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MISCELLANEOUS LANGUAGE CHANGES REGARDING GENDER

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MISCELLANEOUS LANGUAGE CHANGES REGARDING GENDER

Ballot Title

MISCELLANEOUS LANGUAGE CHANGES REGARDING GENDER. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends Constitution to recast various terms presently couched in the masculine gender to refer to the "person" or official referred to and makes other minor, nonsubstantive language changes. Financial impact: none.

FINAL VOTE CAST BY LEGISLATURE ON ACA 99 (PROPOSITION 11):

ASSEMBLY—Ayes, 65	SENATE—Ayes, 27
Noes, 0	Noes, 8

Analysis by Legislative Analyst

PROPOSAL:

When the present State Constitution uses masculine words like "he" or "his", the words apply both to men and women. This constitutional amendment takes these masculine words out of the Constitution and replaces them with words which draw no distinction between men and women.

For example, the term "workmen's compensation" is changed to "workers' compensation". "Congressman" is

changed to "representative in Congress". "Assemblymen" is changed to "members of the Assembly". "Chairman" is changed to "presiding officer". Instead of referring to the Governor as "he", the amendment repeats the word "Governor".

FISCAL EFFECT:

This measure has no effect on state or local government revenues or expenditures.

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Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 99 (Statutes of 1974, Resolution Chapter 96) expressly amends existing sections of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES II, IV, V, VI, IX, XIV, XX, AND XXIV

First—That Section 4 of Article II is amended to read:

SEC. 4. The Legislature shall provide for primary elections for partisan offices, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit ~~that he is not a candidate of noncandidacy.~~

Second—That Section 2 of Article IV is amended to read:

SEC. 2. (a) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to begin every 2 years. The Assembly has a membership of 80 ~~Assemblymen~~ *members* elected for 2-year terms. Their terms shall commence on the first Monday in December next following their election.

(b) Election of ~~Assemblymen~~ *members of the Assembly* shall be on the first Tuesday after the first Monday in November of even-numbered years unless otherwise prescribed by the Legislature. Senators shall be elected at the same time and places as ~~Assemblymen~~ *members of the Assembly*.

(c) A person is ineligible to be a member of the Legislature unless ~~he the person~~ is an elector and has been a resident of ~~his the legislative~~ district for one year, and a citizen of the United States and resident of California for 3 years, immediately preceding ~~his the~~ *ction*.

(d) When a vacancy occurs in the Legislature the Governor immediately shall call an election to fill the vacancy.

Third—That Section 10 of Article IV is amended to read:

SEC. 10. (a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if ~~he signs it is signed by the Governor.~~ *He The Governor* may veto it by returning it with ~~his any~~ objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two thirds of the membership concurring, it becomes a statute. A bill presented to the Governor that is not returned within 12 days becomes a statute; provided, that any bill passed by the Legislature before September 1 of the second calendar year of the biennium of the legislative session and in the possession of the Governor on or after September 1 that is not returned by the Governor on or before September 30 of that year becomes a statute. The Legislature may not present to the Governor any bill after November 15 of the second calendar year of the biennium of the legislative session. If the Legislature by adjournment of a special session prevents the return of a bill with the veto message, the bill becomes a statute unless the Governor vetoes the bill within 12 days by depositing it and the veto message in the office of the Secretary of State.

Any bill introduced during the first year of the biennium of the legislative session that has not been passed by the house of origin by the thirtieth day of January of the second calendar year of the biennium may no longer be acted on by the house. No bill may be passed by either house on or after September 1 of an even-numbered year except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes, and bills passed after being vetoed by the Governor.

(b) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. ~~He The Governor~~ shall append to the bill a statement of the items reduced or eliminated with the reasons for ~~his the~~ action. The Governor shall transmit to the house originating the bill a copy of ~~his the~~ statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills.

Fourth—That Section 12 of Article IV is amended to read:

SEC. 12. (a) Within the first 10 days of each calendar year, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements for recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, ~~he the Governor~~ shall recommend the sources from which the additional revenues should be provided.

(b) The Governor and the Governor-elect may require a state agency, officer or employee to furnish ~~him~~ whatever information ~~he deems is deemed~~ necessary to prepare the budget.

(c) The budget shall be accompanied by a budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each house by the ~~chairmen of persons chairing~~ committees that consider appropriations. The Legislature shall pass the budget bill by midnight on June 15 of each year. Until the budget bill has been enacted, the Legislature shall not send to the Governor for consideration any bill appropriating funds for expenditure during the fiscal year for which the budget bill is to be enacted, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

(d) No bill except the budget bill may contain more than one item of appropriation, and that for one certain, expressed purpose. Appropriations from the General Fund of the State, except appropriations for the public schools, are void unless passed in each house by rollcall vote entered in the journal, two thirds of the membership concurring.

Fifth—That Section 13 of Article IV is amended to read:

SEC. 13. A member of the Legislature may not, during the term for which ~~he the member~~ is elected, hold any office or employment under the State other than an elective office.

Sixth—That Section 15 of Article IV is amended to read:

SEC. 15. A person who seeks to influence the vote or action of a member of the Legislature in ~~his the member's~~ legislative capacity by bribery, promise of reward, intimidation, or other dishonest means, or a member of the Legislature so influenced, is guilty of a felony.

Seventh—That Section 21 of Article IV is amended to read:

SEC. 21. To meet the needs resulting from war-caused or enemy-caused disaster in California, the Legislature may provide for:

(a) Filling the offices of members of the Legislature should at least one fifth of the membership of either house be killed, missing, or disabled, until they are able to perform their duties or successors are elected.

Continued on page 87

Argument in Favor of Proposition 11

Proposition 11 removes from the State Constitution references to the male gender and substitutes language which does not refer specifically to either men or women.

For example, a woman is able to run for and may be elected to the governorship or to any other statewide office. Yet, the State Constitution presently describes the Governor, Lt. Governor, Secretary of State and Attorney General as "he". Proposition 11 simply changes these references to "the Governor," "the Lt. Governor," etc.

Both men and women work in our society. However, the Constitution specifies a system of "workmen's compensation." This Constitutional amendment substitutes a more accurate characterization, "workers' compensation."

Other references throughout the Constitution presently cast as "he," "his" or "him" are re-cast by more specific references which are impartial in nature.

Proposition 11 makes no changes in the substance of the State Constitution. Rather, it recognizes that both men and women have an equal opportunity to participate in the political process.

As such, it should be approved by all Californians.

ALAN SIEROTY
Assemblyman, 59th District

ANITA MILLER
California Commission on the Status of Women

DONALD L. GRUNSKY
Senator, 17th District

Rebuttal to Argument in Favor of Proposition 11

The State Constitution already recognizes that both men and women have an equal opportunity to participate in the political process, since it gives members of both sexes equal rights to such participation. Thus, there is no reason to give further recognition.

Words such as "workmen's compensation" and such references as "he," "his," and "him" are part of the way the English language is normally used. Any book, magazine, newspaper, or dictionary will show this. There is

no necessity to change English usage in order to recognize equal rights.

Proponents of Proposition 11 admit that it makes no substantive changes in the State Constitution. We are already burdened by too many meaningless banalities coming from the government. We should not add more. Vote No.

TIMOTHY D. WEINLAND
*Law Student, University of the Pacific-
McGeorge School of Law*

Argument Against Proposition 11

Proposition 11 would recast various masculine terms in the law to a neuter gender. This is an attempt to artificially change word usage in the English language in order to satisfy persons who believe that use of masculine terms in a general sense discriminates against women. Such an allegation is absurd. Use of masculine terms in the law came from the fact that such terms are part of the normal usage of the English language in our society and are in no way discriminatory. For example, *The American Heritage Dictionary of the English Language* includes among its definitions of the word "man" the following: "Any human being, regardless of sex or age; a member of the human race; a person." Thus, the

law has only made use of the normal terms in the English language and there is no reason to change such language.

Such a change would not only make for a confusing air of artificiality, but would divert attention from the real problem involved. If there is discrimination against women, then the solution is to change attitudes and substantive laws. To change language will not change anyone's mind. Don't make artificial changes in the English language. Don't ignore the real problem involved. Vote No.

TIMOTHY D. WEINLAND
*Law Student, University of the Pacific-
McGeorge School of Law*

No rebuttal to the argument against Proposition 11 was submitted

Remember to Vote on Election Day

Tuesday, November 5, 1974

facilitate its operation; but in no way limiting or restricting the provisions of this article or the powers herein reserved.

Second—That Article XXIII is added to read:

ARTICLE XXIII

RECALL OF PUBLIC OFFICERS

SECTION 1. Recall is the power of the electors to remove an elective officer.

SEC. 2. (a) Recall of a State officer is initiated by delivering to the Secretary of State a petition alleging reason for recall. Sufficiency of reason is not reviewable. Proponents have 160 days to file signed petitions.

(b) A petition to recall a statewide officer must be signed by electors equal in number to 12 percent of the last vote for the office, with signatures from each of 5 counties equal in number to 1 percent of the last vote for the office in the county. Signatures to recall Senators, Assemblymen, members of the Board of Equalization, and judges of courts of appeal and trial courts must equal in number 20 percent of the last vote for the office.

(c) The Secretary of State shall maintain a continuous count of the signatures certified to him.

SEC. 3. An election to determine whether to recall an officer and, if appropriate, to elect a successor shall be called by the Governor and held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures. If the majority vote on the question is to recall, the officer is removed and, if there is a candidate, the candidate who receives a plurality is the successor. The officer may not be a candidate, nor shall there be any candidacy for an office filled pursuant to subdivision (d) of Section 16 of Article VI.

SEC. 4. The Legislature shall provide for circulation, filing, and certification of petitions, nomination of candidates, and the recall election.

SEC. 5. If recall of the Governor or Secretary of State is initiated, his recall duties shall be performed by the Lieutenant Governor or Controller, respectively.

SEC. 6. A State officer who is not recalled shall be reimbursed by the State for his recall election expenses legally and personally incurred. Another recall may not be initiated against him until 6 months after the election.

SEC. 7. The Legislature shall provide for recall of local officers. This section does not affect counties and cities whose charters provide for recall.

TEXT OF PROPOSITION 11—continued from page 41

(b) Filling the office of Governor should be the Governor be killed, missing, or disabled, until he the Governor or his the successor designated in this Constitution is able to perform his the duties of the office of Governor or a successor is elected.

(c) Convening the Legislature.

(d) Holding elections to fill offices that are elective under this Constitution and that are either vacant or occupied by persons not elected thereto.

(e) Selecting a temporary seat of state or county government.

Eighth—That Section 27 of Article IV is amended to read:

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more Congressmen representatives in Congress; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

Ninth—That Section 28 of Article IV is amended to read:

SEC. 28. A person holding a lucrative office under the United States or other power may not hold a civil office of profit. A local officer or postmaster whose compensation does not exceed 500 dollars per year or an officer in the militia or a member of a reserve component of the armed forces of the United States except where on active federal duty for more than 30 days in any year is not a holder of a lucrative office, nor is his the holding of a civil office of profit affected by this military service.

Tenth—That Section 1 of Article V is amended to read:

SEC. 1. The supreme executive power of this State is vested in the Governor. He The Governor shall see that the law is faithfully executed.

Eleventh—That Section 2 of Article V is amended to read:

SEC. 2. The Governor shall be elected every fourth year at the same time and places as Assemblymen members of the Assembly and hold office from the Monday after January 1 following his the election until his a successor qualifies. He The Governor shall be an elector who has been a citizen of the United States and a resident of this State for 5 years immediately preceding his the Governor's election. He The Governor may not hold other public office.

Twelfth—That Section 7 of Article V is amended to read:

SEC. 7. The Governor is commander in chief of a militia that shall be provided by statute. He The Governor may call it forth to execute the law.

Thirteenth—That Section 8 of Article V is amended to read:

SEC. 8. Subject to application procedures provided by statute, the Governor, on conditions he the Governor deems proper, may grant a reprieve, pardon, and commutation, after sentence, except in case

of impeachment. He The Governor shall report to the Legislature each reprieve, pardon, and commutation granted, stating the pertinent facts and his the reasons for granting it. He The Governor may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

Fourteenth—That Section 9 of Article V is amended to read:

SEC. 9. The Lieutenant Governor shall have the same qualifications as the Governor. He The Lieutenant Governor is President of the Senate but has only a casting vote.

Fifteenth—That Section 10 of Article V is amended to read:

SEC. 10. The Lieutenant Governor shall become Governor when a vacancy occurs in the office of Governor.

He The Lieutenant Governor shall act as Governor during the impeachment, absence from the State, or other temporary disability of the Governor or of a Governor-elect who fails to take office.

The Legislature shall provide an order of precedence after the Lieutenant Governor for succession to the office of Governor and for the temporary exercise of his the Governor's functions.

The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

Standing to raise questions of vacancy or temporary disability is vested exclusively in a body provided by statute.

Sixteenth—That Section 13 of Article V is amended to read:

SEC. 13. Subject to the powers and duties of the Governor, the Attorney General shall be the chief law officer of the State. It shall be his the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced. He The Attorney General shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make to him such reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions as to him the Attorney General may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases he the Attorney General shall have all the powers of a district attorney. When required by the public interest or directed by the Governor, he the Attorney General shall assist any district attorney in the discharge of his the duties of that office.

Seventeenth—That Section 2 of Article VI is amended to read:

SEC. 2. The Supreme Court consists of the Chief Justice of California and 6 associate justices. The Chief Justice may convene the court at any time. Concurrence of 4 judges present at the argument is necessary for a judgment.

An acting Chief Justice shall perform all functions of the Chief Justice when he the Chief Justice is absent or unable to act. The Chief Justice or, if he the Chief Justice fails to do so, the court shall select an associate justice as acting Chief Justice.

Eighteenth—That Section 3 of Article VI is amended to read:

SEC. 3. The Legislature shall divide the State into districts each containing a court of appeal with one or more divisions. Each division consists of a presiding justice and 2 or more associate justices. It has the power of a court of appeal and shall conduct itself as a 3-judge court. Concurrence of 2 judges present at the argument is necessary for a judgment.

An acting presiding justice shall perform all functions of the presiding justice when ~~he the presiding justice~~ is absent or unable to act. The presiding justice or, if ~~he the presiding justice~~ fails to do so, the Chief Justice shall select an associate justice of that division as acting presiding justice.

Nineteenth—That Section 4 of Article VI is amended to read:

SEC. 4. In each county there is a superior court of one or more judges. The Legislature shall prescribe the number of judges and provide for the officers and employees of each superior court. If the governing body of each affected county concurs, the Legislature may provide that one or more judges serve more than one superior court.

The county clerk is ex officio clerk of the superior court in ~~his~~ the county.

Twentieth—That Section 6 of Article VI is amended to read:

SEC. 6. The Judicial Council consists of the Chief Justice as ~~chairman~~ and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 3 judges of municipal courts, and 2 judges of justice courts, each appointed by the ~~chairman~~ Chief Justice for a 2-year term; 4 members of the State Bar appointed by its governing body for 2-year terms; and one member of each house of the Legislature appointed as provided by the house.

Council membership terminates if a member ceases to hold the position that qualified ~~him~~ the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or its ~~chairman~~ the Chief Justice, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.

The ~~chairman~~ Chief Justice shall seek to expedite judicial business and to equalize the work of judges; ~~he~~. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Judges shall report to the ~~chairman~~ Judicial Council as ~~he~~ the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Twenty-first—That Section 8 of Article VI is amended to read:

SEC. 8. The Commission on Judicial Qualifications consists of 2 judges of courts of appeal, 2 judges of superior courts, and one judge of a municipal court, each appointed by the Supreme Court; 2 members of the State Bar who have practiced law in this State for 10 years, appointed by its governing body; and 2 citizens who are not judges, retired judges, or members of the State Bar, appointed by the Governor and approved by the Senate, a majority of the membership concurring. All terms are 4 years.

Commission membership terminates if a member ceases to hold the position that qualified ~~him~~ the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

Twenty-second—That Section 15 of Article VI is amended to read:

SEC. 15. A person is ineligible to be a judge of a court of record unless for 5 years immediately preceding selection to a municipal court or 10 years immediately preceding selection to other courts, ~~he~~ the person has been a member of the State Bar or served as a judge of a court of record in this State. A judge eligible for municipal court service may be assigned by the ~~chairman of the Judicial Council~~ Chief Justice to serve on any court.

Twenty-third—That Section 16 of Article VI is amended to read:

SEC. 16. (a) Judges of the Supreme Court shall be elected at large and judges of courts of appeal shall be elected in their districts at general elections at the same time and places as the Governor. Their terms are 12 years beginning the Monday after January 1 following their election, except that a judge elected to an unexpired term serves the remainder of the term. In creating a new court of appeal district or division the Legislature shall provide that the first elective terms are 4, 8, and 12 years.

(b) Judges of other courts shall be elected in their counties or districts at general elections. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.

(c) Terms of judges of superior courts are 6 years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

(d) Within 30 days before August 16 preceding the expiration of ~~his~~ the judge's term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed ~~himself~~ to the office

presently held by the judge. If ~~he~~ the declaration is ~~does~~ not filed, the Governor before September 16 shall nominate a candidate. At the next general election, only the candidate so declared or nominated may appear on the ballot, which shall present the question whether ~~he~~ the candidate shall be elected. If ~~he~~ receives The candidate shall be elected upon receiving a majority of the votes on the question ~~he~~ is elected. A candidate not elected may not be appointed to court but later may be nominated and elected.

The Governor shall fill vacancies in those courts by appointment. An appointee holds office until the Monday after January 1 following the first general election at which ~~he~~ the appointee had the right to become a candidate or until an elected judge qualifies. A nomination or appointment by the Governor is effective when confirmed by the Commission on Judicial Appointments.

Electors of a county, by majority of those voting and in a manner the Legislature shall provide, may make this system of selection applicable to judges of superior courts.

Twenty-fourth—That Section 17 of Article VI is amended to read:

SEC. 17. A judge of a court of record may not practice law and during the term for which ~~he~~ the judge was selected is ineligible for public employment or public office other than judicial employment or judicial office. A judge of the superior or municipal court may, however, become eligible for election to other public office by taking a leave of absence without pay prior to filing a declaration of candidacy. Acceptance of the public office is a resignation from the office of judge.

A judicial officer may not receive fines or fees for ~~his own~~ personal use.

Twenty-fifth—That Section 18 of Article VI is amended to read:

SEC. 18. (a) A judge is disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging ~~him~~ the judge in the United States with a crime punishable as a felony under California or federal law, or (2) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for ~~his~~ removal or retirement of the judge.

(b) On recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court may suspend a judge from office without salary when in the United States ~~he~~ the judge pleads guilty or no contest or is found guilty of a crime punishable as a felony under California or federal law or of any other crime that involves moral turpitude under that law. If ~~his~~ the conviction is reversed suspension terminates, and ~~he~~ the judge shall be paid ~~his~~ the salary for the judicial office held by the judge for the period of suspension. If ~~he~~ the judge is suspended and ~~his~~ the conviction becomes final the Supreme Court shall remove ~~him~~ the judge from office.

(c) On recommendation of the Commission on Judicial Qualifications the Supreme Court may (1) retire a judge for disability that seriously interferes with the performance of ~~his~~ the judge's duties and is or is likely to become permanent, and (2) censure or remove a judge for action occurring not more than 6 years prior to the commencement of ~~his~~ the judge's current term that constitutes wilful misconduct in office, wilful and persistent failure to perform ~~his~~ the judge's duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(d) A judge retired by the Supreme Court shall be considered to have retired voluntarily. A judge removed by the Supreme Court is ineligible for judicial office and pending further order of the court ~~he~~ is suspended from practicing law in this State.

(e) The Judicial Council shall make rules implementing this section and providing for confidentiality of proceedings.

Twenty-sixth—That Section 19 of Article VI is amended to read:

SEC. 19. The Legislature shall prescribe compensation for judges of courts of record.

A judge of a court of record may not receive ~~his~~ the salary for the judicial office held by the judge while any cause before ~~him~~ the judge remains pending and undetermined for 90 days after it has been submitted for decision.

Twenty-seventh—That Section 2 of Article IX is amended to read:

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

Twenty-eighth—That Section 3 of Article XIV is amended to read:

SEC. 3. It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the

beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water. Riparian rights in a stream or water course attach to, but to no more than so much of the flow thereof as may be required or used consistently with this provision, for the purposes for which such lands are, or may be made available, in view of such reasonable and beneficial uses; provided, however, that nothing herein contained shall be construed as depriving any riparian owner of the reasonable use of water of the stream to which ~~his~~ *the owner's* land is riparian under reasonable methods of diversion and use, or of depriving any appropriator of water to which ~~he~~ *the appropriator* is lawfully entitled. This section shall be self-executing, and the Legislature may also enact laws in the furtherance of the policy in this section contained.

Twenty-ninth—That Section 10 of Article XX is amended to read:
SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure ~~his~~ *personal* election or appointment.

Thirtieth—That Section 15 of Article XX is amended to read:
SEC. 15. ~~Meclanics, material men persons furnishing materials,~~ artisans, and laborers of every class, shall have a lien upon the property upon which they have bestowed labor or furnished material for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

Thirty-first—That Section 17 of Article XX is amended to read:
SEC. 17. Worktime of mechanics or ~~workmen~~ *workers* on public works may not exceed eight hours a day except in wartime or extraordinary emergencies that endanger life or property. The Legislature shall provide for enforcement of this section.

Thirty-second—That Section 21 of Article XX is amended to read:
SEC. 21. The Legislature is hereby expressly vested with plenary power, unlimited by any provision of this Constitution, to create, and enforce a complete system of ~~workmen's workers'~~ *workers'* compensation, by appropriate legislation, and in that behalf to create and enforce a liability on the part of any or all persons to compensate any or all of their ~~workmen workers~~ *workers* for injury or disability, and their dependents for death incurred or sustained by the said ~~workmen workers~~ *workers* in the course of their employment, irrespective of the fault of any party. A complete system of ~~workmen's workers'~~ *workers'* compensation includes adequate provisions for the comfort, health and safety and general welfare of any and all ~~workmen workers~~ *workers* and those dependent upon them for support to the extent of relieving from the consequences of any injury or death incurred or sustained by ~~workmen workers~~ *workers* in the course of their employment, irrespective of the fault of any party; also full provision for securing safety in places of employment; full provision for such medical, surgical, hospital and other remedial treatment as is requisite to cure and relieve from the effects of such injury; full provision for adequate insurance coverage against liability to pay or furnish compensation; full provision for regulating such

insurance coverage in all its aspects, including the establishment and management of a State compensation insurance fund; full provision for otherwise securing the payment of compensation; and full provision for vesting power, authority and jurisdiction in an administrative body with all the requisite governmental functions to determine any dispute or matter arising under such legislation, to the end that the administration of such legislation shall accomplish substantial justice in all cases expeditiously, inexpensively, and without incumbrance of any character; all of which matters are expressly declared to be the social public policy of this State, binding upon all departments of the State government.

The Legislature is vested with plenary powers, to provide for the settlement of any disputes arising under such legislation by arbitration, or by an industrial accident commission, by the courts, or by either, any, or all of these agencies, either separately or in combination, and may fix and control the method and manner of trial of any such dispute, the rules of evidence and the manner of review of decisions rendered by the tribunal or tribunals designated by it; provided, that all decisions of any such tribunal shall be subject to review by the appellate courts of this State. The Legislature may combine in one statute all the provisions for a complete system of ~~workmen's workers'~~ *workers'* compensation, as herein defined.

The Legislature shall have power to provide for the payment of an award to the state in the case of the death, arising out of and in the course of the employment, of an employee without dependents, and such awards may be used for the payment of extra compensation for subsequent injuries beyond the liability of a single employer for awards to ~~his~~ *employees of the employer*.

Nothing contained herein shall be taken or construed to impair or render ineffectual in any measure the creation and existence of the industrial accident commission of this State or the State compensation insurance fund, the creation and existence of which, with all the functions vested in them, are hereby ratified and confirmed.

Thirty-third—That Section 25 of Article XX is amended to read:
SEC. 25. Any legislator whose term of office is reduced by operation of the amendment to subdivision (a) of Section 2 of Article IV adopted by the people in 1972 shall, notwithstanding any other provision of this Constitution, be entitled to retirement benefits and compensation as if ~~his~~ *the* term of office had not been so reduced.

Thirty-fourth—That Section 2 of Article XXIV is amended to read:
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~~ *as presiding officer*.

(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.

TEXT OF PROPOSITION 12

This amendment proposed by Assembly Constitutional Amendment 36 (Statutes of 1974, Resolution Chapter 88) expressly repeals an existing article of the Constitution and adds a new article and a new section thereto; therefore, existing provisions proposed to be repealed are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type*.

PROPOSED AMENDMENTS TO ARTICLES XII AND XX

First—That Article XII is repealed.

ARTICLE XII CORPORATIONS

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. 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