

1970

PARTIAL CONSTITUTIONAL REVISION

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15	FICIAL CONSTITUTIONAL REVISION. Legislative Constitutional Amendment. Revises, amends and repeals various miscellaneous provisions of Constitution relating to seat of government, separate property, hours of labor, minimum wages, discrimination based on sex, elections, terms of office, duels, and other matters.	YES	
		NO	

(For Full Text of Measure, See Page 15, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to revise parts of the miscellaneous subjects article of the California Constitution by amending various sections relating to the seat of government, separate property, public works, minimum wages and working conditions, discrimination based on sex, and elections and terms of office, and by repealing various sections relating to duels, reentry to public office after military service, election or appointment to office, fiscal year, marriage contracts, perpetuities, absence from the state, election by plurality, and the State Board of Health.

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 Article XX of the California Constitution. The revision would restate various provisions, some with, and some without, substantive change. In addition, certain existing provisions would be deleted from the Constitution, thus placing the subject matter of the deleted provisions from then on under legislative control through the enactment of statutes.

(1) The revision would amend provisions relating to the following subjects:

Seat of Government

Section 1 of Article XX of the Constitution now provides that the City of Sacramento is the seat of government of the state, and shall so remain until changed by a law submitted to the people by a two-thirds vote of each house of the Legislature and approved by a majority of the electors voting at a general state election.

This measure would amend this section to provide that Sacramento is the Capital of California. An amendment to the Constitution which also requires a two-thirds vote of the Legislature and approval by a majority of electors would thus be required to change the Capital of California.

Separate Property

Section 8 of Article XX of the Constitution now provides that all property, real and personal, owned by either husband or

wife before marriage, and that acquired by either of them afterwards by gift, devise, or descent shall be their separate property.

This measure would restate this section without substantive change.

Public Works

Section 17 of Article XX of the Constitution now provides that the time of service of all laborers, workmen or mechanics employed on public works shall be limited to eight hours a day, except in times of war or extraordinary emergency, and requires the Legislature to provide by law that a stipulation to this effect be incorporated in all contracts for public works and prescribe penalties for enforcement.

This measure would restate this section without substantive change.

Minimum Wages and Working Conditions

Section 17½ of Article XX of the Constitution now provides that the Legislature may provide for a minimum wage for women and minors and for the comfort, health, safety, and general welfare of all employees, and specifies that nothing in the Constitution shall be construed as a limitation on the authority of the Legislature to empower a commission to carry out such provisions.

This measure would amend this section to provide that the Legislature may provide for minimum wages and for the general welfare of all employees, and may confer legislative, executive and judicial powers upon a commission for such purposes.

Discrimination Based on Sex

Section 18 of Article XX of the Constitution now provides that no person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation or profession.

This measure would restate this section without substantive change.

Elections and Terms of Office

Section 20 of Article XX of the Constitution now provides that elections of officers provided for by the Constitution shall be held on the even-numbered years next before the expiration of their terms, and the terms of such officers shall commence on the first Monday after the first day of January next following their election.

This measure would restate this section without substantive change.

(2) The revision would **repeal** the following provisions, thus placing the subject matter of the deleted provisions under legislative control through the enactment of statutes.

(a) Section 2 of Article XX of the Constitution, which **now** provides that any citizen shall lose the right to vote or hold an office of profit who fights a duel, sends or accepts a challenge to fight a duel, or assists in a duel.

(b) Section 3.5 of Article XX of the Constitution, which **now** provides that the Legislature may provide for the reentry and reinstatement into public office within the terms for which they were elected, and the reinstatement in public employment, of state and local public officers and employees who resign in order to serve in the armed forces.

(c) Section 4 of Article XX of the Constitution, which **now** provides that all officers or commissioners whose election or appointment is not provided for in the Constitution shall be elected or appointed, as the Legislature may direct.

(d) Section 5 of Article XX of the Constitution, which **now** provides that the fiscal year shall commence on the first day of July.

(e) Section 7 of Article XX of the Constitution, which **now** provides that no contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

(f) Section 9 of Article XX of the Constitution, which **now** provides that no perpetuities shall be allowed except for eleemosynary [charitable] purposes.

(g) Section 12 of Article XX of the Constitution, which **now** provides that absence from the state, on business of the state or the United States, shall not affect the question of the residence of any person.

(h) Section 13 of Article XX of the Constitution, which **now** provides that a plurality of votes given at any election shall constitute a choice where not otherwise directed in the Constitution, except where a different manner of election or higher proportion of the vote is prescribed for local officers under city or county charter or by the Legislature for general law cities.

(i) Section 14 of Article XX of the Constitution, which **now** provides that the Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health.

Argument in Favor of Proposition 15

Voters interested in having a clear and concise State Constitution should vote YES on Proposition 15. This measure revises part of Article XX. This Article has been amended so many times that there are 25 unrelated

sections. This Article should be revised to bring clarity and consistency back to the Constitution.

Section 1 as revised says in six words "Sacramento is the Capital of California." The existing document says this in 85! A YES vote will eliminate the excess verbiage.

Section 2 deals with dueling, and is obsolete. The same language is already in the Penal Code and will remain there with the deletion of this section from the Constitution. Murder, robbery and dope peddling are not defined in the Constitution now. Deletion of the dueling section from the Constitution will still make it a crime, but leave it in the Penal Code along with other crimes.

Section 3.5 is already covered in the Military and Veterans Code, which protects the rights of returning veterans. The unnecessary constitutional language is deleted.

Section 4 states that the Legislature has power to establish departments of government. This declaration is unnecessary as the Legislature has this power without the Constitutional grant of authority. Section 4 therefore is deleted by Proposition 15.

Sections 5, 7, 9, 12, 13 and 14, are recommended for deletion because they deal with statutory matters or are mere statements of power already inherently under legislative control.

Section 14 is obsolete; it established State Board of Health which has now been superseded by the Health and Welfare Agency. This Section will be deleted from the Constitution by Proposition 15.

Section 17 is amended to give greater flexibility to the Legislature in enforcing the 8 hour work day on public works. The rest of the section restates the existing substance without changing meaning.

Section 17½ is reworded in the proposed section without change in meaning, except that the Legislature's power to extend minimum wage protection to all employees is confirmed.

Section 18 is restated in the proposed section and is a prohibition against discrimination on account of sex without change in meaning and Section 20 is restated in the proposed section. It sets the beginning dates of terms of office without change in meaning.

No opposition to the provisions of Proposition 15 was expressed in the Legislature or before the Constitution Revision Commission.

WADIE P. DEDDEH,
Assemblyman, 77th District

JUDGE BRUCE W. SUMNER
Chairman, California Constitution
Revision Commission

CLAIR W. BURGNER
State Senator, 38th District

Argument Against Proposition 15

In 1944, the Legislature and the voters of California approved a constitutional provision which guaranteed that veterans who were public officers or employees before going on active military duty would be reinstated in their jobs upon returning home.

This proposition would remove that protection for veterans from our constitution. It would retain this guarantee in statutory form, thus subject to legislative whimsy, simply in the interest of eliminating excess language.

Constitutional protections for our veterans should not be dealt with so lightly. The purpose of constitutional revision is to eliminate excess verbiage and nothing more. Obviously the constitutional safeguarding of veteran's jobs is not merely excess verbiage.

This proposition actually contains many desirable changes in constitutional language, but unfortunately we as voters cannot separate the good from the bad. We must instead vote simply yes, or no, on the entire package of changes covering thirteen entirely unrelated sections of the constitution.

Constitutional revision is a worthy and much needed project in California. However, many provisions of our current constitution still serve the citizens of California admirably. Protection of the jobs of our returning servicemen should be a basic and irrevocable responsibility of every citizen.

Vote No on Proposition 15, and keep this vital protection in the constitution. We cannot afford to place it solely in the political arena, and leave veteran's protection at the mercy of future legislative action.

VICTOR V. VEYSEY
Assemblyman, 75th District

16 **CONSTITUTIONAL AMENDMENTS. Legislative Constitutional Amendment. Authorizes Legislature, by two-thirds vote, to amend or withdraw a proposed constitutional amendment or revision submitted by it. Provides initiatives, referendums, and legislative proposals take effect day after election, unless measure provides otherwise. Revises procedure for constitutional convention.**

YES	
NO	

(For Full Text of Measure, See Page 17, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to revise provisions of the State Constitution concerning (1) procedures for amending and revising the Constitution, and (2) the effective dates of initiative and referendum measures.

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 Articles IV and XVIII of the California Constitution. The revision would retain some existing provisions without change and would restate other provisions, some with and some without substantive change. In addition, certain existing provisions would be deleted from the Constitution, thus placing the subject matter of the deleted provisions from then on under legislative control through the enactment of statutes.

Amending and Revising the Constitution and Initiative and Referendum Measures

Generally, Sections 22 and 24 of Article IV and Article XVIII of the Constitution now provide:

(1) Constitutional amendments may be proposed for submission to the voters (a) by the Legislature and (b) by electors through the initiative process. Revision of the Constitution may be proposed by the Legislature.

(2) If provisions of two or more amendments proposed by initiative or referendum measures approved at the same election conflict, the provisions of the measure receiving the highest affirmative vote prevail. There is no such express provision regarding amendments proposed by the Legislature.

(3) The Legislature by two-thirds vote may submit to the voters the proposition as to whether to call a convention to revise the Constitution. If the proposition is approved by a majority of those voting on it, the Legislature at its next session must provide by law for the calling of a convention consisting of delegates (not to exceed the number of legislators) who are to be chosen in the same manner and to have the same qualifications as legislators. Delegates are required to meet within three months of their election.

The revision would retain the general substance of these provisions with the following major changes:

(1) A new provision would be added specifically authorizing the Legislature, by a two-thirds vote of the membership of each house, to amend or withdraw a constitutional amendment or revision which the Legislature has

PROPOSED
AMENDMENTS TO CONSTITUTION

Rebuttal to Argument Against Proposition 15
To Be Submitted to the Electors of the
State of California at the

GENERAL ELECTION
TUESDAY, NOVEMBER 3, 1970

Pursuant to Sacramento Superior Court order the rebuttal argument printed below is submitted to accompany the arguments on Proposition 15. This should be read in conjunction with the argument against Proposition 15 which you will find at the top of page 27 in the first state ballot pamphlet.

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 15

By court order this rebuttal argument is being furnished voters. The order resulted from a legal action which was brought to allow a rebuttal to be filed to the untruthful argument against Proposition 15.

The argument against Proposition 15 opposes only the deletion of Section 3.5 of Article XX of the state constitution which, as the legislative counsel's analysis states "NOW provides that the legislature may provide for the reentry and reinstatement into public office" of returning veterans (see voters pamphlet). The "no" argument states that we should not delete this section and "leave veterans protection at the mercy of future legislative action." The argument is not true because veterans' protection is now, has been, and in the future will be at the mercy of legislative action. In other words, the "no" argument is wrong when it declares that the constitution guarantees veterans rights. It does not do so, it merely states that the legislature may act in this area if it chooses to do so. May is permissive language which means that veterans rights could be deleted, increased, or changed by legislative action. The legislature does not need authority in the constitution to protect veterans rights and no argument that it does need this authority is made in the "no" argument. Therefore, the deleted section guarantees nothing and is undisputedly unnecessary to give the legislature power to act.

Proposition 15 passed both houses of the legislature without a dissenting vote. No opposition to it has been expressed by veterans' groups or anyone else other than Assemblyman Veysey who voted for the measure the same day his "no" argument was filed.

Proposition 15 originated with the California Constitution Revision Commission which approved the proposals in this measure unanimously and before whom no opposition to the proposals was expressed.

Vote "yes" on Proposition 15 and strengthen state government by giving us a strong state constitution instead of one cluttered with unnecessary language.

JUDGE BRUCE W. SUMNER
Chairman, California Constitution
Revision Commission

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and approved by the electors at the November 1970 election that both be given effect, and to that end subdivision (m) is added to Section 4 of Article XXIV, to read:

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, the Legislative Counsel may appoint or employ two deputies or employees, and the State Board of Education, on nomination of the Superintendent of Public Instruction, may appoint not more than two Deputy Superintendents of Public Instruction and not more than four Associate Superintendents of Public Instruction, whose

terms of office shall run concurrently with the term of the Superintendent of Public Instruction who nominated them, but shall not exceed four years.

And be it further resolved, That the provisions of the second resolved clause of this measure shall become operative only if Assembly Constitutional Amendment No. 79 is adopted by the electors at the November 1970 election, in which case subdivision (m) of Section 4 of Article XXIV as added by the first resolved clause of this measure, and subdivision (d) of Section 4 of Article XXIV as added by the first resolved clause of Assembly Constitutional Amendment No. 79, shall not take effect.

15	PARTIAL CONSTITUTIONAL REVISION. Legislative Constitutional Amendment. Revises, amends and repeals various miscellaneous provisions of Constitution relating to seat of government, separate property, hours of labor, minimum wages, discrimination based on sex, elections, terms of office, duels, and other matters.	YES	
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 65, 1970 Regular Session, expressly amends and repeals existing sections of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** or **REPEALED** are printed in **WHEBOUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENTS TO
ARTICLE XX**

First—That Section 1 of Article XX is amended to read:

ARTICLE XX

MISCELLANEOUS SUBJECTS

SECTION 1. The city of Sacramento is hereby declared to be the **Capital of California** seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding, unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two-thirds vote of each House, may provide, submitting the question of change to the people.

Second—That Section 2 of Article XX is repealed.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit,

or to enjoy the right of suffrage under this Constitution.

Third—That Section 3.5 of Article XX is repealed.

SEC. 3.5. Notwithstanding any other provision of this Constitution, the Legislature by general law may provide for the reinstatement and reentry into public office within the terms for which they were elected, and the reinstatement in public employment, respectively, of public officers and employees who have resigned or who resign their offices or employments to serve or to continue to serve in the armed forces of the United States or in the armed forces of this State. The Legislature may determine the extent to which such provisions shall be given retroactive effect.

As used in this section, "public officers and employees" includes all of the following:

(a) Members of the Senate and of the Assembly.

(b) Justices of the Supreme Court and the district courts of appeal, judges of the superior courts and of the municipal courts, and all other judicial officers.

(c) All other State officers and employees, whether or not within the State civil service, including all officers for whose selection and term of office provision is made in the Constitution and laws of this State.

(d) All officers and employees of any county, city and county, city, township, district, political subdivision, authority, commission, board, or other public agency within this State.

Every person elected or appointed to any public office or employment within this State holds such office or employment subject to the right of reentry or reinstatement which may be granted to a former holder of the office or employment pursuant to this section.

Fourth—That Section 4 of Article XX is repealed.

SEC. 4. All officers or Commissioners whose election or appointment is not provided for by this Constitution, and all officers or Commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

Fifth—That Section 5 of Article XX is repealed.

SEC. 5. The fiscal year shall commence on the first day of July.

Sixth—That Section 7 of Article XX is repealed.

SEC. 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

Seventh—That Section 8 of Article XX is amended to read:

SEC. 8. All property, Property real and personal, owned by either husband or wife before marriage, and that or acquired during marriage by either of them afterwards by gift, will, or inheritance is devise, or descent, shall be their separate property.

Eighth—That Section 9 of Article XX is repealed.

SEC. 9. No perpetuities shall be allowed except for eleemosynary purposes.

Ninth—That Section 12 of Article XX is repealed.

SEC. 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

Tenth—That Section 13 of Article XX is repealed.

SEC. 13. A plurality of the votes given at any election shall constitute a choice where not otherwise directed in this Constitution, provided that it shall be competent in all charters of cities, counties or cities and counties framed under the authority of this Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor, and provided also, that it shall be competent for the Legislature by general law to provide the manner in which officers of municipalities organized or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor.

Eleventh—That Section 14 of Article XX is repealed.

SEC. 14. The Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health.

Twelfth—That Section 17 of Article XX is amended to read:

SEC. 17. The time Worktime of service of all laborers or workmen or mechanics or

workmen on employed upon any works of the State of California, or county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to may not exceed eight hours in any one calendar a day; except in wartime or cases of extraordinary emergency emergencies that endanger caused by fire, flood, or danger to life and or property. The Legislature shall provide for enforcement of this section; or except to work upon public, military, or naval works or defenses in time of war, and the Legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public work and prescribe proper penalties for the speedy and efficient enforcement of said law.

Thirteenth—That Section 17½ of Article XX is amended to read:

SEC. 17½. The Legislature may, by appropriate legislation, provide for minimum wages the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees and for those purposes may. No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon any commission legislative, executive, and judicial powers, now or hereafter, such power and authority as the Legislature may deem requisite to carry out the provisions of this section.

Fourteenth—That Section 18 of Article XX is amended to read:

SEC. 18. No A person shall, on account of sex, may not be disqualified because of sex, from entering upon or pursuing any a lawful business, vocation, or profession.

Fifteenth—That Section 20 of Article XX is amended to read:

SEC. 20. Elections of the officers Terms of elective offices provided for by this Constitution shall be held on the even-numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January 1 next following their election. The election shall be held in the last even-numbered year before the term expires.*

* Reference to another proposed amendment to Sec. 20, Art. XX, which was to take effect in the event that Assembly Constitutional Amendment No. 2 was adopted by the people, has not been included in Assembly Constitutional Amendment No. 2 was not submitted to the voters by the Legislature.