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AMENDMENT OF LAWS ADOPTED BY INITIATIVE

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

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

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

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

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

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

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

9. This proposal would defeat its alleged purpose. Prejudices can be eliminated only by evolution and education, not by compulsory legislation. History through countless ages teaches that any attempt to force social regulations by law only results in accentuating cleavages, sowing discontent, and increasing frictions, leading to hostilities and violence between races and groups.

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

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

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

YES ☐

NO ☐

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

Argument in Favor of Senate Constitutional Amendment No. 22

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

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

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

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

books and might just as well never have been adopted.

It would seem therefore highly desirable to make clear that the Legislature, without going ...ough the process of amending the Constitution ... time, may adopt suitable amendments to ...iative measures and submit the same to the voters at the next general election for their approval or rejection. This is exactly what Senate Constitutional Amendment No. 22 does. It merits public support in that it will help make effective our present constitutional provisions relating to the initiative.

BYRL R. SALSMAN, Senator, 18th Dist.
H. R. JUDAH, Senator, 23d Dist.

Argument Against Senate Constitutional Amendment No. 22

The initiative, the referendum and the recall have long been weapons for the use of our people in a continuous fight to protect the people's interests against predatory interests.

Again and again attempts have been made to destroy or weaken these laws. Senate Constitutional Amendment No. 22 seeks to weaken the initiative by making it possible for the Legislature to change, repeal or weaken any law adopted by vote of our people. The adoption of this measure would result in immediate attempts to repeal or nullify many of the good laws adopted by our people for their own protection.

The argument that these changes must be by vote of the people, at the suggestion of the Legislature does not hold good as there will be constant attempts to lead the unsuspecting voter astray.

The opponents of the people's laws are always on the job. The only safe course for the people to follow is to leave the law as it now is and vote *No* on Senate Constitutional Amendment No. 22.

CHRIS N. JESPERSEN, Senator, 29th Dist.

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13 **ALLOCATION OF PUBLIC SCHOOL FUNDS. Senate Constitutional Amendment No. 11.** Amends Section 6, Article IX, and Section 15, Article XIII, of the Constitution. Simplifies procedure for allocating State funds for support of public school system. Eliminates necessity of making allocations for support of public schools from State General Fund by providing that sums now appropriated to such fund for support of public schools be appropriated to the State School Fund. Leaves unchanged amounts required to be raised by State for support of public school system.

YES	
NO	

(For full text of measure, see page 13, Part II)

Argument in Favor of Senate Constitutional Amendment No. 11

California's system of educational finance is the most complex and difficult of any State. Originally complex, it was further entangled by the ... plan (1933) and Initiative No. 9 (1944). ...iecemeal legislation so complicates the distri...ution of school money it can hardly be explained by experts.

Amendment No. 11 only simplifies the procedure of allotting educational funds without making any change in amounts distributed or the purpose for which it is distributed. Much of the difficulty in distributing school funds arises from constitutional provisions apportioning in each case from two funds for elementary and high schools.

Elementary schools are supported from the State School Fund and General Fund.

The School Fund, practically all from the General Fund, provides $30 per pupil in average daily attendance. The General Fund provides a minimum of $50 with the fiction it is county support on the basis of 166⅔ per cent of that distributed from the School Fund. Any increase in apportionment from the School Fund requires an increase in the General Fund of 166⅔ per cent. It is like trying to make your bread and jam come out even.

High schools are supported from the High School Fund and General Fund. The High School Fund is not less than $30 per pupil in average daily attendance. The General Fund allotment is twice that. The fiction is maintained that this is supplied by the counties. The High School Fund allocation has similar difficulties as the Elementary School Fund.

The Legislature which approved Amendment No. 11 also established an Elementary School Equalization Fund. Doctor Strayer, employed to recommend an equalization plan, repeatedly ...tated that one fund would have made it simpler ...d more equitable.

This amendment does not reduce the amount of money which will be provided by the Constitution for elementary and high schools. The minimum contribution of $80 per pupil in elementary schools and $90 per pupil in average daily attendance in secondary schools remains a constitutional requirement. It simply provides one fund each from which apportionments are made for elementary schools and for secondary schools. The confusing requirement that allocations for elementary schools be matched 166⅔ per cent from the General Fund and High School Fund by twice the amount is eliminated and the Legislature can consider specifically the needs of education without entangling them in the present financial complications. This should be of great benefit to education, for the Legislature has been willing to give adequate support, and appropriate far beyond the requirements of the Constitution.

The constitutional provision that a fixed percentage of funds provided by the State goes for teachers' salaries is maintained.

The final result of passing this amendment will be to provide a logical financial system for California's public schools to fit all the conditions. This amendment is needed in the name of good legislation and to meet the difficult problems of financing the schools brought about by our rapidly increasing population.

To make it possible to legislate on school finance so it is understandable by the parents, taxpayers and legislators, we ask you to vote *"Yes"* on Proposition No. 13.

W. P. RICH, Senator, 10th Dist.
T. H. DELAP, Senator, 17th Dist.

Argument Against Senate Constitutional Amendment No. 11

Senate Constitutional Amendment No. 11 eliminates all reference in Section 15 of Article XIII to apportionments from State General Fund for support of public elementary and secondary

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

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

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

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

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

The court shall have the power to grant appropriate relief to the commission while the review is pending. The filing of a petition for review shall not operate as a stay of the commission's order. No court of this State shall have jurisdiction to issue any restraining order, or preliminary or permanent injunction, or any other restraint preventing the commission from performing any of its functions. Nor shall any court have jurisdiction to make any order affecting the commission or its orders, except as specifically provided in this act.

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

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

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

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

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

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

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

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

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

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

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

12 AMENDMENT OF LAWS ADOPTED BY INITIATIVE. SENATE CONSTITUTIONAL AMENDMENT NO. 22.

Adds Section 1b to Article IV of the Constitution. Authorizes the Legislature to propose amendments to, or repeal of, laws enacted by initiative. Provides that such proposed amendment or repeal be submitted to vote of the people for adoption or rejection.

YES	
NO	

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

PROPOSED AMENDMENT TO THE CONSTITUTION

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