

1972

CLEAN ENVIRONMENT ACT

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Argument in Favor of Proposition 8

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

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

- preventing conflicts of interest by eliminating as eligible appointees to the Board of Examiners, chiropractors recently employed as administrators, policy board members or paid employees of chiropractic schools or colleges;
- requiring that appointees to the Board of Examiners be a United States citizen with at least five (5) years residence in California, of good moral character, and licensed to practice for at least five (5) years in California prior to appointment;

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

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

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

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

We strongly urge you to vote "yes".

RALPH C. DILLS
Senator, 32nd District

GORDON COLOGNE
Senator, 36th District

ENVIRONMENT. Initiative. Specifies permissible composition and quality of gasoline and other fuel for internal combustion engines. Authorizes shutting down of businesses and factories violating air pollution standards. Imposes restrictions on leasing and extraction of oil and gas from tidelands or submerged lands, or onshore areas within one mile of mean high tide line. Prohibits construction of atomic powered electric generating plants for five years. Establishes restrictions on manufacture, sale, and use of pesticides. Prohibits enforcement officials from having conflicting interests. Provides for relief by injunction and mandate to prevent violations. Imposes penal sanctions and civil penalties.

9

YES

NO

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

General Analysis by the Legislative Counsel

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

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

For further details, see below.

Detailed Analysis by the Legislative Counsel

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

Internal Combustion Engine Fuels

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

(Continued on page 20, column 1)

Cost Analysis by the Legislative Analyst

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

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

(Continued on page 20, column 2)

Detailed Analysis by the Legislative Counsel

(Continued from page 19, column 1)

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

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

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

Sources of Air Contaminants

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

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

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

Class Actions and Civil Penalties for Air Pollution Violations

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

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

(Continued on page 21, column 1)

Cost Analysis by the Legislative Analyst

(Continued from page 19, column 2)

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

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

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

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

(Continued on page 21, column 2)

Detailed Analysis by the Legislative Counsel*(Continued from page 20, column 1)*

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

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

Conflicts of Interest

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

and Gas Leases and Activities

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

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

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

Electric Generating Plants

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

Persistent Chlorinated Hydrocarbons

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

*(Continued on page 22, column 1)***Cost Analysis by the Legislative Analyst***(Continued from page 20, column 2)*

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

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

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

Detailed Analysis by the Legislative Counsel

(Continued from page 21, column 1)

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

General Provisions

Provide that if any of the provisions of the Act or its applications are held to be invalid, (Continued on next column)

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

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

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

Argument in Favor of Proposition 9

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

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

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

We know that the people will not be intimidated by their lies, threats, and false charges.

The Clean Environment Act, once enacted, will create badly needed new jobs, better health, a stronger economy, and will save our state more than four billion dollars every year in environmentally caused medical problems, consumer costs, and material damage. As a result of this measure an entire new pollution control industry will be created. This will mean less unemployment, more take-home dollars, and greater productivity.

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

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

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

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

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

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

HIJINIO ROMO
URW-131 AFL-CIO

Rebuttal to Argument in Favor of Proposition 9

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

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

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

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

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

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

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

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

Vote NO on Proposition 9.

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

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

J. E. MCKEE
Professor of Environmental
Engineering

Argument Against Proposition 9

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vote NO on Proposition 9.

JOSEPH J. DIVINY, President
California Teamsters Legislative
Council

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

J. E. MCKEE, Professor of Environ-
mental Engineering

**Rebuttal to Argument Against
Proposition 9**

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

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

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

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

Standard Oil made \$511 million in profits in 1971, yet they refuse available technology to clean their dirty fuel.

- Sulfur turns to sulfuric acid in engines and lungs and shortens the life of both.

Have you ever tried breathing behind a bus?

Sulfur can easily be removed by industrial investment.

Investment brings a better economy and more jobs.

- Proposition 9 will clean up fossil fuel plants. Atomic wastes must be guarded against leakage for over 8,000 years. A five year pause in atomic construction will enable us to find ways of disposing of this dreadful menace. There ARE alternate power sources. They will only be developed when you make them do it.

- Proposition 9 allows DDT and other long lived poisons to be used for special emergency purposes. Safe alternatives are available.

- Proposition 9 is a flexible law which can be changed by the people at any time. All sections are severable. Politicians and special interests can't change it. Fight pollution with your vote. Vote YES on Proposition 9.

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

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

HIJINIO ROMO
URW 131—AFL-CIO

10 PARTIAL CONSTITUTIONAL REVISION. Legislative Constitutional Amendment. Adds, amends, transfers, and repeals several miscellaneous provisions of the Constitution. Adds section allowing city charter to make provisions regarding members of boards of education. Amends sections relating to penal institutions and water rates. Transfers sections relating to lending of credit, corporations, and ownership of corporate shares by State and public agencies. Repeals provisions relating to corporations, holding large tracts of unimproved land, granting of State lands to settlers, and other miscellaneous sections. Financial impact: This measure does not involve any significant cost or revenue considerations.

YES	
NO	

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

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to revise various portions of the California Constitution: (a) by deleting or amending various portions (Continued on page 25, column 1)

Cost Analysis by the Legislative Analyst

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

ENVIRONMENT. Initiative. Specifies permissible composition and quality of gasoline and other fuel for internal combustion engines. Authorizes shutting down of businesses and factories violating air pollution standards. Imposes restrictions on leasing and extraction of oil and gas from tidelands or submerged lands, or onshore areas within one mile of mean high tide line. Prohibits construction of atomic powered electric generating plants for five years. Establishes restrictions on manufacture, sale, and use of pesticides. Prohibits enforcement officials from having conflicting interests. Provides for relief by injunction and mandate to prevent violations. Imposes penal sanctions and civil penalties.

YES

NO

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

PROPOSED LAW

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

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

Chapter 8. Fuel Composition.

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

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

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

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

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

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

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

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

(b) having the ASTM sum of Bromine number as measured by D1159 (latest revision) plus volume percent of aromatics measured by ASTM D1319 (latest revision) not in excess of 45.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Section 24304 is added to the Health and Safety Code to read:

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

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

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

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

24246.2. Whenever the air quality standards of the State Air Resources Board for any particular kind of air contaminant are exceeded anywhere within an air pollution

control district, or whenever a first stage smog or pollution alert occurs anywhere within an air pollution control district, the air pollution control officer of such district shall immediately order the shut down of all businesses, factories, or plants within the district which are at the time operating under any variance, or shall immediately order the shut down of each single source of air contaminants within the business, factory, or plant, if such source of air contaminants was being utilized or operated under or pursuant to any variance granted to it.

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

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

- (a) ozone reaches .50 parts per million, or
- (b) carbon monoxide reaches 100 parts per million, or
- (c) nitrogen oxides reach 3.0 parts per million, or

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

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

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

- (a) ozone reaches .10 parts per million for one hour either on three successive days or seven days in the past 90 days or
- (b) carbon monoxide reaches 20 parts per million for eight hours, or
- (c) nitrogen oxides reach .25 parts per million for one hour.

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

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

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

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

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

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

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

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

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

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

Chapter 2.7. Environmental Class Actions.

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

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

Chapter 2.6. Incentive Levies.

24375. Any person who is found guilty of violating any air pollution provision of this Code, or of violating any rule or regulation of any air pollution control district, State Air Resources Board, or regional pollution board or district of this state, or who enters a plea of guilty, or nolo contendere to such provision, rule, or regulation, shall pay to the air pollution control district in which the violation occurs, a sum of money equal to

4% of its gross income for the fiscal year immediately preceding the year in which the violation occurs.

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

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

Chapter 2.8. Public records.

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

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

Chapter 3.5. Conflict of Interest.

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

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

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

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

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

shall be let or renewed for the extraction of oil or gas from coastal tidelands or submerged lands in state waters, or from on-shore areas within one mile of the mean high tide line.

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

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

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

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

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

6828.1. Whenever, as determined by the commission, any operation conducted under lease issued pursuant to this Chapter constitutes an ultrahazardous activity, such operation shall cease upon order of the commission and shall not commence until such time as the commission determines that the operation no longer constitutes an ultrahazardous activity. As used in this Section, "ultrahazardous activity" means an activity which poses an imminent threat to the health, safety, and welfare of the public, including, but not limited to, substantial damage or destruction to lands and marine and coastal wildlife and pollution of state waters by the escape of oil or gas.

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

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

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

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

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

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

Section 17. Section 25712 is added to the Health and Safety Code, to read:

17. Violation of Section 25711 of this Chapter shall be a misdemeanor. Any inter-

ested person may commence an action by mandamus or injunction for the purpose of stopping or preventing violations or threatened violations of Section 25711.

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

Article 3.5. Persistent Chlorinated Hydrocarbons.

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

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

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

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

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

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

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

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

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

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

Section 22. All laws in effect as of January 1, 1971, to which direct or indirect reference is made by this Act, shall remain in full force and effect for the purpose of this

Act, irrespective of their having been frequently repealed or amended by the Legislature.

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

10 **PARTIAL CONSTITUTIONAL REVISION.** Legislative Constitutional Amendment. Adds, amends, transfers, and repeals several miscellaneous provisions of the Constitution. Adds section allowing city charter to make provisions regarding members of boards of education. Amends sections relating to penal institutions and water rates. Transfers sections relating to lending of credit, corporations, and ownership of corporate shares by State and public agencies. Repeals provisions relating to corporations, holding large tracts of unimproved land, granting of State lands to settlers, and other miscellaneous sections. Financial impact: This measure does not involve any significant cost or revenue considerations.

YES

NO

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

PROPOSED AMENDMENTS TO THE CONSTITUTION

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

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

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

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

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

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

Third—That Section 1 of Article X is repealed.

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

Fourth—That Section 4 of Article XII is repealed.

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

Fifth—That Section 5 of Article XII is repealed.

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