44) would inject substantially more politics into the appointment of the Regents of the University of California than, what is claimed by some, presently exists.

Proposition 5 (SCA 44) would erode stituted powers of government by diluting ...

ernor's power to appoint the Regents of Iniversity of California.

If this proposition passes, no individual could be appointed without the concurrence of a majority of the 40-man State Senate. The State Senate, as part of the legislative body, has over the years become increasingly more partisan. Bitter partisan fighting held the legislators in Sacramento all of 1971, setting a record for the longest session in California's history. Agreement on the major issues was long in coming, or was never reached.

With the current mood of the Legislature it is very conceivable that vacancies on the Board of Regents would remain unfilled for an inordinately long time as the issue of ratification of nominees became bogged down with partisan in-fighting.

To safeguard our precious democratic process in this Republic, a careful distribution and balance of powers among the three branches of government must be maintained. The usurpation of any of the ongoing practices of any branch can be hazardous.

This proposed dilution of the Governor's powers could be very detrimental to the University by causing delay and thus deprive the University of badly needed leadership. Under an Executive Branch of both parties, for the past 100 years men and women of high caliber stature have been selected to serve the versity.

Out of six new appointments in recent years under the current Governor half of the individuals have Doctor of Philosophy Degrees. The University has continued to excel in all of its endeavors.

There is no evidence to indicate a need for change in the selection process to an obviously more political approach.

I therefore urge a "NO" vote on Proposition 5.

JOHN L. E. "BUD" COLLIER
Assemblyman, 54th District

Rebuttal to Argument Against Proposition 5

The argument against proposition 5, unfortunately, fails to address itself to present circumstances and the intentions of SCA 44 to improve them. The people of the State of California have no means of expressing any control whatsoever over the selection of appointments to the extremely important position as a member of the Board of Regents of the University of California.

Under the present system nearly every other gubernatorial appointment is subject to Legislative review in order that the concerns of the people may be heard. The interests of the people can best be protected by the requirement that the Legislature approve these appointments.

Review of appointments by the Senate has long been a historical and Constitutional prerogative and its extension to this important board complements rather than violates the argument of separation of powers.

When the President of the University of California acknowledges that the UC Board of Regents is "an elite group not fairly representative of California society" the people should demand a change. A YES vote on proposition 5 provides that opportunity.

JOHN A. NEJEDLY
State Senator, 7th District

WALTER W. STIERN
State Senator, 18th District

6 — **NATURALIZED CITIZEN VOTING ELIGIBILITY. Legislative Constitutional Amendment.** Eliminates existing provision in Constitution requiring naturalized citizen to be naturalized for 90 days prior to becoming eligible to vote.	**YES**	
	NO	

(For full text of measure, see page 6, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to eliminate the provision from the Constitution which makes a naturalized citizen ineligible to vote unless he has been a citizen for at least 90 days prior to any election.

A "No" vote is a vote to retain the constitutional provision which makes a naturalized citizen ineligible to vote unless he has been a citizen for at least 90 days.

For further details, see below.

Detailed Analysis by the Legislative Counsel

Section 1 of Article II of the California Constitution **now** requires that a naturalized citizen be a citizen for 90 days prior to any election before he is eligible to vote. This measure deletes this requirement.

If this measure is adopted, certain statutory provisions enacted by Chapter 1760 of the Statutes of 1971 (Assembly Bill No. 210) will become operative (see analysis of Chapter 1760 below).

Statutes Contingent Upon Adoption of Above Measure

The text of Chapter 1760 of the Statutes of 1971 is on record in the office of the Secretary of State in Sacramento and also contained in the 1971 published statutes. It amends the affidavit of voter registration to provide that the voter registering must affirm that he will be a citizen of the United States at the time of the next election, rather than that he will have been a citizen of the United States for a period of at least 90 days before the next election. The provisions of Chapter 1760 will take effect only if Section 1 of Article II is amended as proposed by the above measure.

Argument in Favor of Proposition 6

The purpose of this constitutional amendment is to permit a person to register to vote immediately upon becoming a citizen of the United States. At the present time the California State Constitution requires a person to wait 90 days after becoming a citizen before being able to vote. A new citizen has demonstrated his allegiance to the United States and should be given the right to register and vote like any other citizen without unreasonable delays.

The 90-day waiting period for naturalized citizens has existed in California since the late nineteenth century. The rationale for this time period appears to have stemmed from the fear that recent immigrants with little knowledge of the nation's institutions would be naturalized upon entering the country and be able to vote. This rationale has disappeared in this century since candidates for naturalization must now reside in the United States for a minimum of three years (spouses of U.S. citizens) or five years (others) and pass an extensive examination on local, state and U.S. government and history. These requirements of residence and knowledge of our electoral process assure that the newly naturalized citizen is aptly prepared to participate in elections upon becoming a citizen.

If this constitutional amendment is passed, a naturalized citizen will be able to register to vote immediately. Otherwise, many new citizens, naturalized before this year's November election, will not be able to cast their votes for President. However, they will still be bound, as all other citizens, to register to vote a certain amount of days before an election—presently 54 days—in order to vote in said election. This constitutional amendment passed both houses of the Legislature overwhelmingly.

DAVID A. ROBERTI
State Senator, 27th District

Rebuttal to Argument in Favor of Proposition 6

A "No" vote is recommended in connection with Assembly Constitutional Amendment 21 for the reason that the bill represents a proposed change in the Constitution in the area of voter registration that has been typical of statutes recently adopted by a majority of the Legislature in the past two to three years, all having the effect of loosening our laws relative to registration and voting. If there were any great need for these changes there would be no real problem; but there is no need for the changes and loosening the law will ultimately lead to fraudulent practices in our elections.

The present restrictions were originally adopted to prevent fraud; these statutes have worked very well over the years; some members of the Legislature feel that because these statutes have prevented fraud they are no longer needed. The effect of Assembly Constitutional Amendment 21 really does not justify the expense and time of submitting the matter to the voters. The change would eliminate the Constitutional provision which requires a naturalized citizen to be a naturalized citizen for 90 days prior to becoming eligible to vote. The Legislature would be authorized to replace the 90-day restriction with a change which might allow such a person to regi[illegible] and vote immediately. County officers ne[illegible] reasonable period of time to process the re[illegible]tration of these cases; there has never been any difficulty with the existing 90-day period.

Vote "No" on ACA 21.

CLARK L. BRADLEY
State Senator, 14th District

Argument Against Proposition 6

A "No" vote is recommended in connection with Assembly Constitutional Amendment 21 for the reason that the bill represents a proposed change in the Constitution in the area of voter registration that has been typical of statutes recently adopted by a majority of the Legislature in the past two to three years, all of which have the effect of loosening our laws relative to registration and voting. If there was any great need for these changes there would be no real problem, but there is no need for the changes and the effect of loosening the law is bound to ultimately lead to fraudulent practices in our elections.

A review of the history of these changes would quickly convince the reader that these restrictions were originally adopted in order to prevent fraud; these statutes worked very well over the years and now it appears that some members of the Legislature feel that because these statutes have prevented fraud they are now no longer needed. This is [illegible]

logic. The effect of Assembly Constitutional Amendment 21 is to make a very minor change in the law and really does not justify the expense and time of submitting the matter to the voters. The change would eliminate the Constitutional provision which requires a naturalized citizen to be a naturalized citizen for 90 days prior to becoming eligible to vote. By taking this provision out of the Constitution, the Legislature would be authorized to put in place of the 90 days a change which would probably be to allow such a person to register and vote literally at the whim of the Legislature. County officers need a reasonable period of time to process the registration of these cases; there has never been any difficulty with the existing 90-day period for this purpose.

CLARK L. BRADLEY
State Senator, 14th District

Rebuttal to Argument Against Proposition 6

Contrary to what is set forth in the argument urging a NO vote, this measure has nothing to do with the procedures of registration and voting. It merely permits a naturalized citizen to vote immediately after becoming a U.S. citizen and not having to wait the present 90-day period.

This amendment makes no change whatsoever in proof of citizenship, nor does it make any change in the period of time county officers have to process the registration of these cases. This period of time is the same as for other U.S. citizens—presently 54 days before an election. So, the NO argument along these lines is inapplicable to this amendment.

The opposition indicates that the issue involved in Proposition 6 is unimportant. But, to new citizens awaiting the chance to exercise their right to vote, the issue is very important this year.

There was overwhelming support for this amendment in the Legislature. The Assembly vote was 62–0 and the Senate vote 27–4. Vote YES on Proposition 6.

DAVID A. ROBERTI
State Senator, 27th District

VALUATION OF SINGLE-FAMILY DWELLINGS FOR TAX PURPOSES. Legislative Constitutional Amendment. Provides that Legislature may prohibit the valuation of single-family dwellings for purposes of property taxation at any value greater than that which would reflect use of property as site for single-family dwelling.	**YES**	
	NO	

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

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to authorize the Legislature to prohibit the valuation of owner-occupied single-family dwellings for purposes of property taxation at any value greater than that reflecting such use of the property.

A "No" vote is a vote to deny this power to the Legislature and to continue the present practice of valuation of a single-family dwelling.

For further details, see below.

Detailed Analysis by the Legislative Counsel

The State Constitution **now** requires the valuation of property for general property taxation on the basis of its full cash value, which courts have construed to mean the value determined by its "highest and best use." Thus, a single-family dwelling, and the land on which it is situated, would be taxed at a higher value if the property were suitable for some other higher and better use, such as a site for a commercial establishment.

This measure would authorize the Legislature to prohibit the valuation of a single-fam-

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ily dwelling, and its necessary land, at any value greater than that reflecting such use of the property, if the following two requirements were satisfied:

First, the dwelling must be occupied by an owner on the lien date, the first day of March preceding the fiscal year for which the property taxes will be levied.

Second, the dwelling must be situated on land zoned exclusively for single-family home use or zoned for agricultural use where single-family homes are permitted.

Cost Analysis by the Legislative Analyst

Adoption of this amendment to the Constitution would not have a direct cost or revenue effect. This is because it only authorizes the Legislature to act. If the authority is implemented by legislation, the effect would be to reduce to some extent, probably not of major proportions, the assessed valuation of certain single family owner-occupied homes. To produce the equivalent property tax revenues would require a shift in the tax burden to other types of property.

Argument in Favor of Proposition 7

Voters—Here's a chance to protect your right to live in your own home.

THE PROBLEM—The Constitution gives the local tax assessor the authority to put extremely high assessed values on single family homes if he believes them warranted. This occurs because the assessor puts a value on the property which reflects its potential use as a gas station or an apartment house for example. He may do this even though the home is zoned for single family home use.

The Legislature has conducted an intensive investigation into the overassessment of homes. It discovered many instances, especially in Los Angeles County, where the homes that would normally sell for between $15,000 and $20,000 were being valued by assessors for as much as $80,000. This obviously forces homeowners out of their homes because they can't afford to pay the taxes caused by the astronomical assessment.

THE SOLUTION—To prevent this unfair treatment of homeowners, it is necessary to amend the Constitution to allow the Legislature to specify by law that, if a home is in an area zoned for single family homes or in an agricultural area, it can only be valued by the assessor as a home. This will prevent people from being forced out of their homes by inequitable assessment practices.

While your home may be correctly assessed this year, you have no guarantee that assessments won't skyrocket next year if your assessor changes his opinion on the value of your property. Happiness is peace of mind in knowing that the assessor cannot force you out of your home by assessing it on the basis of a higher potential use.

Protect your home and family—

VOTE YES

ROBERT MORETTI
Speaker of the Assembly

JOE A. GONSALVES
Chairman, Assembly Committee on Revenue and Taxation

Rebuttal to Argument in Favor of Proposition 7

ACA 44 would authorize the Legislature to prohibit assessment of some 5 percent owner-occupied, single family dwellings on the basis of such use only, rather than on fair market value. The following groups would receive NO benefit from ACA 44:

1. Renters.
2. Owners of duplexes or any other type of multiple residential property.
3. More than 80 percent of the owners of single family dwellings, since their properties are NOW assessed for that use.
4. Owners of all other types of real p erty.
5. THUS, WHILE 5 PERCENT OR LESS OF CALIFORNIANS ARE POTENTIAL BENEFICIARIES OF ACA 44 (MOST OF THEM IN EXTREMELY MODEST AMOUNTS), EVERY OTHER CALIFORNIAN WOULD BE IMPACTED BECAUSE OF THE TAX SHIFTING FROM THE BENEFITED PROPERTIES TO THEIR PROPERTIES.

Beneficiaries of ACA 44 are the few owners of single family dwellings which sites are worth more than their present use (for example, the land could reasonably be sold for commercial or industrial use) or those who would achieve a significant capital gain by sale of their residence but who have maintained single family zoning.

ACA 44 represents a tax classification and a departure from the California constitutional standard that all property be assessed uniformly according to value which the property would bring in the open market. Experience in other states indicates that tax classifications which favor a few, once established, are sought by other groups with resulting tax chaos.

Vote "No" on ACA 44.

CLARK L. BRADLEY
State Senator

Argument Against Proposition 7

This is another pie in the sky plan which is thrown out to you as property tax relief which would benefit less than 5% of all Californians—and that at the expense of all other property owners. It should be opposed.

Do you remember proposition 1-A in 1968 which you were told would give you property tax relief but which turned out to be a cruel mirage? ACA 44 offers even less, would accomplish even less, and would do it without any replacement revenues to eliminate a shift of taxes to other property taxpayers.

ACA 44 would authorize the Legislature (in a form which is not of course now known) to prohibit assessment of some owner-occupied, single family dwellings on the basis of such use only, rather than on their fair market value. The following groups would receive NO benefit from ACA 44:

1. Renters.
2. Owners of duplexes or any other type of residential property other than an owner-occupied single family dwelling.
3. More than 80% of the owners of single family dwellings, since their properties are NOW classified for assessment purposes at that use and therefore could achieve no benefit from this measure.

• Owners of all other types of real property.

5. THUS, WHILE 5% OR LESS OF CALIFORNIANS ARE POTENTIAL BENEFICIARIES OF ACA 44 (AND MOST OF THEM IN EXTREMELY MODEST AMOUNTS) EVERY OTHER CALIFORNIAN WOULD BE IMPACTED BECAUSE OF THE TAX SHIFT WHICH WOULD RESULT FROM THE BENEFITED PROPERTIES TO THEIR PROPERTIES.

Beneficiaries of ACA 44 are the less than 5% of Californians who are owners of single family dwellings, the site of which is worth more than its present use for a dwelling (for example, the land could reasonably be sold for commercial or industrial use) or those who expect to achieve a significant capital gain by the sale of their residence, but who have managed to maintain single family zoning.

ACA 44 represents a tax classification and a departure from the California constitutional standard that all property shall be assessed uniformly according to value which the property would bring in the open market if sold. Experience in other states indicates that tax classifications which favor a few, once established, are sought by other groups with re-'ting tax chaos.

While this measure may attempt to bring a small modicum of relief to a few taxpayers, it will be an illusory and temporary palliative. What is needed is genuine property tax relief for all property taxpayers to benefit renters as well as owners.

Since ACA 44 will bring relief to only a few at the expense of all others, since it departs from the equitable constitutional standard of assessing all property on the basis of its fair market value, and since it is an inadequate and piecemeal approach which does not confront the real problem of producing property tax relief, it must be opposed.

Vote "NO" on ACA 44.

CLARK L. BRADLEY
State Senator

Rebuttal to Argument Against Proposition 7

The opposition arguments are a smokescreen. The issue is: Should the assessor be allowed to assess a home, zoned for such use, as a site for a gas station?

The opposition's arguments do not go to the issue's merits. The amendment is not designed to be a substitute for a tax relief measure or a property tax reform program. It is designed to cure an inequity and protect homeowners from the assessor.

Even if the number of homes which are overassessed now is a small number, all people are protected against overassessments in the future.

Senator Bradley's argument is akin to saying you don't help the person who has been "mugged in the street", just because you haven't been mugged, too.

It is disappointing that the opposition would try to appeal to selfish, self-seeking motives. We believe voters to be motivated by feelings of compassion and fairness. If we recognize a situation where a small number of people are being treated unfairly, it is our responsibility to correct this unfairness, even though there may not be any personal gain for us.

The negative arguments seek to perpetuate the status quo where the assessor, through the use of high assessments, can force the homeowner to sell out to the developers on the developer's terms.

If this amendment is defeated, the assessor will continue to have the power to put high assessments on homes which force the owners to leave because they can't afford high taxes.

For fairness and equity—VOTE YES.

ROBERT MORETTI
Speaker of the Assembly

JOE A. GONSALVES
Chairman, Assembly Committee on Revenue and Taxation

8	**CHIROPRACTORS. Legislative Amendment.** Amends several sections of the Chiropractic Initiative Act. Provides that members of the Board of Chiropractic Examiners shall be citizens of the United States and have resided and been licensed Chiropractors in California for at least five years. Deletes provision that District Attorneys are required to prosecute violations of the Chiropractic Act. Revises examination procedure. Makes other nonsubstantive changes in that Act. Financial impact: This measure does not involve any significant cost or revenue considerations.	YES	
		NO	

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

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to amend the Chiropractic Act to change qualifications for membership on the State Board of Chiropractic Examiners; to provide for the appointment of an executive officer by the board; and to revise certain qualifications and the examination procedures for licensing of chiropractors.

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

For further details, see below.

Detailed Analysis by the Legislative Counsel

The Chiropractic Act, an initiative statutory measure, provides for the licensing and regulation of the practice of chiropractic. This measure would amend, renumber, and repeal various sections of the Chiropractic Act relating to the following subjects:

(1) **State Board of Chiropractic Examiners**

(a) The Chiropractic Act **now** requires that members of the board be citizens of California, and be licensed chiropractors who have had a resident course in a regularly incorporated chiropractic school. This measure would require, instead, that board members be citizens of the United States, be of good moral character, have at least five years of residence and five years of licensure in chiropractic in California, and have studied at an approved school.

(b) The Chiropractic Act **now** makes any person connected with a chiropractic school or college ineligible for appointment to the board. This measure limits ineligibility to administrators, policy board members, or paid employees of such a school or college, or anyone who has been such within one year of his proposed appointment.

(c) This measure would increase the term of an appointment to the board from three to four years, limit service on the board to one year after expiration of his term if no successor is appointed, and prohibit serving more

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Cost Analysis by the Legislative Analyst

The revisions to the State Chiropractic Act made in this proposal do not involve any significant cost or revenue considerations.

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than two consecutive terms on the board or serving within four years thereafter.

(d) This measure would require the board to appoint an executive officer at a salary fixed by the board with the approval of the Director of Finance, to perform duties now performed by a salaried secretary. A secretary would be chosen from the members of the board.

(e) The Chiropractic Act **now** requires the board to meet on two specified dates each ; and at such other times as may be neces for the performance of its duties. This measure eliminates the requirement of meeting on fixed dates and instead requires the board to meet at least twice each year as necessary for the performance of its duties.

(2) **Examinations and Licenses**

(a) The Chiropractic Act **now** requires that examinations for a license be written. This measure would require, in addition, that examinations for a license be oral and practical.

(b) This measure would revise requirements for licensing persons licensed in another state to require equivalency at time of issuance of license by the other state. It would also require specific information as to unprofessional conduct in the other state.

(c) This measure would delete the requirement that a licensee record his license with the county clerk of the county in which he resides and each county where he practices.

(3) **Enforcement**

This measure requires that the board aid law enforcement agencies, as well as attorneys, in enforcement of the act.

(4) **Obsolete Provisions**

This measure also deletes several obsol provisions.

Argument in Favor of Proposition 8

A "yes" vote on this amendment to the Chiropractic Initiative Act will further insure the protection and well-being of the public by imposing additional requirements for appointment to the State Board of Chiropractic Examiners.

Greater protection to the public will result from a "yes" vote by the following changes:

—preventing conflicts of interest by eliminating as eligible appointees to the Board of Examiners, chiropractors recently employed as administrators, policy board members or paid employees of chiropractic schools or colleges;

—requiring that appointees to the Board of Examiners be a United States citizen with at least five (5) years residence in California, of good moral character, and licensed to practice for at least five (5) years in California prior to appointment;

—providing that Doctors of Chiropractic from another state will be granted a license only after complying with all California requirements if that state has the same requirements as California;

—imposing an executive structure on the Board of Chiropractic Examiners that conforms to the structure of other existing state boards of the healing arts.

The Legislature gave its overwhelming support of a "yes" vote with only one negative vote recorded in both houses.

A "yes" vote is supported by both the California Chiropractic Association and the International Chiropractors Association of California.

We strongly urge you to vote "yes".

RALPH C. DILLS
Senator, 32nd District

GORDON COLOGNE
Senator, 36th District

9 **ENVIRONMENT. Initiative.** Specifies permissible composition and quality of gasoline and other fuel for internal combustion engines. Authorizes shutting down of businesses and factories violating air pollution standards. Imposes restrictions on leasing and extraction of oil and gas from tidelands or submerged lands, or onshore areas within one mile of mean high tide line. Prohibits construction of atomic powered electric generating plants for five years. Establishes restrictions on manufacture, sale, and use of pesticides. Prohibits enforcement officials from having conflicting interests. Provides for relief by injunction and mandate to prevent violations. Imposes penal sanctions and civil penalties.	**YES**	
	NO	

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

General Analysis by the Legislative Counsel

A "Yes" vote is a vote to regulate the composition and qualities of internal combustion engine fuels; further regulate air pollution; authorize class actions concerning air pollution; regulate specified oil, gas, and mineral leases and activities; impose a five-year moratorium on new atomic energy powered electric generating plants; and regulate persistent chlorinated hydrocarbons.

A "No" vote is a vote not to enact the initiative.

For further details, see below.

Detailed Analysis by the Legislative Counsel

This initiative act, the "Clean Environment Act," includes, among other things, provisions which would:

Internal Combustion Engine Fuels

(a) Restrict composition of gasoline for internal combustion engine fuel sold by retailers on and after January 1, 1973, including progressively more stringent limits of lead content in 1975 and 1976; and require every man-

(Continued on page 20, column 1)

Cost Analysis by the Legislative Analyst

The Clean Environment Initiative contains various provisions which have major and minor revenue and cost effects for state and local government. Some provisions of the Act are broad in application and others are detailed. Some modify existing state and local government programs while others add new programs. Several parts of the initiative are permissive and require implementation by state or local government. No costs are attributed to these provisions although their implementation could involve substantial costs.

The Act prohibits awarding new leases or renewing existing leases for extraction of oil and gas on tide and submerged lands or onshore lands within one mile of mean high tide. Similarly, drilling of exploratory core holes or pumping oil and gas from the above areas is prohibited unless such activity is underway. The major cost to the State of California if the initiative is approved will be from the loss of oil and gas revenues. The State Lands Division has estimated these one-time losses ranging from \$200,000,000 to \$770,000,000 de-

(Continued on page 20, column 2)

Detailed Analysis by the Legislative Counsel

(Continued from page 19, column 1)

ufacturer and retailer of such gasoline on and after January 1, 1973, to sell at least one grade having an octane number not less than 90 and containing not more than traces of lead.

(b) Prescribe maximum sulfur content of diesel fuel sold for use in internal combustion engines.

(c) Authorize adoption of additional and more stringent standards than are prescribed by the Act.

Sources of Air Contaminants

(a) Prohibit any county air pollution control district permittee from continuing to operate any source capable of emitting air contaminants if he has received four or more variances for that source within the preceding five years, unless such permittee installs approved standby or other protective equipment. Continuous unauthorized discharges or emissions of air contaminants for a period of one or more hours would be included within the definition of "variance."

(b) Authorize a county air pollution control district to require installation of sealed monitoring devices on sources of air contaminants and to examine or inspect such devices at any time.

(c) Provide for required cessation of businesses, factories, or plants operating under variances, or single sources of air contaminants therein which are being utilized or operated under or pursuant to any variance, within a county air pollution control district, when the air quality standards of the State Air Resources Board are exceeded anywhere in the district or when a first stage smog alert occurs.

Class Actions and Civil Penalties for Air Pollution Violations

(a) Authorize any person to bring a class action for the benefit of all residents of a particular air pollution control district against any person operating under a district permit to enjoin a violation of any state air pollution control law or district rule or regulation.

(b) Require any person found guilty of violating any state air pollution control law or rule or regulation of any air pollution control district, the State Air Resources Board, or a regional pollution board or district, or who pleads guilty or nolo contendere (no contest), to pay to the air pollution control district in which the violation occurs, within one day after guilt is determined or such plea is entered, a sum equal to .4 percent (.004)

(Continued on page 21, column 1)

Cost Analysis by the Legislative Analyst

(Continued from page 19, column 2)

pending on the assumptions employed with the most probable figure being $460,000,000. The above prohibitions may result in damages being assessed against the state.

In addition, the future cessation of oil and gas operations could result in state losses of as much as $5,000,000 per year in corporate income taxes and sales taxes. Local revenues from the ad valorem tax on mineral rights could decrease as much as $24,000,000 per year when the initiative is fully effective. Other possible revenue losses could not be computed.

Beginning with January 1, 1973 a series of restrictions are placed on the octane rating, lead content and other characteristics of gasoline which may be sold in the state. The Air Resources Board presumably would have to test the contents of gasoline at the retail level to enforce the restriction. The board estimates that this will cost $250,000 for test facilities and $100,000 annually for testing.

The air pollution control districts of California are directly affected by the Act. Section 3 provides that a person in a county district having an emission discharge permit can receive within five years no more than three variances from the applicable local emission standards for any individual emission unless he installs standby or other protective equipment. Section 4 adds another definition of a variance and provides that in a county district the variance cannot continue for more than three months. Section 6 in effect revises state ambient air quality standards in county districts and requires that if any one standard is exceeded, or whenever a first stage alert occurs, any discharge of an air contaminant made under a variance by a business or factory must cease. This section differs from the alert systems presently being established as required by the federal government. Anyone injured by an unlawful order to shut down may recover actual damages from the air pollution control district. Section 8 provides for incentive levies against anyone found guilty or who pleads nolo contendere of violating any air pollution law or regulation. Any such person must pay the air pollution district .4 percent of his gross income for the fiscal year preceding the violation and make payment of a like amount daily until a program has been undertaken to ensure that the violation will not recur. Upon completion of the corrective program the district is to return 75 percent of the payment and retain the remainder. Section 9 makes public all records of air pollution districts except personnel records, while present law provides some security for trade secrets.

(Continued on page 21, column 2)

Detailed Analysis by the Legislative Counsel

(Continued from page 20, column 1)

of its gross income for the immediately preceding fiscal year. Require additional payments in same amount to be made each day thereafter until the district air pollution control officer determines that the violator has undertaken a program to insure that such violation will not recur. Provide for refund to the violator of 75 percent of all sums so paid, upon completion of such program to satisfaction of air pollution control officer.

(c) Authorize the Department of Motor Vehicles, after notice and hearing, to suspend or revoke the license and certificate issued to any dealer, transporter, or manufacturer who sells a motor vehicle in violation of certain specified provisions relating to its pollution control devices.

Conflicts of Interest

Prohibit certain conflicts of interest for members or officers of any air pollution control board, advisory board, or regional pollution control board; members of the State Water Resources Control Board or any regional water quality control board; the Director of Agriculture; and any person charged with the enforcement or execution of laws concerning the regulation of economic poisons.

Oil and Gas Leases and Activities

(a) Prohibit any leases from being let or renewed for the extraction of oil and gas from coastal tidelands or submerged lands in state waters, or from onshore areas within one mile of the mean high tide line.

(b) Declare to be a nuisance, and make it unlawful, for anyone to drill exploratory core holes, or to extract oil, gas or other hydrocarbon substances, in the tidelands or submerged lands, or on onshore areas within one mile of the mean high tide line, except for any such activity commenced prior to the effective date of the Act.

(c) Authorize the State Lands Commission to require cessation of any operation conducted under a state oil, gas, or mineral lease which constitutes an ultrahazardous activity, as defined, and prohibit such activity until the commission determines it to be no longer ultrahazardous.

Electric Generating Plants

Make it unlawful, for five years, for any person to manufacture or construct an electric generating plant powered by atomic energy from nuclear fission.

Persistent Chlorinated Hydrocarbons

Prohibit any person from manufacturing, possessing, buying, selling, importing, deliv-

(Continued on page 22, column 1)

Cost Analysis by the Legislative Analyst

(Continued from page 20, column 2)

Several of the larger air pollution districts of the state were asked to estimate revenue or costs attributable to the above sections. No consistent responses emerged. The districts could not make precise estimates because of uncertainty regarding the actual operation of the above sections, but in most cases they suggested that the effect on their revenues and costs would be limited.

Various provisions of the Act permit citizens to sue to enforce statutes or regulations when an alleged infraction occurs. State and local governments will incur some increased costs from such litigation and there could be costly litigation to reconcile the Act with applicable state and federal laws.

Section 18 prohibits any person from possessing or using any persistent chlorinated hydrocarbon except pursuant to a permit issued by the Director of Agriculture upon authorization of four-fifths of the membership of each house of the Legislature. Section 18 in conjunction with Section 22 revises existing and 1971 legislation regulating pesticides. The California Department of Agriculture has been unable to determine the cost and revenue implications of Section 18.

Detailed Analysis by the Legislative Counsel

(Continued from page 21, column 1)

ering, or using any form of persistent chlorinated hydrocarbon, as defined, within this state, unless pursuant to a permit issued by the Director of Agriculture. Provide that such permit may be issued only upon authorization by four-fifths vote of the members of each house of the Legislature.

General Provisions

Provide that if any of the provisions of the Act or its applications are held to be invalid,

(Continued on next column)

such invalidity shall not affect other provisions or applications of the Act.

Provide that all laws in effect as of January 1, 1971, to which direct or indirect reference is made by the Act shall remain in full force and effect for the purpose of the Act, irrespective of their having been subsequently repealed or amended by the Legislature.

Prohibit the Legislature from repealing or amending the Act, except to strengthen its provisions with respect to the protection of the environment.

Argument in Favor of Proposition 9

Not long ago in Los Angeles, Christopher Kirkman, a ten-year-old boy died because he could not get enough oxygen. His doctors said he was "eaten alive" by smog. Although the dangers of pollution are known, we seem unwilling to save ourselves from this dreaded enemy. Well, the truth of the matter is, the only way that there will be a better tomorrow is if we make it so.

The "Clean Environment Act" is a people's initiative which more than one-half million responsible Californians helped to qualify for the ballot. It merely amends and reinforces existing state laws and asks for performance, conformance, and compliance. The Environmental Protection Agency has advised that it complies with the Clean Air Act of 1970. Once enacted, it will clean our coastal beaches and waters, require that stationary polluters meet the laws of the state and require that new cars sold in the state meet state standards. It will re-evaluate our power needs and exclude industrial representatives from being members of our control agencies. It will phase lead from fuel and bring the whole variance procedure into proper implementation along with control of the economic poisons of our society. This responsible approach to our pollution problem has brought endorsements from leading physicians, attorneys, scientists, labor leaders, conservationists, academicians, minority leaders, women, government and business leaders, and young people throughout California and the United States.

Unfortunately, the industrial polluters and special interests have raised and will spend a tremendous campaign war chest to defeat this important measure, as they did with Proposition 18 in 1970. They will go to any length to protect their own vested interests.

We know that the people will not be intimidated by their lies, threats, and false charges. The Clean Environment Act, once enacted, will create badly needed new jobs, better health, a stronger economy, and will save our state more than four billion dollars every year in environmentally caused medical problems, consumer costs, and material damage. As a result of this measure an entire new pollution control industry will be created. This will mean less unemployment, more take-home dollars, and greater productivity.

The American Medical Association has pointed out that "a sick environment can make people sick. It can undo everything a doctor works for. In fact, disease induced by the environment now costs $38 billion a year.

That is an incredible amount of money and misery, and California, as a result of its tremendous size, is paying more than 10% of it.

For a great many years, our elected and appointed officials have defaulted on their obligation to safeguard our environment. It is important that we re-establish a livable world, to assure human survival, for ourselves, our children and future generations.

People have the inalienable right to stop the present abuse of their own health and their own environment. The Clean Environment Act will move us a long way in that direction. Use the ballot box to fight pollution. Vote yes on the Clean Environment Act.

WILLIAM M. BENNETT
Member—California State Board of Equalization
Attorney

FORTNEY H. STARK, JR.
Security National Bank
President-Owner

HIJINIO ROMO
URW-131 AFL-CIO

Rebuttal to Argument in Favor of Proposition 9

Among other glowing arguments, proponents of Proposition 9 claim "it will re-evaluate our power needs", and that "as a result of this measure an entire new pollution control industry will be created."

Entirely apart from Proposition 9, important new pollution control projects are on the immediate horizon—and they will require vast new sources of electric energy. Yet Proposition 9 would "re-evaluate our power needs" by banning nuclear power plant construction for five years!

Professor Peter F. Drucker, noted sociologist-economist, in the January, 1972 Harper's Magazine, points out:

"Practically every environmental task demands huge amounts of electrical energy, way beyond anything now available . . . The difference between traditional and wholly inadequate methods and a modern treatment plant that gets rid of human and industrial wastes and produces reasonably clear water is primarily electric power, and vast supplies of it. . . .

"An electrical automobile or electrified mass transportation—the only feasible alternatives (to the internal combustion engine)—would require an even more rapid increase in electrical power than any now projected."

At a time when environmental improvement requires huge increases in electrical energy, Proposition 9 would create power shortages.

At a time when federal, state and local agencies are working to reduce air pollution, Proposition 9 would ban nuclear power plants, which emit almost no pollutants into the atmosphere.

Proposition 9 is counterproductive. It would cause widespread unemployment, with no offsetting benefits. It would set back the cause of responsible environmental improvement for years to come.

Vote NO on Proposition 9.

JOSEPH J. DIVINY, President
California Teamsters Legislative Council
International Vice President,
International Brotherhood of Teamsters Union

MYRON W. DOORNBOS, President
Southern Council of Conservation Clubs, Inc.

J. E. McKEE
Professor of Environmental Engineering

Argument Against Proposition 9

Your job, your future, your ability to provide the basic necessities of life for your family, depend on the defeat of Proposition 9, the Pollution Initiative, at the June 6th election.

Proposition 9 is so extreme, so unworkable, so devastating in its adverse effects on the day-to-day living problems of every Californian, that its enactment would set back the cause of environmental improvement for years to come.

One innocent-sounding section alone—limiting the content of sulfur in diesel fuel to 0.035 percent—would virtually bring the economy of California to a halt.

Most trucks, trains, and transit busses operate on diesel fuel. Except for a very small amount of scarce, imported fuel, the sulfur contents of diesel fuel available today is many times the amount allowable under Proposition 9.

It would take an undetermined number of years and enormous capital outlay to build refineries capable of producing such fuel in quantity.

This simply means that if Proposition 9 were enacted, the vast majority of trucks and trains that transport food and other basic necessities of life to all Californians would cease to run.

Many diesel powered transit busses would be retired from service, forcing a heavier reliance on private automobiles—thus increasing the pollution problem, instead of reducing it.

Lost jobs in the transportation industries would number in the hundreds of thousands. The additional unemployment in industries and businesses idled because of a transportation breakdown would be staggering.

Proposition 9 would ban a long list of pesticides used in the production of food, in the control of epidemic diseases and for the destruction of household pests. For some uses, including termite control, there are no known substitutes. For many uses, allowable substitutes are less effective, must be applied more often, are highly dangerous to handle, and are toxic to pets and birds and beneficial insects such as bees.

Proposition 9 phases out lead in gasoline in four years. Federal proposals would phase out lead, but over a longer period of time, making allowance for the driveability of cars presently in use. Under Proposition 9, many, possibly most car owners would be stuck with cars that could not be driven efficiently, if at all.

For five years, Proposition 9 bans construction of nuclear power plants, the only major source of clean electric energy, thus forcing heavier reliance on generating plants powered

by air-contaminating fossil fuels. Again, Proposition 9 would increase pollution, instead of reducing it.

In every area covered by the Initiative, increasingly strict antipollution regulations are being enforced by local, state and federal agencies. These regulations can be adjusted if proved unworkable or counterproductive.

Proposition 9's complex, arbitrary regulations would be frozen into law. For all practical purposes, even in the face of dire economic or epidemic emergency, none of its provisions could be changed except through time-consuming court challenges and the lengthy and cumbersome process necessary to bring such a change before the people for a vote.

Vote NO on Proposition 9.

JOSEPH J. DIVINY, President
California Teamsters Legislative Council

MYRON W. DOORNBOS, President
Southern Council of Conservation Clubs, Inc.

J. E. McKEE, Professor of Environmental Engineering

Rebuttal to Argument Against Proposition 9

Proposition 9 secures the necessities of life for you and your family. Clean air, land, water, and a decent job.

It's not unreasonable or extreme to want basic ingredients for a wholesome future.

The public relations firm for the oil and utility companies wrote the ballot argument against Proposition 9 (letter on file, Secretary of State).

These same scare tactics and $ millions were used to fight child labor laws, the 40 hour work week, and to defeat Proposition 18.

Standard Oil made $511 million in pr[illegible]s in 1971, yet they refuse available techn[illegible] to clean their dirty fuel.

- Sulfur turns to sulfuric acid in engines and lungs and shortens the life of both.
  - Have you ever tried breathing behind a bus?
  - Sulfur can easily be removed by industrial investment.
  - Investment brings a better economy and more jobs.
- Proposition 9 will clean up fossil fuel plants. Atomic wastes must be guarded against leakage for over 8,000 years. A five year pause in atomic construction will enable us to find ways of disposing of this dreadful menace. There ARE alternate power sources. They will only be developed when you make them do it.
- Proposition 9 allows DDT and other long lived poisons to be used for special emergency purposes. Safe alternatives are available.
- Proposition 9 is a flexible law which can be changed by the people at any time. All sections are severable. Politicians and special interests can't change it. Fight pollution with your vote. Vote YES on Proposition 9.

WILLIAM M. BENNETT
Member—California State Board of Equalization
Attorney

FORTNEY H. STARK, JR.
Security National Bank
President—Owner

HIJINIO ROMO
URW 131—AFL-CIO

10	**PARTIAL CONSTITUTIONAL REVISION. Legislative Constitutional Amendment.** Adds, amends, transfers, and repeals several miscellaneous provisions of the Constitution. Adds section allowing city charter to make provisions regarding members of boards of education. Amends sections relating to penal institutions and water rates. Transfers sections relating to lending of credit, corporations, and ownership of corporate shares by State and public agencies. Repeals provisions relating to corporations, holding large tracts of unimproved land, granting of State lands to settlers, and other miscellaneous sections. Financial impact: This measure does not involve any significant cost or revenue considerations.	YES / NO

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

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to revise various portions of the California Constitution: (a) by deleting or amending vari-

(Continued on page 25, column 1)

Cost Analysis by the Legislative Analyst

The various revisions and deletions of existing language in the State Constitution proposed by this amendment will not resul[illegible] any cost or revenue changes.

General Analysis by the Legislative Counsel
(Continued from page 24, column 1)

ous provisions relating to prisons and prisoners, corporations, lands, franchises, eminent domain, foreign corporations, water and water rights, land, and homesteads; (b) by repealing temporary provisions and provisions specifying the effect of the adoption of the Constitution in 1879; (c) by repealing a provision specifying the effect of amendments proposed to eliminate obsolete or superseded provisions; and (d) by transferring, without change, provisions relating to local boards of education and lending of the credit of the state and public agencies.

A "No" vote is a vote to retain these provisions in their existing form.

For further details, see below.

Detailed Analysis by the Legislative Counsel

This measure would effect a partial revision of the California Constitution as described in the General Analysis, above.

(1) The following provisions would be amended or transferred, **without substantive change:**

(a) Section 8 of Article XXII would be transferred to Article IX as a new Section 16. This section permits cities to provide in their charters for the qualifications, compensation, number, term, and removal of board of education members.

(b) Section 13 of Article XII would be transferred to Article XIII as a new Section 42. This section prohibits, with stated exceptions, the state from loaning its credit, or subscribing to, or being interested in the stock of any company, association, or corporation.

(c) Part of Section 1 of Article XII would be transferred to Article XX as a new Section 24. It permits the Legislature to alter or repeal laws relating to corporations.

(2) The following provisions would be repealed, thus placing the subject matter of the deleted provisions under legislative control through the enactment of statutes:

(a) Section 4 of Article XII, which defines "corporations" and provides that corporations may sue and be sued.

(b) Section 5 of Article XII, which contains a requirement that charters for banking purposes be granted only pursuant to general laws, a requirement that the Legislature classify cities and towns by population for the purpose of granting such charters, and a provision that no corporation, association, or individual shall use as money, anything but lawful money of the United States.

(c) Section 7 of Article XII, which provides the Legislature may not extend any franchise or remit the forfeiture of any fran-

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chise of a quasi-public corporation, except by general law applicable to all corporations.

(d) Section 8 of Article XII, which provides that the property and franchises of corporations are subject to the police power and the power of eminent domain of the state.

(e) Section 15 of Article XII, which provides foreign corporations shall not receive more favorable treatment than corporations incorporated in this state.

(f) Section 16 of Article XII, which provides for the county or counties in which a corporation may be sued.

(g) Section 24 of Article XII, which provides that the Legislature shall enact all laws necessary to enforce the provisions of Article XII of the Constitution relating to corporations.

(h) Section 2 of Article XVII, which contains a statement that the holding of large tracts of undeveloped land is to be discouraged.

(i) Section 3 of Article XVII, which provides that the granting of land belonging to the state suitable for cultivation, shall be limited to actual settlers in quantities not exceeding 320 acres to each settler.

(3) The following temporary provisions which no longer have any effect would be repealed:

(a) Section 1 of Article XXII which provides laws in force at the adoption of the Constitution are to remain in force unless inconsistent with the Constitution.

(b) Section 2 of Article XXII, which provides obligations and suits existing and pending before the adoption of the Constitution are not affected by the Constitution unless so provided.

(c) Section 4 of Article XXII, which provides judges qualified to serve at the time of their selection shall not be affected by a subsequent requirement for office adopted by the people in 1966.

(d) Section 5 of Article XXII, which provides that in the event under the law in effect prior to 1966, the term of a judge of a municipal court or justice court expired in January of a year of a general election, the term is extended until the following January 1.

(e) Section 6 of Article XXII, which provides any law enacted at the 1966 First Extraordinary Session providing for an increase in compensation for Members of the Legislature goes into effect when the 1967 Regular Session of the Legislature is convened and ratifies the provision of a specific law granting such an increase.

(f) Section 7 of Article XXII, which provides that in the event of a conflict between measures submitted to the people in November of 1966 and a specified measure, the measures other than the specified measure shall prevail.

(g) Section 6 of Article XII, which voids charters, grants, franchises, and privileges which existed, but had not been exercised, in 1879 when the provision was adopted.

(4) The following provision would be repealed:

(a) Section 3 of Article XXII, which provides that in the event of a conflict between constitutional amendments proposed by the Legislature for the purpose of eliminating obsolete and superseded provisions of the Constitution and other amendments to the Constitution proposed at the same election, the other amendments shall prevail, and amendments proposed by the Legislature for the purpose of eliminating obsolete or superseded language shall not be deemed to affect any validation

(Continued on next column)

or ratification contained in the language eliminated.

(5) Various provisions would be amended or repealed, without substantive change, to eliminate the following:

(a) Section 1 of Article XII, which provides the Legislature shall have the power to, by general laws, provide for the formation, organization and regulation of corporations.

(b) Those portions of Section 1 of Article X, which provide that the Legislature may provide for the maintenance of prisons.

(c) Those provisions of Section 1 of Article XIV, which provide the rates for water furnished to or within a city or county shall be set by the city or county.

Argument in Favor of Proposition 10

Proposition 10 is basically a housekeeping measure to eliminate obsolete and unnecessary words from the Constitution. No new material is added to the Constitution, and there is no change in law or policy.

This measure incorporates the recommendations made by the California Constitution Revision Commission to the Legislature and continues the job of revision which the voters mandated several years ago. Prior to revision, our Constitution was the fourth longest such document in the world, filled with archaic and inappropriate provisions. Proposition 10 continues the revision task and does much to restore clarity to this basic document of State Government.

Material deleted by Proposition 10 includes most of the corporation material which is either unnecessary due to inherent legislative power or is duplicated elsewhere. Provisions relating to the Public Utilities Commission are untouched. Also deleted is the Schedule Article, considered obsolete, as its sections were enacted for specific and temporary purposes and are no longer needed in an up-to-date State Constitution.

Proposition 10 is a completely nonpartisan measure. This is illustrated by the fact that this measure passed the Legislature with no dissenting votes. It also is supported by the League of Women Voters.

Vote YES on Proposition 10 for a clearer, concise, and modern State Constitution

BRUCE W. SUMNER
Chairman
Constitution Revision Commission

DONALD L. GRUNSKY
Senator, 17th District

JOHN T. KNOX
Assemblyman, 11th District

PART II—APPENDIX

1	**THE VETERANS BOND ACT OF 1971.** This Act provides for a bond issue of two hundred fifty million dollars ($250,000,000) to provide farm and home aid for California veterans.	
	AGAINST THE VETERANS BOND ACT OF 1971. This Act provides for a bond issue of two hundred fifty million dollars ($250,000,000) to provide farm and home aid for California veterans.	

This law proposed by AB 171 (Ch. 1167), by act of the Legislature passed at the 1971 Regular Session, is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

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

PROPOSED LAW

Section 1. Article 5k (commencing with Section 996.985) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5k. Veterans Bond Act of 1971

996.985. This article may be cited as the Veterans Bond Act of 1971.

996.986. The State General Obligation Bond Law, except as otherwise provided herein, is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set out in full in this article. All references in this article to "herein" shall be deemed to refer both to this article and such law.

996.987. As used in this article and for the purposes of this article as used in the State General Obligation Bond Law, Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code, the following words shall have the following meanings:

(a) "Bond" means veterans bond, a state general obligation bond issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.

(b) "Committee" means the Veterans' Finance Committee of 1943, created by Section 991.

(c) "Board" means the Department of Veterans Affairs.

(d) "Fund" means the Veterans Farm and Home Building Fund of 1943 created by Section 988.

(e) "Bond Act" means this article authorizing the issuance of State General Obligation Bonds and adopting Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code by reference.

996.988. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and of all acts amendatory thereof and supplemental thereto, the Veterans' Finance Committee of 1943, created by Section 991, shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of two hundred fifty million dollars ($250,000,000), in the manner provided herein, but not otherwise, nor in excess thereof.

996.989. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal and interest on the bonds in each fiscal year, there shall be returned into the General Fund in the State Treasury, all of the money in the Veterans' Farm and Home Building Fund of 1943, not in excess of the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said remittance dates is less than said principal and interest then due and payable, then the balance re-

maining unpaid shall be returned into the General Fund in the State Treasury out of said Veterans' Farm and Home Building Fund of 1943 as soon thereafter as it shall become available, together with interest thereon from such dates of maturity until so returned at the same rate as borne by said bonds, compounded semiannually.

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

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

(b) Such sum as is necessary to carry out the provisions of Section 996.991, which sum is appropriated without regard to fiscal years.

996.991. For the purposes of carrying out the provisions of this article 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 article. Any amounts withdrawn shall be deposited in the Veterans' Farm and Home Building Fund of 1943. Any moneys made available under this article 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 article, together with interest at the rate of interest fixed in the bonds so sold.

996.992. Upon request of the Department of Veterans Affairs, supported by a statement of the plans and projects of said department with respect thereto, and approved by the Governor, the Veterans' Finance Committee of 1943 shall determine whether or not it is necessary or desirable to issue any bonds authorized under this article in order to carry such plans and projects into execution, and, if so, the amount of bond[illegible] to be issued and sold. Successive issu[illegible] of bonds may be authorized and sold to carry out said plans and projects progressively, and it shall not be necessary that all the bonds herein authorized to be issued shall be sold at any one time.

996.993. So long as any bonds authorized under this article may be outstanding, the Director of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, such survey to be made by an independent public accountant of recognized standing. The results of such surveys and projections shall be set forth in written reports and said independent public accountant shall forward copies of said reports to the Director of Veterans Affairs, the members of the California Veterans Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse said independent public accountant for his services out of any funds which said division may have available on deposit with the Treasurer of the State of California.

996.994. The committee may authorize the State Treasurer to sell all or any [illegible] of the bonds herein authorized at such [illegible] or times as may be fixed by the State Treasurer.

996.995. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the General Obligation Bond Expense Revolving Fund established by Section 16724.5 of the Government Code such sums as have been expended for the purposes specified in Section 16724.5 of the Government Code, which may be used for the same purpose and repaid in the same manner whenever additional sales are made.

2

FOR THE STATE SCHOOL BUILDING AID AND EARTHQUAKE RECONSTRUCTION AND REPLACEMENT BOND LAW OF 1972. This Act provides for a bond issue of three hundred fifty million dollars ($350,000,000) to provide capital outlay for construction or improvement of public schools.	
AGAINST THE STATE SCHOOL BUILDING AID AND EARTHQUAKE RECONSTRUCTION AND REPLACEMENT BOND LAW OF 1972. This Act provides for a bond issue of three hundred fifty million dollars ($350,000,000) to provide capital outlay for construction or improvement of public schools.	

This law proposed by AB 75 (Ch. 105), by act of the Legislature passed at the 1971 Regular Session, is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

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

PROPOSED LAW

ion 1. Chapter 15.8 (commencing with Section 19946) is added to Division 14 of the Education Code, to read:

Chapter 15.8. State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972

19946. This act may be cited as the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972.

19947. The State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code) is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter. All references in this chapter to "herein" shall be deemed to refer both to this chapter and such law.

19948. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means the State School Building Finance Committee created by Sect 9510.

(b) "Board" means the State Allocation Board.

(c) "Fund" means the State School Building Aid Fund.

19949. For the purpose of creating a fund to provide aid to school districts of the state in accordance with the provisions of the State School Building Aid Law of 1952, and of all acts amendatory thereof and supplementary thereto, and to provide funds to repay any money advanced or loaned to the State School Building Aid Fund under any act of the Legislature, together with interest provided for in that act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code the committee shall be and is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of three hundred fifty million dollars ($350,000,000) in the manner provided herein, but not in excess thereof.

19950. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, 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.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, all of the money in the fund, not in excess of the principal of and interest on the said bonds then due and payable, except as herein provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity is less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of the fund as soon thereafter as it shall become available.

19951. All money deposited in the fund under Section 19611 of this code and pursuant to the provisions of Part 2 (commencing with Section 16300) of Division 4 of Title 2 of the Government Code, shall be available only for transfer to the General Fund, as provided in Section 19950. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

19952. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

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

(b) Such sum as is necessary to carry out the provisions of Section 19953, which sum is appropriated without regard to fiscal years.

19953. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be

deposited in the fund to be allocated by the board in accordance with this chapter. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

19954. Upon request of the board, supported by a statement of the apportionments made and to be made under Sections 19551 to 19689, inclusive, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. Seventy-five million dollars ($75,000,000) shall be available for apportionment on July 5, 1972, and fifteen million dollars ($15,000,000) shall become available for apportionment on the fifth day of each month thereafter until a total of three hundred fifty million dollars ($350,000,000) has become available for apportionment. Successive issues of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

19955. In computing the net interest cost under Section 16754 of the Government Code, interest shall be computed from the date of the bonds or the last preceding interest payment date, whichever is latest, to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, such computation to be made on a 360-day year basis.

19956. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

19957. All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derive[d fro]m premium and accrued interest, shall b[e avai]l-able for the purpose herein provided, but shall not be available for transfer to the General Fund pursuant to Section 19950 to pay principal and interest on bonds.

19958. With respect to the proceeds of bonds authorized by this chapter, all the provisions of Sections 19551 to 19689, inclusive, shall apply except:

(a) Any reference in Sections 19551 to 19689, inclusive, to "Section 16.5, Article XVI of the Constitution of this State" shall be deemed a reference to this chapter.

(b) Any reference in Sections 19551 to 19689, inclusive, to "Section 19704" shall be deemed a reference to "Section 19950."

19959. Out of the first money realized from the sale of bonds under this act, there shall be repaid any moneys advanced or loaned to the State School Building Aid Fund under any act of the Legislature, together with interest provided for in that act.

19959.5. Notwithstanding any provisions in this chapter to the contrary, of the moneys made available by this chapter not to exceed the sum of two hundred fifty million dollars ($250,000,000) or such amount thereof that the board may determine necessary therefor, shall be available under the provisions of Article 9 (commencing with Section 19700.51) of Chapter 10 of D[ivisio]n 14 for the purpose of rehabilitating, [reco]nstructing, or replacing school facilities which are unsafe by virtue of not being in compliance with Article 5 (commencing with Section 15501) of Chapter 2 of Division 11 or for the purpose of repairing actual damage to school facilities caused by an earthquake after February 1, 1971, and for which there are no other state or federal funds available for such restoration. These funds shall be made available to eligible school districts when the fiscal and other requirements prescribed by Article 9 are complied with.

3 — **RIGHT TO ASSISTANCE OF COUNSEL. Legislative Constitutional Amendment.** Amends Constitution to provide that a defendant has the right to have the assistance of counsel in any criminal prosecution. Deletes provision giving defendant the right to defend himself without counsel and authorizes Legislature to require a defendant in a felony case to have the assistance of counsel.	**YES**	
	NO	

(This amendment proposed by Senate Constitutional Amendment No. 42, 1971 Regular Session, expressly amends an existing section of the Constitution; 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 **BOLDFACE TYPE.**)

PROPOSED AMENDMENT TO ARTICLE I

Sec. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial **and to have the assistance of counsel for his defense**; to have the process of the cour[t] to compel the attendance of witnesses [in hi]s behalf~~;~~ ~~and to appear and defend, in p[erso]n~~

a· ·o **be personally present** with counsel.] rson shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; but in any criminal case, whether the defendant testifies or not, his failure to explain or to deny by his testimony any evidence or facts in the case against him may be commented upon by the court and by counsel, and may be considered by the court or the jury. **The Legislature shall have power to require the defendant in a felony case to have the assistance of counsel.** The Legislature **also** shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

4 **OPEN PRESIDENTIAL PRIMARY. Legislative Constitutional Amendment.** Requires Legislature to provide for open presidential primary in which candidates on ballot are those found by Secretary of State to be recognized candidates throughout nation or California for office of President of the United States and such candidates whose names are placed on ballot by petition. Excludes any candidate who has filed affidavit that he is not a candidate.	**YES**	
	NO	

(This amendment proposed by Senate Constitutional Amendment No. 3, 1971 Regular Session, expressly amends an existing article of the Constitution by adding a new section thereto; therefore, **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLDFACE TYPE**.)

PROPOSED AMENDMENT TO ARTICLE II

c. 8. The Legislature shall provide for an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit that he is not a candidate.

5 **APPOINTMENT OF REGENTS, UNIVERSITY OF CALIFORNIA. Legislative Constitutional Amendment.** Requires that appointments to the Regents of the University of California by the Governor be approved by a majority of the membership of the Senate.	**YES**	
	NO	

(This amendment proposed by Senate Constitutional Amendment No. 44, 1971 Regular Session, expressly amends an existing section of the Constitution; 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 **BOLDFACE TYPE**.)

PROPOSED AMENDMENT TO ARTICLE IX

SEC. 9. (a). The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endow·'s of the university and the security of .unds. Said corporation shall be in form a board composed of eight ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president of the State Board of Agriculture, the president of the Mechanics Institute of San Francisco, the president of the alumni association of the university and the acting president of the university, and 16 appointive members appointed by the Governor **and approved by the Senate, a majority of the membership concurring**; provided, however~~,~~ that the present appointive members shall hold office until the expiration of their present terms. The terms of the appointive members shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and in case of any vacancy the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor **and approved by the Senate, a major-**

ity of the membership concurring, to be for the balance of the term as to which such vacancy exists. Said corporation shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise; provided, that all moneys derived from the sale of public lands donated to this state by act of Congress approved July 2, 1862 (and the several acts amendatory thereof), shall be invested as provided by said acts of Congress and the income from said moneys shall be inviolably appropriated to the endowment, support and maintenance of at least or l-lege of agriculture, where the leadi jects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts, in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the state shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.

(b) Meetings of the regents shall be public, with exceptions and notice requirements as may be provided by statute.

6 **NATURALIZED CITIZEN VOTING ELIGIBILITY. Legislative Constitutional Amendment.** Eliminates existing provision in Constitution requiring naturalized citizen to be naturalized for 90 days prior to becoming eligible to vote.	**YES**	
	NO	

(This amendment proposed by Assembly Constitutional Amendment No. 21, 1971 Regular Session, expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** or **REPEALED** are printed in ~~STRIKEOUT 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 Queretaro, and every naturalized citizen thereof, ~~who shall have become such ninety 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 ninety days, and in the election precinct fifty-four 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 fifty-four days, or any person duly registered as an elector in any county in California and removing therefrom to another county in California within ninety 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; 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 disabilit the day on which any election is held.

7	**UATION OF SINGLE-FAMILY DWELLINGS FOR TAX PURPOSES. Legislative Constitutional Amendment.** Provides that Legislature may prohibit the valuation of single-family dwellings for purposes of property taxation at any value greater than that which would reflect use of property as site for single-family dwelling.	YES	
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 44, 1971 Regular Session, expressly amends an existing article of the Constitution by adding a new section thereto; therefore, **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLDFACE TYPE.**)

PROPOSED AMENDMENT TO ARTICLE XIII

Sec. 2.5. The Legislature may by law prohibit the valuation of single-family dwellings for purposes of property taxation at any value greater than that which would reflect the use of the property as a site for a single-family dwelling.

As used in this section, "single-family dwelling" means a single-family dwelling occupied by an owner thereof on the lien date and so much of the land on which it is situated as may be required for the convenient use and occupation of such dwelling, if such dwelling is on land which is zoned exclusively for single-family home use or which is zoned for agricultural use where single-family homes are permitted.

8	**CHIROPRACTORS. Legislative Amendment.** Amends several sections of the Chiropractic Initiative Act. Provides that members of the Board of Chiropractic Examiners shall be citizens of the United States and have resided and been licensed Chiropractors in California for at least five years. Deletes provision that District Attorneys are required to prosecute violations of the Chiropractic Act. Revises examination procedure. Makes other nonsubstantive changes in that Act. Financial impact: This measure does not involve any significant cost or revenue considerations.	YES	
		NO	

(This law proposed by SB 1561 (Ch. 1755), 1971 Regular Session, expressly amends existing sections of the law; 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 **BOLDFACE TYPE.**)

PROPOSED AMENDMENTS TO INITIATIVE ACT

An act . . . † to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the ~~state board of chiropractic examiners~~ ***State Board of Chiropractic Examiners*** *and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith" approved by electors November 7, 1922 by amending Sections 1, 2, 3, 6, 9, 14, and 17 thereof, by amending and renumbering Section 8.1 thereof, and by repealing Sections 8 and 11 thereof, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to subdivision (c) of Section 24 of Article IV of the State Constitution, relating to healing arts.*

SECTION 1. * * * †

SEC. 2. Section 1 of the act cited in the title is amended to read:

Section 1. A board is hereby created to be known as the "State Board of Chiropractic Examiners," hereinafter referred to as the board, which shall consist of five members, citizens of the ~~State of~~ **United States**, **with at least five years residence in** California, appointed by the Governor. **Each member shall be of good moral character and shall have had at least five years of licensure in this state prior to appointment.** Each member must have pursued a resident course in ~~a regularly incorporated~~ **an approved** chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

~~Each member of the board first appointed hereunder shall have practiced chiropractic in the State of California for a period of three years next preceding the date upon which this act takes effect, thereafter appointees shall be licentiates hereunder.~~

Not more than two persons shall serve simultaneously as members of said board, whose first diplomas were issued by the same school or college of chiropractic, nor shall more than two members be residents of any

† SB. 1561 (Ch. 1755), 1971 Regular Session, also amends Labor Code Section 4601.

one county of the ~~State~~ **state** . And no person ~~connected with~~ **who is or within one year of the proposed appointment has been an administrator, policy board member, or paid employee of** any chiropractic school or college shall be eligible ~~to~~ **for** appointment ~~as a member of~~ **to** the board. Each member of the board ~~,~~ ~~except the secretary,~~ shall receive a per diem in the amount provided in Section 103 of the Business and Professions Code for each day during which he is actually engaged in the discharge of his duties, together with his actual and necessary ~~traveling~~ **travel** expenses incurred in connection with the performance of the duties of his office, such per diem , ~~traveling~~ **travel** expenses and other incidental expenses of the board or of its members to be paid out of the funds of the board hereinafter defined and not from the ~~State's~~ **state's** taxes.

SEC. 3. Section 2 of the act cited in the title is amended to read:

Sec. 2. ~~Within sixty days of the date upon which this act takes effect, the governor~~ **The Governor** shall appoint the members of the board. ~~Of the members first appointed, one shall be appointed for a term of one year, two for two years, and two for three years. Thereafter, each~~ **Each** appointment shall be for the term of ~~three~~ **four** years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified **or until one year has elapsed since the expiration of his term whichever first occurs. No person shall serve more than two consecutive terms on the board nor be eligible for appointment thereafter until the expiration of four years from the expiration of such second consecutive term, effective January 2, 1974.** The ~~governor~~ **Governor** may remove a member from the board after receiving sufficient proof of the inability or misconduct of said member.

SEC. 4. Section 3 of the act cited in the title is amended to read:

Sec. 3. The board shall ~~convene within 30 days after the appointment of its members, and shall organize by the election of a president and a vice-president to be chosen from the members of the board, and a secretary, who may, but need not be a member~~ **elect a chairman and a vice chairman and a secretary to be chosen from the members** of the board. The board shall **employ an executive officer and** fix ~~the~~ **his** salary ~~of the secretary,~~ with the approval of the Director of Finance. ~~Thereafter elections~~ **Elections** of **the** officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of three members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license [illegible]vided for in this act. The ~~secretary~~ **exe[illegible] officer** shall receive a salary to be fixe[illegible] by the board, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, and shall give bond to the ~~State~~ **state** in such sum with such sureties as the board may deem proper. He shall keep a record of the proceedings of the board, which shall at times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the Governor **or his designee,** a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

SEC. 5. Section 6 of the act cited in the title is amended to read:

Sec. 6. (a) ~~The board shall meet as a board of examiners on the first Tuesday following the second Monday of January and July of each year, and at such other times and places as may be found necessary for the performance of their duties.~~ The office of the board shall be in the ~~city~~ **City** of Sacramento. ~~Sub-offices~~ **Suboffices** may be established in Los Angeles and San Francisco, and such records as may be necessary [illegible] be transferred temporarily to such ~~sub-[illegible]~~ **suboffices.** Legal proceedings against the board may be instituted in any one of ~~said~~ **the** three cities.

(b) ~~Each applicant shall be designated by a number instead of the name, so that the identity will not be disclosed to the examiners until the papers are graded.~~ **The board shall meet as a board of examiners at least twice each calendar year, at such times and places as may be found necessary for the performance of its duties.**

(c) ~~All examinations~~ **Examinations** shall be ~~in writing, except in cases herein otherwise prescribed, and shall be practical in character,~~ **written, oral, and practical, covering chiropractic** as taught in chiropractic schools or colleges, ~~and~~ designed to ascertain the fitness of the applicant to practice chiropractic. Said ~~examinations~~ **examination** shall ~~be in~~ **include at least** each of the subjects as set forth in ~~section five~~ **Section 5** hereof. **Identity of the applicants shall not be disclosed to the examiners until after examinations have been given final grades.** A license shall be granted to any applicant who shall make a general average of ~~seventy-five~~ **75** percent, and not fall below ~~sixty~~ **60** percent in more than two subjects or branches of ~~said~~ **the** examination. Any applicant failing to make the required grade shall be [illegible] credit for the branches passed, and [illegible]

without further cost, take the examination at the next regular examination on the subjects in which he failed. For each year of actual practice since graduation the applicant shall be given a credit of ~~one~~ **1** percent on the general average.

SEC. 6. Section 8 of the act cited in the title is repealed.

~~SEC. 8. Any person who shall have practiced chiropractic for two years after graduation from a chiropractic school or college, one year of which shall have been in this state preceding the date upon which this act takes effect, or any person who graduated from a chiropractic school or college prior to January 1, 1922, and who shall present to the board satisfactory proof of good moral character and having pursued a resident course of not less than two thousand hours in a legally incorporated chiropractic school or college, shall be given a practical and clinical examination in chiropractic philosophy and practice, and if he, or she, make a grade of seventy-five per cent in such examination, the board shall grant a license to said applicant to practice chiropractic in this state under the provisions of this act; *provided, however,* that application for said license is made within six months of the date upon which this act takes effect and that each applicant shall pay the secretary of the board the sum of twenty-five dollars.~~

SEC. 7. Section 8.1 of the act cited in the title is amended and renumbered to read:

Sec. ~~8.1~~ **8**. No blind person shall be denied admission into any college or school of chiropractic or denied the right to take any examination given by such school or college or denied a diploma or certificate of graduation or a degree or denied admission into any examination for a state license or denied a regular license to practice chiropractic on the ground that he is blind.

SEC. 8. Section 9 of the act cited in the title is amended to read:

Sec. 9. Notwithstanding any provision contained in any other section of this act, the board, upon receipt of the fee specified in Section 5, shall issue a license to any ~~of the following named persons: (a) To each member of the board. (b) To any~~ person licensed to practice chiropractic under the laws of another state, ~~having~~ **provided said state then had** the same general requirements as ~~prescribed in this act,~~ **required in this state at the time said license was issued,** and provided ~~, further,~~ that such other state in like manner grants reciprocal registration to chiropractic practitioners of this ~~State~~ **state**.

The applicant shall also provide a certificate from the other state stating that he was licensed by that state, that he has not been convicted of unprofessional conduct, and that there is no charge of unprofessional conduct pending against him.

SEC. 9. Section 11 of the act cited in the title is repealed.

~~SEC. 11. (a) Every person who shall receive a license from the board shall have it recorded in the office of the county clerk of the county in which he resides, and shall have it likewise recorded in the counties into which he shall subsequently move for the purpose of practicing chiropractic.~~

~~(b) The failure or the refusal on the part of the holder of a license to have it recorded before he shall begin to practice chiropractic in this state, after having been notified by the board to do so, shall be sufficient ground to revoke or cancel a license and to render it null and void.~~

~~(c) The county clerk of each county in this state shall keep for public inspection, in a book provided for that purpose, a complete list and description of the licenses recorded by him. When any such license shall be presented to him for record he shall stamp upon the face thereof his signed memorandum of the date when such license was presented for record.~~

SEC. 10. Section 14 of the act cited in the title is amended to read:

Sec. 14. ~~All moneys received by the board under this act shall be paid to the secretary of said board, who shall give a receipt for the same and~~ **The executive officer** shall at the end of each month report to the ~~state controller~~ **State Controller** the total amount of money received by ~~him on behalf of said~~ **the** board from all sources, and shall ~~at the same time~~ deposit with the ~~state treasurer~~ **State Treasurer** the entire amount of such receipts, and the ~~state treasurer~~ **State Treasurer** shall place the money so received in a special fund, to be known as the " ~~state board of chiropractic examiners'~~ **State Board of Chiropractic Examiners' Fund"** ~~fund," which fund is hereby created~~. Such fund shall be expended in accordance with law for all necessary and proper expenses in carrying out the provisions of this act, upon proper claims approved by said board or a finance committee thereof.

SEC. 11. Section 17 of the act cited in the title is amended to read:

Sec. 17. ~~It shall be the duty of the several district attorneys of this state to prosecute all persons charged with the violation of any of the provisions of this act.~~ It shall be the duty of the ~~secretary of the~~ board ~~, under the direction of the board,~~ to aid attorneys **and law enforcement agencies** in the enforcement of this act.

9	**ENVIRONMENT. Initiative.** Specifies permissible composition and quality of gasoline and other fuel for internal combustion engines. Authorizes shutting down of businesses and factories violating air pollution standards. Imposes restrictions on leasing and extraction of oil and gas from tidelands or submerged lands, or onshore areas within one mile of mean high tide line. Prohibits construction of atomic powered electric generating plants for five years. Establishes restrictions on manufacture, sale, and use of pesticides. Prohibits enforcement officials from having conflicting interests. Provides for relief by injunction and mandate to prevent violations. Imposes penal sanctions and civil penalties.	**YES**	
		NO	

(This proposed Initiative Measure expressly amends existing provisions of the Agricultural Code and adds new provisions to the Agricultural Code, the Health and Safety Code, the Public Resources Code, the Vehicle Code, and the Water Code. Therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in ~~STRIKEOUT TYPE~~ and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BOLDFACE TYPE.**)

PROPOSED LAW

Section 1. This Initiative Act may be cited as the Clean Environment Act.

Section 2. Chapter 8 (commencing with Section 39280.1) is added to Part 1 of Division 26 of the Health and Safety Code, to read:

Chapter 8. Fuel Composition.

39280.1. "Retailer," as used in this Chapter, means any person possessing a valid motor fuel pump license pursuant to Article 2 (commencing with Section 20766), Chapter 7, Division 8 of the Business and Professions Code, and shall apply separately to each place of business.

39280.2. "Sell," as used in this Chapter, includes offering for sale, keeping for sale, delivering for pay, offering to deliver, or selling.

39280.3. "Grade," as used in this Chapter, means a grade of gasoline, a particular petroleum product, ordinarily identified by a brand, trademark, or trade name, intended for use as a fuel for internal combustion engines and ordinarily identified by a brand, trademark, or trade name, intended for use as a fuel for internal combustion engines and ordinarily subject to the labeling requirements of Chapter 7 (commencing with Section 20700), Division 8 of the Business and Professions Code.

Gasoline dispensed from pumps described in Section 20852 of the Business and Professions Code shall be considered as the grade contained in the storage tank from which gasoline is withdrawn for dispensing from the pumps, unaffected by the blending in the pumps, for the purposes of this Chapter.

39280.4. "Octane number," as used in this Chapter, shall be as defined in Section 20710 of the Business and Professions Code.

39280.5. "Traces," as used in this Chapter, means amounts of lead due only to contamination of existing production and distribution facilities which have contained leaded fuels, and shall not exceed 0.075 gram of lead per gallon.

39281. On or after January 1, 1973 no retailer shall sell a grade

(a) having a degree of unsaturation greater than that indicated by a Bromine number of 10 as determined by the ASTM (American Society for Testing Material) method D1159 (latest revisions).,

(b) having the ASTM sum of Bromine number as measured by D1159 (lates vision) plus volume percent of aeromati[illegible] measured by ASTM D1319 (latest revision) not in excess of 45.

39281.1. In addition to the requirements of Section 39281, every manufacturer or retailer shall sell, on or after January 1, 1973, at least one grade having an octane number not less than 90 and containing not more than traces of lead.

39281.2. No retailer shall sell a grade containing more lead per gallon than:

(a) on and after January 1, 1973, 2.0 gram,

(b) on and after January 1, 1975, 1.0 gram,

(c) on and after July 1, 1976, traces.

39282. On or after January 1, 1973, no retailer shall sell in the south coast and San Diego air basins (as defined by the State Air Resources Board) at any time, and elsewhere in the state from June 1 through October 31, a grade having a Reid vapor pressure of more than 9 pounds per square inch.

39283. The State Air Resources Board may modify any requirement or standard established by this Chapter with respect to emergency vehicles as defined in the Vehicle Code. Upon the adoption of such modification, it shall be lawful for a retailer to sell a grade which complies with any mod[illegible] tion established by the State Air Resou[illegible]

B for use in such emergency vehicles as d. in the Vehicle Code.

39284. The content of sulfur in any form in diesel fuel sold for use in internal combustion engines within this state shall not exceed 0.035 percent by weight.

39285. With respect to any motor vehicle, the State Air Resources Board, or any local or regional board or governmental entity may adopt or prescribe more stringent standards than those prescribed by this Chapter, and may prescribe standards for other components and qualities of fuel not covered or mentioned by this Chapter.

39286. Every person who violates any provision of this Chapter is guilty of a misdemeanor.

Section 3. Section 24303 is added to the Health and Safety Code to read:

24303. No person possessing a permit from any air pollution control district may continue to operate any source capable of emitting air contaminants if he has received four or more variances, as defined by the Health and Safety Code or an air pollution control district, within the preceding five years with respect to such source, unless he first installs standby or other protective equipment for such sources approved by an air pollution control district.

tion 4. Section 24304 is added to the I. 1 and Safety Code to read:

24304. In addition to any other definition or provision regarding variances in the Health and Safety Code or in the rules and regulations of an air pollution control district, a variance shall consist of the continuous discharge or emission of air contaminants for a period of one or more hours in violation of any provision of the Health and Safety Code or the rules and regulations of an air pollution control district. A variance may not continue for more than 3 months.

Section 5. Section 24246.1 is added to the Health and Safety Code to read:

24246.1. An air pollution control district may require any person who operates a source capable of emitting air contaminants to install on such source a sealed monitoring device capable of measuring and recording the contaminants being emitted into the atmosphere from such source. Any official of an air pollution control district may examine or inspect such sealed monitoring device at any time. Every person is guilty of a misdemeanor who in any way denies, obstructs, or hampers such examination or inspection.

Section 6. Section 24246.2 is added to the Health and Safety Code to read:

24246.2. Whenever the air quality standar- of the State Air Resources Board for articular kind of air contaminant are e. eded anywhere within an air pollution control district, or whenever a first stage smog or pollution alert occurs anywhere within an air pollution control district, the air pollution control officer of such district shall immediately order the shut down of all businesses, factories, or plants within the district which are at the time operating under any variance, or shall immediately order the shut down of each single source of air contaminants within the business, factory, or plant, if such source of air contaminants was being utilized or operated under or pursuant to any variance granted to it.

The order may be made by any form of communication, written or verbal, and shall be delivered to the owner, operator, manager, or anyone in charge of the operation, maintenance, or utilization of the business, factory, plant, or single source of air contaminants.

For the purpose of this Section, a first stage pollution or smog alert is attained whenever, at any air pollution control district monitoring station,

(a) ozone reaches .50 parts per million, or

(b) carbon monoxide reaches 100 parts per million, or

(c) nitrogen oxides reach 3.0 parts per million, or

(d) Whenever an air pollution control district declares a first stage pollution or smog alert to exist.

An air pollution control district may provide or specify more stringent standards for first stage alerts than those enumerated in this Section, and may specify other kinds of contaminants.

For the purpose of this Section, air quality standards of the State Air Resources Board are exceeded when, at an air pollution monitoring station,

(a) ozone reaches .10 parts per million for one hour either on three successive days or seven days in the past 90 days or

(b) carbon monoxide reaches 20 parts per million for eight hours, or

(c) nitrogen oxides reach .25 parts per million for one hour.

The State Air Resources Board may provide for more stringent air quality standards than those specified in this Section, and may specify other kinds of air contaminants.

Any person who owns, operates, manages or maintains any business, factory, or plant or single source of air contaminants within a business, factory, or plant shall immediately shut down and cease operating the business, factory, or plant under variance, or shall cease utilizing such single source of air contaminants within a business, factory, or plant, upon order or request to do so issued by the air pollution control district officer.

No one may resume any activity shut down or halted by the air pollution control officer pursuant to this Section until he receives written permission from the air pollution control officer.

Anyone injured or damaged by an unlawful order of an air pollution control officer may institute proceedings in a court of competent jurisdiction to recover actual damages against the air pollution control district.

The procedures to be followed are the same as those specified in the Government Code with respect to claims and actions against municipalities.

No injunction or restraining order shall issue to restrain or prevent an air pollution control officer from issuing any shut down order.

No air pollution control district officer shall be personally liable for any damage caused by him as a result of the issuance of a shut down order.

No one has the right to a hearing to determine the propriety of the issuance of a shut down order. The people find and declare that the critical problem of air pollution requires emergency action as provided by this Section.

Every person is guilty of a misdemeanor who violates any provision of this Section.

Section 7. Chapter 2.7 (commencing with Section 24376) is added to Division XX of the Health and Safety Code to read:

Chapter 2.7. Environmental Class Actions.

24376. Any person may bring a class action for the benefit of all residents of a particular air pollution control district, in any court of competent jurisdiction, against any person operating under or pursuant to a permit granted or issued by such district, to enjoin such person from violating any provision of the Health and Safety Code or any rule or regulation of the air pollution control district. Upon successful conclusion of such action, the plaintiff shall be awarded all costs and expenses of the litigation, including reasonable attorneys fees. Such action shall in no way preclude any action for damages.

Section 8. Chapter 2.6 (commencing with Section 24375) is added to Division XX of the Health and Safety Code to read:

Chapter 2.6. Incentive Levies.

24375. Any person who is found guilty of violating any air pollution provision of this Code, or of violating any rule or regulation of any air pollution control district, State Air Resources Board, or regional pollution board or district of this state, or who enters a plea of guilty, or nolo contendere to such provision, rule, or regulation, shall pay to the air pollution control district in which the violation occurs, a sum of money equal to .4% of its gross income for the fisca r immediately preceding the year in h the violation occurs.

Said payment shall be made within one day after guilt is determined, or a plea of guilty or nolo contendere is entered, and additional payments in the same amount shall be made each day thereafter until the air pollution control officer of the district in which the offense occurred determines that the violator has undertaken a program to ensure that such violation will not recur. Upon completion of such program to the satisfaction of the air pollution control officer, the air pollution control district shall remit to the violator 75% of all sums paid by the violator pursuant to this Section. The air pollution control district shall adopt regulations governing the procedures to be followed and the standards to guide the air pollution control officer with respect to this Chapter.

Section 9. Chapter 2.8 (commencing with Section 24378) is added to Division XX of the Health and Safety Code, to read:

Chapter 2.8. Public records.

24378. Notwithstanding any provision of law to the contrary, the records of air pollution control districts in this state are public, except those records pertaining to personnel matters.

Section 10. Chapter 3.5 (comme g with Section 24399) is added to Division XX of the Health and Safety Code, to read:

Chapter 3.5. Conflict of Interest.

24399. No one appointed to any air pollution control board, advisory board, or regional pollution board, or appointed as an officer of any such board, defined or provided for in Division XX of this Code, shall have any interest in, be employed by, or own any shares in any company or corporation which emits or discharges any air contaminants into the atmosphere, or which manufactures, distributes, or sells motor vehicles, or engines or motors for such vehicles, or which produces, refines, or distributes or sells petroleum or petroleum products.

Section 11. Section 11705.5 is added to the Vehicle Code to read:

11705.5. The department after notice and hearing may suspend or revoke the license and certificate issued to a dealer, transporter or manufacturer, upon determining that any said person has sold a motor vehicle in violation of Sections 39152 or 39153 of the Health and Safety Code or Sections 4000.1, 4000.2, or 24007 of the Vehicle Code.

Section 12. Section 6870 is added, immediately preceeding Section 6871, to the Public Resources Code, to read:

6870. (a) Notwithstanding any provision of law to the contrary, no le..s

sh[illegible]e let or renewed for the extraction of oi[illegible]l gas from coastal tidelands or submerged lands in state waters, or from onshore areas within one mile of the mean high tide line.

(b) It is hereby declared to be a nuisance and it shall be unlawful for anyone to drill exploratory core holes, or to pump or extract oil, gas or other hydrocarbon substances in the tidelands or submerged lands, or on onshore areas within one mile of the mean high tide line.

(c) Any activity prohibited by paragraph (b) which was commenced prior to the effective date of this Section is exempt from paragraph (b).

(d) Anyone who violates any provision of this Section is guilty of a misdemeanor.

(e) Any interested person may commence an action by mandamus or injunction for the purpose of stopping or preventing violations or threatened violations of this Article.

Section 13. Section 6828.1 is added to the Public Resources Code to read:

6828.1. Whenever, as determined by the commission, any operation conducted under lease issued pursuant to this Chapter constitutes an ultrahazardous activity, such operation shall cease upon order of the commission and shall not commence until such time as [illegible] commission determines that the operat[illegible]o longer constitutes an ultrahazardous a[illegible]ty. As used in this Section, "ultrahazardous activity" means an activity which poses an imminent threat to the health, safety, and welfare of the public, including, but not limited to, substantial damage or destruction to lands and marine and coastal wildlife and pollution of state waters by the escape of oil or gas.

Section 14. Section 175.1 is added to the Water Code to read:

175.1. No official or employee of, or person with any financial interest in, any discharger of wastes in the waters of California shall serve on the board.

Section 15. Section 13201.1 is added to the Water Code to read:

13201.1. No official or employee of, or person with any financial interest in, any discharger of wastes in the waters of California shall serve on any regional board.

Section 16. Section 25711 is added to the Health and Safety Code, to read:

25711. It shall be unlawful for any person to manufacture or construct an electric generating plant which is powered by atomic energy from nuclear fission during the five year period next succeeding the effective date of this section.

Section 17. Section 25712 is added to the H[illegible]th and Safety Code, to read:

[illegible]12. Violation of Section 25711 of this C[illegible]pter shall be a misdemeanor. Any interested person may commence an action by mandamus or injunction for the purpose of stopping or preventing violations or threatened violations of Section 25711.

Section 18. Article 3.5 (commencing with Section 14075) is added to Chapter 3 of Division 7 of the Agricultural Code, to read:

Article 3.5. Persistent Chlorinated Hydrocarbons.

14075. No person may manufacture, possess, buy, sell, import, deliver, or use any form of persistent chlorinated hydrocarbons within the state, unless pursuant to a permit issued by the director.

14076. The director may issue a permit only upon authorization by four-fifths of the members of each house of the State Legislature.

14077. As used in this article, persistent chlorinated hydrocarbons means DDT (1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane), its isomers, and its derivation DDD, 1,1-dichloro-2, 2-bis(p-chlorophenyl)ethane, aldrin (1,2,3,4,10,10 hexachloro 1,4,4a-5,8,8a-hexahydro endo-1, 4, exo-5,8-dimethanonaphthalene), BHC, chlordane, dieldrin (1,2,3,4,10,10-hexachloro-exo-6, 7-epexy-1,4,4a-5, 6, 7, 8, 8a-octahydro-1, 4-endo. exo-5, 8-dimethanonaphthalene), endrin (1,2,3,4,10,10-hexachloro-6, 7-epoxy-1, 4,4a,5,6,7,8, 8a-octahydro-endo-1, 4-endo-5, 8-dimethanonaphthalene), heptachlor (1,4,5,6,7,8, 8-heptachloro-3a, 4, 7, 7a-tetrahydro-4, 7- endomethanoindene), lindane, toxaphane, and phenoxy herbicides including 2-4-D (d-ichlarophenoxyacetic acid), 2-4-5-T (trichlorophenoxyacetic acid), and Silvex.

14078. Any person who violates any provision of this Article is guilty of a misdemeanor. Any interested person may commence an action by mandamus or injunction for the purpose of stopping or preventing violations or threatened violations of this Article.

Section 19. Section 12783 of the Agricultural Code is amended to read:

12783. Any person that is charged with the enforcement or execution of any of the provisions of this ~~chapter~~ **Chapter** shall not be directly or indirectly interested in the sale, manufacture, or distribution of any economic poison, **nor shall he be directly or indirectly interested in any farm**.

Section 20. Section 102.1 is added to the Agricultural Code, to read:

102.1. The director shall not be directly or indirectly interested in the sale, manufacture, or distribution of any economic poison, nor shall he be directly or indirectly interested in any farm.

Section 21. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applica-

tions of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 22. All laws in effect as of January 1, 1971, to which direct or indirect reference is made by this Act, shall remain in full force and effect for the purpose of this Act, irrespective of their having been [illegible]quently repealed or amended by the L[illegible]ture.

Section 23. The Legislature may not repeal or amend this Act, unless the effect of the action of the Legislature upon this Act is to strengthen its provisions with respect to the protection of the environment.

10	**PARTIAL CONSTITUTIONAL REVISION. Legislative Constitutional Amendment.** Adds, amends, transfers, and repeals several miscellaneous provisions of the Constitution. Adds section allowing city charter to make provisions regarding members of boards of education. Amends sections relating to penal institutions and water rates. Transfers sections relating to lending of credit, corporations, and ownership of corporate shares by State and public agencies. Repeals provisions relating to corporations, holding large tracts of unimproved land, granting of State lands to settlers, and other miscellaneous sections. Financial impact: This measure does not involve any significant cost or revenue considerations.	**YES**	
		NO	

(This amendment proposed by Senate Constitutional Amendment No. 6, 1972 Regular Session, expressly amends existing sections of the Constitution, repeals existing sections and an article thereof, and adds new sections thereto; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** or **REPEALED** are printed in ~~STRIKEOUT TYPE~~; and **NEW PROVISIONS** proposed to be **ADDED** are printed in **BOLDFACE TYPE**.)

PROPOSED AMENDMENTS TO THE CONSTITUTION

First—That Section 16 is added to Article IX, to read:

Sec. 16. It shall be competent, in all charters framed under the authority given by Section 5 of Article XI, to provide, in addition to those provisions allowable by this Constitution, and by the laws of the state for the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

Second—That Section 1 of Article X is amended to read:

SECTION 1. ~~The Legislature may provide for the establishment, government, charge and superintendence of all institutions for all persons convicted of felonies. For this purpose, the Legislature may delegate the government, charge and superintendence of such institutions to any public governmental agency or agencies, officers, or board or boards, whether now existing or hereafter created by it. Any of such agencies, officers, or boards shall have such powers, perform such duties and exercise such functions in respect to other reformatory or penal matters, as the Legislature may prescribe.~~

~~The Legislature may also provide for punishment, treatment, supervision, custody and care of females in a manner and under circumstances different from men similarly convicted.~~

The labor of convicts shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the Sta[illegible]

Third—That Section 1 of Article [illegible] is repealed.

~~SECTION 1. The Legislature shall have power, by general laws and not otherwise, to provide for the formation, organization and regulation of corporations and to prescribe their powers, rights, duties and liabilities and the powers, rights, duties and liabilities of their officers and stockholders or members. All laws now in force in this State concerning corporations and all laws that may be hereafter passed pursuant to this section may be altered from time to time or repealed.~~

Fourth—That Section 4 of Article XII is repealed.

~~SEC. 4. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships; and all corporations shall have the right to sue and shall be subject to be sued, in all Courts, in like cases as natural persons.~~

Fifth—That Section 5 of Article XII is repealed.

~~SEC. 5. The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, and the Legislature shall provide for the classification of cities [illegible] towns by population for the purpose of [illegible] lating the business of banking. No corporation,~~

~~a tion, or individual shall issue or put in ci. .ulation, as money, anything but the lawful money of the United States.~~

Sixth—That Section 6 of Article XII is repealed.

~~SEC. 6. All existing charters, grants, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.~~

Seventh—That Section 7 of Article XII is repealed.

~~SEC. 7. The Legislature shall not extend any franchise, nor remit the forfeiture of any franchise, of any quasi public corporation, but may provide by general laws, uniformly applicable to all corporations formed for a limited period, for the extension of the term of existence of any corporation.~~

Eighth—That Section 8 of Article XII is repealed.

~~SEC. 8. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals, and the exercise of the police power · State shall never be so abridged or con- t as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State.~~

Ninth—That Section 13 of Article XII is repealed.

~~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 25 of Article XIII of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund, not to exceed rcent of the assets of such fund deter- d 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 25 of Article XIII of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund, 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.~~

Tenth—That Section 15 of Article XII is repealed.

~~SEC. 15. No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by~~

~~law to similar corporations organized under the laws of this State.~~

Eleventh—That Section 16 of Article XII is repealed.

~~Sec. 16. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises, or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial as in other cases.~~

Twelfth—That Section 24 of Article XII is repealed.

~~Sec. 24. The Legislature shall pass all laws necessary for the enforcement of the provisions of this article.~~

Thirteenth—That Section 42 is added to Article XIII, to read:

Sec. 42. 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 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund, 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 [illegible] 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 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund, in stock or shares of a diversified management investment comp[illegible] registered under the "Investment Com[illegible] Act of 1940" which has total assets [illegible] 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.

Fourteenth—That Section 1 of Article XIV is amended to read:

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law ~~; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State, for the use of water supplied to any city and county, or city or town, or the inhabitants thereof, shall be fixed, annually, by the Board of Supervisors, or city and county, or City or Town Council, or other governing body of such city and county, or city or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of e[illegible] year, and take effect on the first day of [illegible] thereafter. Any Board or body failing to [illegible]~~

~~t[illegible]essary ordinances or resolutions fixing w[illegible] rates, where necessary, within such time, shall be subject to peremptory process, to compel action at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation, collecting water rates in any city and county, or city or town in this State, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation, to the city and county, or city or town where the same are collected, for the public use~~.

Fifteenth—That Section 2 of Article XVII is repealed.

~~SEC. 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.~~

Sixteenth—That Section 3 of Article XVII is repealed.

~~SEC. 3. Lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.~~

[illegible]enteenth—That Section 24 is added to [illegible]e XX, to read:

Sec. 24. All laws now in force in this State concerning corporations and all laws that may be hereafter passed pursuant to this section may be altered from time to time or repealed.

Eighteenth—That Article XXII is repealed.

~~ARTICLE XXII~~

~~SCHEDULE~~

~~That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:~~

~~SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof.~~

~~SEC. 2. That all recognizances, obligations, and all other instruments, entered into or exe[illegible]d before the adoption of this Constitution, [illegible]is State, or to any subdivision thereof, o[illegible] any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.~~

~~SEC. 3. Any amendment to this Constitution which is proposed by the Legislature solely for the purpose of eliminating obsolete or superseded provisions therefrom shall be subject to the following limitations:~~

~~(1) Any other measure submitted to the people at the same election which affects a section of the Constitution included in the Legislature's proposal shall, to the extent of any conflict between the two, prevail over such proposal; and~~

~~(2) If the Legislature's proposal repeals or eliminates constitutional language which originally validated, ratified, confirmed or gave effect to other governmental action, such proposal shall not be construed so as to alter or invalidate the action previously validated, ratified, confirmed or given effect.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~Sec. 8. It shall be competent, in all c' ers framed under the authority give Section 5 of Article XI, to provide, in addition to those provisions allowable by this Constitution, and by the laws of the state for the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.~~

CERTIFICATE OF SECRETARY OF STATE

I, Edmund G. Brown Jr., 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 SPECIAL ELECTION to be held concurrently with the PRIMARY ELECTION throughout the State on June 6, 1972, and that the foregoing pamphlet is correct.

Witness my hand and the Great Seal of the State, at office in Sacramento, California, this third day of April, 1972.

EDMUND G. BROWN JR.
Secretary of State

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