

1946

FAIR EMPLOYMENT PRACTICES ACT

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

FAIR EMPLOYMENT PRACTICES ACT California Proposition 11 (1946).
http://repository.uchastings.edu/ca_ballot_props/463

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

11 **FAIR EMPLOYMENT PRACTICES ACT. Initiative.** Declares State policy that all persons have the right of equal opportunity to secure employment. To effect such policy makes it unlawful to refuse to hire, to discharge, or to discriminate in conditions of employment against any person because of race, religion, color, national origin or ancestry. Establishes a commission to prevent such unlawful practices by conciliation or order and by education. Provides for judicial review of commission's orders. Appropriates sum for commission.

YES

NO

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

Argument in Favor of Initiative Proposition No. 11

A *yes* vote for Proposition No. 11 furthers the cause of American Democracy which rests on equality of opportunity. This ideal already is written into our State and Federal Constitutions. Prosperity in postwar America depends on the continuation of the unity and the equality of job opportunity which played so vital a part in winning the war. Unless mass purchasing power is maintained we shall revert to the dark depression days of the early thirties.

Proposition No. 11 is offered to utilize the skills of all our citizens in the production of badly needed goods, to maintain purchasing power and to increase business activity. It extends as a civil right the privilege of employment without discrimination because of race, religion, ancestry or national origin.

Every worker in the factories and the fields, in the offices and the shops, agrees that he wants a good job more than anything else. Proposition No. 11 does not guarantee jobs. It does, however, assure employment opportunity based on ability, training and experience. The employer may hire anyone he chooses but he cannot discriminate solely on a basis of race, religion or national ancestry.

No loss of jobs is implicit in this proposal. Employment relations already existing are not jeopardized. Employment situations in which fewer than five persons are involved are exempted by the proposition, as are religious, charitable and educational institutions, domestic service and family employment.

This is no new law. It is already operating successfully in many States, including New York, New Jersey, Indiana, Wisconsin and Massachusetts. In these States opponents of the bill declared that the proposal would create strife, encourage in-migration and result in endless litigation. Each of these arguments has been emphatically disproved. In no instance has it led to burdensome court action. Far from it, the measure has eliminated social tensions. It has increased the number of jobs for workers; it has energized trade and commerce.

A main provision of the proposal is its insistence on educational and conciliatory methods to solve the problem of job discrimination. Legislation is offered as a supplement to education rather than as a substitute for it. Both are needed, for education is ineffectual unless legislation can compel a few recalcitrants to conform to democratic practices.

More than 275,000 citizens of the State of California signed a petition to submit this issue to a direct vote of the people. The attitude of those who support a Fair Employment Practices Act is best indicated in the words of the following religious leaders (Most Rev. John J. Cantwell, Rt. Rev. W. Vertrand Stevens, Rabbi Edgar F. Magnin and Dr. E. C. Farnham):

"We must put upon our statute books the legal guarantee that this war shall not have been fought in vain, and that the American concept of human equality, to which men look for guidance in the principles and practices of liberty, shall become at last more than a hope and a desired end * * *"

AUGUSTUS F. HAWKINS
Assemblyman, 62d Dist.

LEON H. WASHINGTON, JR.
Editor and Publisher, Los Angeles Sentinel, Los Angeles, California

HERMAN HILL
Pacific Coast Editor, Pittsburg Courier, Los Angeles, California

LOREN MILLER
Lawyer, Los Angeles, California

MRS. BETTY HILL
President, Women's Political Study Club, Los Angeles, California

REV. HUGHBERT H. LANDRAM
San Francisco, California

MRS. SUMNER SPAULDING
Los Angeles, California

GEORGE D. COLLINS, JR.
Assemblyman, 22d Dist.

MRS. MARJORIE PITTMAN
San Jose, California

DANIEL G. MARSHALL
Los Angeles, California

Argument Against Initiative Proposition No. 11

This act would create a State Fair Employment Practices Commission for the alleged purpose of preventing discriminations in employment because of race, religion, color, national origin or ancestry. Persons accused of violating the act would not be entitled to trial by jury at any time although criminal penalties can be imposed. The commission would not be bound by the usual rules of evidence or procedure.

All thinking people should vote *no* on this measure:

1. Religions, national or racial intolerance is a matter of individual conscience that can not be changed by legislative coercion. Any attempt to force employees to work with other employees whom they dislike will generate friction and intolerance rather than overcome it.

2. The act would lead to serious trouble in California agriculture. California farmers are noted for willingness to employ workers from all minority groups. Certain minority racial groups are the most efficient agricultural labor, but individual farmers have usually found it necessary to confine the hiring to one group in order to avoid

[Eleven]

ill feeling and even violence between minorities. If compelled by law to put minorities with conflicting customs, creeds and prejudices into the close proximity required for agricultural labor, inevitably friction, and in many cases, violence will result.

3. This act would play into the hands of potential alien enemies. It would make illegal, prior to employment, business inquiry into national origin or ancestry.

4. In the three States which have established commissions of this type, there is no evidence that they have accomplished their purpose.

5. The constitutional Bill of Rights guarantees religious liberty but it does not impose upon a member of any religious faith the obligation to employ members of other religious faiths. No provision of the Constitution authorizes legislation of this type.

6. This act would deprive those accused under it of the right of trial by jury.

7. This act would deprive the accused, whether employees, labor unions or employers, of the customary rules of evidence and legal procedure. In effect, it authorizes an inquisition into the affairs of individuals, labor unions and employers and deprives them of those safeguards of evidence and procedure which have developed through hundreds of years of experience and have been found necessary to protect the people against arbitrary and oppressive action.

8. The courts of the State would have no power to stay any order of the commission, even pending review.

9. This proposal would defeat its alleged purpose. Prejudices can be eliminated only by evolution and education, not by compulsory legislation. History through countless ages teaches that any

attempt to force social regulations by law only results in accentuating cleavages, sowing discontent, and increasing frictions, leading to hostilities and violence between races and groups.

10. The communistic plan of promoting disunity in democratic countries would be furthered by this act.

For these and other reasons which will occur to you, vote *no* on Proposition 11.

GEORGE M. BRESLIN

Attorney-at-Law,
Los Angeles, California

W. J. CECIL

General Manager, California Grape
and Tree Fruit Association,
Fresno, California

DR. JAMES W. FIFIELD, JR.

Minister, First Congregational
Church, Los Angeles, California

FRANCIS V. KEESLING

San Francisco, California

HAL G. HOTCHKISS

Realtor, San Diego, California

RAY B. WISER

President, California Farm Bureau
Federation, Berkeley, California

MRS. ALICE TANNER GAIRDNER

Los Angeles, California

ALFRED J. LUNDBERG

Oakland, California

A. J. McFADDEN

Agriculturist, Santa Ana, California

MRS. EUGENE M. PRINCE

San Francisco, California

AMENDMENT OF LAWS ADOPTED BY INITIATIVE. Senate Constitutional

12

Amendment No. 22. Adds Section 1b to Article IV of the Constitution. Authorizes the Legislature to propose amendments to, or repeal of, laws enacted by initiative. Provides that such proposed amendment or repeal be submitted to vote of the people for adoption or rejection.

YES	
NO	

(For full text of measure, see page 12, Part II)

Argument in Favor of

Senate Constitutional Amendment No. 22

Senate Constitutional Amendment No. 22 is proposed for the purpose of removing an uncertainty in the language of the Constitution as it relates to the initiative.

Section 1, of Article IV, of the Constitution now appropriately declares that no act adopted by the people at the polls under the initiative provisions of that section may be amended or repealed except by a vote of the people, unless otherwise provided in the measure. It is uncertain under the wording of this section whether a proposal to amend an initiative measure may be submitted by the Legislature to the people for their consideration. Therefore it is proposed to amend the Constitution in this respect to provide that the Legislature may enact laws to amend initiative measures, but such laws would only become effective upon their approval by a vote of the people.

The adoption of this amendment will impair a right of the people. It will serve a most useful purpose in that the Legislature may propose to the people amendments to initiative measures that will help keep such measures up to date, and allow initiative laws to function in the light

of changing conditions. At the present time, the only way in which an initiative measure may be amended is by another initiative measure. This means the expenditure of large sums of money and great effort in securing sufficient signatures of qualified electors in order to place such an amendment on the ballot for consideration by the people. These provisions are unworkable, as is clearly demonstrated by the fact that initiative measures are rarely if ever amended. The adoption of Senate Constitutional Amendment No. 22 will do away with our present cumbersome methods and will provide an orderly and responsible way in which amendments to initiative laws may be proposed, and at the same time preserve to the people their primary right to approve or reject all such measures.

The Torrens Land Title Initiative Act adopted in 1914 is a typical example of an initiative measure that did not work as intended. Various defects in the provisions of this act have come to light over the years in cases reaching the California Supreme Court and receiving its consideration. But since this act can be amended only by another initiative, which would require great effort and expense, it lies useless on our statute

[Twelve]

8	COUNTY SUPERINTENDENTS OF SCHOOLS. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 17. Adds Section 3.1 to Article IX of the Constitution. Requires that qualifications and salary of County Superintendents of Schools shall be fixed by the Legislature rather than by local authorities. Permits the Legislature to prescribe different qualifications and salary for each county.	YES	
		NO	

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

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 3.1. Notwithstanding any provision of this Constitution to the contrary, the Legislature shall prescribe the qualifications required of county superintendents of schools and shall fix their salaries, and for these purposes shall classify the several counties in the State.

9	STATE SUPERINTENDENTS OF PUBLIC INSTRUCTION. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 36. Adds Section 2.1 to Article IX of the Constitution. Creates offices of one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction to be appointed by the State Board of Education upon nomination of Superintendent of Public Instruction for four-year terms without regard to civil service regulations. Permits appointment of additional Associate Superintendents of Public Instruction subject to State civil service.	YES	
		NO	

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

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 2.1. The State Board of Education, on nomination of the Superintendent of Public Instruction, shall appoint one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction who shall be exempt from State civil service and whose terms of office shall be four years. This section shall not be construed as prohibiting the appointment, in accordance with law, of additional Associate Superintendents of Public Instruction subject to State civil service.

10	SALARY OF THE GOVERNOR. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 35. Amends Section 22, Article V of the Constitution. Authorizes Legislature to fix the Governor's salary. Provides that Governor's salary can not be less than \$10,000 per year. Prohibits increase or decrease after regular session of Legislature in 1947 of salary of Governor, Lieutenant Governor, Controller, Secretary of State, Superintendent of Public Instruction or Treasurer during their terms of office.	YES	
		NO	

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

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 22. Notwithstanding anything contained elsewhere in this Constitution, the compensation for the services of the Governor, the Lieutenant Governor, the State Controller, Secretary of State, Superintendent of Public Instruction and State Treasurer may be fixed at any time by the Legislature at an amount not less than ten thousand dollars (\$10,000) per annum, for the Governor, and not less than five thousand dollars (\$5,000) per annum for each of the other State officers named herein. Except by an act passed at the Fifty-seventh Regular Session of the Legislature, the compensation of no State officer named herein shall be increased nor diminished during his term of office.

11	FAIR EMPLOYMENT PRACTICES ACT. INITIATIVE. Declares State policy that all persons have the right of equal opportunity to secure employment. To effect such policy makes it unlawful to refuse to hire, to discharge, or to discriminate in conditions of employment against any person because of race, religion, color, national origin or ancestry. Establishes a commission to prevent such unlawful practices by conciliation or order and by education. Provides for judicial review of commission's orders. Appropriates sum for commission.	YES	
		NO	

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

PROPOSED LAW

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

Section 1. This act may be referred to as the "California Fair Employment Practice Act."

Sec. 2. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life, and liberty; acquiring, possessing and protecting property; and pursuing and obtaining safety and happiness. The opportunity to obtain and hold employment without discrimination because of race, religion, color, national origin or ancestry is hereby recognized and declared to be such a civil and constitutional right.

Sec. 3. The people of the State of California declare that existing practices of discrimination involving race, religion, color, national origin or ancestry are a matter of State concern because they

- (1) Foment strife and unrest;
- (2) Threaten the rights and privileges of all of us;
- (3) Affect substantially and adversely the interests of employees, and employers, thus depriving the State of the fullest utilization of its capacities for development and advance;
- (4) Menace the institutions, foundations and traditions of our free democratic state and society;

This act shall be deemed an exercise of the police power of the State for the protection of the public welfare, prosperity, health and peace of the people of the State of California. The people declare that the protection and safeguarding of the right and

opportunity to obtain and hold employment without such discrimination or abridgement shall be public policy of this State.

Sec. 4. There is hereby created a State Fair Employment Practice Commission. Such commission shall consist of five members, to be known as commissioners, who shall be appointed by the Governor. The commissioners shall elect one of their number chairman of the commission. The term of office of each member of the commission shall be for four years, provided however, that of the commissioners first appointed two shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years.

Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Three members of the commission shall constitute a quorum for the purpose of conducting the business thereof.

Sec. 5. The members of the commission shall not practice their respective professions or callings, but shall devote their entire time to the duties of their respective offices. Each member of the commission shall receive a salary of seven thousand five hundred dollars (\$7,500) a year and shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties.

Any member of the commission may be removed by the Governor for inefficiency, neglect of duty, or misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

Sec. 6. The commission shall have the following functions, powers and duties:

1. To establish and maintain a principal office and such other offices within the State as it may deem necessary.
2. To meet and function at any place within the State.
3. To appoint such attorneys, clerks and other employees as it may deem necessary and prescribe their duties.
4. To obtain upon request and utilize the services of all governmental departments and agencies.
5. To adopt, promulgate, amend and rescind appropriate rules and regulations to carry out the provisions of this act.
6. To receive, investigate, act in and render decisions on alleged instances of discrimination in employment because of race, religion, color, national origin or ancestry.
7. To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and, in connection therewith, to require the production of any books or papers relating to any matter under investigation or in question before the commission.

No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

8. To create such advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this act, and may empower them to study the problem of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, religion, color, national origin, or ancestry, and to foster through community effort or otherwise good will, cooperation and conciliation among the groups and elements of the population of the State, and to make recommendations to the commission for the development of policies and procedures in general and in specific instances. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but the commission may make provisions for technical and clerical assistance to them.

9. To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religion, color, national origin or ancestry.

10. To render annually to the Governor and biennially to the Legislature a written report of its activities and its recommendations.

Sec. 7. It shall be an unlawful employment practice:

1. For an employer acting for himself, or acting through any other person, or acting through any employee who at the time is

acting within the course and scope of his employment, to refuse to hire or employ, or to bar, or to discharge from employment any person because of the race, religion, color, national origin or ancestry of such person, or for an employment agency to refuse or fail to refer any person for employment, because of the race, religion, color, national origin or ancestry of such person, or for any of them to discriminate against such person in compensation or in terms, conditions or privileges of employment. This section shall be interpreted so as to guarantee and protect all the rights of veterans of the United States military services under all Federal and State legislation protecting the rights of such veterans to employment.

2. For a labor organization to exclude, expel or restrict from its membership or fail or refuse to refer to employment any person because of the race, religion, color, national origin or ancestry of such person, or to discriminate in any way against any of its members, or against any employer, or against any person employed by an employer, because of the race, religion, color, national origin or ancestry of such member, employer, or employee, or to provide only auxiliary, second class or segregated membership for any person because of the race, religion, color, national origin or ancestry of such person.

3. For any persons included within the scope of this act to make any inquiry in writing or orally in connection with an application for employment or in connection with prospective employment, or in connection with membership in any labor union, as to the race, religion, color, national origin or ancestry of the applicant, employee or employer, or to make any inquiry which expresses directly or indirectly any limitation, specification or discrimination as to race, religion, color, national origin or ancestry, or any intent to make any such limitation, specification or discrimination.

Questions concerning race, religion, color, national origin or ancestry, based upon a bona fide occupational qualification, may be asked upon specific written approval in advance by the commission.

4. For any persons included within the scope of this act to discharge, expel or to discriminate in any manner against any person because he has opposed any practice forbidden under this act, or because he has filed a complaint, testified or assisted in any proceeding under this act.

5. For any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

Sec. 8. Every contract to which the State or any of its political or civil subdivisions is a party shall contain a provision requiring the contracting parties and their agents or assignees not to commit or permit any unfair employment practice, as defined in Section 7.

Sec. 9. The commission is empowered to prevent unfair employment practices. It may act upon a written complaint or as a result of its own investigation wherever it shall appear to it that an unfair employment practice has been committed. After the filing of any complaint, the chairman of the commission shall designate one of the commissioners to make, with the assistance of the commission staff, prompt investigation in connection therewith. If the commissioner shall determine after such investigation that an unfair employment practice has been committed, he shall immediately endeavor to eliminate such unlawful employment practice by conciliation and persuasion.

Where, as a result of the commission's own investigation, it shall appear to it that an unfair employment practice has been committed, the chairman of the commission shall immediately appoint a commissioner to endeavor to eliminate such unlawful employment practice by conciliation and persuasion.

In case of the commissioner's failure to eliminate such practice, or in advance thereof, if in the judgment of the commission or commissioner circumstances so warrant, the commission after reasonable notice shall hold a hearing at a time and place specified in such notice. The commission shall have full authority to hear the evidence and render a decision thereon, except that the commissioner who shall have previously made the investigation or attempted conciliation and persuasion shall not participate in any deliberations of the commission in such case, and shall participate in the hearing only as a witness. Admissions made during conciliation shall not be received in evidence.

All hearings and investigations before the commission or a commissioner are governed by this act and by the rules of practice and procedure adopted by the commission. In the conduct thereof, the commission or commissioner shall not be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in the manner, through oral testimony and records, which is best calculated to ascertain the truth of the matter in issue and carry out justly the spirit and provisions of this part. The case in support of the complaint, or of the commission's investigation, shall be

presented before the commission or commissioner by one of its attorneys or agents. The testimony taken at the hearing shall be under oath and be transcribed. If, upon all the evidence at the hearing, the commission shall find that any unlawful employment practice as defined in this act has existed, exists, or is threatened, the commission shall state its findings and shall issue and cause to be served upon the person committing such unlawful employment practice, or threatened practice, an order requiring such person to cease and desist from such unlawful employment practice, or threat thereof, and to take such affirmative action, including (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, or acceptance into or restoration of membership in any respondent labor organization, as in the judgment of the commission or commissioner will effectuate the purposes of this act, and including a requirement for report or periodic reports of the manner of compliance. If, upon all of the evidence, the commission shall find that an unlawful employment practice has not been committed or threatened, the commission shall state its findings and shall issue an order dismissing the complaint or investigation. Any complaint filed pursuant to this section must be filed within six (6) months after the alleged unfair employment practice. Upon the written agreement of the party against whom the order will run, a consent order may be entered by the commission without a hearing.

Sec. 10. Judicial review of final orders of the commission shall be available to any party against whom the order runs, provided he shall petition for such review in the appropriate court within twenty (20) days after the entry of the order. The form of the review shall be certiorari. Such proceedings shall be brought in the District Courts of Appeal of the State of California, in the district wherein the unlawful employment practice which is the subject of the commission's order occurred. The commission's findings as to venue shall be conclusive.

A copy of the petition must be served on the commission prior to the filing thereof. The commission must furnish to the district court wherein the petition for review has been filed a copy of the transcript, together with a copy of the commission's order from which the appeal has been taken, within twenty (20) days after the petition is filed. Failure to petition for review shall be conclusively presumed to constitute consent to the commission's order.

At any time after the rendition of its decision the commission may obtain a court order enforcing its order. Violation of an order of the commission after such order shall have been finally sustained upon appeal, shall constitute contempt of court. No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The court must enforce the commission's order unless it is contrary to law or unsupported by the evidence. If the court shall find that the commission's order would be enforceable if modified, the court must make the appropriate modification and enforce the order as modified.

All proceedings shall be heard and determined by the court as expeditiously as possible and with lawful precedence over other matters. Any court passing on orders of the commission must render a final decision within five (5) months after such petition is filed in such court, and judges of such court shall be required to make affidavit that they have complied with this requirement as a prerequisite to the payment of their salaries.

The court shall have the power to grant appropriate relief to the commission while the review is pending. The filing of a petition for review shall not operate as a stay of the commission's order. No court of this State shall have jurisdiction to issue any restraining

order, or preliminary or permanent injunction, or any other restraint preventing the commission from performing any of its functions. Nor shall any court have jurisdiction to make any order affecting the commission or its orders, except as specifically provided in this act.

Sec. 11. 1. The term "person" includes one or more individuals, partnerships, associations, or corporations, legal representatives, trustees in bankruptcy, receivers, the State or any political or civil subdivision thereof, and cities.

2. The term "employment agency" includes any person undertaking to procure employees or opportunities to work.

3. The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

4. The term "employer" includes the State or any political or civil subdivision thereof and cities, but does not include any person regularly employing fewer than five (5) persons, nor associations or corporations organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, nor clubs organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

5. Coverage does not include any individual employed by his parents, spouse or child or in the domestic service of any person in the home of such person.

6. The term "commission" means the State Fair Employment Practice Commission created by this act.

Sec. 12. Any person who shall wilfully resist, prevent, impede, or interfere with the commission or any of its members or representatives in the performance of duty under this act, or shall wilfully violate an order of the commission, shall be guilty of a misdemeanor and be punishable by imprisonment in a county jail for not more than six (6) months, or by fine of not more than five hundred dollars (\$500) or by both; but procedure for the review of the order shall not be deemed to be such wilful conduct.

Sec. 13. The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this act shall be deemed to repeal any of the provisions of the civil rights law or any other law of this State.

Sec. 14. If any clause, sentence, paragraph, or part of this act or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved.

Sec. 15. To carry out the provisions of this act there is hereby appropriated out of any money in the State treasury the sum of two hundred fifty thousand dollars (\$250,000) or so much thereof as may be necessary continuously for each fiscal year commencing with the Ninety-eighth (98th) Fiscal Year, subject to the provisions of Section 16304 and Section 13320 to 13324 of the Government Code.

The appropriation made by this section shall be available for expenditure in addition to any other moneys appropriated to carry out the provisions of this act.

AMENDMENT OF LAWS ADOPTED BY INITIATIVE. SENATE CONSTITUTIONAL AMENDMENT NO. 22. Adds Section 1b to Article IV of the Constitution. Authorizes the Legislature to propose amendments to, or repeal of, laws enacted by initiative. Provides that such proposed amendment or repeal be submitted to vote of the people for adoption or rejection.		YES	
12			
		NO	

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

PROPOSED AMENDMENT TO THE CONSTITUTION

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