

1968

CONSTITUTIONAL REVISION

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Part I—Arguments

1 **CONSTITUTIONAL REVISION. Legislative Constitutional Amendment.** Repeals, amends, and revises various provisions of Constitution relating to public school system, state institutions and public buildings, cities and counties, corporations and public utilities, water use, state civil service, future constitutional revisions, and other matters. Legislature may provide that Superintendent of Public Instruction be chosen by method other than election; and Legislature may increase membership of Public Utilities Commission.

YES

NO

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

General Analysis by the Legislative Counsel *

A "Yes" vote on the measure is a vote to revise portions of the California Constitution dealing with the initiative and referendum, public education, state institutions and public buildings, counties and cities, corporations, public utilities, appropriation of water, homesteads and public lands, state civil service, and procedures for amending and revising the Constitution.

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

For further details see below.

Detailed Analysis by the Legislative Counsel *

This measure would revise portions of the State Constitution listed in the General Analysis above. The revision would include substantive and nonsubstantive changes of the existing provisions, consolidation and rearrangement of provisions, deletion of provisions, and transfer of provisions to the statutory law by Chapter 767 of the Statutes of 1968 which will take effect if this measure is adopted.

Substantive changes in the Constitution that would be effected by the revision, include, among others, the following:

Public Education

(a) The Superintendent of Public Instruction would be made executive officer of the State Board of Education. The present method of his selection, by statewide election, could be changed by the Legislature by a two-thirds vote.

(b) Existing provisions requiring the State Board of Education to adopt and provide a uniform series of free textbooks for use in elementary schools would be replaced with a requirement that the board provide, at state expense, a series of textbooks for use in elementary schools.

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

(c) Existing provisions fixing the minimum amount of money to be provided annually for support of the public schools would be replaced by a requirement that the Legislature grant basic state financial aid to each school district.

(d) Provisions relating to the public school system, the composition thereof, and powers of the Legislature with respect thereto would be revised. The measure would require that school districts and intermediate units be provided by statute, to be governed by boards and executive officers.

(e) Other provisions concerning the election or appointment of various state and local officers of the public school system would be revised.

Counties and Cities

(a) The Legislature's authority to prescribe procedure for county formation, consolidation, and boundary change would be continued, and various existing restrictions on the Legislature would be deleted.

(b) The governing body of each general law county, rather than the Legislature, would fix the salaries of its district attorney, county clerk, and county auditor, as well as other officers.

(c) The prohibition against increases in the compensation of a county or municipal officer during or in the extension of his term would be deleted.

(d) The detailed procedural provisions for the adoption, amendment, revision, and repeal, of city or county charters would be revised.

(e) The adoption, amendment, revision, and repeal of county and city charters would be made subject to uniform provisions. This would permit counties and cities to repeal charters by a vote of the majority of the electors and approval of the Legislature, and permit the governing bodies of counties, as well as cities, to propose the adoption of charters.

(f) The provision prohibiting cities of less than 3,500 population from adopting charters would be eliminated.

(g) Provision would be made for the members of boards of supervisors in charter

counties to be elected at large where the charter so provides. This would change the existing provision with respect to charter counties where supervisors may be elected at large but each member must be a resident of the district he represents.

(h) The detailed procedure for the consolidation of cities and counties would be deleted and provision would be made for the consolidation of all cities of a county and the county as a charter city and county under terms to be set by statute.

(i) All local governmental bodies would be prohibited from granting extra compensation or allowance for services already rendered. This would extend the existing prohibition to include charter cities.

(j) The provision requiring two-thirds vote by the Legislature to limit the amount of taxes a county may impose on property would be deleted.

Public Utilities and Other Organizations

(a) A general provision would be included to authorize the Legislature to vest in the Public Utilities Commission any jurisdiction and legislative, executive, and judicial power which is cognate and germane to the regulation of public utilities. The existing provision giving the Legislature authority unlimited by the Constitution to confer powers on the commission, would be deleted.

(b) Existing provisions authorizing the Legislature to divide the state into districts for appointment of Public Utilities Commission members, prohibiting member conflict of interest, and relating to commission procedures, would be deleted.

(c) The express grant of authority to the commission to regulate the rates of transportation companies would be deleted.

(d) The provisions detailing the powers of the commission relating to investigation, examination, subpoena, and punishment for contempt, would be deleted.

Public Lands and Homesteads

The provisions directing the Legislature to protect homesteads from forced sale, declaring the holding of large parcels of unimproved land to be against the public interest, and imposing restrictions on the granting of state lands to settlers, would be deleted.

Amending and Revising the Constitution

The Legislature would be specifically authorized to withdraw a proposed constitutional amendment or revision, by a two-thirds vote of the membership of each house, before it is voted on by the electorate.

The Constitution now provides that initiative or referendum measures take effect five days after the official declaration of vote by the electors while measures submitted by the Legislature take effect upon approval by voters. This measure would provide that, unless otherwise provided, an amendment or revision

of the Constitution would become effective the day after the election at which it is approved by a majority of the electors voting on whether such revision or amendment is by initiative, constitutional convention, or legislative proposal.

State Civil Service

State civil service provisions would be revised to exempt from the civil service system, all employees of the Lieutenant Governor's Office appointed by the Lieutenant Governor; to allow the Legislature to create additional exempt positions in the office of Legislative Counsel; and to require the State Personnel Board to include within the state's civil service system, employees of a county, city, district or department or agency of the federal government employed in programs undertaken by the state subject to such minimum standards as the Legislature may establish.

Statutes Contingent Upon Adoption of Above Measure

A digest of Chapter 767 of the Statutes of 1968 which was enacted to become operative if and when the above revision of the Constitution is approved, is as follows:*

Enacts as statutes various provisions now found in California Constitution which are to be omitted from proposed revised portions of Constitution. Enacts a provision that delegates to a constitutional convention voters and be elected from districts on an equal population basis.

The provisions of the Constitution which would be enacted as statutes include:

(a) Provisions establishing and defining the public school system of the state.

(b) A requirement that the office of State Superintendent of Public Instruction and the office of County Superintendent of Schools in each county shall be elective.

(c) A requirement that the state apportion at least \$2,400 to each school district each fiscal year.

(d) Procedural provisions for the adoption, amendment, and repeal of county and city charters.

(e) Provisions conferring jurisdiction on the Public Utilities Commission over the rates of all transportation companies, and regulating various procedures of the commission.

Argument in Favor of Proposition No. 1

California's archaic 1879 Constitution has been amended more than 350 times and is one of the longest constitutions in the world. A former Chief Justice of the California Supreme Court describes it as:

"... cumbersome, unelastic and outmoded. . . . It is not only much too

* The complete text of the cited statute is on record in the office of the Secretary of State in Sacramento, and is also contained in the published statutes (1968).

but it is almost everything a Constitution ought not to be."

1962 by more than a 2 to 1 vote, the people mandated modernization of their Constitution. As a result, a blue-ribbon Constitution Revision Commission of leading California citizens was appointed to recommend a revised Constitution. These dedicated citizens, from all walks of life, have now worked without pay for four years and spent thousands of hours at their task. The Commission's initial effort produced Proposition 1a which the people approved in 1966 by a vote of 3 to 1 thereby revising the legislative, executive, and judicial articles.

Proposition 1 is the second phase of the Commission's work and represents two years of careful deliberations. It has also been considered extensively by the Legislature and was approved for submission to the people by a two-thirds vote of the members of the Assembly and Senate.

Proposition 1 revises the articles on education, state institutions and public buildings, cities and counties, corporations and public utilities, land and homestead exemption, amending and revising the constitution, and state civil service.

The more significant constitutional provisions in Proposition 1 include continued election of the State Superintendent of Public Instruction, subject to change by statute approved by two-thirds of the members in each house of the Legislature which in turn is subject to the Governor's veto and the people's powers of initiative and referendum. Charges for attending elementary or secondary public schools are prohibited and free elementary textbooks are assured. The present city-county system of local government is preserved. The Public Utilities Commission is continued and provision is made for its powers as an important regulatory agency responsible for protecting the public's interests. And, continuation of California's outstanding civil service system is guaranteed.

It shortens the Constitution by eliminating unnecessary verbiage, obsolete provisions and provisions which are more appropriate in statutory form. It modernizes the remaining provisions by rephrasing and changing them to fit today's needs.

State government today faces new challenges and new responsibilities not dreamed of in 1879. This partial revision of our constitution attempts to meet those challenges by making government more flexible and able to do the job which our citizens have a right to expect. If states are to survive and prosper in our system, they need the tools of effective government—Proposition 1 is another giant step toward that goal. California

is again leading the way. Vote YES on Proposition 1.

ASSEMBLYMAN JOE A. GONSALVES
SENATOR RICHARD J. DOLWIG
JUDGE BRUCE W. SUMNER,
Chairman, Constitution Revision
Commission

Argument in Favor of Proposition No. 1

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

ROBERT FINCH,
Lieutenant Governor
JESSE M. UNRUH,
Speaker of the Assembly
HUGH M. BURNS,
President Pro Tempore of the Senate

Argument Against Proposition No. 1

This proposition should be turned down by the voters. It opens the way for the state government in Sacramento to assume control of local governmental affairs on a sweeping scale. The proposed revision clearly reflects the idea that a centralized governmental apparatus in Sacramento is better qualified than the citizenry to regulate local affairs.

A "NO" vote on Proposition 1 is urged so that Constitutional guarantees which the people now reserve to themselves will not be lost. For example, the proposed revision:

—REMOVES THE GUARANTEE that specific public officials will be elected;

—REMOVES THE GUARANTEE that the state will participate in the financial support of each school district;

—REMOVES THE GUARANTEE that the goals of the public school system are limited and clearly defined; and it

—REMOVES THE GUARANTEE of local control over local affairs.

The measure removes from the Constitution language which, over the years, has acquired an established meaning, and substitutes undefined ambiguous expressions which are likely to cause great turmoil. It abolishes the guarantee that there be an elected county superintendent of schools, and empowers the state government to provide for "intermediate units" in the public school structure. It eliminates provisions guaranteeing that the state will annually provide school districts with at least \$120 for each pupil, and substitutes the vague expression that the state shall grant "basic state financial aid" to each district. It eliminates provisions which define the particular schools and institutions which are to comprise the public school system and the educational objectives of the system, and provides merely that the state government shall "provide for and support a free public school system."

The measure removes provisions specifying that each county shall have a board of supervisors, a sheriff, a county clerk, a district attorney, and other officers, and specifies merely that there shall be a "governing body" and "other officers." It removes restrictions on the power of the state government to limit local property tax rates.

The measure removes the guarantee that the State Superintendent of Public Instruction shall be elected by the people, and authorizes the state government to change the method of his selection. It removes conflict of interest safeguards affecting the Public Utilities Commission and other public officials. It extensively revises provisions concerning the furnishing of free textbooks for elementary schools. The language specifies that "a series of textbooks" shall be furnished. This could tie the state to the out-

dated single adoption system or to an entire series of a single publisher or author.

This proposition was rushed through the Legislature without the benefit of adequate consideration and study by local governmental bodies and citizens' groups. Although we recognize the need to eliminate obsolete or repetitious language in the Constitution and to rearrange and consolidate some of its sections we urge a "NO" vote on this proposition in order to guarantee the Constitutional safeguards which protect you against the concentration of excessive governmental power in Sacramento.

JOHN STULL, Assemblyman
80th District

ROBERT H. BURKE, Assemblyman
70th District

H. L. RICHARDSON, Senator
19th District

2 TAXATION OF PUBLICLY OWNED PROPERTY. Legislative Constitutional Amendment. Provides that after 1968 lands located outside of the county, city and county, or municipal corporation (including any public district or agency) owning the same, which were taxable when acquired, shall be assessed in accordance with prescribed formula based on total population and assessed value in the state, and assessment also shall be subject to other specified conditions and presumptions.

YES

NO

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

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote in favor of providing special rules for taxing land and improvements owned by a county, city and county, or municipal corporation which is taxable by reason of its being located outside the boundaries of the governmental owner.

A "No" vote is a vote in favor of continuing to assess this type of taxable property in accordance with existing constitutional requirements.

For further details see below.

Detailed Analysis by the Legislative Counsel

Section 1 of Article XIII of California's Constitution presently requires that all taxable property in the state be assessed and taxed uniformly, except as otherwise provided in the Constitution. Property owned by a county, city and county, city, or district is generally exempt. However, land and improvements located outside the boundaries of the county, city and county, city, or district owning them are subject to taxation if taxable at the time of acquisition.

This measure would add Sections 1.60 to 1.69 to Article XIII to provide a special formula for assessing such land (including water rights) owned by a county, city and county, city or municipal corporation (de-

fined to include any public district or public agency) for tax purposes.

If such lands constituted over 35 percent of the total assessed value of all property taxed in the taxing county in the base year of 1966, the assessed value of the lands as of that date would be adjusted by a factor which would be the ratio of (1) total statewide assessed valuation of land divided by the estimated civilian population in the state on the latest date prior to the date of assessment, to (2) the total statewide assessed valuation of lands on the lien date in 1966 divided by the estimated civilian population of the state on that date.

If such lands constituted more than 30 percent of such total assessed value in 1967, the formula would be applied with 1967 as the base year.

Lands so owned by a public entity but not subject to assessment under the formula set forth above, would be taxed in proportion to value but not in excess of the amount determined under the formula using 1967 as the base year.

The measure would establish, with respect to property assessed under the formula, a conclusive presumption that the land is assessable and taxable at the same situation and that no other interests in such land shall thereafter be assessed to the governmental owner. If such lands were not assessed in 1966 or 1967, as the case may be, they would thereafter be exempt while so owned. All pos-

1 CONSTITUTIONAL REVISION. Legislative Constitutional Amendment. Repeals, amends, and revises various provisions of Constitution relating to public school system, state institutions and public buildings, cities and counties, corporations and public utilities, water use, state civil service, future constitutional revisions, and other matters. Legislature may provide that Superintendent of Public Instruction be chosen by method other than election; and Legislature may increase membership of Public Utilities Commission.

YES

NO

(This amendment proposed by Assembly Constitutional Amendment No. 30, 1968 Session, expressly amends existing sections of the Constitution, amends and rennumbers existing sections thereof, repeals existing sections and existing articles thereof, and adds new sections and new articles thereto; therefore **EXISTING PROVISIONS** proposed to be **DELETED** or **REPEALED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENTS TO ARTICLES I, IV, IX, X, XI, XII, XIII, XIV, XVII, XVIII, XX, XXII, XXIV.

First—That subdivision (a) of Section 24 Article IV is amended to read:

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

Second—That Section 1 of Article IX of the Constitution of the State is repealed.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

Third—That Section 1 is added to Article IX, to read:

Sec. 1. The Legislature shall provide for and support a free public school system.

Fourth—That Section 2 of Article IX is repealed.

Sec. 2. A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election. He shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

Fifth—That Section 2 is added to Article IX, to read:

Sec. 2. School districts and intermediate units shall be provided by statute, and the

Legislature shall grant basic state financial aid to each district. Unless the governing county or city charter otherwise provides, each district shall have an executive officer appointed by an elected board and each intermediate unit, unless the Legislature by enactment of a statute passed by two-thirds vote of all members elected to each house provides for a different method of selection, shall have an elected executive officer and an elected board.

Sixth—That Section 2.1 of Article IX is repealed.

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.

Seventh—That Section 3 of Article IX is repealed.

Sec. 3. A Superintendent of Schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; provided, that the Legislature may authorize two or more counties to unite and elect one Superintendent for the counties so uniting.

Eighth—That Section 3 is added to Article IX, to read:

Sec. 3. The Legislature shall provide for a State Board of Education and an executive officer of that board who shall be Superintendent of Public Instruction.

The Superintendent of Public Instruction shall be elected by the people, unless the Legislature by enactment of a statute passed by two-thirds vote of all members elected to each house provides for a different method of selection.

The State Board of Education shall at state expense adopt and furnish a series of textbooks for use in the elementary schools throughout the state.

Ninth—That Section 3.1 of Article IX is repealed.

1	CONSTITUTIONAL REVISION. Legislative Constitutional Amendment. Repeals, amends, and revises various provisions of Constitution relating to public school system, state institutions and public buildings, cities and counties, corporations and public utilities, water use, state civil service, future constitutional revisions, and other matters. Legislature may provide that Superintendent of Public Instruction be chosen by method other than election; and Legislature may increase membership of Public Utilities Commission.	YES	
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Sec. 1. The Legislature shall provide for and support a free public school system.

Fourth—That Section 2 of Article IX is repealed.

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Fifth—That Section 2 is added to Article IX, to read:

Sec. 2. School districts and intermediate units shall be provided by statute, and the

Legislature shall grant basic state financial aid to each district. Unless the governing county or city charter otherwise provides, each district shall have an executive officer appointed by an elected board and each intermediate unit, unless the Legislature by enactment of a statute passed by two-thirds vote of all members elected to each house provides for a different method of selection, shall have an elected executive officer and an elected board.

Sixth—That Section 2.1 of Article IX is repealed.

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.

Seventh—That Section 3 of Article IX is repealed.

Sec. 3. A Superintendent of Schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; provided, that the Legislature may authorize two or more counties to unite and elect one Superintendent for the counties so uniting.

Eighth—That Section 3 is added to Article IX, to read:

Sec. 3. The Legislature shall provide for a State Board of Education and an executive officer of that board who shall be Superintendent of Public Instruction.

The Superintendent of Public Instruction shall be elected by the people, unless the Legislature by enactment of a statute passed by two-thirds vote of all members elected to each house provides for a different method of selection.

The State Board of Education shall at state expense adopt and furnish a series of textbooks for use in the elementary schools throughout the state.

Ninth—That Section 3.1 of Article IX is repealed.

Sec. 2.1. 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.

Tenth—That Section 3.3 of Article IX is repealed.

Sec. 2.2. It shall be competent to provide in any charter framed for a county under any provision of this Constitution, or by the amendment of any such charter, for the election of the members of the county board of education of such county and for their qualifications and terms of office.

Eleventh—That Section 4 is added to Article IX, to read:

Sec. 4. The Legislature shall prescribe a minimum annual salary for fulltime public school teachers and other employees requiring certification, except substitute employees.

Twelfth—That Section 5 of Article IX is repealed.

Sec. 5. The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

Thirteenth—That Section 6 of Article IX is amended and renumbered to be Section 30.5 of Article XIII, to read:

Sec. 6. Sec. 30.5. Each person, other than a substitute employee, employed by a school district as a teacher or in any other position requiring certification qualifications shall be paid a salary which shall be at the rate of an annual salary of not less than twenty-four hundred dollars (\$2,400) for a person serving full time, as defined by law.

The Public School System shall include all kindergarten schools, elementary schools, secondary schools, technical schools, and State colleges, established in accordance with law and, in addition, the school districts and the other agencies authorized to maintain them. No school or college or any other part of the Public School System shall be, directly or indirectly, transferred from the Public School System or placed under the jurisdiction of any authority other than one included within the Public School System.

The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for apportionment in each fiscal year, an amount not less than one hundred and eighty dollars (\$180) per pupil in average daily attendance in the kindergarten schools, elementary schools, secondary schools, and technical schools in the Public School System during the next preceding fiscal year.

The entire State School Fund shall be apportioned in each fiscal year in such manner as the Legislature may provide, through the school districts and other agencies maintain-

ing such schools, for the support of, and aid to, kindergarten schools, elementary schools, secondary schools, and technical schools except that there shall be apportioned to each school district in each fiscal year not less than one hundred twenty dollars (\$120) per pupil in average daily attendance in the district during the next preceding fiscal year and except that the amount apportioned to each school district in each fiscal year shall be not less than twenty-four hundred dollars (\$2,400).

Solely with respect to any retirement system provided for in the charter of any county or city and county pursuant to the provisions of which the contributions of, and benefits to, certificated employees of a school district who are members of such system are based upon the proportion of the salaries of such certificated employees contributed by said county or city and county, all amounts apportioned to said county or city and county, or to school districts therein, pursuant to the provisions of this section shall be considered as though derived from county or city and county school taxes for the support of county and city and county government and not money provided by the State within the meaning of this section.

The Legislature shall provide for the levying annually by the governing body of each county, and city and county, of such school district taxes, at rates not in excess of the maximum rates of school district tax fixed or authorized by the Legislature, as will produce in each fiscal year such revenue for each school district as the governing board thereof shall determine is required in such fiscal year for the support of all schools and functions of said district authorized or required by law.

Fourteenth—That Section 6½ of Article IX is amended and renumbered to be Section 42 of Article XIII to read:

Sec. 6½. Sec. 42. Nothing in this Constitution contained shall forbid the formation of districts for school purposes situate in more than one county or the issuance of bonds by such district under such general laws as have been or may hereafter be prescribed by the Legislature; and the officers mentioned in such laws shall be authorized to levy and assess such taxes and perform all such other acts as may be prescribed therein for the purpose of paying such bonds and carrying out the other powers conferred upon such districts; provided, that all such bonds shall be issued subject to the limitations prescribed in section eighteen of article eleven hereof.

Fifteenth—That Section 7 of Article IX is repealed.

Sec. 7. The Legislature shall provide for the appointment or election of a State board of education, and said board shall provide, compile, or cause to be compiled, and adopt, a uniform series of textbooks for use in the day and evening elementary schools through-

out the State. The State board may cause such textbooks, when adopted, to be printed and published by the superintendent of State printing, at the State Printing Office; and wherever and however such textbooks may be printed and published, they shall be furnished and distributed by the State free of cost or any charge whatever, to all children attending the day and evening elementary schools of the State, under such conditions as the Legislature shall prescribe. The textbooks, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever which will require or necessitate the furnishing of new books to such pupils, and said State board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

Sixteenth—That Section 10 of Article IX is amended and renumbered to be Section 31 of Article XIII to read:

Sec. 10. Sec. 31. The trusts and estates created for the founding, endowment and maintenance of the Leland Stanford Junior University, under and in accordance with "An act to advance learning, etc.," approved March ninth, eighteen hundred and eighty-two, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three, *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved and confirmed. The board of trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the trustees of the Leland Stanford Junior University upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests and devises supplementary thereto. The Legislature, by special act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special act from State taxation, and all personal property so held, the Palo Alto farm as described in the endow-

ment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by act of the Legislature.

Seventeenth—That Section 11 of Article IX is amended and renumbered to be Section 32 of Article XIII to read:

Sec. 11. Sec. 32. All property now or hereafter belonging to "The California School of Mechanical Arts," an institution founded and endowed by the late James Lick to educate males and females in the practical arts of life, and incorporated under the laws of the State of California, November twenty-third, eighteen hundred and eighty-five, having its school buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Eighteenth—That Section 12 of Article IX is amended and renumbered to be Section 33 of Article XIII to read:

Sec. 12. Sec. 33. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January sixteenth, eighteen hundred and seventy-one, having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Nineteenth—That Section 13 of Article IX is amended and renumbered to be Section 34 of Article XIII to read:

Sec. 13. Sec. 34. All property now or hereafter belonging to the Cogswell Polytechnical College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Twentieth—That Section 14 of Article IX is repealed.

Sec. 14. The Legislature shall have power, by general law, to provide for the incorporation and organization of school districts, high school districts, and junior college districts;

of every kind and class, and may classify such districts.

Twenty-first—That Section 15 of Article IX is amended and renumbered to be Section 35 of Article XIII to read:

Sec. 35. The trusts and estates created for the founding, endowment and maintenance of the Henry E. Huntington Library and Art Gallery, under and in accordance with an act of the Legislature approved March 10, 1885, chapter forty-seven of the Statutes of California of 1885, by the endowment grant executed by Henry E. Huntington and Arabella D. Huntington on the thirtieth day of August, 1919, and recorded in book 6937, page 97 of deeds, records of Los Angeles, California, on the fifteenth day of September, 1919, and by the amendments of such grant and by gifts and grants supplementary thereto and by confirmatory grants, are permitted, approved and confirmed. The board of trustees of the Henry E. Huntington Library and Art Gallery, as such, or in the name of the institution, or by other intelligible designation of the trustees, or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, and such property, unless otherwise provided, shall be held by the trustees of the Henry E. Huntington Library and Art Gallery upon the trusts provided for in the grant founding the institution, and amendments thereof and grants supplementary thereto. All property as of July 1, 1929, held in trust for the founding, maintenance or benefit of the Henry E. Huntington Library and Art Gallery and the increments thereof and all personal property received in exchange therefor shall be exempt from taxation. The Legislature may modify, suspend and revive at will the exemption from taxation herein given. The trustees of said institution shall annually report their proceedings to the person who for the time being shall fill the office of Secretary of State of the State of California, and said trustees shall accompany said report with a full account of their financial operations for the preceding year and with a statement of the financial affairs of the institution.

Twenty-second—That Article X is repealed.

ARTICLE X

STATE INSTITUTIONS AND PUBLIC BUILDINGS

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 State.

Twenty-third—That Section 1 of Article XI is repealed.

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

Twenty-fourth—That Section 1 is added to Article XI, to read:

Sec. 1. (a) The State is divided into counties which are legal subdivisions of the State. The Legislature shall prescribe uniform procedure for county formation, consolidation, and boundary change. Formation or consolidation requires approval by a majority of electors voting on the question in each affected county. A boundary change requires approval by the governing body of each affected county.

(b) The Legislature shall provide for county powers and an elected governing body in each county and prescribe compensation of its members. The Legislature the governing body may provide for other officers whose compensation shall be prescribed by the governing body. The governing body shall provide for the number, compensation, tenure, and appointment of employees.

Twenty-fifth—That Section 2 of Article XI is repealed.

Sec. 2. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

Twenty-sixth—That Section 2 is added to Article XI, to read:

Sec. 2. (a) The Legislature shall prescribe uniform procedure for city formation and provide for city powers.

(b) Except with approval by a majority of its electors voting on the question, a city may not be annexed to or consolidated into another.

Twenty-seventh—That Section 3 of Article XI is repealed.

Sec. 3. The Legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; *provided, however,* that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass

within five miles of the exterior boundary of a city or town in which the county seat of a county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

Twenty-eighth—That Section 3 is added to Article XI, to read:

Sec. 3. (a) For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. The charter is effective if approved without change by resolution of the Legislature, by rollcall vote entered in the journal, a majority of the membership of each house concurring. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. A charter may be amended, revised, or repealed in the same manner.

(b) The governing body or charter commission of a county or city may propose a charter or revision. Amendment or repeal may be proposed by initiative or by the governing body.

(c) An election to determine whether to draft or revise a charter and elect a charter commission may be required by initiative or by the governing body.

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

Twenty-ninth—That Section 4 is added to Article XI, to read:

Sec. 4. County charters shall provide for:

(a) A governing body of 5 or more members, elected (1) by district or, (2) at large, or (3) at large, with a requirement that they reside in a district. Charter counties are subject to statutes that relate to apportioning population of governing body districts.

(b) The compensation, terms, and removal of members of the governing body.

(c) Other officers to perform functions required by law or public convenience, their selection, compensation, terms, and removal.

(d) The powers and duties of governing bodies and all other county officers, and for consolidation and segregation of county officers, and for the manner of filling all vacancies occurring therein.

(e) The fixing and regulation by governing bodies, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches, and other persons to be employed, and for the prescribing and regulating by such bodies of the powers, duties, qualifications, and compensation of such persons, the times at which, and terms for which they

ll be appointed, and the manner of their appointment and removal.

(f) Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature, as herein

provided, the general laws adopted by the Legislature in pursuance of Section 1(b) of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided.

(g) Charter counties shall have all the powers that are provided by this Constitution or by statute for counties.

Thirtieth—That Section 5 of Article XI is repealed.

Sec. 6. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may classify the counties by population. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made. The boards of supervisors in the respective counties shall regulate the compensation of all officers in said counties other than boards of supervisors, district attorneys, auditors, and judges of municipal courts, and shall regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the counties.

The provisions of this section shall not be construed to abridge, modify or otherwise affect the provisions of Section 7½ and 8½ of this article, relating to county or city and county charters.

The compensation of any county, township or municipal officer shall not be increased after his election or during his term of office, nor shall the term of any such officer be extended beyond the period for which he was elected or appointed; however, the prohibition herein expressed shall not operate to prevent the adjustment of the compensation of all members of a board, commission, or council serving staggered terms whenever one or more members of such board, commission or council becomes eligible for a salary increase by virtue of his beginning a new term of office.

The Legislature by a two-thirds vote of the members of each House may suspend the provision hereof prohibiting the increase of compensation of any county, township or municipal officer after his election or during his term of office for any period during which the United States is engaged in war and for one year after the termination of hostilities therein as proclaimed by the President of the United States.

The provisions of this section shall not prevent the allowance of any new or additional deputy or assistant to the principal in any county office during his term, nor shall they

prevent any increase in the compensation of any deputy or assistant to such principal at any time.

The provisions of this section shall not abridge, modify or otherwise limit the power of the Legislature by general and uniform laws to prescribe the qualifications of any county officer or of any deputy or assistant, or to prescribe the method of appointment of any person so qualified.

Thirty-first—That Section 5 is added to Article XI, to read:

Sec. 5. (a) It shall be competent in any city charter to provide that the city governed thereunder may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. City charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith.

(b) It shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: (1) the constitution, regulation, and government of the city police force (2) subgovernment in all or part of a city (3) conduct of city elections and (4) plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed, and for their removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees.

Thirty-second—Section 5.1 of Article XI is repealed.

Sec. 5.1. Every general law and chartered county, except as otherwise provided by the Legislature, shall be subject to the general laws relating to the adjustment of boundaries of county supervisorial districts.

Thirty-third—Section 6 of Article XI is repealed.

Sec. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature shall, by general laws, provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed; and the Legislature may, by general laws, provide for the performance by county officers of certain of the municipal functions of cities and towns so incorporated. Cities and towns heretofore organized or incorporated may become organized under the general laws passed for that purpose, whenever a majority of the electors voting at

a general election shall so determine; and shall organize in conformity therewith. Cities and towns hereafter organized under charters framed and adopted by authority of this Constitution are hereby empowered, and cities and towns heretofore organized by authority of this Constitution may amend their charters in the manner authorized by this Constitution so as to become likewise empowered hereunder, to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to and controlled by general laws. Cities and towns heretofore or hereafter organized by authority of this Constitution may, by charter provision or amendment, provide for the performance by county officers of certain of their municipal functions, whenever the discharge of such municipal functions by county officers is authorized by general laws or by the provisions of a county charter framed and adopted by authority of this Constitution.

Any agreement entered into before the effective date of this amendment between a city and a county pursuant to general laws enacted by the Legislature which agreement provides for the performance by county officers of certain municipal functions of such city is hereby validated.

Thirty-fourth—That Section 6 is added to Article XI, to read:

Sec. 6. (a) A county and all cities within it may consolidate as a charter city and county as provided by statute.

(b) A charter city and county is a charter city and a charter county. Its charter city powers supersede conflicting charter county powers.

Thirty-fifth—That Section 7 of Article XI is repealed.

Sec. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government.

Thirty-sixth—That Section 7 is added to Article XI, to read:

Sec. 7. A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

Thirty-seventh—That Section 7½ of Article XI is repealed.

Sec. 7½. Any county may frame a charter for its own government consistent with, and subject to the Constitution (or, having framed such a charter, may frame a new one,) and relating to matters authorized by provisions of the Constitution, by causing a

board of 15 freeholders, who have been for least five years qualified electors thereof; to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by 15 percentum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of 15 freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within 20 days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session; otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than 20 days nor more than 60 days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; provided, that if a general election shall occur in said county not less than 20 days nor more than 60 days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated substantially in the same manner as may be provided by general law for the nomination of candidates for county officers. It shall be the duty of said board of freeholders, within one year after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall

be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least 10 times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; and provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within 15 days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than 30 days nor more than 60 days after the completion of such publication, or after such posting; provided, that if a general election shall occur in said county not less than 30 days nor more than 60 days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session; otherwise at its next regular session; or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by the majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and filed;

one in the Office of the Secretary of State and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation; printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation; printed, published and circulated in such county; provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session; otherwise at its next regular session; or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment; and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for Governor at the last general election, at which a Governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors; by the said county clerk, as hereinbefore pro-

vided for petitions for the election of boards of freeholders. Upon the presentation of a petition to said board of supervisors, the board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; provided, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county, and in or near the entrance to at least one public schoolhouse in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

It shall be competent, in all charters, framed under the authority given by this section to provide, in addition to any other provisions allowable by this Constitution, and the same shall provide, for the following matters:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the term for which the members of said board shall be elected; for the number of members, not less than three; that shall constitute such board; for their compensation and for their election;

either by the electors of the counties at large by districts; *provided*, that in any event board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools; for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed; and for their compensation; or for the fixing of such compensation by boards of supervisors; and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township; or for the number of such judges and other officers of such inferior courts as may be provided by the Constitution or general law; for the election or appointment of said officers; for the times at which and the terms for which said officers shall be elected or appointed; and for their compensation; or for the fixing of such compensation by boards of supervisors; and if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers; for their removal and for the consolidation and reorganization of county officers; and for the manner of filling all vacancies occurring therein; *provided*, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

4½. For the assumption and discharge by county officers of certain of the municipal functions of the cities and towns within the county; whenever, in the case of cities and towns incorporated under general laws, the discharge by county officers of such municipal functions is authorized by general law; or whenever, in the case of cities and towns organized under Section 8 of this article, the discharge by county officers of such municipal functions is authorized by provisions of the charters; or by amendments thereto; of such cities or towns.

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county; and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons; the times at which, and terms for which they shall be appointed; and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law; or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters hereinabove specified, may provide as follows:

For officers other than those required by the Constitution and laws of the State, or for the creation of any or all of such offices by boards of supervisors; for the election or appointment of persons to fill such offices; for the manner of such appointment; for the times at which and the terms for which such persons shall be so elected or appointed; and for their compensation; or for the fixing of such compensation by boards of supervisors.

For officers hereafter created by this Constitution or by general law; for the election or appointment of persons to fill such offices; for the manner of such appointment; for the times at which and the terms for which such persons shall be so elected or appointed; and for their compensation; or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town; upon ordinance passed by such incorporated city or town authorizing the same; and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town; or portion thereof, proposed to be so included, at an election held for that purpose;

For the organization, government, powers and jurisdiction of such districts and divisions; and for raising revenue therein, for such purposes; by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively; by the issuance and sale, by the counties, of bonds of such counties, districts or divisions; and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be; for the payment of the principal and interest of such indebtedness at maturity; *provided*, that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the county, district or division, as the case may be; voting at an election to be held for that purpose; nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on

such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; *provided, further*, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the State is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of Sections 4 and 5 of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided; and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two-thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city.

Thirty-eighth—That Section 7½b of Article XI is repealed.

Sec. 7½b. No incorporated city or town shall ever be transferred or annexed to, or consolidated with, any other municipality, or consolidated city and county, without the consent of a majority of the voters of such incorporated city or town voting at an election called for that purpose.

Thirty-ninth—That Section 8 of Article XI is repealed.

Sec. 8. (a) Any city or city and county containing a population of more than 2¹/₂ inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of California, may frame a charter for its own government, consistent with and subject to this Constitution; and any city or city and county having adopted a charter may adopt a new one. Any such charter may be framed by a board of 15 freeholders chosen by the electors of such city or city and county, at any general or special election; but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city or city and county. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city or city and county, and on presentation of a petition signed by not less than 15 percent of the registered electors of such city or city and county, the legislative body shall call such election at any time not less than 30 nor more than 60 days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof.

(b) Candidates for the office of freeholder shall be nominated either in such manner may be provided for the nomination of officers of the municipal or city and county government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

(c) At such election the electors shall vote first on the question "Shall a board of freeholders be elected to frame a proposed new charter?" and secondly for the candidates of the office of freeholder. If the first question receives a majority of votes of the qualified voters voting thereon at such election, the 15 candidates for the office of freeholder receiving the highest number of votes shall forthwith organize as a board of freeholders, but if the first question receives less than a majority of the votes of the qualified voters voting thereon at such election no board of freeholders shall be deemed to have been elected.

(d) The board of freeholders shall, within one year after the result of the election is declared, prepare and propose a charter for the government of such city or city and county. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city or city and county. The legislative body of said city or city and county shall, within 15 days after such filing, cause such charter to be published once in the official newspaper of said city or city and county and each edition thereof, during the

day of publication (or in case there be no official newspaper, in a newspaper of general circulation within such city or city and county and all the editions thereof issued during the day of publication) and in any city or city and county with over 60,000 population shall cause copies of such charter to be printed in convenient pamphlet form and in type of not less than 10-point and shall cause copies thereof to be mailed to each of the qualified electors of such city or city and county; and shall, until the day fixed for the election upon such charter, advertise in one or more newspapers of general circulation in said city or city and county a notice that copies thereof may be had upon application therefor.

(c) Such charter shall be submitted to the electors of such city or city and county at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than 60 days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said 60 days.

(f) As an alternative, the legislative body of any such city or city and county, on its own motion may frame or cause to be framed, a proposed charter and submit the proposal for the adoption thereof to the electors at either a special election called for that purpose or at any general or special election.

A charter so submitted shall be advertised in the same manner as herein provided for the advertisement of a charter proposed by a board of freeholders, and the election thereon held at a date to be fixed by the legislative body of such city or city and county, not less than 40 nor more than 60 days after the completion of the advertising in the official paper.

(g) If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the Secretary of State, one with the recorder in the county in which such city is located, and one in the archives of the city, and in the case of a city and county one copy shall be filed with the recorder thereof, and one in the archives of such city and county; and hereafter the courts shall take judicial notice of the provisions of such charter.

(h) The charter of any city or city and county may be amended by proposals therefor

submitted by the legislative body thereof on its own motion or on petition signed by 15 percent of the registered electors, or both. Such proposals shall be submitted to the electors at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than 60 days prior to the general election next preceding a regular session of the Legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon, held at a date to be fixed by the legislative body of such city or city and county, not less than 40, and not more than 60, days after the completion of the advertising in the official paper.

(i) If a majority of the qualified voters voting on any such amendment vote in favor thereof, it shall be deemed ratified, and shall be submitted to the Legislature if then in session, or at the regular or special session next following such election, and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter.

(j) In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the largest number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide for the establishment of a borough system of government for the whole or any part of the territory of the city or city and county governed thereby, by which one or more boroughs or districts may be created therein and to provide that each borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for

such boroughs and districts in the charter of the city or city and county.

(k) The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city, or city and county shall, so far as applicable, govern all elections held under the authority of this section.

Fortieth—That Section 8 is added to Article XI, to read:

Sec. 8. (a) The Legislature may provide that counties perform municipal functions at the request of cities within them.

(b) If provided by their respective charters, a county may agree with a city within it to assume and discharge specified municipal functions.

Forty-first—That Section 8½ of Article XI is repealed.

Sec. 8½. It shall be competent, in all charters framed under the authority given by section eight of this article, to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State as follows:

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches, and for the establishment, constitution, regulation, government and jurisdiction of municipal courts and judges thereof, with such civil, criminal and magisterial jurisdiction as by law may be conferred upon inferior courts and judges thereof; and for the manner in which, the times at which and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; provided, such municipal courts shall never be deprived of the jurisdiction given inferior courts created by general law.

In any city or any city and county, when such municipal court has been established, there shall be no other court inferior to the superior court, and pending actions, trials, and all pending business of inferior courts within the territory of such city or city and county, upon the establishment of any such municipal court, shall be and become pending in such municipal court, and all records of such inferior courts shall thereupon be and become the records of such municipal court.

2. 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, compen-

sation and removal, and for the number which shall constitute any one of boards.

3. For the manner in which, the times at which and the terms for which the members of the boards of police commissioners shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches, and for all expenses incident to the holding of any election.

It shall be competent in any charter framed in accordance with the provisions of this section, or Section 8 of this article, for any city or consolidated city and county, and plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several county and municipal officers and employees whose compensation is paid by such city or city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such city or consolidated city and county, heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

5. It shall be competent in any charter or amendment thereof, which shall hereafter be framed under the authority given by Section 8 of this article, by any city having a population in excess of fifty thousand ascertained as prescribed by said Section 8, to provide for the separation of said city from the county of which it has theretofore been a part and the formation of said city into a consolidated city and county to be governed by such charter, and to have combined powers of a city and county, as provided in this Constitution for consolidated city and county government, and further to prescribe in said charter the date for the beginning of the official existence of said consolidated city and county.

It shall also be competent for any city, not having already consolidated as city and county to hereafter frame, in the manner prescribed in Section 8 of this article, a charter providing for a city and

county government, in which charter there be prescribed territorial boundaries which may include contiguous territory not included in such city, which territory, however, must be included in the county within which such city is located.

If no additional territory is proposed to be added, then, upon the consent to the separation of any such city from the county in which it is located, being given by a majority of the qualified electors voting thereon in such county and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city, and the approval thereof by the Legislature, as prescribed in Section 8 of this article, said charter shall be deemed adopted and upon the date fixed therein said city shall be and become a consolidated city and county.

If additional territory which consists wholly of only one incorporated city or town, or which consists wholly of unincorporated territory, is proposed to be added, then, upon the consent to such separation of such territory and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city so proposing the separation, and also upon the approval of the proposal hereinafter set forth, by a majority of the qualified electors voting thereon in the whole of such additional territory, and the approval of said charter by the Legislature, as prescribed in Section 8 of this article, said charter shall be deemed adopted, the indebtedness hereinafter referred to shall be deemed to have been assumed, and upon the date fixed in said charter such territory and such city shall be and become one consolidated city and county.

The proposal to be submitted to the territory proposed to be added shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designate in general terms the territory to be added) consolidate with the city of (herein insert name of the city initiating the proposition to form a city and county government) in a consolidated city and county government, and shall the charter as prepared by the city of (herein insert the name of the city initiating such proposition) be adopted as the charter of the consolidated city and county, and shall the said added territory become subject to taxation along with the entire territory of the proposed city and county, in accordance with the assessable valuation of the property of said territory, for the following indebtedness of said city (herein insert name of the city initiating such proposition) to wit: (herein insert in general terms reference to

any debts to be assumed, and if none insert 'none')?"

If additional territory is proposed to be added, which includes unincorporated territory and one or more incorporated cities or towns, or which includes more than one incorporated city or town, the consent of any such incorporated city or town shall be obtained by a majority vote of the qualified electors thereof voting upon a proposal substantially as follows:

"Shall (herein insert the name of the city or town to be included in such additional territory) be included in a district to be hereafter defined by the city of (herein insert the name of the city initiating the proposition to form a city and county government) which district shall, within two years from the date of this election, vote upon a proposal submitted as one indivisible question that such district to be then described and set forth shall consolidate with (herein insert name of the city initiating said consolidation proposition) in a consolidated city and county government, and also that a certain charter, to be prepared by the city of (herein insert name of the city initiating such proposition) be adopted as the charter of such consolidated city and county, and that such district become subject to taxation along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city of (herein insert name of the city initiating such proposition) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')?"

Any and all incorporated cities or towns to which the foregoing proposal shall have been submitted and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city initiating such consolidation proposal may desire to have included, the whole to form an area contiguous to said city, shall be created into a district by such city, and the proposal substantially as above prescribed to be used when the territory proposed to be added consists wholly of only one incorporated city or town, or wholly of unincorporated territory, shall, within two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to the separation of such district and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city, and upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of said district so proposed to be added, and upon the approval of said charter by the Legislature, as

prescribed in Section 8 of this article, said charter shall be deemed adopted, the said indebtedness referred to in said proposal shall be deemed to have been assumed; and upon the date fixed in said charter, such district and such city shall be and become one consolidated city and county.

6. It shall be competent for any consolidated city and county now existing, or which shall hereafter be organized, to annex territory contiguous to such consolidated city and county, unincorporated or otherwise, whether situated wholly in one county, or parts thereof be situate in different counties, said annexed territory to be an integral part of such city and county, provided that such annexation of territory shall only include any part of the territory which was at the time of the original consolidation of the annexing city and county, within the county from which such annexing city and county was formed; together with territory which was concurrently, or has since such consolidation been joined in a county government with the area of the original county not included in such consolidated city and county.

If additional territory, which consists wholly of only one incorporated city, city and county or town, or which consists wholly of unincorporated territory, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, then, upon the consent to any such annexation being given by a majority of the qualified electors voting thereon in any county or counties in which any such additional territory is located, and upon the approval of such annexation proposal by a majority of the qualified electors voting thereon in such city and county, and also upon the approval of the proposal hereinafter set forth by a majority of the qualified electors voting thereon in the whole of such territory proposed to be annexed, the indebtedness hereinafter referred to shall be deemed to have been assumed; and at the time stated in such proposal, such additional territory and such city and county shall be and become one consolidated city and county, to be governed by the charter of the city and county proposing such annexation, and any subsequent amendment thereto.

The proposal to be submitted to the territory proposed to be annexed, shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designate in general terms the territory to be annexed) consolidate with the city and county of (herein insert the name of the city and county initiating the annexation proposal) in a consolidated city and county government, said consolidation to take effect (herein insert date when such consolidation shall take effect) and shall the said annexed territory become subject to taxation, as an integral part of the city and county so formed, in

accordance with the assessable valuation of property of said territory for the following indebtedness of said city and county (herein insert name of the city and county) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert "none")."

If additional territory including unincorporated territory and one or more incorporated cities, cities and counties, or towns, or including more than one incorporated city, city and county, or town, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, the consent of each such incorporated city, city and county, or town, shall be obtained by a majority vote of the qualified electors of any such incorporated city, city and county, or town, voting upon a proposal substantially as follows:

"Shall (herein insert name of the city, city and county, or town, to be included in such annexed territory) be included in a district to be hereafter defined by the city and county of (herein insert the name of the city and county initiating the annexation proposal) which district shall within two years from the date of this election vote upon a proposal submitted as one indivisible question; that such district to be then described and set forth shall consolidate with (herein insert name of the city and county initiating the annexation proposal) in a consolidated city and county government; and that such district become subject to taxation, along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city and county of (herein insert name of the city and county initiating the annexation proposal) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert "none")."

Any and all incorporated cities, cities and counties, or towns, to which the foregoing proposal shall have been submitted, and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city and county initiating such annexation proposal may desire to have included, the whole to form an area contiguous to said city and county, shall be created into a district by said city and county, and the proposal substantially in the form above set forth to be used when the territory proposed to be added consists wholly of only one incorporated city, city and county, or town, or wholly of unincorporated territory, shall, within said two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to any such annexation being given by a majority of the qualified electors voting thereon in any county or counties in which any such territory proposed to be an-

nexed to said city and county is located; and upon the approval of any such annexation proposal by a majority of the qualified electors voting thereon in such city and county proposing such annexation; and also upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of the district so proposed to be annexed; then, the said indebtedness referred to in said proposal shall be deemed to have been assumed; and upon the date stated in such annexation proposal such district and such city and county shall be and become one consolidated city and county; to be governed by the charter of the city and county proposing such annexation; and any subsequent amendment thereto.

Whenever any proposal is submitted to the electors of any county, territory, district, city, city and county, or town; as above provided, there shall be published, for at least five successive publications, in a newspaper of general circulation printed and published in any such county, territory, district, city, city and county, or town, the last publication to be not less than twenty days prior to any such election, a particular description of any territory or district to be separated, added, or annexed, together with a particular description of any debts to be assumed; as above referred to, unless such particular description is contained in the said proposal so submitted. In addition to said description, such territory shall also be designated in such notice by some appropriate name or other words of identification; by which such territory may be referred to and indicated upon the ballots to be used at any election at which the question of annexation or consolidation of additional territory is submitted as herein provided. If there be no such newspaper so printed and published in any such county, territory, district, city, city and county, or town, then such publication may be made in any newspaper of general circulation printed and published in the nearest county, city, city and county, or town where there may be such a newspaper so printed and published.

If, by the adoption of any charter, or by annexation, any incorporated municipality becomes a portion of a city and county, its property, debts and liabilities of every description shall be and become the property, debts and liabilities of such city and county.

Every city and county which shall be formed, or the territory of which shall be enlarged as herein provided from territory taken from any county or counties, shall be liable for a just proportion of the debts and liabilities and be entitled to a just proportion of the property and assets of such county or counties, existing at the time such territory is so taken.

The provisions of this Constitution applicable to cities, and cities and counties, and also those applicable to counties, so far as not inconsistent or prohibited to cities, or

cities and counties, shall be applicable to such consolidated city and county government; and no provision of subdivision five or six of this section shall be construed as a restriction upon the plenary authority of any city or city and county having a freeholders' charter, as provided for in this Constitution; to determine in said charter any and all matters elsewhere in this Constitution authorized and not inconsistent herewith.

The Legislature shall provide for the formation of one or more counties from the portion or portions of a county or counties remaining after the formation of or annexation to a consolidated city and county, or for the transfer of such portion or portions of such original county or counties to adjoining counties. But such transfer to an adjoining county shall only be made after approval by a majority vote of the qualified electors voting thereon in such territory proposed to be so transferred.

The provisions of section two of this article, and also those provisions of section three of this article which refer to the passing of any county line within five miles of the exterior boundary of a city or town in which a county seat of any county proposed to be divided is situated; and to the reducing of the population of any county upon the establishment of a new county; and to the minimum population on the forming of a new county; shall not apply to the formation of, nor to the extension of the territory of such consolidated cities and counties; nor to the formation of new counties; nor to the annexation of existing counties; as herein specified.

Any city and county formed under this section shall have the right, if it so desires, to be designated by the official name of the city initiating the consolidation as it existed immediately prior to its adoption of a charter providing for a consolidated city and county government, except that such city and county shall be known under the style of a city and county.

It shall be competent in any charter framed for a consolidated city and county, or by amendment thereof, to provide for the establishment of a borough system of government for the whole or any part of the territory of said city and county, by which one or more districts may be created therein, which districts shall be known as boroughs and which shall exercise such municipal powers as may be granted thereto by such charter, and for the organization, regulation, government and jurisdiction of such boroughs; provided, that in the event of such establishment or creation of a borough or boroughs, as hereinabove permitted, the boundaries thereof shall never afterwards be changed or altered, nor shall the governmental rights, powers or jurisdiction of any such borough or boroughs be thereafter limited, extended, modified or taken away, unless and until the borough or boroughs affected by such proposed change

or alteration of boundaries, or by the proposed limitation, extension, modification or taking away of governmental rights, powers or jurisdiction; as the case may be, shall each have consented thereto; by the vote of a majority of the voters in each and every such borough, voting at an election or elections called and held for such purpose in each of the boroughs so affected.

No property in any territory hereafter consolidated with or annexed to any city or city and county shall be taxed for the payment of any indebtedness of such city or city and county outstanding at the date of such consolidation or annexation and for the payment of which the property in such territory was not, prior to such consolidation or annexation, subject to such taxation, unless there shall have been submitted to the qualified electors of such territory the proposition regarding the assumption of indebtedness as hereinbefore set forth and the same shall have been approved by a majority of such electors voting thereon.

7. In all cases of annexation of unincorporated territory to an incorporated city, or the consolidation of two or more incorporated cities, assumption of existing bonded indebtedness by such unincorporated territory or by either of the cities so consolidating may be made by a majority vote of the qualified electors voting thereon in the territory or city which shall assume an existing bonded indebtedness. This provision shall apply whether annexation or consolidation is effected under this section or any other section of this Constitution, and the provisions of Section 18 of this article shall not be a prohibition thereof.

The Legislature shall enact such general laws as may be necessary to carry out the provisions of this section and such general or special laws as may be necessary to carry out the provisions of subdivisions 5 and 6 of this section, including any such general or special act as may be necessary to permit a consolidated city and county to submit a new charter or charter amendment to take effect at the time that any consolidation, by reason of annexation to such consolidated city and county, takes effect, and, also, any such general law or special act as may be necessary to provide for any period after such consolidation, by reason of such annexation, takes effect, and prior to the adoption and approval of any such new charter or charter amendment.

Forty-second—That Section 9 is added to Article XI, to read:

Sec. 9. (a) A municipal corporation may establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication. It may furnish those services outside its boundaries, except within another municipal corporation which furnishes the same service and does not consent.

(b) Persons or corporations may establish and operate works for supplying those services upon conditions and under regulation that the city may prescribe under its organic law.

Forty-third—That Section 10 of Article XI is repealed.

Sec. 10. No provision of this article shall limit the power of the Legislature to prescribe procedures governing the presentation, consideration and enforcement of claims against chartered counties, chartered cities and counties, and chartered cities, or against officers, agents and employees thereof.

Forty-fourth—That Section 10 is added to Article XI, to read:

Sec. 10. A local government body may not grant extra compensation or extra allowance to a public officer, public employee, or contractor after service has been rendered or a contract has been entered into and performed in whole or in part, or pay a claim under an agreement made without authority of law.

Forty-fifth—That Section 11 of Article XI is repealed.

Sec. 11. Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

Forty-sixth—That Section 11 is added to Article XI, to read:

Sec. 11. The Legislature may not delegate to a private person or body power to make, control, appropriate, supervise or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions.

Forty-seventh—That Section 12 of Article XI is amended and renumbered to be Section 37 of Article XIII:

Sec. 12. Sec. 37. Except as otherwise provided in this Constitution, the Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

All property subject to taxation shall be assessed for taxation at its full cash value.

Forty-eighth—That Section 12 is added to Article XI, to read:

Sec. 12. The Legislature may prescribe procedure for presentation, consideration, and enforcement of claims against counties, cities, their officers, agents, or employees.

Forty-ninth—That Section 13 of Article XI is repealed.

Sec. 13. The Legislature shall not delegate to any special commission, private corporation, company, association or individual any power to make, control, appropriate, supervise or in any way interfere with any county, city,

town or municipal improvement, money, property, or effects; whether held in trust or otherwise; or to levy taxes or assessments or perform any municipal function whatever, except that the Legislature shall have power to provide for the supervision, regulation and conduct, in such manner as it may determine, of the affairs of irrigation districts, reclamation districts or drainage districts, organized or existing under any law of this State.

Forty-nine and one half—That Section 13 is added to Article XI, to read:

Sec. 13. The provisions of Sections 1(b) (except for the second sentence), 3(a), 4, and 5 of this Article relating to matters affecting the distribution of powers between the Legislature and cities and counties, including matters affecting supersession, shall be construed as a restatement of all related provisions of the Constitution in effect on November 4, 1968, and as making no substantive change.

The terms general law, general laws, and laws, as used in this Article, shall be construed as a continuation and restatement of those terms as used in the Constitution in effect on November 4, 1968, and not as effecting a change in meaning.

Fiftieth—That Section 13½ of Article XI is amended and renumbered to be Section 37.5 of Article XIII:

~~Sec. 13½.~~ **Sec. 37.5.** Any county, city or county, city, town, municipality, irrigation district, or other public corporation, issuing bonds under the laws of the State, is hereby authorized and empowered to make said bonds and the interest thereon payable at any place or places within or outside of the United States, and in any money, domestic or foreign, designated in said bonds.

Fifty-first—That Section 14 of Article XI is repealed.

~~Sec. 14.~~ The Legislature may by general and uniform laws provide for the inspection, measurement and graduation of merchandise, manufactured articles and commodities, and may provide for the appointment of such officers as may be necessary for such inspection, measurement and graduation.

Fifty-second—That Section 15 of Article XI is repealed.

~~Sec. 15.~~ Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

Fifty-third—That Section 16 of Article XI is amended and renumbered to be Section 38 of Article XIII:

~~Sec. 16.~~ **Sec. 38.** All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depository, to the credit of such city, town, or other corporation respectively, for

the benefit of the funds to which they respectively belong.

Fifty-fourth—That Section 16½ of Article XI is amended and renumbered to be Section 39 of Article XIII:

~~Sec. 16½.~~ **Sec. 39.** All moneys belonging to, or in the custody of, the State, or any county, city and county, city, town, municipality or other public or municipal corporation, within this State may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by any law adopted by the people under the initiative or by a two-thirds vote of each House of the Legislature and approved by the Governor and subject to the referendum; *provided*, that the laws now governing the deposit of such moneys shall continue in force until such laws shall be amended, changed or repealed as in this section authorized; *and provided, further*, that the State or any county, city and county, city, town, municipality or other public or municipal corporation, issuing bonds under the laws of this State, may deposit moneys in any bank or banks outside this State for the payment of the principal or interest of such bonds at the place or places at which the same are payable.

Fifty-fifth—That Section 17 of Article XI is repealed.

~~Sec. 17.~~ The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

Fifty-sixth—That Section 18 of Article XI is amended and renumbered to be Section 40 of Article XIII:

~~Sec. 18.~~ **Sec. 40.** No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided*, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

Fifty-seventh—That Section 18½ of Article XI is amended and renumbered to be Section 41 of Article XIII:

Sec. 18½. Sec. 41. Whenever under the laws of this State or under its charter any city, county, city and county, parking authority, district, or other public body is authorized to acquire or construct public parking lots, garages, or other automotive parking facilities, and for the payment of the cost of any thereof, to issue any bonds or other securities payable in whole or in part from revenues of any such parking facilities, such public body, and any other public body within the territorial area of which such public parking facilities are or will be situated, is also authorized to pledge, place a charge upon, or otherwise make available, as additional security for the payment of such securities, any or all revenues from any or all street parking meters then owned or controlled or to be acquired or controlled by it.

Fifty-eighth—That Section 19 of Article XI is repealed.

Sec. 19. Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under its organic law, on condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such services to inhabitants outside its boundaries, *provided* that it shall not furnish any service to the inhabitants of any other municipality owning or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance.

Fifty-ninth—That Section 20 of Article XI is repealed.

Sec. 20. The expenditures, other than expenditures to pay interest and redemption charges on bonds heretofore or hereafter issued, of any county, city and county, municipality, district or other political subdivision of this State, whether or not operating under freeholders charters, shall not in any year exceed by more than five per centum the expenditures, other than expenditures to pay interest and redemption charges on bonds heretofore or hereafter issued, of such county, city and county, municipality, district or other political subdivision for the preceding year unless previously authorized by two-thirds vote of the qualified electors of any such county, city and county, district or other political subdivision, or by a majority vote of the electors of any such municipality voting at an election held for that purpose or unless previously authorized by the State Board of

Equalization in such manner as may be provided by law; *provided* that no amount expended in excess of such five per centum become a part of the base for determining one maximum expenditure for a succeeding year; *provided further, however,* that any county, city and county, municipality, district, or other political subdivision of this State that decreases the amount of its expenditures in any year or years may increase, in any subsequent year or years, the amount of its expenditures by the amount, or any fraction thereof, so reduced, or by an amount not more than five per centum of the amount expended in the year immediately preceding. The limitations imposed in this paragraph shall be effective until June 30, 1935, but the Legislature may impose thereafter the same limitations for such period or periods as it may determine; *provided, however,* that the limitation upon expenditures imposed or authorized by this section shall not apply to expenditures by or on behalf of publicly owned public utilities, including publicly owned facilities operated for the promotion and accommodation of commerce and navigation, irrigation districts, county water districts, reclamation districts, municipal utility districts or metropolitan water districts organized or existing under the laws of this State or to expenditures arising out of any gift, bequest or donation.

On and after January 1, 1935, the Legislature shall have power, by two-thirds vote all the members elected to each of the Houses, to limit the amount of taxes which may be imposed upon real and personal property according to the value thereof for county or city and county purposes.

The Legislature shall pass all laws necessary to carry into effect the provisions of this section.

Sixtieth—That Article XII is repealed.

ARTICLE XII CORPORATIONS

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.

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.

Sec. 5. The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or as

associations may be formed for such purposes or general laws; and the Legislature shall provide for the classification of cities and towns by population for the purpose of regulating the business of banking. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

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.

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.

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 of the State shall never be so abridged or construed as to permit corporations to conduct its business in such manner as to infringe rights of individuals or the general well-being of the State.

Sec. 10. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges.

Sec. 12. 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 this section and Section 31 of Article IV of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13001 of the

Education Code, or any successor thereto, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of any corporation provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended; but such registration shall not be required with respect to the following stocks:

1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars (\$50,000,000);

2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars (\$50,000,000);

3) Any preferred stock

b. Such corporation has total assets of at least one hundred million dollars (\$100,000,000);

c. Bonds of such corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund; and there are no arrears of dividend payments on its preferred stock;

d. Such corporation has paid a cash dividend on its common stock in at least 3 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid; and such corporation has paid an earned cash dividend in each of the last 3 years;

e. Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f. No single common stock investment may exceed 2 percent of the assets of the fund, based on cost.

Notwithstanding provisions to the contrary in this section and Section 31 of Article IV of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13001 of the Education Code, or any successor thereto, in stock or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars (\$50,000,000); provided, however, that the total investment in such stocks and shares, together with stocks and shares of all other corporations may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

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.

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 in other cases.

Sec. 17. All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation organized for the purpose, under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

Sec. 18. No president, director, officer, agent, or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

Sec. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State, and the acceptance of any such pass or ticket, by a member of the Legislature or any public officer, other than Railroad Commissioner, shall work a forfeiture of his office.

Sec. 20. No railroad or other transportation company shall raise any rate of charge for the transportation of freight or passengers or any charge connected therewith or incidental thereto, under any circumstances whatsoever, except upon a showing before the Railroad Commission provided for in this Constitution, that such increase is justified, and the decision of the said commission upon the showing so made shall not be subject to review by any court except upon the question whether such decision of the commission will result in confiscation of property.

Sec. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being

included within the longer distance, or to charge any greater compensation as a fare rate than the aggregate of the intermediate rates.

Provided, however, that upon application to the Railroad Commission provided for in this Constitution such company may, in special cases, after investigation, be authorized by such commission to charge less for longer than for shorter distances for the transportation of persons or property, and the Railroad Commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The Railroad Commission shall have power to authorize the issuance of excursion and commutation tickets at special rates.

Nothing herein contained shall be construed to prevent the Railroad Commission from ordering and compelling any railroad or other transportation company to make reparation to any shipper on account of the rates charged to said shipper being excessive or discriminatory, provided no discrimination will result from such reparation.

Sec. 22. The Railroad Commission is continued in existence as the Public Utilities Commission, which shall consist of five members. The commission shall be appointed by the Governor from the State at large; provided, that the Legislature, in its discretion, may divide the State into districts for purpose of such appointments, said districts to be as nearly equal in population as practicable, and provided further that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the Governor immediately after the adoption of this section, to hold office during the same term. Upon the expiration of said term the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration one of whom shall be appointed to hold office until January 1, 1917, two until January 1, 1919, and two until January 1, 1921. Whenever a vacancy in the office of commissioners shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Every appointment made by the Governor to the commission shall be subject to the advice and consent of a majority of the members elected to the Senate, except that if a vacancy occurs when the Legislature is not in session, the Governor may issue an interim commission which shall expire on the last day of the next regular or special session of the Legislature. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed all vacancies shall, immediately upon their appointment, enter upon the duties of their offices. The Legislature shall fix the salaries

of the commissioners, but pending such action salaries of the commissioners, their officers and employees shall remain as now fixed by law. The Legislature shall have the power, by a two-thirds vote of all members elected to each House, to remove any one or more of said commissioners from office for detection of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said Public Utilities Commission and no person owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed to or hold the office of Public Utilities Commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission, but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every order made by a commissioner so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates established by said commission than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies to hear and determine complaints against railroad and other transportation companies; to issue subpoenas and all necessary process and send for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the Public Utilities Commission additional powers of the same kind or different from those conferred

herein which are not inconsistent with the powers conferred upon the Public Utilities Commission in this Constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution.

Whenever in this Constitution or the laws of this State "Railroad Commission" is used it shall be deemed to refer to the Public Utilities Commission.

Sec. 26. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant or equipment, or any part of such railroad, canal, pipe line, plant or equipment within this State, for the transportation or conveyance of passengers or express matter, or freight of any kind including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power or for the furnishing of storage or warehouse facilities, either directly or indirectly, to or for the public and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the Railroad Commission as may be provided by the Legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation. The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities in the State of California, and to fix the rates to be charged for commodities furnished or services rendered by public utilities as shall be conferred upon it by the Legislature, and the right of the Legislature to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this Constitution. From and after the passage by the Legislature of laws conferring powers upon the Railroad Commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad Commission; provided, however, that this section shall not affect such powers of control over public utilities as relate to the making and enforcement of local police, sanitary and other regulations, other than the fixing of rates, vested in any city and county or incorporated city or town, as at an election to be held pursuant to law, a majority of the qualified electors of such city

and county, or incorporated city or town, voting thereon, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the Railroad Commission as provided by law; and provided, further, that where any such city and county or incorporated city or town shall have elected to continue any of its powers to make and enforce such local, police, sanitary and other regulations, other than the fixing of rates, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the Railroad Commission in the manner prescribed by the Legislature; and provided, further, that this section shall not affect the right of any city and county or incorporated city or town to grant franchises for public utilities upon the terms and conditions and in the manner prescribed by law. Nothing in this section shall be construed as a limitation upon any power conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith.

Sec. 23a. The Railroad Commission shall have and exercise such power and jurisdiction as shall be conferred upon it by the Legislature to fix the just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings by the State or any county, city and county, incorporated city or town, municipal water district, irrigation district or other public corporation or district, and the right of the Legislature to confer such powers upon the Railroad Commission is hereby declared to be plenary and to be unlimited by any provision of this Constitution. All acts of the Legislature heretofore adopted which are in accordance herewith are hereby confirmed and declared valid.

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

Sixty-first—That Article XII is added, to read:

ARTICLE XII

PUBLIC UTILITIES

Sec. 1. The Public Utilities Commission consists of 5 members, or more if prescribed by statute, appointed by the Governor and approved by the Senate, a majority of the membership concurring, for staggered 6-year terms. A vacancy is filled for the remainder of the term. The Legislature may remove a member for incompetence, neglect of duty, or corruption, two thirds of the membership of each house concurring.

Sec. 2. Private corporations and persons that own, operate, control, or manage a line, plant or system for the transportation of people or property, the transmission of messages, or the furnishing of heat, light, water, power, storage or wharfage, directly or indirectly

to or for the public, and common carriers, are public utilities subject to control by Legislature. The Legislature may prescribe that additional classes of private corporations or persons are public utilities.

Sec. 3. The Commission shall have such jurisdiction and such legislative, executive, and judicial powers as are conferred upon it by the Legislature, which are cognate and germane to the regulation of public utilities. The manner and scope of review of Commission action in a court of record shall be provided by statute.

A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power to the Commission. This section does not affect power over public utilities relating to the making and enforcement of police, sanitary, and other regulations concerning municipal affairs pursuant to a city charter existing on October 10, 1911, unless that power has been revoked by the city's electors, or the right of any city to grant franchises for public utilities or other businesses on terms, conditions, and in the manner prescribed by law.

Sec. 4. The Legislature may provide that on request of condemnor and condemnee the Commission fix just compensation for public utility property taken by eminent domain.

Sixty-second—That Section 30 is added to Article XIII, to read:

Sec. 30. 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 other than the fund provided for in Section 13901 of the Education Code, or any successor thereto, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of a corporation provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended,

such registration shall not be required 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 this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13901 of the Education Code, or any successor thereto, in stock or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars (\$50,000,000); provided, however, that the total investment in such stocks and shares, together with stocks and shares of all other corporations may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

Sixty-third—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 each year, and take effect on the first day of July thereafter. Any Board or body failing to pass the necessary ordinances or resolutions fixing water 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.

Sixty-fourth—That Article XVII is repealed.

ARTICLE XVII

LAND, AND HOMESTEAD EXEMPTION

SECTION 1. The Legislature shall protect, by law, from forced sale a certain portion of the homestead and other property of all heads of families.

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.

SEC. 2. 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.

Sixty-fifth—That Article XVIII is repealed.

ARTICLE XVIII

AMENDING AND REVISING THE CONSTITUTION

SECTION 1. Any amendment or amendments to, or revision of, this Constitution may be proposed in the Senate or Assembly, and if two-thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment, amendments, or revision shall be entered in their Journals, with the yeas and nays taken thereon, and it shall be the duty of the Legislature to submit such proposed amendment, amendments, or revision to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be sub-

mitted at the same election they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, or such revision, by a majority of the qualified electors voting thereon such amendment or amendments shall become a part of this Constitution, and such revision shall be the Constitution of the State of California or shall become a part of the Constitution if the measure revises only a part of the Constitution.

Sec. 2. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote at the next general election for or against a Convention for that purpose, and if a majority of the electors voting at such election on the proposition for a Convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The Convention shall consist of a number of delegates not to exceed that of both branches of the Legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The delegates so elected shall meet within three months after their election at such place as the Legislature may direct. At a special election to be provided for by law, the Constitution that may be agreed upon by such Convention shall be submitted to the people for their ratification or rejection, in such manner as the Convention may determine. The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the returns so certified to him; and it shall be the duty of the Executive to declare, by his proclamation, such Constitution, as may have been ratified by a majority of all the votes cast at such special election, to be the Constitution of the State of California.

Sixty-sixth—That Article XVIII is added, to read:

ARTICLE XVIII

AMENDING AND REVISING THE CONSTITUTION

Sec. 1. The Legislature by rollcall vote entered in the journal, two thirds of the membership of each house concurring, may propose an amendment or revision of the Constitution and in the same manner may amend or withdraw its proposal. Each amendment shall be so prepared and submitted that it can be voted on separately.

Sec. 2. The Legislature by rollcall vote entered in the journal, two thirds of the membership of each house concurring, may submit at a general election the question whether to call a convention to revise the Constitution. If the majority vote yes on that question, within 6 months the Legisla-

ture shall provide for the convention. Delegates to a constitutional convention shall voters elected from districts of substantial equal population.

Sec. 3. The electors may amend the Constitution by initiative.

Sec. 4. A proposed amendment or revision shall be submitted to the electors and if approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

Sixty-seventh—Section 16 of Article XX is amended to read:

Sec. 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; provided, however, that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control; and provided further, that neither the terms of office of members of the State Board of Education nor that the term of office of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the state or of any political division thereof shall be limited by this section.

The Legislature may provide terms of office for not to exceed eight years for the members of any state agency created by it in the field of public higher education which is charged with the management, administration, and control of the State College System of California.

Sixty-eighth—That Section 23 is added to Article XX, to read:

Sec. 23. Laws concerning corporations may be amended or repealed.

Sixty-ninth—That Section 24 is added to Article XX, to read:

Sec. 24. 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 State.

Seventieth—Section 8 is added to Article XXII, to read:

Sec. 8. Article IX, Section 1, does not apply to community colleges or state colleges. All provisions of the Constitution which November 1, 1967 were applicable to them, by reason of their inclusion in the Public School System shall continue to be applicable to them.

Seventy-second—That Section 7 is added article II, to read:

c. 7. All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

Seventy-third—That Article XXIV is repealed.

ARTICLE XXIV

STATE CIVIL SERVICE

SECTION 1. Permanent appointments and promotion in the State civil service shall be made exclusively under a general system based upon merit, efficiency and fitness as ascertained by competitive examination.

SEC. 2. (a) There shall be a State Personnel Board of five members appointed by the Governor with the advice and consent of the Senate. The first terms of office shall expire on January 15, 1937; January 15, 1939; January 15, 1941; January 15, 1943; and January 15, 1945. Each subsequent appointee shall hold office for 10 years from the expiration of the term of his predecessor and until his successor is appointed and qualified, except that an appointment to a vacancy occurring before the expiration of a term shall be for the remainder of that term. A member may be removed by a vote of two-thirds of the members elected to each house of the Legislature.

(b) The board shall annually elect one of its members president.

(c) The board shall appoint and fix the compensation of an executive officer who shall be a member of the State civil service but not a member of the board.

Said executive officer shall perform and discharge all of the powers, duties, purposes, functions and jurisdiction hereunder or which hereafter by law may be vested in the board except that the adoption of rules and regulations, the creation and adjustment of classifications and grades, and dismissals, demotions, suspensions and other punitive action for or in the State civil service shall be and remain the duty of the board and a vote of a majority of the members of said board shall be required to make any action with respect thereto effective.

SEC. 3. Said board shall administer and enforce, and is vested with all of the powers, duties, purposes, functions, and jurisdiction which are now or hereafter may be vested in any other state officer or agency under, Chapter 500 of the California Statutes of 1913 as amended or any and all other laws relating to the state civil service as said laws may now exist or may hereafter be enacted, amended or repealed by the Legislature.

SEC. 4. (a) The provisions hereof shall apply to; and the term "state civil service" shall include; every officer and employee of this State except:

(1) State officers elected by the people.

(2) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office.

(3) State officers and employees directly appointed or employed by the Attorney General or the Judicial Council; or by any court of record in this State or any justice, judge or clerk thereof.

(4) State officers and employees directly appointed or employed by the Legislature or either house thereof.

(5) One person holding a confidential position to any officer mentioned in paragraphs (1), (2) or (4) hereof except that there shall be but one such position to any board or commission composed in whole or in part of officers mentioned in said paragraphs; each such person to be selected by the officer, board or commission to be served.

(6) One deputy for the Legislative Counsel and for each state officer elected by the people; each such deputy to be selected by the officer to be served.

(7) Persons employed by the University of California.

(8) Persons employed by any state normal school or teachers college.

(9) The teaching staff of all schools under the direction or jurisdiction of the Superintendent of Public Instruction; the Department of Education or the director thereof or the State Board of Education who otherwise would be members of the state civil service.

(10) Employees of the Federal Government; or persons whose selection is subject to rules or requirements of the Federal Government; engaged in work done by cooperation between the State and Federal Government or engaged in work financed in whole or in part with federal funds.

(11) Persons appointed or employed by or under the State Board of Prison Directors or any warden of a state prison.

(12) The officers and employees of the Railroad Commission.

(13) Member help in the Veterans' Home of California and inmate help in all state charitable or correctional institutions.

(14) The members of the militia of the State while engaged in military service.

(15) Officers and employees of district agricultural associations employed less than six months in any one calendar year.

(16) Stewards and veterinarians of the California Horse Racing Board who are not employed on a full time basis.

(b) The Legislature may provide that the provisions of this article shall apply to; and the term "state civil service" shall include; any person or group of persons hereinbefore excepted other than those mentioned in paragraphs (1), (2), (7) or (14) of subdivision (a) of this section. Hereafter, no exception shall be revived with respect to any person or group of persons heretofore or hereafter

included in the state civil service under this subdivision. The Legislature may, however, provide that any officer included in the state civil service pursuant to this paragraph may be appointed by the Governor, and in such case the provisions of paragraph (2) shall apply.

(c) Whenever the appointment or employment of new or additional officers or employees of this State is hereafter authorized by law, such officers or employees shall be subject to the provisions hereof and included within the state civil service unless of a class excepted herein.

Sec. 5. The provisions of this article shall be self-executing but legislation not in conflict herewith may be enacted to facilitate its operation.

Sec. 6. (a) No temporary appointment of a person to any position shall be made unless there is no employment list from which such position can be filled.

(b) No person shall hold a given position under temporary appointment for a longer period than nine months in any consecutive 12 months, nor shall any person serve in the state civil service under temporary appointment for a longer total period than nine months in any consecutive 12 months.

Sec. 7. Nothing herein contained shall prevent or modify the giving of preferences in appointments and promotions in the State civil service to veterans and widows of veterans as is now or hereafter may be authorized by the Legislature.

Seventy-fourth — That Article XXIV is added, to read:

ARTICLE XXIV

STATE CIVIL SERVICE

Sec. 1. (a) The civil service includes every officer and employee of the state except as otherwise provided in this Constitution.

(b) In the civil service permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination.

Sec. 2. (a) There is a Personnel Board of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 10-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. A member may be removed by concurrent resolution adopted by each house, two-thirds of the membership of each house concurring.

(b) The board annually shall elect one of its members chairman.

(c) The board shall appoint and prescribe compensation for an executive officer who shall be a member of the civil service but not a member of the board.

Sec. 3. (a) The board shall enforce the civil service statutes and, by majority vote of all its members, shall prescribe probationary

periods and classifications, adopt other rules authorized by statute, and review disciplinary actions.

(b) The executive officer shall administer the civil service statutes under rules of the board.

Sec. 4. The following are exempt from civil service:

(a) Officers and employees appointed or employed by the Legislature, either house, or legislative committees.

(b) Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.

(c) Officers elected by the people and a deputy and an employee selected by each elected officer.

(d) Members of boards and commissions.

(e) A deputy or employee selected by each board or commission either appointed by the Governor or authorized by statute.

(f) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.

(g) A deputy or employee selected by each officer exempted under Section 4(f).

(h) Officers and employees of the University of California and the California State Colleges.

(i) The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction.

(j) Member, inmate, and patient help in state homes, charitable or correctional institutions, and state facilities for mentally ill or retarded persons.

(k) Members of the militia while engaged in military service.

(l) Officers and employees of district agricultural associations employed less than 6 months in a calendar year.

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Legislative Counsel may appoint or employ two deputies or employees, and the Legislature may provide that the State Board of Education, on nomination of the Superintendent of Public Instruction, may appoint not more than three Deputy Superintendents of Public Instruction and not more than four Associate Superintendents of Public Instruction, for four year terms. Additional exempt positions in the Legislative Counsel's office may be created by statute.

Sec. 5. A temporary appointment may be made to a position for which there is employment list. No person may serve in one or more positions under temporary appointment longer than 9 months in 12 consecutive months.

Sec. 6. (a) The Legislature may provide
 rences for veterans and their widows.
) The board by special rule may permit
 persons in exempt positions, brought under
 civil service by constitutional provision, to
 qualify to continue in their positions.
 (c) When the state undertakes work pre-
 viously performed by a county, city, public

district of this state or by a federal depart-
 ment or agency, the board by special rule
 shall provide for persons who previously per-
 formed this work to qualify to continue in
 their positions in the state civil service sub-
 ject to such minimum standards as may be
 established by statute.

2 **TAXATION OF PUBLICLY OWNED PROPERTY.** Legislative Con-
 stitutional Amendment. Provides that after 1968 lands located
 outside of the county, city and county, or municipal corporation
 (including any public district or agency) owning the same, which
 were taxable when acquired, shall be assessed in accordance
 with prescribed formula based on total population and assessed
 value in the state, and assessment also shall be subject to other
 specified conditions and presumptions.

YES

NO

(This amendment proposed by Senate Con-
 stitutional Amendment No. 10, 1968 Regular
 Session, does not expressly amend any exist-
 ing section of the Constitution, but adds
 new sections thereto; therefore, the provi-
 sions thereof are printed in **BLACK-FACED**
TYPE to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XIII

First, That Section 1.60 is added to Article
 I, to read:

Sec. 1.60. Any lands owned by any coun-
 ty, city and county, or municipal corporation
 subject to taxation pursuant to Section 1 of
 this article shall be taxed in proportion to
 the value thereof to be ascertained as pro-
 vided in said section; provided, however,
 that for any year subsequent to 1968 such
 value, with respect to any of said lands lo-
 cated in any county in which the aggregate
 assessed value of all property owned by any
 county, city and county, or municipal corpo-
 ration was over 30% of the total assessed
 value of all property taxed in said county in
 1967, shall be, and with respect to all other
 said lands, shall not be more than, an amount
 determined as follows:

(a) Any said lands subject to taxation on
 the lien date in 1967, whether or not so owned
 on said date, at the value assessed on said
 date, adjusted by a factor which shall be the
 ratio of (1) the total statewide assessed val-
 uation of lands on the latest date prior to the
 date of assessment divided by the estimated
 civilian population of the state on the latest
 date prior to the date of assessment, to (2)
 the total statewide assessed valuation of lands
 on the lien date in 1967, divided by the esti-
 mated civilian population of the state on that
 date, which for the purpose of this section is
 deemed to be eight hundred fifty-six dollars
 56).

(b) Any said lands acquired subsequent to
 the lien date in 1967 which were assessed on
 said date as part of a larger tax parcel, shall
 be assessed as hereinabove provided, by fix-

ing the assessed value therefor on the lien
 date in 1967 as the proportion of the assess-
 ment of said parcel on said date determined
 by the ratio of the area of any said lands to
 the area of the tax parcel of which they were
 a part on said date.

(c) The total statewide assessed valuation
 of lands shall be the amount and the estimate
 of civilian population shall be the number
 for the latest dates prior to the date of assess-
 ment as determined and published by those
 state agencies responsible therefor. For each
 year subsequent to 1968, the Controller of
 the state shall determine the factor to be
 used as hereinabove provided.

Second, That Section 1.61 is added to Arti-
 cle XIII, to read:

Sec. 1.61. Any review, equalization and
 adjustment by the State Board of Equaliza-
 tion made pursuant to Section 1 shall be
 limited to a determination that such assess-
 ments are made in the manner specified in
 Sections 1.60, 1.62 and 1.63.

Third, That Section 1.62 is added to Arti-
 cle XIII, to read:

Sec. 1.62. For the purpose of assessing in
 any year subsequent to 1968 any lands owned
 by any county, city and county or municipal
 corporation in any county in which the ag-
 gregate assessed value of all property owned
 by any county, city and county or municipal
 corporation was over 30 percent of the total
 assessed value of all property taxed in said
 county in 1967, the assessment of any said
 lands on the lien date in 1967 shall be con-
 clusively presumed to have been valid in
 every respect, and any action by any board,
 court or other reviewing body with respect
 to said assessment subsequent to July 1, 1968,
 shall be of no effect; and any said lands
 assessed on the lien date in 1967 shall be con-
 clusively presumed to be subject to taxation
 in any year subsequent to 1968 and to be
 assessable and taxable in any year subse-
 quent to 1968 at the situs at which they were
 assessed on the lien date in 1967, any other
 provision of this article to the contrary not-
 withstanding; provided, any divestment of