1966

CONSTITUTIONAL REVISION

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation
CONSTITUTIONAL REVISION California Proposition 1a (1966).
http://repository.uchastings.edu/ca_ballot_props/694

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.
### CONSTITUTIONAL REVISION

<table>
<thead>
<tr>
<th>Legislative Constitutional Amendment</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removes, amends, and reforms provisions of Constitution relating to separation of powers, and to the legislative, executive, and judicial departments; provides for annual general legislative sessions; provides compensation of members of the Assembly shall be prescribed by statute passed by two-thirds vote, and limits rate of annual future adjustments; Legislature must enact laws prohibiting members from engaging in conflicting activities. Signatures necessary on petition for initiative statute reduced from 8% to 5%; eliminates initiatives to Legislature. Legislation shall provide for succession to the office of Governor in event of disability or vacancy.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**(For Full Text of Measure, See Page 2, Part II)**

#### General Analysis by the Legislative Counsel *

A "Yes" vote on the measure is a vote to revise portions of the California Constitution dealing with the separation of powers and with the legislative, executive, and judicial departments of state government.

A "No" vote is a vote to reject this revision. For further details see below.

#### Detailed Analysis by the Legislative Counsel *

This measure would revise portions of the State Constitution dealing with the separation of powers and with the legislative, executive, and judicial departments of state government. Some provisions, currently procedural, would be transferred to statutes enacted at the 1966 First Extraordinary Session. The major changes made by the measure include the following:

**Legislative**

The Legislature now meets in general session, at which all subjects can be considered, in odd-numbered years. It meets in budget sessions, at which only fiscal matters may be considered, in even-numbered years. Both sessions are of limited duration. Under this measure the Legislature would meet in annual general sessions, unlimited as to duration and unlimited as to subjects that could be considered.

Salaries and the expenses of legislators would be set by statute passed by a two-thirds vote in each house, rather than by the Constitution, provided: (a) beginning in 1967, an increase in salary could not exceed 5% for each year following the last adjustment; and (b) an increase could not apply until the commencement of the regular session following the next general election after enactment of the increase. Any increase in the legislator's salary over the present $600 per month could not be used in computing the retirement allowance of a member unless he receives the greater amount while serving as a member of the Legislature.

The Legislature would be required to enact conflict of interest legislation applicable to legislators. Impeachment proceedings would be extended to cover additional elective officers of the state.

Section 2556 of the Elections Code requires the Legislative Counsel to prepare an impartial analysis of measures appearing on the ballot.

The number of signatures needed for an initiative petition for enactment of a statute would be reduced from 8% to 5% of the votes cast at the last election for Governor; however, the signature requirement for an initiative constitutional amendment would remain unchanged. Provisions for the submission of initiative petitions to the Legislature would be eliminated.

**Executive**

The age requirement for the office of Governor would be lowered to 21 years. The measure would make various technical changes in the pardoning and clemency powers of the Governor. Provisions setting minimums for statutory salaries of certain elective state officers would be deleted. Provisions for the submission of initiative petitions to the Legislature would be eliminated.

**Judiciary**

When authorized by law a judge would be permitted, on agreement of the counties, to serve the superior courts of two or more counties. The experience required for judges of superior and higher courts would be increased. The Legislature could provide that the names of unopposed incumbent judges need not be placed on the ballot for any trial court in the state, rather than only for superior courts in counties of 700,000 population or more. The automatic suspension of judges charged with a felony or recommended for removal by the qualifications commission would be required. A superior or municipal court judge would be required to take a leave of absence without pay when seeking another public office.

- **Argument in Favor of Proposition No. 1-a**

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

**EDMUND G. "PAT" BROWN**
Governor of the State of California

**RONALD REAGAN**
Judge, Municipal Court
San Diego Judicial District
(Former Member of the Assembly, 71st District)
Argument in Favor of Proposition No. 1-a

One of our most crucial needs in these times is effective government—based on a modern Constitution.

Yet, concerning the California Constitution, former State Supreme Court Justice Phil S. Gibson has stated:

"(Our Constitution is) . . . cumbersome, unelastic, and entwined. It is not only much too long, but it is almost everything a Constitution ought not to be."

California's Constitution is hardly modern. It is the third longest Constitution in the world and has been amended over 300 times since 1879. In short, it is a mess.

In 1962, by more than a 2 to 1 vote, the people mandated modernization of their Constitution. As a result, a blue-ribbon Constitution Revision Commission of 69 leading Californians was appointed to recommend a revised Constitution. These prominent citizens from all walks of life worked without pay for three years and spent thousands of hours at their task.

The result is Proposition 1-a. It is the first phase of the Commission's work. It covers approximately one-third of the existing Constitution, and reduces that one-third from 22,000 to 6,000 words.

The reforms in Proposition 1-a have been labeled by party leaders and non-partisan groups alike as essential to the effective operation of government.

Proposition 1-a puts the Constitution into modern, concise and easily understandable language.

The changes in the legislative, executive and judicial articles would include machinery, with adequate safeguards, to remove a Governor from office if he is proven unable to carry on his duties; judges would be under stronger disciplinary procedures and the practice of running for political office while still a judge would be curtailed; and the Legislature would meet annually to consider all problems confronting California.

In keeping with increased time demands on the Legislature, Proposition 1-a removes salary provisions frozen in the Constitution and ratifies a new compensation plan with careful controls and strict regulations regarding the outside activities and income of legislators.

The fundamental weapons available to California's citizens to combat abuses by their governmental officials—the initiative, the referendum and the recall—have been carefully preserved.

State government today faces new challenges and new responsibilities not dreamed of in 1879. This new Constitution helps to meet those challenges by making government itself more flexible and able to do the job which our citizens have a right to expect.

If states are to survive and prosper in our system, they need the tools of effective government—Proposition 1-a is a giant step toward that goal. California can lead the way. Vote YES on 1-a.

LUTHER E. GIBSON
State Senator, Solano County

BRUCE W. SUMNER
Chairman, Calif. Constitution Revision Commission
Judge, Superior Court, Orange Co.

THOMAS L. PITTS
(Exec. Sec'y, Calif. Labor Fed. AFL-CIO)
Member Calif. Constitution Revision Commission

Argument Against Proposition No. 1-a

As the only person who cast a negative vote in the Assembly on the Constitutional Revision program, under California law I am designated to submit the negative argument on Proposition 1-a. At the time the vote was taken in the Assembly, I was not opposed to this proposition in its entirety; rather, I found fault with a few of its provisions which placed unrealistic restrictions on the legislature. It would be unfair to those persons who are vigorously opposed to this program for broad and fundamental philosophical beliefs if I were to submit an argument which would express, as is the case, only minor reservations about this program of reform. Because of these considerations, I have delegated my responsibility for the negative argument to Senator John G. Schmitz (R-Orange County) whose statement follows:

"This Constitutional Amendment, if passed, would mark a significant departure from our traditional system of citizen legislators to fully paid, full time legislators."

"The passing of laws in a free country ought not to be a full-time profession for anyone. When it becomes so, the country permitting it will not long remain truly free.

"We certainly need legal professionals in our courts, at the bar and on the bench. We certainly need police professionals to enforce the law and protect the innocent. We may or may not need professional bureaucrats in other branches of government. But we do not need professional legislators.

"The men who founded our American system of government assigned the law-making responsibility to elected legislatures which were much closer to the people than either the executive or the judiciary. The executive and the judiciary were in the hands of professionals. The legislature was the people’s check on the appetite of government professionals for more and ever more power and money."

"PRESCRIBING LAWS WHICH OTHER PEOPLE ARE TO BE FORCED TO obey CAN NEVER BE A PRIMARY OCCUPATION FOR ANY MAN WHO LOVES LIBERTY."

LEO J. RYAN
Assemblyman, San Mateo County
PART II—APPENDIX

CONSTITUTIONAL REVISION. Legislative Constitutional Amendment. Repels, amends, and revises various provisions of Constitution relating to separation of powers, and to the legislative, executive, and judicial departments; provides for annual general legislative sessions; provides compensation of members of Legislature shall be prescribed by statute passed by two-thirds vote, and limits rate of annual future adjustments; legislature must enact laws prohibiting members from engaging in conflicting activities; on petition for initiative statute reduced from 8% to 5%; eliminates initiatives to Legislature. Legislature shall provide for succession to the office of Governor in event of disability or vacancy.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>First, that Article III of the Constitution of the State is repealed.</td>
<td></td>
</tr>
</tbody>
</table>

ARTICLE III

Section 3. The powers of the government of the State of California shall be divided into three separate departments—the legislative, executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except as in this Constitution expressly directed or permitted.

Second, That Article III is added, to read:

ARTICLE III

SEPARATION OF POWERS

The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution.

Second and One-half, That the heading of Article IV is amended to read:

LEGISLATIVE DEPARTMENT

Third, That Section 1 of Article IV is repealed.

Section 3. The legislative powers of the State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of California," but the people reserve to themselves the powers to propose laws and amendments to the Constitution; and to adopt or reject the same, at the polls independent of the Legislature; and also reserve the power, at their own option, to reject any act, or section or part of any act, passed by the Legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

The first power reserved to the people shall be known as the initiative. Upon the presentation to the Secretary of State of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected; proposing a law or amendment to the Constitution, set forth in full in said petition, the Secretary of State shall transmit the said proposed law or amendment to the Constitution to the electors at the next succeeding general election occurring subsequent to 30 days after the presentation thereof of said petition, or at any special election called by the Governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve-point black-face type the following: "Initiative measure to be submitted directly to the electors." Upon the presentation to the Secretary of State of a petition certified as herein provided to have been signed by qualified electors of the State equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected; proposing a law or amendment to the Constitution, set forth in full in said petition, the Secretary of State shall transmit the same to the Legislature as soon as it convenes and act thereon. The law proposed by such petition shall be either enacted or rejected without change or amendment by the Legislature, within forty days from the time it is received by the Legislature. If any law proposed by such petition be enacted by the Legislature it shall be subject to referendum as herein provided. If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature, within said forty days, the Secretary of State shall submit it to the people for approval or rejection at the next ensuing general election. The legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a two-thirds vote upon separate roll call, and in such event both measures shall be submitted by the Secretary of State to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the Governor in his discretion for such purpose. All said initiative petitions set forth above described shall have printed in twelve-point black-face type the following: "Initiative measure to be submitted directly to the electors."

—1—
The second power reserved to the people shall be known as the referendum. No act passed by the Legislature shall go into effect until ninety days after the final adjournment of the session of the Legislature which passed such act, except acts calling elections, acts providing for ten taxes or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate protection of the public peace, health or safety; passed by a two-thirds vote of all the members elected to each House. Whencever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the fact constituting such necessity shall be set forth in one section of the act, which section shall be passed unless on a yeas and nays vote, upon a separate roll call thereon; provided, however, that no measure creating or abolishing any office or change the salary, term or duties of any office; or granting any franchise or special privilege; or creating any vested right or interest; shall be construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the Secretary of State within ninety days after the final adjournment of the Legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election, signed by a Governor enelected, stating that any act or section or part of any act of the Legislature shall be submitted to the electors for their approval or rejection; the Secretary of State shall submit the act for their approval or rejection; such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the time of said petition or at any special election which may be called by the Governor, in his discretion, prior to such regular election; and so much act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Any act, law or amendment to the Constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect five days after the date of the official declaration of the vote by the Secretary of State. No act, law or amendment to the Constitution initiated or adopted by the people shall be subject to the veto power of the Governor, and no act, law or amendment to the Constitution adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors; unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the Legislature at any subsequent session thereof; if any provision or provisions of two or more measures approved by the electors at the same election, conflict; the provision or provisions of the measure receiving the highest affirmative vote shall prevail.

Unless otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by those in favor of, and those opposed to, it shall be mailed to each elector in the same manner as new provided by law as to amendments to the Constitution, prepared by the Legislature; and the persons to prepare and present such arguments shall, unless otherwise provided by law, be selected by the printing officer of the Senate.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section; such measure shall not be submitted at any succeeding general election, and no law or amendment to the Constitution, proposed by the Legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors; if any may be so proposed, as herein provided.

Prior to circulation of any initiative or referendum petition for signatures thereto; a draft of the said petition shall be submitted to the Attorney General with a written request that he prepare a title, and summary of the chief purpose and points of said proposed measure; said title and summary shall not exceed one hundred words in all. The person presenting such request to the Attorney General shall be known as "proponents" of said proposed measure. The Attorney General shall preserve said written request until after the next general election.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number of such place. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the discretion of the person selecting signatures to the same. Any qualified elector of the State shall be competent to select said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person selecting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section in the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person so signing signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereto are genuine and that the persons signing the same are qualified electors, unless and until it be otherwise proved upon official investigation, it shall be presumed in the petition presented contains the signatures of the requisite number of qualified electors.
Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county shall be filed in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office, the clerk or registrar of voters shall determine from the records of registration what number of qualified electors have signed the same and if necessary the board of supervisors shall allow the filing of such supplemental petition for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of such examination and shall forthwith transmit said petition, together with his said certificate, to the Secretary of State and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the Secretary of State, a supplemental petition identical with the original as to the body of the petition but containing supplemental names may be filed with the clerk or registrar of voters as aforesaid:

The right to file the original petition shall be reserved to the petitioners therein named, but any section thereof or supplement thereto presented for filing by any person or persons other than the proponents of a measure or by persons whose signatures to such petition will be disregarded by the county clerk or registrar of voters:

The clerk or registrar of voters shall within ten days of the filing of such supplemental petition make like examination thereof as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of such examination and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the Secretary of State.

When the Secretary of State shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been signed by the requisite number of qualified voters, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the State his certificate, showing such fact; and a petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing such petition to be signed by the requisite number of electors of the State. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office. The division herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the State to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of the State or any such county, city and town may provide for the purpose of exercising the initiative and referendum the powers herein reserved to such county, city and county, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure or more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities and counties in the initiative and referendum powers herein reserved to such cities and counties by the initiative and referendum provisions adopted under the provisions of Section 8 of Article VI of this Constitution: in the submission to the electors of any measure under this section; all officers shall be elected by the general laws of this State, except as is herein otherwise provided. This section is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

Fourth, That Section 1a of Article IV is amended and renumbered to be Section 20 of Article XIII, to read:

Sec. 1a. Sec. 20. Notwithstanding any limitations or restrictions in this Constitution contained, every State and city office, institution, board, commission, bureau, or other agency of the State, whether created by initiative law or otherwise, shall be subject to the regulations and requirements with respect to the filing of claims with the State Controller and the submission, approval and enforcement of budgets prescribed by law.

Fifth, That Section 1b of Article IV is repealed.

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 or referendum 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.

Sixth, That Section 1c of Article IV is repealed.

Sec. 1c. Every constitutional amendment or initiative act adopted by the initiative shall relate to but one subject: No such amendment or statute shall hereafter be submitted to the electors if it embraces more than one subject; nor shall any such amendment or statute embracing more than one subject, hereafter submitted to or approved by the electors, become effective for any purpose.

Seventh, That Section 1d of Article IV is repealed.

Sec. 1d. (a) No amendment to the Constitution and no law or amendment thereof shall be submitted to the electors or by the Legislature which names any individual or individuals by name or names to hold any office or office shall hereafter be submitted to the electors, nor shall any such amendment to the Constitution, law, or amendment hereof submitted to or approved by the electors become effective for any purpose.

(b) No amendment to the Constitution, whether proposed by the initiative or by the Legislature, which names any private corporation, or more than one such corporation, by name or names, to perform any function or have any power or duty,
shall be submitted to the electorate, nor shall any such amendment to the Constitution submitted to or approved by the electorate at the 1961 general election or any election thereafter become effective for any purpose.

Eighth, That Section 2 of Article IV is repealed.

Sec. 3. The sessions of the Legislature shall be annual, but the Governor may, at any time, convene the Legislature, by proclamation, in extraordinary session.

All regular sessions in odd-numbered years shall be known as general sessions and no general session shall exceed 30 calendar days in duration, not including Saturdays or Sundays.

All regular sessions in even-numbered years shall be known as budget sessions, at which the Legislature shall consider only the Budget Bill for the succeeding fiscal year, revenue acts necessary therefor, the approval or rejection of charters and charter amendments of cities, counties, and cities and counties, and acts necessary to provide for the expenses of the sessions.

All general sessions shall commence at 10 o'clock M. on the first Monday after the first day of January.

At the general session, no bill, other than the Budget Bill, shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced; provided that this provision may be dispensed with by the consent of three-fourths of the members of the house.

(4) Each Member of the Legislature shall receive for his services the sum of five hundred dollars ($500) for each month of the term for which he is elected.

No Member of the Legislature shall be reimbursed for his expenses, except for expenses incurred (4) while attending a regular, special or extraordinary session of the Legislature (the expense allowances for which may equal but not exceed the expense allowances at the time authorized for other elected state officers) not exceeding the duration of any general session or of any budget session or the duration of a special or extraordinary session or 45 days while serving after the Legislature has adjourned or during any recess of the two houses of the Legislature as a member of a joint committee of the two houses or of a committee of either house, when the committee is constituted and acting as an investigating committee to ascertain facts and make recommendations, not exceeding, during any calendar year, 40 days as a member of one or more committees of either house, or 60 days as a member of one or more joint committees; but not exceeding 90 days in the aggregate for all such committee work. The limitations in this subsection (4) are not applicable to mileage allowances.

(5) Notwithstanding any provisions in subdivision (4) of this section of this article to the contrary, all budget sessions shall commence at 12 M. on the first Monday in February and no budget session shall exceed 30 calendar days in duration exclusive of the recess authorized to be taken by this subdivision. After the introduction of the Budget Bill at a budget session a recess of both houses may be taken for a period not to exceed 30 calendar days. Members of the committees to which the Budget Bill is assigned for consideration during such recess shall be reimbursed for their expenses incurred for days while serving as members of such committees during the recess, in addition to the days allowed by subdivision (4) of this section.

Ninth, That Section 3 of Article IV is repealed.

Sec. 4. Members of the assembly shall be elected biennially, and their term of office shall be two years. Each election shall be on the first Monday after the first Monday in November, unless otherwise ordered by the legislature.

Tenth, That Section 1 of Article IV is repealed.

Sec. 5. Senators shall be chosen for the term of four years; at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

Eleventh, That Section 5 of Article IV is repealed.

Sec. 6. The Senate shall consist of 50 members, and the Assembly of 80 members, to be elected by districts, numbered an hereinafter provided. One-half of the Senators shall be elected every two years; those from the odd-numbered districts being elected when the number of the year is divisible by four.

Twelfth, That Section 7 of Article IV is repealed.

Sec. 7. Each House shall choose its officers and judge of the qualifications, elections, and returns of its members.

Thirteenth, That Section 8 of Article IV is repealed.

Sec. 8. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as each House may provide.

Fourteenth, That Section 9 of Article IV is repealed.

Sec. 9. Each House shall determine the rule of its proceedings, and may, with the concurrence of two-thirds of all members elected, expel a member.

Fifteenth, That Section 10 of Article IV is repealed.

Sec. 10. Each House shall keep a Journal of its proceedings, and publish the same, and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the Journal.

Sixteenth, That Section 11 of Article IV is repealed.

Sec. 11. Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest; and shall not be subject to any civil process during the sessions of the Legislature; nor for fifteen days next before the commencement and after the termination of each session.

Seventeenth, That Section 12 of Article IV is repealed.

Sec. 12. When vacancies occur in either House the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.
Eighteenth, That Section 13 of Article IV is repealed.

Nineteenth, That Section 14 of Article IV is repealed.

Sec. 15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting.

Twentieth, That Section 15 of Article IV is repealed.

Sec. 16. No law shall be passed except by bill; and no bill shall be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each House; unless, in case of urgency, two-thirds of the House where such bill may be pending shall, by a vote of two-thirds of such House, and in the House where such bill may originate, in either House, but may be amended or rejected by the other and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays, and in each House separately, and shall be entered on the Journal; and no bill shall become a law without the concurrence of a majority of the members elected to each House.

Twenty-first, That Section 16 of Article IV is repealed.

Sec. 17. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approves it, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If, after such reconsideration, it again pass both houses, he may veto the same, and two-thirds of each House shall agree to override the veto, it shall become a law notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law unless the Governor, within thirty days after such adjournment (Sundays excepted), shall sign and present the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items while approving other portions of the bill; in such case he shall annex to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the House in which the bill originated a copy of such statement; and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

Twenty-second, That Section 17 of Article IV is repealed.

Sec. 18. The Assembly shall have the sole power of impeachment; and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members elected.

Twenty-third, That Section 18 of Article IV is repealed.

Sec. 19. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Chief Justice and Associate Justices of the Supreme Court; judges of the district courts of appeal, and judges of the superior courts shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or removed shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

Twenty-fourth, That Section 19 of Article IV is repealed.

Sec. 20. No Senator or member of Assembly shall, during the term for which he shall have been elected, hold or accept any office, trust, or employment under this State, provided, that this provision shall not apply to any office filled by election by the people.

Twenty-fifth, That Section 20 of Article IV is repealed.

Sec. 21. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; provided, that local officers as such officers under the laws of the United States except where on active service with the armed forces of the United States, shall not be deemed to hold lucrative office; and in the militia or members of any reserve component of the armed forces of the United States, except where on active service with the armed forces of the United States, shall not be deemed to hold any office, trust, or profit under this State.

Twenty-sixth, That Section 21 of Article IV is repealed.

Sec. 22. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any State, or of any county or municipality thereof, shall ever be eligible to any office of honor, trust, or profit under this State; and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.

Twenty-seventh, That Section 22 of Article IV is amended and renumbered to be Section 21 of Article XIII, to read:

Sec. 22. Sec. 21. No money shall be drawn from the Treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state in-
sition, nor shall any grant or donation of prop-

erty ever be made thereto by the State, except

that notwithstanding anything contained in this

or any other section of the Constitution:

(1) Whenever federal funds are made available

for the construction of hospital facilities by public

agencies and nonprofit corporations organized to

construct and maintain such facilities, nothing in

this Constitution shall prevent the Legislature

from making state money available for that pur-

pose, or from authorizing the use of such money

for the construction of hospital facilities by non-

profit corporations organized to construct and

maintain such facilities.

(2) The Legislature shall have the power to

grant aid to the institutions conducted for the

support and maintenance of minor orphans, or

half-orphans, or abandoned children, or children

of a father who is incapacitated or prevented from

working by permanent physical disability or in in suf-
sing from tuberculosis in such a stage that he

cannot pursue a gainful occupation, or aged persons

in indigent circumstances—such aid to be granted

by a uniform rule, and proportioned to the num-

ber of inmates of such respective institutions.

(3) The Legislature shall have the power to

grant aid to needy blind persons not inmates of

any institution supported in whole or in part by

the State or by any of its political subdivisions,

and no person concerned with the administration

of aid to needy blind persons shall dictate how

any applicant or recipient shall expend such aid

granted him, and all money paid to a recipient of

such aid shall be intended to help him meet his

individual needs and is not for the benefit of any

other person, and such aid when granted shall

not be construed as income to any person other

than the blind recipient of such aid, and the State

Department of Social Welfare shall take all neces-

sary action to enforce the provisions relating to

aid to needy blind persons as heretofore stated.

(4) The Legislature shall have power to grant

aid to needy physically handicapped persons not

inmates of any institution under the supervi sion

of the Department of Mental Hygiene and sup-

ported in whole or in part by the State or by any

institution supported in whole or part by any

political subdivision of the State.

(5) The State shall have at any time the right

to inquire into the management of such institu-

tions.

(6) Whenever any county, city and county,
or city, or town, shall provide for the support of

minor orphans, or half-orphans, or abandoned

children, or children of a father who is incapaci-
tated for gainful work by permanent physical

disability or is suffering from tuberculosis in such

a stage that he cannot pursue a gainful occu-

pation, or aged persons in indigent circumstances, or

needy blind persons not inmates of any institu-

tion supported in whole or in part by the State

or by any of its political subdivisions, or needy

physically handicapped persons not inmates of

any institution under the supervision of the De-

partment of Mental Hygiene and supported in

whole or in part by the State or by any institution

supported in whole or part by any political sub-

division of the State; such county, city and

county, city, or town shall be entitled to receive

the same pro rata appropriations as may be

granted to such institutions under church, or other

control.

An accurate statement of the receipts and ex-

penditures of public moneys shall be attached to

and published with the laws at every regular ses-

sion of the Legislature.

Twenty-eighth, That Section 22a of Article IV

is repealed.

Sec. 22. The Legislature shall have power to

provide for the payment of retirement salaries to

employees of the State who shall qualify there-

fore by service in the work of the State as provided

by law. The Legislature shall have power to fix and

from time to time change the requirements and

conditions for retirement which shall include a

minimum period of service, a minimum attained

age and minimum contribution of funds by each

employee and such other conditions as the Legis-

lature may prescribe, subject to the power of the

Legislature to prescribe lower requirements for re-

tirement because of disability.

The rates of contribution and the periods and

conditions of service and amount of retirement

salaries fixed in pursuance of this section shall not

be changed except by the vote of two-thirds of the

members elected to each of the two Houses of the

Legislature.

Twenty-ninth, That Section 23 of Article IV is

repealed.

Sec. 23. The Members of the Legislature shall

receive mileage to be fixed by law and paid out of

the State Treasury, such mileage not to exceed 6

cents (40c) per mile.

Thirty, That Section 23a of Article IV is

repealed.

Sec. 23a. The Legislature shall provide for the

selection of all officers, employees and attachés of

both houses.

Thirty and one-half, That Section 23b of

Article IV is repealed.

Sec. 23b. Members of the Legislature shall re-

ceive no compensation for their services other than

that fixed by the Constitution but each member

shall be allowed and reimbursed expenses neces-

sarily incurred by him while attending regular

special and extraordinary sessions of the Legis-

lature. The amount of the expense necessarily in-

curred by the respective members while attending

any such sessions shall be determined and pay-

ment thereof provided for by joint vote of the

Senate and Assembly. Such expense allowances

may equal but shall not exceed the expense allow-

ances now authorized for other elected State

officials.

Thirty-first, That Section 24 of Article IV is

repealed.

Sec. 24. Every Act shall embrace but one sub-

ject, which subject shall be expressed in its title;

if any subject shall be expressed in an Act

which shall not be expressed in its title, such Act

shall be void only as to so much thereof as shall

not be expressed in its title. No Act shall be revised

or amended by reference to its title; but in such en-

case the Act revised or section amended shall be

enacted and published at length as revised

amended; and all laws of the State of California,
and all official writings, and the executive, legislative, and judicial proceedings shall be conducted, preserved, and published in no other than the English language.

Third—That Section 25 of Article IV is repealed.

Sec. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

First—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of Courts of justice.

Fourth—Providing for changing the venue in civil or criminal actions.

Fifth—Casting a divorce.

Sixth—Changing the names of persons or places.

Seventh—Authorizing the laying out, opening, altering, maintaining, or vacating roads, highways, streets, alleys, towns, parks, cemeteries, graveyards, or public grounds not owned by the State.

Eighth—Supporting and maintaining grand and petit juries, and providing for their compensation.

Ninth—Regulating county and township business or the election of county and township officers.

Tenth—For the assessment or collection of taxes.

Eleventh—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

Twelfth—Affecting estates of deceased persons, minors, or other persons under legal disability.

Thirteenth—Extending the time for the collection of taxes.

Fourteenth—Giving effect to invalid deeds, wills, or other instruments.

Fifteenth—Refunding money paid into the State treasury.

Sixteenth—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation thereof.

Seventeenth—Declaring any person of age, or authorizing any minor to sell, lease, or encumber his or her property.

Eighteenth—Legalizing, except against the State, the unauthorized or invalid act of any officer.

Nineteenth—Governing any corporation, association, or individual, any special or exclusive right, privilege, or immunity.

Twentieth—Exempting property from taxation.

Twenty-first—Changing county seats.

Twenty-second—Restoring to citizenship persons convicted of felonies.

Twenty-third—Regulating the rate of interest on money.

Twenty-fourth—Authorizing the creation, extension, or improving of lines.

Twenty-fifth—Chartering or licensing ferries, bridges, or roads.

Twenty-sixth—Enacting fines, penalties, or forfeitures.

Twenty-seventh—Providing for the management of common schools.

Twenty-eighth—Creating offices, or prescribing their powers and duties of all or any in counties, cities, and counties, townships, election or school districts.

Twenty-ninth—Affecting the fees or salary of any officer.

Thirty—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimation of children.

Thirty-second—For limitation of civil or criminal actions.

Thirty-third—In all other cases where a general law can be made applicable.

Thirty-fourth, That Section 25 of Article IV is repealed.

Sec. 26. The Legislature may provide for the regulation of houses and housekeepers meetings and worship on the results thereof.

Thirty-fifth, That Section 25 of Article IV is repealed.

Sec. 27. The Legislature may provide for the division of the State into fish and game districts and may cause such laws for the protection of fish and game in such districts or parts thereof as it may deem appropriate.

There shall be a Fish and Game Commission of five members appointed by the Governor, subject to confirmation by the Senate, with a term of office of six years and until their respective successors are appointed and qualified, except that the terms of the members first appointed shall expire as follows: one member, January 15, 1924; one member, January 15, 1925; one member, January 15, 1926; one member, January 15, 1927; and one member, January 15, 1928. Each subsequent appointment shall be for six years, or, in case of a vacancy, then for the unexpired portion of such term. The Legislature may delegate to the commission such powers relating to the protection, propagation, and preservation of fish and game as the Legislature sees fit.

Any member of the commission may be removed by concurrent resolution of the Legislature passed by the vote of a majority of the members elected to each of the two houses thereof.

Thirty-sixth, That Section 25 of Article IV is amended and renumbered to be Section 22 of Article XIII, to read: Sec. 22. All money collected under the provision of any law of this State relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans and all fines and forfeitures imposed by any court for the violation of any such law shall be used and expended exclusively for the protection, conservation, propagation, and preservation of fish, game, mollusks, or crustaceans and for the administration and enforcement of laws relating thereto. The Legislature may provide for the division of money derived from such fines and forfeitures.

Thirty-seventh, That Section 27 of Article IV is repealed.

Sec. 28. The Legislature may amend, revise, or supplement any part of that certain initiative act approved by the electors November 4, 1924, which is set forth in the Statutes of 1925, proceeding page 1.

The Legislature shall, however, have no power to prohibit wrestling and 12-round boxing contests in the State of California.

Thirty-eighth, That Section 28 of Article IV is repealed.
Sec. 25. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale in this State of import or gift enterprises or tickets in any sum or in any manner in the nature of a lottery. The Legislature shall pass laws to prohibit the soliciting by any religious creed, church, or sect in this State, of any money, property or the like, or the use of any money, property or the like, for any religious creed, church, or sect in this State, and to any such solicitation shall be subject to the penalty of imprisonment for any term not exceeding six months, or a fine not exceeding five hundred dollars, or both, in the discretion of the court. The Legislature shall pass laws to prohibit the use of any money or property for the purpose of maintaining any religious creed, church, or sect, and to any such use of any money or property shall be subject to the penalty of imprisonment for any term not exceeding six months, or a fine not exceeding five hundred dollars, or both, in the discretion of the court.

Sec. 26. The Legislature shall have no power to establish, maintain, or support any religious creed, church, or sect, or any organization, or any association, or any corporation, whether municipal or otherwise, or to pledge the credit of the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 22 of Article IV of this Constitution to an individual, association, municipal or other corporation whatever; or to authorize any corporation whatever; or to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, association, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 22 of Article IV of this Constitution; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any water system necessary for their use and purposes, may be formed in the manner permitted by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the purpose of acquiring water and water rights and the property necessary for their use and purpose, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and provided, further, that nothing contained in this Constitution shall prohibit the use of State money or credit, in aiding veterans who served in the military or naval service of the United States during the time of war, in the acquisition of, or payments for, (1) farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans, or (2) any business, land or any interest therein, buildings, supplies, equipment, machinery, or tools, to be used by the veteran in pursuing a gainful occupation. And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and it shall be his duty to make such temporary transfers from the funds in his department as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in his department and are paid out solely through his office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer.

Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer.
subdivision shall not exceed eight-five percent of the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

Forty-second, That Section 31a of Article IV is amended and renumbered to be Section 29 of Article XIII, to read:

sec. 29. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide by general law, from public moneys or funds, for the indemnification of the owners of live stock taken, slaughtered or otherwise disposed of pursuant to law to prevent the spread of a contagious or infectious disease; provided, the amount paid in any case for such animal or animals shall not exceed the value of such animal or animals.

Forty-third, That Section 31b of Article IV is amended and renumbered to be Section 28 of Article XIII, to read:

sec. 28. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide for the registration and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and warehouse, in which there is a public use; and whereas laws shall provide for the selection of any person or officer to regulate and limit such rates; no such person or officer shall be selected by any corporation or individual interested in the business to be regulated; and no person shall be selected who is an officer or stockholder in any such corporation.

Forty-fourth, That Section 32 of Article IV is amended and renumbered to be Section 27 of Article XIII, to read:

sec. 27. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide by general law, from public moneys or funds, for the indemnification of the owners of live stock taken, slaughtered or otherwise disposed of pursuant to law to prevent the spread of a contagious or infectious disease; provided, the amount paid in any case for such animal or animals shall not exceed the value of such animal or animals.

Forty-fifth, That Section 33 of Article IV is amended and renumbered to be Section 26 of Article XIII, to read:

sec. 26. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide for the registration and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and warehouse, in which there is a public use; and whereas laws shall provide for the selection of any person or officer to regulate and limit such rates; no such person or officer shall be selected by any corporation or individual interested in the business to be regulated; and no person shall be selected who is an officer or stockholder in any such corporation.

Forty-sixth, That Section 39 of Article IV is repealed.

sec. 39. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and warehouse, in which there is a public use; and whereas laws shall provide for the selection of any person or officer to regulate and limit such rates; no such person or officer shall be selected by any corporation or individual interested in the business to be regulated; and no person shall be selected who is an officer or stockholder in any such corporation.

Forty-seventh, That Section 34 of Article IV is repealed.

sec. 34. The Governor shall, at each regular session of the Legislature, submit to the Legislature, with an explanatory message a budget containing a complete plan and itemized statement of all proposed expenditures of the State provided by existing law or recommended by him; and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for the ensuing fiscal year; together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the last completed fiscal year and the actual and estimated expenditures for the ensuing fiscal year. If the proposed expenditures for the ensuing fiscal year shall exceed the estimated revenues therefore, the Governor shall recommend the sources from which the additional revenue shall be provided.

The Governor shall submit the budget within the first thirty days of each general session; and prior to its recess and within the first three days of each budget session.

The Governor, and also the Governor-elect shall have the power to require any institution, department, board, bureau, commission, officer, employee or other agency to furnish him with any information which he may deem necessary in connection with the budget or to assist him in its preparations.

The budget shall be accompanied by an appropriation bill covering the proposed expenditures, to be known as the Budget Bill. The Budget Bill shall be introduced immediately into each house of the Legislature by the respective chairman of the committees having to do with appropriations; and shall be subject to all the provisions of Section 36 of this article. The Governor may at any time amend or supplement the budget and propose amendments to the Budget Bill before or after its enactment; and each such amendment shall be referred in each house to the committee to which the Budget Bill was originally referred. Until the Budget Bill has been finally enacted, neither house shall place upon final passage any other appropriation bill, except emergency bills recommended by the Governor or appropriations for the salaries, mileage and expenses of the Senate and Assembly.

No bill making an appropriation of money, except the Budget Bill, shall contain more than one
item of appropriation, and that for one single and
certain purpose to be therein expressed.
In any appropriation bill passed by the Legisla-
ture, the Governor may reduce or eliminate any one
or more items of appropriation of money while ap-
proving other sections of the bill; whereupon the
effect of such action and the further procedure
shall be as provided in Section 34 of this article.
In case of conflict between this section and any
other section of this constitution, the provisions of
this section shall govern, except that any item of
appropriation in the Budget Act other than for
the usual current expenses of the State, shall be
subject to the referendum.

The Legislature shall enact all laws necessary or
desirable to carry out the purposes of this section,
and may enact additional provisions not inconsistent
herewith.

Forty-eighth, That Section 34 of Article IV is
repealed.

Sec. 35. Appropriations from the General
Fund of the State for any fiscal year, exclusive of
appropriations for the support of the public school
system, shall be void unless two-thirds of all the
members elected to each house of the Legislature
vote in favor thereof.

Not more than 35 per cent of the total appro-
priations from all funds of the State shall be raised
by means of taxes on real and personal property
accordance to the value thereof.

Forty-ninth, That Section 35 of Article IV is
repealed.

Sec. 36. Any person who seeks to influence
the vote of a member of the Legislature by bribery,
promise of reward, intimidation, or any other dis-
honorable means shall be guilty of a felony, and it
shall be the duty of the Legislature to provide, by
law, for the punishment of such crime. Any member
of the Legislature, who shall be influenced in his
vote or action upon any matter pending before the
Legislature in any reward or promise of future
reward, shall be deemed guilty of a felony, and
upon conviction thereof, in addition to such punish-
ment as may be provided by law, shall be dis-
franchised and forever disqualified from holding
any office or public trust; such person may be con-
pelled to testify in any lawful investigation or
judicial proceeding against any person who may
be charged with having committed the offense of
bribery or corrupt solicitation, or with having been
influenced in his vote or action, as a member of the
Legislature, by reward or promise of future re-
ward, and shall not be permitted to withhold his
testimony upon the ground that it may incrimi-
ate himself or subject him to public infamy; but such
testimony shall not afterwards be used against him
in any judicial proceeding, except for perjury in
giving such testimony.

Fiftieth, That Section 36 of Article IV is
repealed.

Sec. 37. The Legislature shall have power
to establish a system of State highways and to declare
any road a State highway, and to pass all laws
necessary or proper to construct and maintain the
same, and to extend aid for the construction and
maintenance in whole or in part of any county
highway.

Fifty-first, That Section 37 of Article IV is re-
pealed.

Sec. 38. In order to expedite the work of
the Legislature, either house of the Legislature may by
resolution provide for the appointment of commit-
tees in separate facts and to make recommenda-
tions as to any subject within the scope of legislative
regulation or control, and joint committees
for such purposes, consisting of members of both
houses; may be created by concurrent resolutions.

The resolution creating any such committee may
authorize it to act either during sessions of the
Legislature or after such adjournments, after such
committee shall be such powers and perform such
duties as may be provided by the resolution creat-
ing it and in addition shall have such powers and
perform such duties as may be provided by law or
by the rules of the Legislature or other house
thereof.

Members of such committees shall not receive
any additional compensation for their services other
than their salaries as members of the legislature;
but each house of the Legislature may provide for
the payment of all expenses necessarily incurred by
such committee or the members thereof out of its
contingent fund or from any money provided by
law for that purpose.

Fifty-second, That Section 38 of Article IV is
repealed.

Sec. 39. Nothing in this Constitution shall limit
the power of the legislature to provide by law at
any time for
(a) The filling of the office of members of either
house of the Legislature and Governor due to
incumbent Governor or at least one-fifth of
elective members of either house of the legislature
as a result of a war or enemy-cause disaster ac-
curring in the State of California or either branch
missing or so seriously injured as to be unable
their duties until said incumbent or im-
cumbents are able to perform their duties or until
successors are chosen.
(b) The convening of the Legislature into gen-
eral or extraordinary session during or after a war
or enemy-cause disaster occurring in this State,
and to specific subjects that may be considered
and acted upon at such extraordinary session.
(c) Any such general session the Legislature may
consider and act upon any subject within the scope
of legislative regulation or control. Nothing in this
Constitution limiting the length of general or
budget sessions, or requiring a recess thereof; or
restricting the introduction of bills shall apply to
general sessions convened pursuant to this section;

(d) The voting and holding of elections in all
doors that are elected under this Constitution and
which as a result of a war or enemy-cause disaster
occurring in this State, are either vacant or are
being filled by persons not elected therein;

(e) The selection and changing from time to
time of a temporary seat of government of this
State, and of temporary county seats, to be made
if made necessary by enemy attack.

Fifty-third, That Section 1 is added to Article
IV, to read:

Sec. 1. The legislative power of this State is vested in the California Legislature which consists of the Senate and Assembly, but the people re-
serve to themselves the powers of initiative and
referendum.

Fourth, That Section 2 is added to Article IV, 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 elected for 2-year terms.

(b) Election of Assemblymen 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.

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

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

Fifty-fifth, That Section 3 is added to Article IV, to read:

Sec. 3. (a) The Legislature shall meet annually in regular session at noon on the Monday after January 1. A measure introduced at any session may not be deemed pending before the Legislature at any other session.

(b) On extraordinary occasions the Governor by proclamation may convene the Legislature in special session. When so convened it has power to legislate only on subjects specified in the proclamation, but may provide for expenses and other matters incidental to the session.

Fifty-sixth, That Section 4 is added to Article IV, to read:

Sec. 4. Compensation of members of the Legislature, and reimbursement for travel and living expenses in connection with their official duties, shall be prescribed by statute passed by rollcall vote entered in the journal, two thirds of the membership of each house concurring. Commencing with 1967, in any statute enacted making an adjustment of the annual compensation of a member of the Legislature, the adjustment may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. Any adjustment in the compensation may not apply until the commencement of the regular session commencing after the next general election following enactment of the statute.

The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of 500 dollars paid to any member of the Legislature unless the member receives the greater amount while serving as a member in the Legislature. The Legislature may, prior to the retirement, limit the retirement benefits payable to members of the Legislature who serve during or after the term commencing in 1967.

When computing the retirement allowance of a member who serves in the Legislature during the term commencing in 1967 or later, allowance may be made for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the member, except that the Legislature may provide that no member shall be the recipient of a cost of living adjustment based on a monthly salary of 500 dollars which has accrued prior to the commencement of the 1967 Regular Session of the Legislature.

Fifty-seventh, That Section 5 is added to Article IV, to read:

Sec. 5. Each house shall judge the qualifications and elections of its members and, by rollcall vote entered in the journal, two thirds of the membership concurring, may expel a member.

The Legislature shall enact laws to prohibit members of the Legislature from engaging in activities or having interests which conflict with the proper discharge of their duties and responsibilities; provided that the people reserve to themselves the power to implement this requirement pursuant to Section 22 of this article.

Fifty-eighth, That Section 6 is added to Article IV, to read:

Sec. 7. (a) Each house shall choose its officers and adopt rules for its proceedings. A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members.

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

(c) The proceedings of each house shall be public except on occasions that in the opinion of the house require secrecy.

(d) Neither house without the consent of the other may recess for more than 3 days or to any other place.

Fifty-ninth, That Section 7 is added to Article IV, to read:

Sec. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

(b) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, a majority of the membership of each house concurring.

(c) No statute may go into effect until the 31st day after adjournment of the session at which the bill was passed, except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the
bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege or create or abolish any office.

Sixtieth, That Section 9 is added to Article IV, to read:

Sec. 9. A statute shall embrace but one subject, which shall be expressed in its title. If a statute embraces a subject not expressed in its title, only the part not expressed is void. A statute may not be amended by reference to its title. A section of a statute may not be amended unless the section is re-enacted as amended.

Sixty-first, That Section 10 is added to Article IV, 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. He may veto it by returning it with his 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 by adjournment of the session prevents the return. It does not then become a statute unless the Governor signs the bill and returns it in the office of the Secretary of State within 90 days. If any vested right or interest.

(b) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. He shall append to the bill a statement of the items reduced or eliminated with the reasons for his action. If the Legislature is in session, the Governor shall transmit to the house originating the bill a copy of his 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.

Sixty-second, That Section 11 is added to Article IV, to read:

Sec. 11. The Legislature or either house may by resolution provide for the selection of committees necessary for the conduct of its business, including committees to ascertain facts and make recommendations to the Legislature on a subject within the scope of legislative control. Committees may be authorized to act during sessions or after adjournment of a session.

Sixty-third, That Section 12 is added to Article IV, to read:

Sec. 12. (a) Within the first 30 days of each regular session, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements of recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, he 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 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 the house by the chairmen of the committees that consider appropriations. Until the budget bill has been enacted, neither house may pass any other appropriation bill, 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.

Sixty-fourth, That Section 13 is added to Article IV, to read:

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

Sixty-fifth, That Section 14 is added to Article IV, to read:

Sec. 14. A member of the Legislature is not subject to civil process during a session of the Legislature or for 5 days before and after a session.

Sixty-sixth, That Section 15 is added to Article IV, to read:

Sec. 15. A person who seeks to influence the vote or action of the Legislature by his legislative capacity by bribery, promote reward, intimidation, or other dishonest means is guilty of a felony.

Sixty-seventh, That Section 16 is added to Article IV, to read:

Sec. 16. A local or special statute is invalid in any case if a general statute can be made applicable.

Sixty-eighth, That Section 17 is added to Article IV, to read:

Sec. 17. The Legislature has the sole power of impeachment. Impeachments shall be tried by the Senate. A person may not be convicted unless, by rollcall vote entered in the journal, two thirds of the membership of the Senate concur.

(b) State officers elected on a statewide basis, members of the State Board of Equalization, and judges of state courts are subject to impeachment for misconduct in office. Judgment may extend only to removal from office and disqualification to hold any office under the State, by a person convicted or acquitted remains subject to criminal punishment according to law.
Sec. 19. (a) The Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the State.
(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

Seventy-first, That Section 20 is added to Article IV, to read:

Sec. 20. (a) The Legislature may provide for division of the State into fish and game districts and may protect fish and game in districts or parts of districts.
(b) There is a Fish and Game Commission of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurrently, for 6-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. The Legislature may delegate to the commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. A member of the commission may be removed by concurrent resolution adopted by each house, a majority of the membership concurrently.

Seventy-second, That Section 21 is added to Article IV, 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 be killed, missing, or disabled, until they are able to perform their duties or successors are elected.
(b) Filling the office of Governor should he be killed, missing, or disabled, until he or his successor designated in this Constitution is able to perform his duties 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.

Seventy-third, That Section 22 is added to Article IV, to read:

INITIATIVE AND REFERENDUM

Sec. 22. (a) The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them. It is the power of the people to enact laws, propose amendments to the Constitution, and repeal the laws and amendments of the Legislature.
(b) An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution of the votes for all candidates for Governor at the last gubernatorial election.
(c) The Secretary of State shall then submit the measure at the next general election held at least 180 days after it qualifies or at any special election held prior to that general election held.
(d) The Governor may call a special statewide election for the measure.

(4) An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

Seventy-fourth, That Section 23 is added to Article IV, to read:

Sec. 23. (a) The referendum is the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State.
(b) A referendum measure may be proposed by presenting to the Secretary of State, within 90 days after adjournment of the session at which the statute was passed, a petition certified to have been signed by electors equal in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election, asking that the statute or part of it be submitted to the electors.
(c) The Secretary of State shall then submit the measure at the next general election held at least 31 days after it qualifies or at a special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

Seventy-fifth, That Section 24 is added to Article IV, to read:

Sec. 24. (a) An initiative or referendum measure approved by a majority of the votes thereon taken effect 5 days after the date of the official declaration of the vote by the Secretary of State unless the measure provides otherwise. If a referendum petition is filed against a part of a statute, the remainder of the statute shall not be delayed from going into effect.
(b) If provisions of 3 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.
(c) The Legislature may amend or repeal referendum statutes. It may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval.
(d) Prior to circulation of an initiative or referendum petition for signatures, a copy shall be submitted to the Attorney General who shall prepare a title and summary of the measure as provided by law.
(e) The Legislature shall provide the manner in which petitions shall be circulated, presented, and certified, and measures submitted to the electors.

Seventy-sixth, That Section 25 is added to Article IV, to read:

Sec. 25. Initiative and referendum powers may be exercised by the electors of each city or county under procedures that the Legislature shall provide. This section does not affect a city having a charter.

Seventy-seventh, That Section 26 is added to Article IV, to read:

Sec. 26. No amendment to the Constitution, and no statute proposed to the electors by the Legislature or by initiative, that names any individual to hold any office, or names or identifies any private corporation to perform any function
or to have any power or duty, may be submitted to the electors or have any effect.

Seventy-eighth, That Section 23 is added to Article IV, to read:

**MISCELLANEOUS**

Sec. 23. 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 holding of a civil office of profit affected by this military service.

Seventy-ninth, That Article V is repealed.

**ARTICLE V**

**EXECUTIVE DEPARTMENT**

Sec. 1. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the Governor of the State of California.

Sec. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified.

Sec. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his election, and attained the age of twenty-five years at the time of such election.

Sec. 4. The Legislature may require by law the manner of making returns of elections for Governor and Lieutenant Governor.

Sec. 5. The Governor shall be Commander-in-Chief of the militia, the army and navy of this State.

Sec. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Sec. 7. He shall see that the laws are faithfully executed.

Sec. 8. When any office shall, by any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature; or at the next election by the people.

Sec. 9. He may, on extraordinary occasions, convene the Legislature by proclamation; stating the purposes for which he has convened it; and when so convened it shall have power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto.

Sec. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

Sec. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; provided, he shall not adjourn the same beyond the time fixed for the meeting of the next Legislature.

Sec. 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor except as hereinafter expressly provided.

Sec. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

Sec. 14. All grants and commissions shall be in the name and by the authority of the People of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Sec. 15. A Lieutenant Governor shall be elected at the same time and place and in the same manner as the Governor, and his term of office and his qualifications shall be the same. He shall be president of the Senate, but shall only have a casting vote therein.

Sec. 16. In case of vacancy in the Office of Governor, the Lieutenant Governor shall become Governor and the last duly elected President pro Tempore of the Senate shall become Lieutenant Governor; but for the residue of the term last, if there be no such President pro Tempore of the Senate, the last duly elected Speaker of the Assembly shall become Lieutenant Governor for the residue of a term; in case of vacancy in the Office of Governor and the Office of Lieutenant Governor, the last duly elected President pro Tempore of the Senate shall become Governor and the last duly elected Speaker of the Assembly shall become Lieutenant Governor for the residue of the term; and if there be no President pro Tempore of the Senate, then the last duly elected Speaker of the Assembly shall become Governor for the residue of the term, or if there be none, then the Secretary of State; or if there be none, then the Attorney General; or if there be none, then the Treasurer; or if there be none, then the Controller; or if, as the result of a war or enemy-caused disaster, there be none, then such person designated as provided by law. If at the time this amendment takes effect a vacancy has occurred in the Office of Governor or in the Office of Governor and Lieutenant Governor, within the term or terms thereof, the provisions of this section so amended by this amendment shall apply: in case of impeachment of the Governor or officer acting as Governor, his absence from the State; or his other temporary disability to discharge the powers and duties of office, then the powers and duties of the Office of Governor devolve upon the same officer as in the case of vacancy in the Office of Governor, but only until the disability shall cease. In case of the death, disability or other failure to take office of the Governor-elect, whether occurring prior or subsequent to the return of election, the Lieutenant Governor-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect and shall, in case of death, by Governor for the full term in the case of disability or other failure to take office;
not as Governor until the disability of the Governor-elect shall cease.

In the event of the death, disability, or other failure to take office of either the Governor-elect or the Lieutenant Governor-elect, the last duly elected President pro Tempore of the Senate, or, in case of his death, disability, or other failure to take office, the last duly elected Speaker of the Assembly, or, in case of his death, disability, or other failure to take office, the Secretary of State-elect, or, in case of his death, disability, or other failure to take office, the Attorney General-elect, or, in case of his death, disability, or other failure to take office, the Controller-elect, or, in case of his death, disability, or other failure to take office, the Treasurer-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect. Such person shall, in the case of death, be Governor for the term or in the case of disability or other failure to take office shall act as Governor until the disability of the Governor-elect shall cease.

In any case in which a vacancy shall occur in the Office of Governor, and provision is not made in this Constitution for filling such vacancy, the same duty of the Governor shall devolve upon the Legislature by proclamation to meet within eight days after the occurrence of the vacancy in joint convention of both houses at an extraordinary session for the purpose of choosing a person to act as Governor until the office may be filled at the next general election appointed for election to the Office of Governor.

Such a session the Legislature may provide for in the same manner and at the same time and place as it may also provide for any incidental thereto.

Sec. 21: A Secretary of State, a Controller, a Treasurer, and an Attorney General shall be elected at the same time and place, and in the same manner as the Governor and Lieutenant Governor, and their terms of office shall be the same as that of the Governor.

Sec. 22: The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relating thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

Sec. 23: United States Senators shall be elected by the people of the State in the manner provided by law.

Sec. 24: Subject to the powers and duties of the Governor vested in him by Article IV of the Constitution, the Attorney General shall be the chief law officer of the State and it shall be his duty to see that the laws of the State of California are uniformly and adequately enforced in every county of the State. He 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 such respective officers; and may require any of such officers to make to him such written reports concerning the investigation, detection, prosecution or punishment of crime in their respective jurisdictions as he may deem 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 he shall have knowledge or of which the superior court shall have jurisdiction, and in such cases he shall have all the powers of a district attorney. When required by the public interest, or directed by the Governor, he shall assist any district attorney in the discharge of his duties. In addition to appropriations made by law for the use of the Attorney General, the Governor and the Controller may in writing authorize the setting aside and the payment in accordance with the Governor from moneys in the State treasury not otherwise appropriated, of such sums as they may consider proper for the necessary expenses of the Attorney General in performing the duties imposed by this paragraph.

He shall also have such powers and perform such duties as may be prescribed by law and which are not inconsistent herewith.

The Attorney General shall receive the same salary or compensation prescribed by law for an associate justice of the Supreme Court, and shall not engage in the private practice of law, nor shall he be associated directly or indirectly with any attorney in private practice, and he shall devote his entire time to the service of the State.

All provisions of this section shall be self-executing, but legislation may be enacted to facilitate their operation.

Sec. 25: The compensation for the services of the Governor, the Lieutenant Governor, the State Controller, Secretary of State, Superintendent of Public Instruction and State Treasurer may be fixed at any time by the Legislature at an amount not less than ten thousand dollars ($10,000) per annum for the Governor and not less than five thousand dollars ($5,000) per annum for each of the other state officers named herein. The compensation of one of these officers named herein shall be increased or diminished during his term of office. Such compensation shall be in full for all services, respectively rendered by him in his official capacity or employment whatsoever during his respective term of office, and none of the officers named in this section, or the Attorney General, shall receive for his own use any fees or perquisites for the performance of any official duty.

Eighteenth, That Article V is added, to read:

ARTICLE V

Executive

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

Sec. 2. The Governor shall be elected every fourth year at the same time and place as Assemblymen and hold office from the Monday after January 1 following his election until his successor qualifies. He 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 election. He may not hold other public office.

Sec. 3. The Governor shall report to the Legislature at each session on the condition of the State and may make recommendations. He may adjourn the Legislature if the Senate and Assembly disagree as to adjournment.
Sec. 4. The Governor may require executive officers and agencies and their employees to furnish information relating to their duties.

Sec. 5. Unless the law otherwise provides, the Governor may fill a vacancy in office by appointment until a successor qualifies.

Sec. 6. Authority may be provided by statute for the Governor to assign and reorganize functions among executive officers and agencies and their employees, other than elected officers and agencies administered by elective officers.

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

Sec. 8. Subject to application procedures provided by statute, the Governor, on conditions he deems proper, may grant a reprieve, pardon, and commutation, after sentence; except in case of impeachment. At each session he shall report to the Legislature such reprieve, pardon, and commutation granted, stating the pertinent facts and his reasons for granting it. He may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concourring.

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

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

Sec. 11. The Lieutenant Governor, Attorney General, Controller, Secretary of State, and Treasurer shall be elected at the same time and places and for the same term as the Governor.

Sec. 12. Compensation of the Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Superintendent of Public Instruction, and Treasurer shall be prescribed by statute but may not be increased or decreased during a term.

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 duty to see that the laws of the State are uniformly and adequately enforced. He 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, prevention, and punishment of crime in their respective jurisdictions as to him may seem advisable. Whenever in the opinion of the Attorney General any law of the State is being inadequately 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 shall have all the powers of a district attorney. When required by the public interest or directed by the Governor, he shall assist any district attorney in the discharge of his duties.

Eighty-first. That Article VI is repealed.

ARTICLE VI
JUDICIAL DEPARTMENT

Section 1. The judicial power of the State shall be vested in the Supreme Court, sitting as a court of impeachment; in a Supreme Court, district courts of appeal, superior courts, municipal courts, and justice courts.

Sec. 2. There shall be a Judicial Council. It shall consist of [1] the Chief Justice or acting Chief Justice; [1] one associate justice of the Supreme Court; three justices of district courts of appeal, four judges of superior courts, two judges of municipal courts, and one judge of a justice court, designated by the Chief Justice for terms of two years; [4] four members of the State Bar of California appointed by the Board of Governors of the State Bar for terms of two years; two of the first such appointees to be appointed for one year and two for two years and [1] one member of each house of the Legislature designated as provided by the respective house; if any judge so selected shall cease to be a judge of the court in which he is selected, his designation shall forthwith terminate; if any member of the State Bar so appointed shall cease to be a member of the State Bar, his appointment shall forthwith terminate; and the Board of Governors of the State Bar shall fill the vacancy in his unexpired term. If any member of the Legislature so designated shall cease to be a member of the house from which designated, his designation shall forthwith terminate; and a new designation shall be made in the manner provided by the respective house. The Chief Justice or acting Chief Justice shall be chairman and the Clerk of the Supreme Court shall serve as secretary. The council may appoint an administrative director of the court, who shall hold office at its pleasure and shall perform such of the duties of the council and of its chairman, other than to adopt or amend rules of practice and procedure, as may be delegated to him. No act of the council shall be valid unless concurred in by a majority of its members.

The Judicial Council shall from time to time:
[1] Meet at the call of the chairman or as otherwise provided by it.
[2] Survey the condition of business in the several courts with a view to simplifying and improving the administration of justice.
[3] Submit such suggestions to the several courts as may seem in the interest of uniformity and the expeditious business.
[4] Report to the Governor and Legislature at the commencement of each regular session in such recommendations as it may deem proper.
[5] Submit to the legislature, at each general session thereof, its recommendations with reference...
to amendments of, or changes in, existing laws re-

pendant and present.
Adopt an original scale of practice and pro-

cedure for the several courts and commissions with
laws that are so or that may hereafter be in force.

Sec. 44. Except such other functions as may be
provided by law.

The chairman shall seek in expedite judicial busi-
ness and to equalize the work of the judges, and
shall provide for the assignment of any judge to
another court of a like or higher jurisdiction to
avoid a court or judge whose caseload is so con-

29.

not for a judge who is disqualified or unable
to act; as in civil and civil courts where a vacancy
in the office of judge has occurred. A judge may
likewise be assigned with his consent to a court of
lower jurisdiction, and a retired judge may simi-
larly be assigned with his consent to such office.

The judges shall so associate with the council, shall
sit and hold court as assigned; and shall report to
the chairman at such times and in such manner as
he shall direct for the purpose of the jurisdiction
and a member of the commission or becomes a justice or
judge of any court or a member of the State Bar,
the membership shall forthwith terminate, and the
chairman shall appoint a successor for a four-year
term. No member of the commission shall receive
any compensation for his services as such, but shall
be allowed his necessary expenses for travel, board,
and lodging incurred in the performance of his
duties as such.

No act of the commission shall be valid unless
considered to be a majority of its members. The
commission shall select two of its members to serve
as chairman.

Sec. 26. The State Bar of California is a public
corporation with perpetual existence and immuni-
tion. Every person admitted and licensed to prac-
tice law in this State is and shall be a member of
the State Bar except while holding office as a justice
or judge of a court of record.

Sec. 27. The Supreme Court shall consist of a
Chief Justice and three Associate Justices. The Court
may sit in departments and in banc; and shall al-
ways be open for the transaction of business. There
shall be two departments, denominated, respec-
tively, Department One and Department Two. The
Chief Justice shall assign three of the Associate
Justices to each department, and such assignments
may be changed by him from time to time. The
Associate Justices shall be competent to sit in either
department, and may interchange with each other
by agreement among themselves or as ordered by
the Chief Justice. Each of the departments shall
have the power to hear and determine causes
and all questions arising therein, subject to the provi-
sions hereinafter contained in relation to the Court
in banc. The presence of three Justices shall be
necessary to transact any business in either of the
departments, except such as may be done at Cham-
bers, and the concurrence of three Justices shall be
necessary to pronounce a judgment. The Chief
Justice shall apportion the business to the department
and may, in his discretion, order any cause pending
before the Court to be heard and decided by the
Chief Justice in banc. The order may be made before
or after judgment pronounced by a department, but
where a cause has been allowed to one or more of
the departments, and a judgment pronounced thereon;
the order must be made within thirty days after such
judgment, and concurred in by two Associate Jus-
tices, and if made it shall have the effect to vacate and
set aside the judgment Any four Justices may, either
before or after judgment by a department, order a case to be heard in banc. If
the order be not made within the time above limited,
the judgment shall be final. No judgment by a de-
partment shall become final until the expiration of
the period of thirty days aforesaid, unless approved
by the Chief Justice, in writing, with the concur-
rence of two Associate Justices. The Chief Justice
may convene the Court in banc at any time, and
shall be the presiding Justice of the Court when no
convocation. The concurrence of four Justices present
at the argument shall be necessary to pronounce a
judgment in banc; but if four Justices, or present,
do not concur in a judgment, then all the Justices
qualified to sit in the case shall hear the argument;
but to render a judgment a concurrence of four
Judges shall be necessary in the determination of
Upon the creation of any additional division of the district court of appeal the Governor shall appoint three persons to serve as justices as provided in Section 36 of this article. The justices of said division first elected as provided in Section 36 of this article shall serve themselves by lot that one of them shall go out of office at the end of four years; one of them at the end of eight years; and one of them at the end of twelve years, and entry of such classification shall be made in the minutes of said division; signed by the three justices thereof; and a duplicate thereof filed in the office of the Secretary of State.

The justices of the district courts of appeal shall be elected by the qualified electors within their respective districts at the general elections as provided in Section 36 of this article: and the term of office of said justices shall be 2 years from and after the first Monday after the first day of January next succeeding their election. The term of a justice elected to fill a term which expires subsequent to the first Monday after the first day of January next after his election shall be for the remainder of the unexpired term in the office to which he is elected.

The Supreme Court shall have appellate jurisdiction on appeal from the superior courts in all cases in equity, except such as are in municipal or justice courts; also, in all cases at law which involve the title to or possession of real estate; or the legality of any tax, impost, assessment, toll, or municipal fine also; in all such probate matters as may be provided by law; also, on questions of law alone in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters and proceedings before a district court of appeal which shall be ordered by the supreme court to be transferred to itself for hearing and decision; as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus; and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State; upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court or before any district court of appeal, or before any justice thereof, or before any superior court in the State, or before any judge thereof.

Said 5th The State shall be divided into at least three appellate districts, known as the First, Second and Third Appellate Districts; in each of which three there shall be a district court of appeal, consisting of such number of justices as the Legislature shall determine.

The Legislature may from time to time create and establish additional district courts of appeal or divisions thereof and fix the places at which the regular sessions thereof shall be held and may provide for the maintenance and operation thereof. For that purpose the Legislature may redefine the State into appellate districts, subject to the power of the Supreme Court to remove one or more counties from one appellate district to another as in this section provided.

Each of such divisions shall have and exercise all of the powers of the district courts of appeal.
...
It specifies a rule on the conduct of justice, stating that no judge shall be removed from office except after an order for such removal by the Senate. The order must be accompanied by the reasons for removal.

In each judicial district or consolidated city and county, a judge may be elected or appointed, and the number of judges shall be based on the population of the district. The salary of judges shall be determined by the legislature and the justices shall not hold other public offices.

This section also provides for the removal of judges by the Senate, and the removal shall be based on just cause. The judges shall be paid such salaries as may be prescribed by the legislature.

The Senate shall pass the necessary legislation to provide for the removal of judges and the judges shall not receive any special compensation for their services.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The provisions of this section shall apply to each judicial district, and the judges shall be paid such salaries as may be prescribed by the legislature.

No judge shall be eligible to be elected or appointed to a public office during the time for which he may be elected or appointed, and the number of judges shall be based on the population of the district.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature. The judges shall be paid such salaries as may be prescribed by the legislature.

The provisions of this section shall apply to each judicial district, and the judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.

In each judicial district, a judge shall be elected or appointed, and the number of judges shall be determined by the legislature.

The judges shall be paid such salaries as may be prescribed by the legislature.
elected, and the acceptance of any other office shall be deemed to be a resignation from the office held by said judge.

Sec. 16. The court may instruct the jury regarding the law applicable to the facts of the case, and may make such comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the case. The court shall inform the jury in all cases that the jurors are the exclusive judges of all questions of fact submitted to them and of the credibility of the witnesses.

Sec. 17. The style of all process shall be "The People of the State of California," and all process shall be conducted in their name and by their authority.

Sec. 18. The Supreme Court shall appoint a clerk of the Supreme Court. Said clerk may also appoint a reporter and assistant reporter of the decisions of the Supreme Court and of the district courts of appeal. Each of the district courts of appeal shall appoint its own clerk. All officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are normally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are normally appointed.

Sec. 19. No person shall be eligible to the office of a justice of the Supreme Court, or of a district court of appeal, or of a judge of a superior court, or of a municipal court, unless he shall have been admitted to practice before the Supreme Court of the State for a period of at least five years immediately preceding his election or appointment to such office; provided, however, that any elected justice or judge of a municipal court who has served in that capacity by election or appointment for five consecutive years immediately preceding the effective date of this amendment shall be eligible to become the judge of a municipal court by the establishment of said city, village, or town, or at the first election of judges thereafter for any consecutive terms thereafter for which he may be re-elected.

The requirement of consecutive years of judicial service shall be deemed to have been met even though interrupted by service in the armed forces of the United States during the period of war.

Sec. 20. No justice of the supreme court nor of a district court of appeal, nor any judge of a superior court nor of a municipal court shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided that has been submitted for decision for a period of ninety days. In the determination of causes all judges of the supreme court and of the district courts of appeal shall be given in writing, and the grounds of the decision shall be stated.

Sec. 21. Within thirty days before the sixteenth day of August next preceding the expiration of his term, any justice of the Supreme Court, justice of a District Court of Appeal, or judge of a superior court in any county the elections at which have adopted the provisions of this section as applicable to the judge or judges of the superior court of such county in the manner hereinafter provided, may file with the office charged with the duty of certifying nominations for publicize the official ballot a declaration of candidature election to succeed himself. If he does not file such declaration the Governor must nominate a suitable person for the office before the sixteenth day of September by filing such nomination with the office charged with said duty of certifying nominations.

In either event, the name of such candidate shall be placed upon the ballot for the ensuing general election in November in substantially the following form:

For (title of office) Shall (name) be elected to the office for the term expiring January (year)?

Yes No

No name shall be placed upon the ballot as a candidate for any of said judicial offices except that of a person so declaring no nomination. If a majority of the electors voting upon such candidate vote "No," such person shall be elected to said office. If a majority of those voting thereon vote "Yes," he shall not be elected, and may not thereafter be appointed to fill any vacancy in that court, but may be nominated and elected thereto in the manner above provided.

Whenever a vacancy shall occur in any judicial office above named, by reason of the failure of a candidate to be elected or otherwise, the Governor shall appoint a suitable person to fill the same. An incumbent of any such judicial office serving a term by appointment of the Governor shall hold office until the first Monday after the first day of January following the general election next after his appointment, or until the qualification of any nominee who may have been elected to said office prior to that time.

No such nomination or appointment by the Governor shall be effective unless there be filed with the Secretary of State a written confirmation of such nomination or appointment signed by a majority of the three officials herein designated as the Commission on Judicial Appointments. The commission shall consist of (1) the Chief Justice of the Supreme Court, or, if such office be vacant, the acting Chief Justice; (2) the preceding justice of the district court of appeal of the district in which a justice of a district court of appeal or a judge of a superior court is to serve, or, if there be two such preceding justices, the one who has served the longer, or, in the case of the nomination or appointment of a justice of the Supreme Court, the preceding justice who has served longest as such upon any of the district courts of appeal and (3) the Attorney General. If two or more preceding justices above designated have served terms of equal length, they shall choose the one who is to be a member of the commission by lot; whenever occasion for action arises. The Legislature shall provide by general law for the retirement, with reasonable retirement allowance, of such justices and judges for age or disability.

In addition to the methods of removal by the legislature provided by sections 25 and 26 of ap-
ARTICLE VI

JUDICIAL

Sec. 1. The judicial power of this State is vested in the Supreme Court, courts of appeal, superior courts, municipal courts, and justice courts. All except justice courts are courts of record.

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

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.

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 county.

Sec. 5. Each county shall be divided into municipal court and justice court districts as provided by statute, but a city may not be divided into more than one district. Each municipal and justice court shall have one or more judges. There shall be a municipal court in each district of 10,000 residents and a justice court in each district of 40,000 residents or less. The number of residents shall be ascertained as provided by statute.

The Legislature shall provide for the organization and prescribe the jurisdiction of municipal and justice courts. It shall prescribe for each municipal court and provide for each justice court the number, qualifications, and compensation of judges, officers, and employees.

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, 3 judges of superior courts, 3 judges of municipal courts, and 3 judges of justice courts, each appointed by the 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 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, 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 statutes prescribed by statute.

The chairman shall seek to expedite judicial business and to equalize the work of judges; he 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 as he directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Sec. 7. The Commission on Judicial Appointments consists of the Chief Justice, the Attorney General, and the presiding justice of the court of appeal of the affected district or, if there are 2 or more presiding justices, the one who has presided longest or, when a nomination or appointment to the Supreme Court is to be considered, the presiding justice who has presided longest on any court of appeal.

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 3 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 for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.
Sec. 9. The State Bar of California is a public corporation. Every person admitted and licensed to practice law in this State is and shall be a member of the State Bar except while holding office as a judge of a court of record.

Sec. 10. The Supreme Court, courts of appeal, superior courts, and municipal courts have original jurisdiction in habeas corpus proceedings. Those courts also have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition.

Superior courts have original jurisdiction in all causes except those given by statute to other trial courts.

The court may make such comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the case.

Sec. 11. The Supreme Court has appellate jurisdiction when judgment of death has been pronounced. With that exception courts of appeal have appellate jurisdiction when superior courts have original jurisdiction and in other causes prescribed by statute.

Superior courts have appellate jurisdiction in causes prescribed by statute that arise in municipal and justice courts in their counties.

The Legislature may permit appellate courts to take testimony and make findings of fact when a jury trial is waived or not a matter of right.

Sec. 12. The Supreme Court may, before decision becomes final, transfer to itself a cause in a court of appeal. It may, by its own order, transfer a cause from itself to a court of appeal or from one court of appeal or division to another. The court to which a cause is transferred has jurisdiction over the cause.

Sec. 13. No judgment shall be set aside, or new trial granted, in any cause, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any error as to any matter of pleading, or for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.

Sec. 14. The Legislature shall provide for the prompt publication of such opinions of the Supreme Court and courts of appeal as the Supreme Court deems appropriate, and those opinions shall be available for publication by any person.

Decisions of the Supreme Court and courts of appeal that determine causes shall be in writing with reasons stated.

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 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 to serve on any court.

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 vacancy occurs. 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 term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed himself. If he does not, 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 shall be elected. If he receives a majority of the votes on the question he is elected. A candidate not elected may not be appointed to that court but later may be nominated and elected.

The Governor shall fill vacancies in those courts by appointment. An appointee holds office the Monday after January 1 following the general election at which he 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.

Sec. 17. A judge of a court of record may not practice law and during the term for which he 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 use.

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 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.

(b) On recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court may suspend a judge from without salary when in the United States he...
pleads guilty or no contest or is found guilty of a crime punishable as a felony under California law or of any other crime that involves moral turpitude under that law. If his conviction is reversed on appeal, and he is convicted or is likely to become permanent, and his conviction becomes final the Supreme Court shall remove him 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 duties and is or is likely to become permanent, and (2) censure a judge for action occurring not more than 6 years prior to the commencement of his current term that constitutes willful misconduct in office, willful and persistent failure to perform his 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.

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

A judge of a court of record may not receive his salary while any cause before him remains pending and undetermined for 90 days after it is submitted for decision.

b. 20. The Legislature shall provide for retirement, with reasonable allowance, of judges of courts of record for age or disability.

Sec. 21. On stipulation of the parties litigant, the court may order a cause to be tried by a temporary judge who is a member of the State Bar, sworn and empowered to act until final determination of the cause.

Sec. 22. The Legislature may provide for the appointment by trial courts of record of officers such as commissioners to perform subordinate judicial duties.

Eighth, That Article VII is repealed.

ARTICLE VII
PARITIES OF POWER

Section 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper; subject to such regulations as may be prescribed by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve.

The Governor shall communicate to the Legislature the beginning of every session, every case of pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. After the Governor and the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.

Eighth, That Article VII is repealed.

ARTICLE VIII
MISCELLANEOUS

Section 1. The Legislature shall provide, by law, for organizing and disciplining the militia; in each manner as it may deem expedient, not inconsistent with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct; and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State; to suppress insurrections, and repel invasions.

Sec. 2. All military organizations provided for by this Constitution; or any law of this State; and receiving State support shall, while under arms either for revenue or duty, carry no device, banner, or flag of any State or nation, except that of the United States or the State of California.

Eighth, That Section 29 is added to Article XIII, to read:

Sec. 29. Not more than 25 percent of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

Sec. 22. The Legislature may provide for the appointment by trial courts of record of officers such as commissioners to perform subordinate judicial duties.

Eighth, That Article VII is repealed.

ARTICLE VII
PARITIES OF POWER

Section 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper; subject to such regulations as may be prescribed by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve.

The Governor shall communicate to the Legislature the beginning of every session, every case of pardon granted, stating the name of the convict, the crime of which he was convicted,
The Legislature may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. The provisions of Assembly Bill No. 173 of the 1966 First Extraordinary Session are hereby ratified.

Eighty-ninth, That Section 7 is added to Article XIV of the Constitution, as follows:

Sec. 7. To the extent there is a conflict, constitutional amendments adopted by the electors at the November 1966 General Election shall prevail over this provision, transferred from Article IV to Article XIII by Assembly Constitutional Amendment No. 13, adopted by the Legislature at the 1966 First Extraordinary Session.

[Second Resolved Clause]

And be it further resolved, That the Legislature having adopted Assembly Constitutional Amendment No. 90 at its 1965 Regular Session to propose an amendment to portions of Sections 1, 2 and 15 of Article IV of the State Constitution for the sole purpose of requiring the Legislature to reconvene and reconsider measures submitted to the Governor during the last ten days of a general session (Sundays excepted) which he fails to sign, and since said amendment did not propose any other change in the length, duration or scope of general or budget sessions of the Legislature, it is the intent of the Legislature, if both Assembly Constitutional Amendment No. 90 and Assembly Constitutional Amendment (Revision) No. 13, 1966 First Extraordinary Session, are approved by the electors, that both shall be given effect regardless of the vote by which they are approved and that their provisions be construed together so as to give effect to both in the following manner:

First, That subdivision (a) be added to Section 3 of Article IV thereof, to read:

(a) The Legislature shall meet annually in regular session at noon on the Monday after January 1. At the end of each regular session the Legislature shall recess for 30 days. It shall reconvene on the Monday after the 30-day recess, for a period not to exceed 5 days, to reconsider vetoed measures.

A measure introduced at any session may not be deemed pending before the Legislature at any other session.

Second, That Section 4 be added to Article IV thereof, to read:

Sec. 4. Compensation of members of the Legislature, and reimbursement for travel and living expenses in connection with their official duties, shall be prescribed by statute passed by rollcall vote entered in the journal, two thirds of the membership of each house concurring. Commencing with 1967, in any statute enacted making an adjustment of the annual compensation of a member of the Legislature the adjustment may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. Any adjustment in the compensation may not apply until the commencement of the regular session commencing after the next general election following enactment of the statute.

Members of the Legislature shall receive 5 cents per mile for traveling to and from their homes in order to attend reconvening following the recess after a regular session.

The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of 500 dollars paid to any member of the Legislature unless the member receives the greater amount while serving as a member in the Legislature. The Legislature may, prior to their retirement, limit the retirement benefits payable to members of the Legislature who serve during or after the term commencing in 1967.

When computing the retirement allowance of a member who serves in the Legislature during the term commencing in 1967 or later, allowance may be made for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the member, except that the Legislature may provide that no member shall be deprived of a cost of living adjustment based on a monthly salary of 500 dollars which was accrued prior to the commencement of the 1967 Regular Session of the Legislature.

Third, That subdivision (c) be added to Section 8 of Article IV thereof, to read:

(c) No statute may go into effect until the 61st day after adjournment of the regular session at which the bill was passed, or until the 41st day after adjournment of the special session at which the bill was passed, except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes.

Fourth, That subdivision (a) be added to Section 10 of Article IV thereof, to read:

(a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if he signs it. He may veto it by returning it with his 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. If the 12-day period expires during the recess at the end of a regular session, the bill becomes a statute unless the Governor vetoes it within 30 days from the commencement of the recess. If the Legislature by adjournment of a special session prevents the return of a bill it does not become a statute unless the Governor signs the bill and deposits it in the office of the Secretary of State within 30 days after adjournment.

Fifth, That subdivision (b) be added to Section 23 of Article IV thereof, to read:

(b) A referendum measure may be proposed by presenting to the Secretary of State, within 60 days after adjournment of the regular session at which the statute was passed or within 40 days after adjournment of the special session at which the statute was passed, a petition certified to have been signed by electors equal in number to 5 percent of the votes for all candidates for the office of electors, at the last gubernatorial election, asking the Legislature to submit this measure to the people and to place the same on the ballot at the next regular election.
Sixth, That the provisions of the second
clause of this measure shall become opera-
tive only if the amendment to Article IV the
State Constitution proposed by Assembly Con-
istutional Amendment No. 90 of the 1965 Regular
Session are approved by a majority of the electors,
in which case subdivision (a) of Section 3, Section
4, subdivision (c) of Section 8, subdivision (a) of
Section 10 and subdivision (b) of Section 21 of
Article IV of the Constitution, as appearing in the
first resolved clause of Assembly Constitutional
Amendment (Revision) No. 13, shall not become
operative.

PUBLIC RETIREMENT FUNDS. Legislative
Constitutional Amendment.
Provides Legislature may authorize investment of moneys of any
public pension or retirement fund, except Teachers' Retirement Fund,
in stock or shares of any corporation or a diversified management
investment company; provided that not to exceed 25% of the assets
of the fund may be so invested and there is compliance with specified
requirements as to registration of the stock in an exchange, financial
condition of the corporation, and the percentage of stock which
may be acquired in any one corporation.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>
| (This amendment proposed by Assembly Con-
stitutional Amendment No. 57, 1965 Regular Ses-
sion, expressly amends an existing section of the
Constitution, therefore. NEW PROVISIONS pro-
posed to be INSERTED are printed in BLACK-
FACED TYPE.) |

PROPOSED AMENDMENT TO
ARTICLE XII

Sec. 13. The state shall not in any manner loan its credit, nor shall it subscribe to, or be in-
terested in the stock of any company, association, or
organization, except that the state and each pol-
ic subdivision, district, municipality, and pub-
l agency thereof is hereby authorized to ac-
quire and hold shares of the capital stock of any
mutual water company or corporation when such
stock is so acquired or held for the purpose of
furnishing a supply of water for public, municipal or
governmental purposes; provided the holding of
such stock shall entitle such holder thereof to all
of the rights, powers and privileges, and shall
subject such holder to the obligations and liabili-
ties conferred or imposed by law upon other hold-
ers of stock in the mutual water company or
organization in which such stock is so held.

Notwithstanding provisions to the contrary in
this section and Section 31 of Article IV of this
Constitution, the Legislature may authorize the
investment of moneys of any public pension or
retirement fund other than the fund provided for
in Section 13901 of the Education Code, or any
successor thereto, not to exceed 25% of the assets
of such fund determined on the basis of
cost in the common stock or shares and not to
exceed 5% of assets in preferred stock or
shares of any corporation provided:

a. Such stock is registered on a national securi-
ties exchange, as provided in the "Securities Ex-
change Act of 1934" as amended, but such regis-
tration shall not be required with respect to the
following stocks:

1) The common stock of a bank which is a
member of the Federal Deposit Insurance Corpo-
ration and has capital funds, represented by capi-
tal, surplus, and undivided profits, of at least
fifty million dollars ($50,000,000);
2) The common stock of an insurance company
which has capital funds, represented by capital,
special surplus funds, and unassigned surplus, of
at least fifty million dollars ($50,000,000);
3) Any preferred stock
b. Such corporation has total assets of at least
one hundred million dollars ($100,000,000);
c. Bonds of such corporation, if any are out-
standing, qualify for investment under the law
governing the investment of the retirement fund,
and there are no arrears of dividend payments on
its preferred stock;
d. Such corporation has paid a cash dividend
on its common stock in at least 5 of the 10 years
next preceding the date of investment, and the ag-
gregate net earnings available for dividends on
the common stock of such corporation for the
whole of such period have been equal to the
amount of such dividends paid, and such corpo-
rations has paid an earned cash dividend in each of
the last 5 years;
e. Such investment in any one company may
not exceed 5 percent of the common stock shares
outstanding; and
f. No single common stock investment may ex-
ceed 2 percent of the assets of the fund, based on
cost.

Notwithstanding provisions to the contrary in
this section and Section 31 of Article IV of this
Constitution, the Legislature may authorize the
investment of moneys of any public pension or
retirement fund other than the fund provided for
in Section 13901 of the Education Code, or any
successor thereto, in stock or shares of a diversified
management investment company registered
under the "Investment Company Act of 1940"
which has total assets of at least fifty million
dollars ($50,000,000); provided, however, that the
total investment in such stocks and shares, to-
gether with stocks and shares of all other corpora-
tions may not exceed 25 percent of the assets of
such fund determined on the basis of the cost of
the stocks or shares.