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# ROSE INSTITUTE

## OF STATE AND LOCAL GOVERNMENT

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### **CALIFORNIA INITIATIVES IN PERSPECTIVE 1966-2002**

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OCTOBER 2003

**CLAREMONT MCKENNA COLLEGE**





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## INTRODUCTION

In the 1966 primary election the voters of California overwhelmingly adopted the legislatively proposed constitutional revisions recommended in Proposition 1A. Among the changes effected by the passage of Proposition 1A was the transformation of the California legislature from a part-time, citizen legislature to full-time, professional legislature. The adoption of a full-time, professional legislature was a continuation of the Progressive revolution initiated by Governor Hiram Johnson over fifty years earlier. Among the direct democracy reforms introduced during Johnson's tenure were the initiative, referendum, and recall.

The following report is a documentation of the citizen-based initiatives that have appeared on the ballot since the adoption of the full-time legislature in 1966. We have attempted to trace all of the relationships between and among various initiatives as well as appropriate legislatively sponsored ballot propositions, subsequent legislative bills, court decisions, implementation practices, and other grass roots responses. Our emphasis has been on tracing the activity of the initiatives that passed, and have only traced failed initiatives insofar as they relate to other, successful initiatives.

We gratefully acknowledge the use of resources available at the Initiative and Referendum Institute's website, [www.iandrinstitute.org](http://www.iandrinstitute.org), the official California ballot proposition data base at UC Hastings, [www.uchastings.edu/library](http://www.uchastings.edu/library), and the research of Kenneth P. Miller in his unpublished dissertation, "Madison's Revenge: Judicial Review of Direct Democracy."



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## 1966 GENERAL

### **PROP. 16: Obscenity**

Declares state policy is to prohibit obscene matter and conduct. Redefines "obscene" and "knowingly"; provides rules and procedures for prosecuting violations; jury, unless waived, determines amount of fine. Makes conspiracy to violate obscenity laws a felony. Authorizes seizure of obscene matter with procedure for summary determination of character. Requires vigorous enforcement and authorizes civil action to compel prosecutor to perform his duties.

PRO Chaplain E. Richard Barnes, Loyd Wright, Sr., Jay Kaufman, Ph.D.

CON Bishop Donald Harvey Tippet, Charles Warren, Martha Boaz

Votes FOR 2,533,921 (43.6%)

Votes **AGAINST 3,271,308 (56.4%)**

## 1968 GENERAL

### **PROP. 9: Taxation, Limitations, on Property Tax Rate**

Provides that total ad valorem tax burden on all property limited after July 1, 1969, to 1 percent of market value for property related services (all costs except for education and welfare) plus 80 percent of base cost of people related services (costs for education and welfare); percentage of base cost for people related services reduced 20 percent annually and eliminated after July 1, 1973. Limitations may be exceeded to extent specified to pay existing and future bonded indebtedness.

PRO Philip E. Watson, David N. Robinson, Everett C. McKeage  
CON Robert C. Brown, Jack Rees, Joseph Diviny

Votes FOR 2,146,010 (32.0%)

Votes AGAINST 4,570,097 (68.0%)

## 1970 PRIMARY

### **PROP. 8: Taxation for Schools and Social Welfare**

Requires State provide from sources other than property taxes not less than 50% of costs for public schools, exclusive of capital outlay and federal funds, and 90% of cost for social welfare services, exclusive of federal participation, and costs for new county services required by State law. State funds for public schools shall be apportioned in accordance with price index and other requirements. Increases minimum homeowners' property tax exemption from \$750 to \$1000. If this proposed initiative is adopted undefined additional financing from state sources in the approximate amount of \$1,130,000,000 for 1970-1971, will be required, and this cost will increase annually thereafter.

PRO Margaret L. Lemmer, Sig Sanchez  
CON Robert C. Brown, Mrs. Edward Rudin

Votes FOR 1,321,092 (28.5%)  
Votes **AGAINST 3,316,919 (71.5%)**

## 1972 PRIMARY

### **PROP. 9: Clean Environment Act**

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

PRO William M. Bennett, Fortney H. Stark, Jr., Hijinio Romo  
CON Joseph J. Diviny, Myron W. Doornbos, J. E. McKee

Votes FOR 2,128,087 (35.3%)

Votes **AGAINST 3,901,151 (64.7%)**

## 1972 GENERAL

### **PROP. 14: Property Tax Limitations**

Establishes ad valorem property tax rate limitations for all purposes except payment of designated types of debts and liabilities. Eliminates property tax for welfare purposes, limits property tax for education, and requires state funding of these functions from other taxes. Increases sales, use, cigarette, distilled spirits, and corporation taxes. Decreases state taxes on insurance companies and banks and local sales and use taxes. Requires severance tax on extraction of minerals and hydrocarbons. Requires two-thirds vote of Legislature to increase designated taxes. Restricts new exemptions from property tax to those approved by election. Financial impact: A net ascertainable decrease in revenues to state and local government in excess of \$1,233,000,000 per year.

PRO Philip E. Watson, Joseph B. Carnahan, Allan Grant  
CON Dr. Norman Topping, Wilson Riles, Mrs. Walter Schuiling

Votes FOR 2,700,095 (34.1%)  
Votes AGAINST 5,213,485 (65.9%)

### **PROP. 15: State Employee Salaries**

Requires State Personnel Board, University of California Regents, and State University and College Trustees semiannually to determine prevailing rates in private and public employment for services comparable to those performed by state employees, and recommend to Governor adjustments to state employee salaries and benefits necessary to equal prevailing rates. The recommendations must be included in Governor's budget, cannot be reduced or eliminated except by two-thirds vote of Legislature, and are not subject to Governor's veto. Provides for written agreements and arbitration between state and employees on other employer-employee relation matters. Financial impact: Indeterminable but potential major cost increase.

PRO Yvonne Brathwaite, Edwin L. Z'Berg, Cornelius G. Dutcher  
CON Mrs. Nita Ashcraft, Stephen P. Teale, Frank Lanterman

Votes FOR 2,539,611 (32.5%)  
Votes AGAINST 5,271,067 (67.5%)

### **PROP. 16: Salaries—California Highway Patrol**

Requires State Personnel Board to: (1) determine maximum salary for each class of policemen or deputy sheriff in each city and county within state, (2) adjust salaries of uniformed members of Highway Patrol to at least the maximum rate paid policemen or deputy sheriffs within comparable classes, and (3) report annually to Governor on its determinations and adjustments. Requires Governor to provide in budget for full implementation of these determinations and adjustments. These budget provisions can be modified or stricken only by two-thirds vote of Legislature voting solely on this issue. Financial impact: Indeterminable but potential major cost increase.

PRO Kenneth B. Anderson, Ralph L. Schiavone  
CON Mrs. Nita Ashcraft, Stephen P. Teale, Frank Lanterman

Votes FOR 3,071,926 (39.1%)

Votes AGAINST 4,782,368 (60.9%)

### **PROP. 17: Death Penalty**

Amends California Constitution to provide that all state statutes in effect February 17, 1972 requiring, authorizing, imposing, or relating to death penalty are in full force and effect, subject to legislative amendment or repeal by statute, initiative or referendum; and that death penalty provided for under those state statutes shall not be deemed to be, or constitute, infliction of cruel or unusual punishments within meaning of California Constitution, article I, section 6, nor shall such punishment for such offenses be deemed to contravene any other provision of California Constitution. Financial impact: None.

PRO George Deukmejian, S. C. Masterson, John W. Holmdahl  
CON Edmund G. ("Pat") Brown, Erwin Loretz, Bill Cosby

Votes FOR 5,447,165 (67.5%)

Votes AGAINST 2,617,514 (32.5%)

#### ***PROP. 17: Subsequent Action Taken:***

Prop. 17 was blocked by the US Supreme Court's decision in *Furman V. Georgia* (1972). The California Legislature responded by adopting a mandatory death penalty scheme in 1973. This scheme imposed the death sentence, under special enumerated circumstances, for first-degree murder. The California Supreme Court's decision in *Rockwell v. Superior Court* (1976), which came in the aftermath of the U.S. Supreme Court's decision in *Gregg v. Georgia* (1976), struck down this scheme.

**SB 155**, a scheme aimed at bringing California's capital procedures into conformity with *Gregg*, and passed over a gubernatorial veto, enumerated a list of seven "special circumstances" under which a person could be sentenced to death. The California Supreme Court has upheld SB 155 and subsequent initiatives.

The 1978 passage of **Prop. 7** expanded this list of special circumstances and altered the procedures

for weighing mitigating and aggravating circumstances in capital cases. The constitutionality of Prop. 7 was challenged in *People v. Ramos*, 37 Cal. 3d 136 (1984). The lawsuit charged that the proposition violated the 5<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments to the U.S. Constitution as well as the California Constitution's Due Process Clause. Initially, the California Supreme Court had held that, the proposition's rules for jury instruction at the penalty stage ("Briggs Instructions") violate the U.S. Constitution. However, on appeal, the U.S. Supreme Court reversed and remanded the decision of the inferior court. The California Supreme Court then held that the Briggs Instructions violate the California Constitution. Thus the Instructions portion of the proposition was invalidated.<sup>1</sup>

In 1990, **Props. 114** (legislative constitutional amendment) and **115** (citizen initiative), expanding the use of the death penalty, were passed by the voters. The constitutionality of Prop. 115 was challenged in *Raven v. Deukmejian*, 52, Cal. 3d 553 (1991). (The court invalidated section three of the proposition, which amended the state constitution preventing any interpretation affording greater rights to defendants than those afforded by the U.S. Constitution. The State Supreme Court ruled that this provision amounted to a qualitative constitutional revision, which could not be accomplished through the initiative process.)

The circumstances for imposing the death penalty were expanded once again in 1996 under **Prop. 196** (legislative initiative).<sup>2</sup>

In 1988 and 1994 the voters approved additional amendments to section 190 of the penal code through the adoption of two legislatively sponsored constitutional amendments, **Propositions 67** and **179** respectively.

### **PROP. 18: Obscenity Legislation**

Amends, deletes, and adds Penal Code statutes relating to obscenity. Defines nudity, obscenities, sadomasochistic abuse, sexual conduct, sexual excitement and other related terms. Deletes "redeeming social importance" test. Limits "contemporary standards" test to local area. Creates misdemeanors for selling, showing, producing or distributing specified prohibited materials to adults or minors. Permits local governmental agencies to separately regulate these matters. Provides for county jail term and up to \$10,000 fine for violations. Makes sixth conviction of specified misdemeanors a felony. Creates defenses and presumptions. Permits injunctions and seizures of materials. Requires speedy hearing and trial. Financial impact: None.

PRO John L. Harmer, Woodruff J. Deem, Homer E. Young  
CON Father Charles Dollen, Rt. Rev. Richard Millard, Charles Warren

Votes FOR 2,603,927 (32.1%)

Votes AGAINST 5,503,888 (67.9%)

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<sup>1</sup> Miller, Kenneth P. Madison's Revenge: Judicial Review of Direct Democracy. Ph.D. diss., University of California Berkeley. 2002. 179.

<sup>2</sup> Ninth Circuit Capital Punishment Handbook,  
<http://www.ce9.uscourts.gov/web/sdocuments.nsf/Death+Penalty+View?OpenView>

### **PROP. 19: Marijuana - Removal of Penalty for Personal Use**

Removes state penalties for personal use. Proposes a statute which would provide that no person eighteen years or older shall be punished criminally or denied any right or privilege because of his planting, cultivating, harvesting, drying, processing, otherwise preparing, transporting, possessing or using marijuana. Does not repeal existing, or limit future, legislation prohibiting persons under the influence of marijuana from engaging in conduct that endangers others. Financial impact: None.

PRO Joel Fort; Mary Jane Fernandez; Gordon S. Brownell  
CON H.L. Richardson, Dr. Harden Jones

Votes FOR 2,733,120 (33.5%)

Votes AGAINST 5,433,393 (66.5%)

### **PROP. 20: Coastal Zone Conservation Act**

Creates State Coastal Zone Conservation Commission and six regional commissions. Sets criteria for and requires submission of plan to Legislature for preservation, protection, restoration and enhancement of environment and ecology of coastal zone, as defined. Establishes permit area within coastal zone as the area between the seaward limits of state jurisdiction and 1000 yards landward from the mean high tide line, subject to specified exceptions. Prohibits any development within permit area without permit by state or regional commission. Prescribes standards for issuance or denial of permits. Act terminates after 1976. This measure appropriates five million dollars (\$5,000,000) for the period 1973 to 1976. Financial impact: Cost to state of \$1,250,000 per year plus undeterminable local government administrative costs.

PRO John V. Tunney, Donald L. Grunsky; Bob Moretti  
CON James S. Lee, George Christopher, John J. Royal

Votes FOR 4,363,375 (55.2%)

Votes AGAINST 3,548,180 (44.8%)

#### ***PROP. 20: Subsequent Action Taken:***

The constitutionality of Prop. 20 first came under fire in "*CEED, et al. v. California Coastal Zone Conservation Commission, et al.*, 43 Cal. App. 3d 306, for violating the U.S. Constitution's 14<sup>th</sup> Amendment Due Process Clause (substantive), Procedural Due Process at permitting stage, 5<sup>th</sup> Amendment's Taking Clause and the Right to Travel. Prop. 20 survived all of these challenges."<sup>3</sup>

The California Coastal Act of 1976 essentially perpetuated indefinitely Prop. 20 by establishing a permanent Coastal Commission. The constitutionality of this commission came under fire in the early 1990's. The committee is composed of legislative and executive "at will" appointees. The appointment and removal process raised separation of powers issues. Litigation came to a head in 2002 when the Appeals Court ruled in *Marine Forests Society v. California Coastal Commission*, 128 Cal. Prtr. 2d 869, that the Legislature's power to appoint and remove the majority of the members at will gave the Legislature undue influence over the making and enforcing of the law.

Governor Davis signed AB1 (2003), establishing fixed terms for the appointees. The California Supreme Court is still examining the constitutionality of this bill.

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<sup>3</sup> Miller, 177.



### **PROP. 21: Assignment of Students to Schools**

Adds section to Education Code providing: "No public school student shall, because of his race, creed, or color, be assigned to or be required to attend a particular school." Repeals section establishing policy that racial and ethnic imbalance in pupil enrollment in public schools shall be prevented and eliminated. Repeals section which (1) establishes factors for consideration in preventing or eliminating racial or ethnic imbalances in public schools; (2) requires school districts to report numbers and percentages of racial and ethnic groups in each school; and (3) requires districts to develop plans to remedy imbalances. Financial impact: None.

PRO Floyd L. Wakefield, Ken Brown, Dr. Robert Peterson  
CON John Cimolino, Mrs. Erna Schuling, William T. Bagley

**Votes FOR 4,962,420 (63.1%)**

**Votes AGAINST 2,907,776 (36.9%)**

### **PROP. 21: Subsequent Action Taken**

In *Santa Barbara School District v. Superior Court*, 13 Cal. 3d 315 (1975), the Court upheld the repeal of the State's existing desegregation laws, but held that prohibition on racial assignments in public schools violates the Equal Protection Clause of the U.S. Constitution.<sup>4</sup>

### **PROP. 22: Agricultural Labor Relations**

Sets forth permissible and prohibited labor relation activities of agricultural employers, employees, and labor organizations. Makes specified types of strikes, picketing, and boycotts unlawful. Defines unfair labor practices. Creates Agricultural Labor Relations Board with power to certify organizations as bargaining representatives, conduct elections therefore, prevent unfair labor practices, and investigate and hold hearings relating to enforcement of Act. Provides Board's orders are reviewable and enforceable by courts. Provides interference with Board's performance of duties or commission of defined unlawful acts is punishable by fine and/or imprisonment. Financial impact: Cost increase to state of \$600,000 per year.

PRO Joy G. Jameson, Mrs. Joyce Valdez, Rennick J. Harris  
CON Cesar E. Chavez, John F. Henning, Rev. Wayne (Chris) Hartmire

**Votes FOR 3,348,176 (42.1%)**

**Votes AGAINST 4,612,642 (57.9%)**

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<sup>4</sup> Miller, 172.

## 1973 SPECIAL

### **PROP. 1: Tax and Expenditure Limitations**

Limits State expenditures: restricts use of defined surplus revenue to tax reductions, refunds, or emergencies. Constitutionally eliminates personal income tax for lower income persons, reduces others' 1973 tax up to 20% from surplus, and reduces subsequent year rates 7 1/2%. Requires two-thirds legislative vote for new or changed State taxes. Limits local property tax rates except school districts'. Requires State funding of new programs mandated to local governments. Provides for tax and expenditure limit adjustments when functions transferred. Contains special indebtedness obligation provisions. Allows local tax rate and expenditure limit increases upon voter approval.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

\$170,000,000 annual reduction in State tax revenues and probable undeterminable future revenue reductions; reduction in projected State program expenditures of estimated \$620,000,000 in first year to \$1,366,000,000 in fourth year and increasing thereafter, with probable substantial offsetting cost and tax increases to local government. The initiative provision exempting certain low income persons from income taxes and granting a one-time 20% credit on 1973 income taxes for all taxpayers has been accomplished by legislation passed August 23, 1973, granting low income persons exemptions and granting others a 1973 tax credit ranging from 20 to 35%.

PRO John Conlon, Mack J. Easton, Verne Orr  
CON Evelyn P. Kaplan

Votes FOR 1,961,685 (46.0%)  
Votes AGAINST 2,303,026 (54.0%)

## 1974 PRIMARY

### **PROP. 9: Political Reform Initiative**

Requires reports of receipts and expenditures in campaigns for state and local offices and ballot measures. Limits expenditures for statewide candidates and measures. Prohibits public officials from participating in governmental decisions affecting their "financial interests." Requires disclosure of certain assets and income by certain public officials. Requires "Lobbyists" to register and file reports showing receipts and expenditures in lobbying activities. Creates fair political practices commission. Revises ballot pamphlet requirements. Provides criminal and civil sanctions for violations. Enacts and repeals statutes on other miscellaneous and above matters. Financial Impact: Adoption of this measure will increase state and local costs up to \$500,000 for the 1974-75 fiscal year and from \$1,360,000 to \$3,210,000 for each subsequent fiscal year.

PRO Joyce A. Koupal, Richard B. Spohn, Michael H. Walsh  
CON Clark L. Bradley

**Votes FOR 3,224,765 (69.8%)**

**Votes AGAINST 1,392,783 (30.2%)**

### ***PROP. 9: Subsequent Action Taken***

Prop. 9 was the first of several sustained attempts to establish campaign finance legislation in California. However, various court rulings substantially gutted the act. First, *Citizens for Jobs & Energy, et al. v. Fair Political Practices Commission*, 16 Cal. 3d 671 (1976) challenged the proposition as a violation of both the U.S. and California Constitution's Free Speech clauses. The Court ruled that expenditure limits on ballot initiatives, the ban on lobbyist contributions, and certain reporting provisions violated constitutional free speech guarantees.

In *Hardie V. Eu*, 18 Cal. 3d 371, also in 1976, the Court maintained that limitations on initiative petition gathering expenditures also violated the U.S. Constitution's First Amendment Free Speech guarantee.

As a result of the passage of **Prop. 9**, the Political Reform Division (PRD) was established to administer certain provisions of the initiative. The basic purpose of the PRD, is to ensure that "receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and...the activities of lobbyists should be regulated and their finances disclosed..."<sup>5</sup>

The role of the PRD has been expanded and revised each year and now includes extensive campaign finance disclosure and lobbyist monitoring responsibilities.<sup>6</sup>

In 1988 California voters adopted two additional campaign finance initiatives. **Prop. 68** provided for publicly funded campaigns for legislative offices. **Prop. 73**, applicable to all state and local elective

<sup>5</sup> Statement on the Political Reform Division's website: <http://www.ss.ca.gov/prd/prd.htm>

<sup>6</sup> For a complete list of responsibilities visit: [http://www.ss.ca.gov/prd/about\\_the\\_division/responsibilities.htm](http://www.ss.ca.gov/prd/about_the_division/responsibilities.htm)

office, *prohibited* publicly funded campaigns. Both propositions were approved with majority votes. However, the propositions addressed substantially the same issues. According to California law, when two initiatives address substantially the same issue, the initiative receiving the largest percentage of the vote is adopted and the other invalidated. Initial Court findings in *Taxpayers to Limit Campaign Spending v. Fair Political Practices Commission*, 51 Cal. 3d 744 (1990) invalidated Prop. 68 in its entirety due to this procedural requirement. In *SEIU v. FPPC*, 955 F. 2d 1312 (9<sup>th</sup> Cir, 1992) the Court also invalidated part of Prop. 73 for violating the 1<sup>st</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution.

In 1996 the California Senate passed **SB 588**, its own campaign finance legislation. This bill provided for contribution limits as well as voluntary spending limits for state legislative races. It also provided for partial public funding for candidates who agreed to limit spending. Governor Pete Wilson vetoed the bill in March of 1996.

In November of 1996 California voters overwhelmingly supported the passage of **Prop. 208**, which amended the Political Reform Act of 1974 by severely limiting campaign contributions. Like the previous attempts at reform, Prop. 208 was challenged in the Courts. In *California Prolife Council PAC v. Scully*, 989 F. Supp. 1282 (1998), the Court awarded a preliminary injunction ruling that the restrictions on campaign contributions were not drawn in a sufficiently narrow manner to obtain the legitimate state interest of the prevention of corruption, or the appearance thereof. Therefore, the limitations violated the candidates right to free speech. In 1999 the Ninth Circuit Court of Appeals upheld that injunction, *California Prolife Council PAC v. Scully*, 164 F.3d 1189 (9<sup>th</sup> Cir. 1999). On March 1, 2001, however, the court lifted the injunction in part. On May 8, 2001, additional aspects of the injunction were lifted leaving all provisions in sections 84501-84510 in effect.<sup>7</sup>

Voters were once again given the opportunity to adopted a campaign finance initiative statute in March of 2000, **Prop. 25**. This proposition, which featured limitations similar to, although not as restrictive as, Prop. 208, was defeated almost 2-to-1. Opponents argued that the soft-money loopholes and public financing of campaigns were the deciding factors in 25's defeat.

In response to the failure of Prop. 25 and the constitutional incompatibility of previous campaign finance reform initiatives, Senator John Burton (D-San Francisco) authored **SB 1223**, which later appeared as **Prop. 34** on the November 2000 ballot. Prop. 34 passed with 60% of the vote.

"Notably, Proposition 34 was drafted after the Supreme Court handed down its decision upholding Missouri's strict campaign contribution limits. (See *Nixon v. Shrink Missouri Government PAC*, 528 U.S. 377 [2000], discussed *infra*.) The Court's holding in that case indicates that Proposition 208's campaign contribution limits may ultimately be upheld as constitutional. As a result, Proposition 34 will result in the repeal of the highly restrictive contribution limits contained in that measure."<sup>8</sup>

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<sup>7</sup> <http://www.fppc.ca.gov/index.html?id=298>

<sup>8</sup> [http://www.mcgeorge.edu/government law and policy/california initiative review/november 2000/ccglp cir nov2000 prop 34.htm](http://www.mcgeorge.edu/government%20law%20and%20policy/california%20initiative%20review/november%202000/ccglp%20cir%20nov2000%20prop%2034.htm)

## 1974 GENERAL

### **PROP. 17: Wild and Scenic Rivers Initiative**

Amends Public Resources Code to designate specified portions of the main stem of the Stanislaus River as components of the California Wild and Scenic Rivers System. Prohibits construction or operation of flood control structure which would substantially diminish the public use or enjoyment of the specified portions of the river. Does not prohibit structural or nonstructural measures necessary for flood protection provided that such measures would adversely affect those designated portions of the river only for necessary temporary flood storage. Allows Legislature to amend measure by two-thirds vote. Financial impact: Minor cost to state.

PRO Dennis Vierra, Joyce Koupal, Marge Mobley  
CON John Hertle, Alexander Hildebrand, Paul McKeehan

Votes FOR 2,615,235 (47.1%)

Votes AGAINST 2,935,365 (52.9%)

## 1976 PRIMARY

### **PROP. 15: Nuclear Power Plants-Initiative Statute**

After one year, prohibits nuclear power plant construction and operation of existing plants at more than 60% of original licensed core power level unless federal liability limits are removed or waived by operators and full compensation assured. After five years, requires derating of existing plants 10% annually unless Legislature, by two-thirds vote, confirms effectiveness of safety and waste storage and disposal systems. Permits small-scale medical or experimental nuclear reactors. Appropriates \$800,000 for expenses of public hearings by advisory group and Legislature. Requires Governor to publish and annually review evacuation plans specified in licensing of plants. Financial impact: Ultimate advisory group cost may exceed amount appropriated. If Legislature requires testing in addition to federal government testing, costs may be several million dollars. Utility districts may experience loss in investment. Cost of electricity may rise. Extent of state liability, if any, to compensate for public or private loss of investment is unclear. Effect on local property tax revenues indeterminable.

PRO Harold C. Urey, John Knezevich, Kent Gill, John Knezevich

CON Dr. Robert Hofstadter, Dr. Ruth P. Yaffe, Dr. Jack Edward McKee

Votes FOR 1,950,430 (32.5%)

Votes AGAINST 4,048,355 (67.5%)

## 1976 GENERAL

### **PROP. 13: Greyhound Racing**

Establishes a state commission to license and regulate greyhound racing and legalize track betting in California.

Initial commission would be composed of appointees of the Governor, Lt. Governor, Joint Rules Committee, and the Assembly Governmental Organization Committee.

Subsequent commissions (After 1979) are composed entirely of gubernatorial appointees.

Commission would

- Limit tracks to one per county
- Limit total racing days to 875/year
- Limit betting to track facilities
- Limit number of races for charitable purposes
- Determine division of pari-mutuel dollar
- Derive support from licensing tax (6%)
  - Rest go to local governments, 13 programs specified in the measure.
  - None goes to state general fund.

Estimated revenue \$45 million - \$75 million/year

Votes FOR 1,861,083 25%

Votes AGAINST 5,695,976 75%

### **PROP. 14: Farm Labor**

Reenacts the agricultural labor relations act of 1975 with some alterations and with the direction that the legislature appropriate the necessary funds for implementation.

The Agricultural Labor Relations Act of 1975 (ALRA) gave farm workers the right to select unions to represent them.

After program halted due to lack of funds, growers urged the legislature not to approve a supplementary appropriation unless changes were made in the general law.

Changes are as follows:

- The regulation allowing organizers to enter an employer's property for 3 specified hours daily would be written into law.

-The American Labor Relations Board (ALRB) must make lists of employees available to those who file notices of intention to file for representative elections. Lists would be obtained from employers to determine worked eligibility to vote.

-The board would be authorized to order payment of treble damages in unfair-labor-practice cases.

-It would be more difficult to decertify a union which has previously won a bargaining election. Decertification elections would require the signatures of 50% of the workers (current requirement is 30%).

-The legislature would be directed to appropriate sufficient funds to finance the board. Provision would not bind legislature to any specific amount. Funding to be determined by governor, the legislature through the regular budgeting process.

Votes FOR 2,880,215 38%

Votes AGAINST 4,733,577 62%



## 1978 PRIMARY

### **PROP. 13: Jarvis-Gann Initiative**

Establishes a limit on local property taxation and change the voting requirements for increases in other sources of government revenue.

#### JARVIS-GANN PROVISION

- The maximum property tax shall be 1 % of market value. This does not apply to bonded debt approved by the voters prior to July 1st.
- The revenues from property taxes shall be apportioned "according to law to the district within the counties."
- Property values will be based on the assessments of March 1st 1975. Therefore, the maximum increase in assessments shall be 2% a year, except for new construction or parcels in which there has been a change of ownership.
- Any new taxes voted by the Legislature must be passed by a 2/3 vote (not the current simple majority). No new real-estate taxes of any kind may be imposed.
- Local governmental units may impose "special taxes" - but only by a 2/3 vote of the "qualified electors." However, no taxes on real property may be imposed.
- The entire measure will take effect on July 1st, except for the 2/3 vote requirement in the Legislature, which would go into effect immediately.
- If any section of the initiative were to be declared unconstitutional by the Supreme Court, all the remaining sections would remain in effect.

#### LINK TO PROP. 8 (Legislative Constitutional Amendment—alternative ballot measure also appearing on the 1978 Primary ballot.)

-The legislature passed an alternative property tax measure, the Behr bill (**SB 1**), which offers \$1.4 billion in tax relief from state surplus funds. This bill would only go into effect if Prop. 13 was defeated and Prop. 8 passed. Therefore, there are several ways the 1978 tax relief battle can come out. The 5 basic alternatives are as follows:

1. Both bills are defeated and there is no tax relief plan until the legislature acts again.
2. Prop. 8 is passed and Prop. 13 is defeated. The Behr bill would go into effect immediately.
3. Prop. 13 is passed, is upheld by the courts and no substitute taxes are levied. Owners of all California property would get 57% reductions in their property tax bills, and local governments would be forced to reduce services. (If Prop. 13 passes and is upheld by the courts, the outcome of Prop. 8 is irrelevant.)
4. Prop. 13 passes and is declared unconstitutional by the Supreme Court. There would be no immediate property tax relief. However, if Prop. 8 is adopted, the state could implement the Behr bill after the court acts. But there would be legal complications, and the legislature might have to start over again.
5. Prop. 13 passes, is upheld by the courts and replacement taxes are levied. Owners of all California property would get 57% reductions in their property tax bills. But they would have to pay unknown amounts of unknown new taxes.

-The estimates for the amount of revenue lost if Prop. 13 goes into effect range from \$5 billion to \$8 billion. The impact would be the greatest on the branches of government that depend heavily on property tax. Significant cutbacks, that would vary from community to community, would be required in some local services. If replacement revenues are to be provided, they would have to come from the state government, which already gives 2/3 of its general-fund income to local government. The entire budget for state operations is less than the amount local government would lose from the effects of this initiative. In short, there is no way that state and local government could provide anything resembling the current level of services without levying alternative taxes.

-Although Jarvis-Gann would reduce property taxes by about \$7 billion, the net tax savings would be about \$5 billion because property-tax deductions would raise state and federal income-tax collections by about \$2 billion.

### LEGAL PROBLEMS

-How are the property tax revenues to be divided? The initiative says according to law, but there isn't a law.

-How are assessors to place a value on properties that decrease in value after 1975? Would the 1975 value be preserved?

-Is it legal to place a 2% limit on annual increases in value for those properties that do not change hands, while allowing full reassessment of those that are sold? Is this a violation of the equal-protection clause of the constitution?

-Does this proposal freeze charitable exemptions and prevent changes in the method of taxing open space lands and agriculture reserves?

-What does the term "qualified electors" mean in the local 2/3 vote section? Does it mean those voting, those registered to vote, or those of voting age? Is this item so central that the entire initiative could be thrown out because of the vagueness of "qualified electors"?

### BEHR (PROP. 8) AND JARVIS (PROP. 13) COMPARISON

#### HOMEOWNER RELIEF

##### JARVIS

- Statewide property taxes would be reduced about 57%. The tax rate would be based on about 1.25% of value (1% plus funds for retirement of bonds).

##### BEHR

-Statewide, the average property tax relief would be 32% in the first year and about 35% in 4 years.

#### OTHER PROPERTY OWNERS

##### JARVIS

- The 57% cut would apply to factories, apartment houses, farms and other classes of property.

##### BEHR

-No direct relief.

#### RENTERS

#### JARVIS

- No direct relief (landlords could, however, pass on their savings in property taxes to tenants through lower rents).

#### BEHR

- The income tax credit for renters would be increased from \$37 to \$75 a year.

#### JARVIS

- Nothing beyond general homeowners relief.

#### BEHR

Homeowners over 62 with incomes below \$13,000 a year would be eligible for additional property tax exemptions. Renters over 62 would also get improved benefits. These benefits work on a sliding scale according to income.

### ASSESSMENT FEATURES

#### JARVIS

- Rates would remain the same for all classes of property.

#### BEHR

- For the 1st time, rates could be reduced for owner occupied homes, while rates remained at a higher level for other classes of property.

### GOVERNMENT SPENDING

#### JARVIS

- Establishes 2/3 vote requirement for increases in state taxes and voter approval of new local taxes.

#### BEHR

Places limits on increases in state and local governmental spending. The maximum annual increases under this provision have been estimated at 8% for local government and 12% for the state. . But these figures could vary significantly with an overall change in economic conditions.

### OTHER TAXES

#### JARVIS

- Californians would pay about \$2 billion of their \$7 billion tax relief in higher income taxes. They might have to pay additional state and local taxes to make up for the loss from the property tax base.

#### BEHR

The entire program would be financed from current state surplus funds. There would be a \$400 million increase in state and federal income tax collections through loss of property-tax deductions.

PRO Howard Jarvis, Paul Gann, John V. Briggs  
CON Houston I. Flournoy, Tom Bradley, Gary Sirbu

**Votes FOR 65%**

Votes AGAINST 35%

***PROP. 13: Subsequent Action Taken***

Prop. 13, the first of seven related initiatives, is generally acknowledged as the beginning of the Jarvis-Gann tax revolt. Of the seven, five were successful:

Prop 13 (1978): Property Tax Limitation (constitutional amendment)

**Yes: 4,280,689 (64.8%); No: 2,326,167 (35.2%)**

\*Prop. 13 was challenged on the ballot by Prop. 8, the legislatively sponsored alternative property tax reform initiative. Prop. 13 soundly defeated Prop. 8, which garnered only 47% of the vote.

Prop 4 (1979): Limits on increases in government spending (constitutional amendment)

**Yes: 2,580,720 (74.3%); No: 891,157 (25.7%)**

Prop. 9 (1980): Taxation. Income (constitutional amendment)

**Yes: 2,538,667 (39.2%); No: 3,942,248 (60.8%)**

Prop 7 (1982): Income Tax Indexing (initiative statute)

**Yes: 3,191,178 (63.5%); No: 1,835,054 (36.5%)**

Prop. 36 (1984): Taxation (constitutional amendment)

**Yes: 4,052,993 (45.2%); No: 4,904,372 (54.8%)**

Prop 62 (1986): Taxation of State and Local Districts (initiative statute)

**Yes: 3,858,119 (58.0%); No: 2,798,805 (42.0%)**

Prop 218 (1996): Voting on Taxation of Local Districts; Limitation on fees and Charges (constitutional amendment)

**Yes: 5,202,429 (56.6%); No: 3,996,702 (43.4%)**

With this successful tax revolt came immediate significant legal challenges. The first challenge came in *Amador Valley Joint Union H.S. District v. State Board of Equalization*, 22 Cal. 3d 208 (1978). In this case the lawsuit charged that the proposition violated the California Constitution's single subject rule for initiatives, the U.S. Constitution's 14<sup>th</sup> Amendment's Equal Protection Clause, Right to Travel, Contracts Clause, as well as Technical title and summary rules. The court rejected these claims and upheld the initiative in its entirety.

An additional challenge came in *Nordlinger v. Hahn*, 05 U.S. 1 (1992). In this case the lawsuit again argued that the proposition violated the U.S. Constitution's Equal Protection Clause. Again, the Court upheld the initiative in its entirety.

The subsequent successful initiatives, 4 (1979), 7 (1982), 62 (1986), and 218 (1996) indexed tax brackets to inflation, and mandated local votes for the imposition of local taxes. The latter reform was tied down in the courts until 1995. The challenge, *Santa Clara County Local Transportation Authority*

*v. Guardino*, 11 Cal. 4<sup>th</sup> 220 (1995), was based on a claim that Prop. 62 violated the California Constitution's Art. II, sec.9 rule against referenda on tax increases. The Court found in favor of the plaintiff and Prop. 62 was invalidated in part. In response to this decision, the Jarvis-Gann team sponsored Prop. 218 in 1996. Prop. 218 reaffirmed Prop. 62 by amending the California Constitution to require a 2/3 vote for new tax or fee increases. Although Prop. 218 was also challenged in *Consolidated Fire Protection District v. Howard Jarvis Taxpayers Assn, et al.*, 63 Cal. App. 4<sup>th</sup> 211 (1998) for violating the California Constitution's prohibition against referenda on tax levies and the U.S. Constitution's Contracts Clause, the Court found that the initiative did not constitute an unconstitutional referendum, nor were there any vested contract rights to establish a constitutional impairment. The initiative was upheld in its entirety.

## 1978 GENERAL ELECTION

### **PROP. 5: Regulation of Smoking**

Finds and declares that smoking in enclosed areas is detrimental to nonsmokers. With specified exceptions, makes smoking unlawful in enclosed public places, places of employment and educational and health facilities. Requires restaurants to establish nonsmoking sections in dining areas. Prohibits employment discrimination based on exercise of rights provided by this statute. Permits stricter local government smoking regulations. Requires posting of signs designating areas where smoking is unlawful. Allows Legislature to amend consistent with intent of this statute. Provides penalties for violations. Financial impact: Modest cost to state and to individual local governments for purchase, installation of NO SMOKING signs in public buildings. Minor enforcement costs. Possible cost to alter public employee working facilities to accommodate smoking employees. If proposition leads to significant reduction in smoking, could result in substantial reduction in health and other smoking related government costs and would result in substantial reduction in state and local sales, cigarette tax collections.

PRO Luther L. Terry, M.D., Nicholas P. Krikes, M.D., Carol Kawanami, P.H.N.,  
Justin J. Stein, M.D.

CON Houston I. Flournoy, Katherine Dunlap, Peter J. Pitchess

Votes FOR 3,125,148 46%

Votes AGAINST 3,721,682 54%

### **PROP. 6: Homosexual-Conduct**

Provides for filing charges against schoolteachers, teachers' aides, school administrators or counselors for advocating, soliciting, imposing, encouraging or promoting private or public sexual acts defined in sections 286(a) and 288a(a) of the Penal Code between persons of same sex in a manner likely to come to the attention of other employees or students; or publicly and indiscreetly engaging in said acts. Prohibits hiring and requires dismissal of such persons if school board determines them unfit for service after considering enumerated guidelines. In dismissal cases only, provides for two-stage hearings, written findings, judicial review. Financial impact: Unknown but potentially substantial costs to State, counties and school districts depending on number of cases which receive an administrative hearing.

PRO John V. Briggs, Doctor Ray Batema, F. La Gard Smith, John V. Briggs

CON Jane McKaskle Murphy, Raoul Teilhet, Edmund D. Edelman

Votes FOR 2,823,293 42%

Votes AGAINST 3,969,120 58%

**PROP. 7: Death Penalty**

Changes and expands categories of first degree murder for which penalties of death or confinement without possibility of parole may be imposed. Changes minimum sentence for first degree murder from life to 25 years to life. Increases penalty for second degree murder. Prohibits parole of convicted murderers before service of 25 or 15 year terms, subject to good-time credit. During punishment stage of cases in which death penalty is authorized: permits consideration of all felony convictions of defendant; requires court to impanel new jury if first jury is unable to reach a unanimous verdict on punishment. Financial impact: Indeterminable future increase in state costs.

PRO John V. Briggs, Donald H. Heller, Duane Lowe, Donald H. Heller  
CON Maxine Singer, Nathaniel S. Colley, John Pairman Brown

**Votes FOR 4,480,275 72%**

Votes AGAINST 1,818,357 28%

***PROP. 7: Subsequent Action Taken:***

See discussion of the death penalty legislation above on pp. 6-7.

## 1979 SPECIAL

### **PROP. 4: Limitation of Government Appropriations**

Establishes and defines annual appropriation limits on state and local governmental entities based on annual appropriations for prior fiscal year. Requires adjustments for changes in cost of living, population and other specified factors. Appropriation limits may be established or temporarily changed by electorate. Requires revenues received in excess of appropriations permitted by this measure to be returned by revision of tax rates or fee schedules within two fiscal years next following year excess created. With exceptions, provides for reimbursement of local governments for new programs or higher level of services mandated by state. Financial impact: Indeterminable. Financial impact of this measure will depend upon future actions of state and local governments with regard to appropriations that are not subject to the limitations of this measure.

PRO Paul Gann, Carol Hallett, Leo T. McCarthy

CON Jonathan C. Lewis, Susan F. Rice, John F. Henning

**Votes FOR 2,580,720 (74.3%)**

Votes AGAINST 891,157 (25.7%)

### ***PROP. 4: Subsequent Action Taken:***

See discussion of taxation initiatives above on pages 20-21.



## 1980 PRIMARY

### **PROP. 9: Income-Tax**

Jarvis again. Calls for cuts of 50% in California personal income tax. Cuts would make tax range .5% - 5.5% from present 1% - 11%. Proposition 9 also adds to the Constitution amendments indexing the state income tax for inflation and eliminating the business inventory tax. Estimated first year revenue loss is \$4.9 billion. "

Votes FOR 2,538,667 39%

Votes AGAINST 3,942,248 61%

### ***PROP. 9: Subsequent Action Taken:***

See discussion of taxation initiatives above on pages 20-21.

### **PROP. 10: Rent**

Current rent control ordinances would remain in effect at each local level until the next local election, when they would be abolished. New ordinances could be drafted and voted on at that time. If new ordinances are drawn up, they must conform to Prop. 10 guidelines (landlords must be allowed rent increases equal to the preceding 12 months inflation, plus other increases for property improvements.) And even if these new ordinances were to pass locally, all new housing occupied after Prop. 10 passes would not be subject to rent control. Any units vacated would then become rent-decontrolled. Single-family houses would all be decontrolled. And any new local rent control ordinances passed would automatically expire in four years.

Votes FOR 2,247,395 35%

Votes AGAINST 4,090,180 65%

### **PROP. 11: Oil Surtax**

Levies a 10% surtax on oil company income for improvement of mass transit and development of alternative fuels. The tax would be placed on top of the current 9.6% corporate tax. Companies liable for the tax could gain tax credits by increasing refining capacity or oil *production* in California. The state *Franchise* Tax Board would collect the tax. The funds would be deposited in a state transportation account and earmarked for mass transit projects.

Votes FOR 2,821,150 44%

Votes AGAINST 3,544,840 56%

## 1980 GENERAL ELECTION

### **PROP. 10: Smoking and Non-Smoking Sections**

Provides for designation of smoking and no-smoking sections in every enclosed public place, enclosed place of employment, enclosed educational facility, enclosed health facility and enclosed clinic. Does not limit smoking in outdoor areas or private residences. Establishes criteria for defining smoking and no-smoking sections. Requires signs be posted designating no-smoking areas. Violation is infraction punishable by \$15 fine per violation. Provides no person may be taken into custody or subject to search for violation. Allows enactment of further legislation and regulations relating to smoking. Requires implementation standards be adopted by Department of Health Services. Fiscal impact on state and local governments: Issuance of regulations by state, posting of nonsmoking signs by state and local governments, and enforcement of measure by state and local governments would result in minor costs to state and local governments. Indeterminable reduction in state and local tax revenues could result from reduced cigarette consumption. Indeterminable savings could result from decline in smoking-related illness among employees and participants in state health-related programs and from decline in fire losses.

PRO Raymond L. Weisberg, M.D., Diane E. Watson, Peter E. Pool, M.D.  
CON Houston I. Flournoy, Peter J. Pitchess, David Bergland

Votes FOR 3,861,614 46.6%

Votes AGAINST 4,432,209 53.4%

## 1982 PRIMARY ELECTION

### **PROP. 5 & 6: Inheritance and Gift Taxes**

- Repeals most state inheritance and gift taxes.
  - The two propositions are almost identical.
- If one or both are passed, then most state inheritance and gift taxes would be eliminated.
- Would require the state to levy an estate tax equal to the maximum credit available under the federal estate-tax law.
- Would allow the state to claim taxes that would otherwise go the federal government.
- Adoption would mean a \$130 million reduction in state revenues for the 1982-83 fiscal year. State revenues would be reduced by an additional \$365 million in 1983-84, and ever-increasing amounts thereafter.
- If both measures are approved, the proposal receiving the most affirmative votes would go into effect.
- The proposal would take several years to fully implement because of the time lag between the date of death and the time when taxes are paid.

PRO David E. Miller

CON Kenni Friedman, Chris Adams, Thomas G. Moore

**PROP. 5 Votes FOR 3,208,394 62%**

Votes AGAINST 1,983,818 36%

PRO Don Rogers, Alfred E. Alquist, Carol Hallett

CON Kenni Friedman, Chris Adams, Thomas G. Moore

**PROP. 6 Votes FOR 3,330,547 64%**

Votes AGAINST 1,838,128 36%

### ***PROP. 5 & 6: Subsequent Action Taken:***

Prop. 5 was found invalidated in *Estate of Gibson v. Bird*, 139 Cal. App. 3d 733 (1983). The Court ruled that Prop. 5 was invalidated by Prop. 6, which received a higher percentage of the vote.

Prop. 6 was challenged in *Carlson v. Cory*, 139 Cal. App. 3d 724 (1983) for usurping powers reserved to the California legislature through the Constitution as well as the constitutional prohibition against referenda on tax levies. The Court rejected both of these claims and upheld the proposition in its entirety.

### **PROP. 7: Income-Tax Indexing**

- Proposed initiative statute to apply a cost-of-living factor to the state income tax each year.
- The 11 taxation brackets under the current income-tax system would be revised upward to compensate for the rate of inflation; otherwise, individuals would be paying taxes at a higher rate each year -although their actual income (adjusted for inflation) did not increase. Tax credits are also indexed.
- Initiative would require permanent full indexing of the income-tax brackets starting with the 1982 tax year. The brackets would be adjusted by the percentage change in the California consumer price index, for every year in which this change exceeds 3%.
- The loss to the state is expected to be \$230 million in the 1982-83 fiscal year, \$445 million the next and ever-increasing amounts thereafter.

PRO Howard Jarvis, Mike Curb, Paul Carpenter  
CON Howard L. Berman, John M. Bachar, Kent A. Spieller

**Votes FOR 3,191,178 63%**

**Votes AGAINST 1,835,054 37%**

#### ***PROP. 7: Subsequent Action Taken:***

See discussion of taxation initiatives above on pages 20-21.

### **PROP. 8: Criminal Justice**

Amends Constitution and enacts several statutes concerning procedural treatment, sentencing, release, and other matters for accused and convicted persons. Includes provisions regarding restitution to victims from persons convicted of crimes, right to safe schools, exclusion of relevant evidence, bail, use of prior felony convictions for impeachment purposes or sentence enhancement, abolishing defense of diminished capacity, use of evidence regarding mental disorder, proof of insanity, notification and appearance of victims at sentencing and parole hearings, restricting plea bargaining, Youth Authority commitments, and other matters.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

As the fiscal effect would depend on many factors that cannot be predicted, the net fiscal effect of this measure cannot be determined with any degree of certainty. However, approval of the measure would result in major state and local costs. The measure could: increase local administration costs; increase state administrative costs; increase claims against the state and local governments relating to enforcement of the right to safe schools; increase school security costs to provide safe schools; increase the cost of operating county jails by increasing the jail populations; increase court costs; and increase the cost of operating the state's prison system by increasing the prison population (estimated to be about \$47 million increased annual prison operating costs and \$280 million prison construction costs based on various assumptions).

PRO Mike Curb, George Deukmejian, Paul Gann  
CON Richard L. Gilbert, Stanley M. Roden, Terry Goggin

**Votes FOR 2,826,081 56%**

Votes AGAINST 2,182,710 44%

***PROP. 8: Subsequent Action Taken:***

The constitutionality of Prop. 8 was challenged in *Brosnahan v. Brown*, 32 Cal. 3d 236 (1982). The court ruled that the initiative did not violate the Single Subject Rule and upheld it in its entirety.

## 1982 GENERAL ELECTION

### **PROP. 11: Beer and Soda-Pop Containers**

Requires that beverage containers sold, or offered for sale, on or after March 1, 1984, have a refund value, established by the distributor, of not less than 5 cents. Requires refund value be indicated on container. Requires that dealers and distributors pay the refund value on return of empty container. Provides for establishment of redemption centers. Provides for handling fees for dealers and redemption centers. Prohibits manufacturer from requiring a deposit from a distributor on a nonrefillable container. Contains definitions, specified exceptions, conditions, and other matters. Provides violation of statute is an infraction punishable by fine.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Net fiscal effect on state and local governments cannot be determined. Could result in reduced litter cleanup costs, reduced solid waste disposal costs, and an unknown increase or decrease in tax revenue collections. Variables involved are discussed in more depth in Analyst's estimate.

PRO Richard B. Spohn, Chris Adams, D. Bill Henderson, Richard Spohn,  
CON Barbara Keating-Edh, Donald Beaver, Gary Peterson

Votes FOR 3,281,803 44%

Votes AGAINST 4,162,884 56%

### **PROP. 12: Bilateral Nuclear Weapons Freeze Letter**

This initiative statute requires the governor to write a letter urging the United States and the Soviets to halt the nuclear arms race.

Letters would be sent to the President, the Secretary of Defense, the Secretary of State and all members of Congress before the end of the year. The letter would read as follows: The people of the State of California, recognizing that the safety and security of the United States must be paramount in the concerns of the American people; and further recognizing that our national security is reduced, not increased, by the growing danger of nuclear war between the United States and the Soviet Union which would result in millions of deaths of people in California and throughout the nation; do hereby urge that the Government of the United States propose to the Government of the Soviet Union that both countries agree to immediately halt the testing, production and further deployment of all nuclear weapons, missiles and delivery systems in a way that can be checked and verified by both sides.

PRO Dr. Owen Chamberlain, Homer A. Boushey, John H. Rubel  
CON Admiral U. S. G. Sharp, Robert Garrick

Votes FOR 3,795,732 52%

Votes AGAINST 3,439,082 48%

*Prop. 12 was essentially symbolic. No subsequent action was taken.*

### **PROP. 13: Water Conservation**

Adds numerous sections to Water Code. Principal provisions: (1) Interbasin water transfers -- requires development and implementation of specified water conservation programs for annual appropriations of more than 20,000 acre-feet. (2) Instream appropriations -- allows for fishery, wildlife, recreational, aesthetic, scientific, scenic, water quality, and other uses. (3) Stanislaus River and New Melones Dam -- specifies conditions concerning water storage and uses. (4) Groundwater -- declares 11 named basins critical overdraft areas and establishes management authorities in these with specified duties and powers, including authority to limit, control, or prohibit groundwater extractions. Also contains policy statements, enforcement, and other provisions.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Overall fiscal effect on state and local governments cannot be determined. Could result in \$1.48 million annually (1982 prices) in increased costs for 6 years to State Water Resources Control Board to perform new responsibilities; unknown planning, administrative and implementation costs particularly in targeted areas; unknown litigation costs; unknown loss of power revenues; and unknown long-term savings in reduced costs to add new water supplies and pumping. Analyst's estimate discusses various factors involved.

PRO Scott E. Franklin, Jeanne G. Harvey, A. Alan Post  
CON John Thurman, Shirley Chilton, Henry Voss

Votes FOR 2,449,513 35%

Votes AGAINST 4,488,645 65%

### **PROP. 14: Reapportionment Commission**

Repeals Legislature's power over reapportionment. Establishes Districting Commission. Commission given exclusive authority to specify State Senate, Assembly, Equalization Board, and congressional district boundaries. Specifies criteria for establishing districts. Provides method of choosing commissioners having designated qualifications selected by appellate court justice panel and political party representatives. Requires districting plans be adopted for 1984 elections and following each decennial census thereafter. Specifies commission's duties and responsibilities. Provides for open meetings, procedures, public hearings, and judicial review. Retains referendum power. Requires Supreme Court action if districting plans not adopted within specified times.



**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

On assumptions stated in the Analyst's estimate, increased state costs of \$126,000 for salaries of commission in 1983 and a comparable amount (in today's dollars) once every 10 years beginning in 1991.

PRO Gerald Ford, Donald Wright, Susan Rouder  
CON Jesse Unruh, David A. Roberti, Willie Lewis Brown, Jr.

Votes FOR 2,982,034 45%  
Votes AGAINST 3,604,361 55%

**PROP. 15: Handgun Registration and Control**

Adds and amends statutes concerning ownership, registration, and sale of guns. Requires that all concealable firearms (handguns) be registered by November 2, 1983. Makes registration information confidential. Specifies procedures concerning sale and transfer of handguns by dealers and private parties. Restricts Legislature from banning ownership of shotguns, long rifles, or registered handguns and from requiring registration of shotguns or long rifles. Limits number of handguns to number in circulation in California on April 30, 1983. Specifies violation penalties, including imprisonment for certain violations. Provides specified civil damage liability upon unlawful transfer of concealable firearms. Contains other provisions.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Would have an indeterminable impact on state and local governments. Administrative costs: There would be major state and local administrative costs reimbursed in whole or in part by fees charged to affected handgun owners. Program costs: This measure would have an unknown impact on the costs of maintaining the criminal justice system. Revenues: This measure could impact sales and income tax revenues. Variables involved for each are discussed in more depth in Analyst's estimate.

PRO Peter J. Pitchess, John J. Norton, Cornelius P. Murphy, Joseph D. McNamara, William B. Kolender  
CON Carol Ruth Silver, Richard K. Rainey, Robert L. Fusco

Votes FOR 2,776,973 37%  
Votes AGAINST 4,690,734 63%



## 1984 PRIMARY

### **PROP. 24: Legislature: Rules, Procedures, Powers, Funding.**

Specifies that membership on Senate and Assembly Rules Committees shall consist of members from two largest parties and accords largest party a one-vote majority. Specifies that membership on other house legislative committees shall be proportional to partisan composition in each house. Specifies that each house and specified legislative committees approve, among other things, by two-thirds vote, rules, committee establishment, appointments by Speaker and disbursement of funds. Reduces Legislature's support appropriations by 30%, limits future support appropriations, and requires specified public reports and audits. Specifies other procedural, operational, staffing and funding requirements.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Funding for support of the Legislature would be reduced by up to \$37 million from the amounts appropriated in the 1984-85 Budget Act. Because the budget will not be adopted until after the June 1984 election, the level of support for the Legislature remaining after this reduction is made cannot be determined at this time. In the years beyond 1984-85, the measure would set an upper limit on the growth in legislative funding.

PRO Paul Gann

CON Robert T. Monagan, Leo T. McCarthy, John K. Van de Kamp

**Votes FOR 2,444,751 (53.1%)**

**Votes AGAINST 2,162,024 (46.9%)**

#### ***PROP. 24: Subsequent Action Taken:***

In *People's Advocate v. Superior Court*, 181 Cal. App. 3d 316 (1986), the Court invalidated most of Prop. 24's provision for violating Art. IV of the California Constitution (Legislative Powers clause). The Court upheld the provisions of Prop. 24 regarding the secrecy of legislative proceedings.

## 1984 GENERAL

### **PROP. 36: Taxation**

Amends Article XIII A, enacted as Proposition 13 in 1978, adding restrictions on real property taxation, enactment of new tax measures, and charging fees. Prohibits imposition of new taxes based upon real property ownership, sale, or lease. Prohibits increasing other taxes except upon two-thirds vote of Legislature for state taxes, and two-thirds vote of electorate for local governmental taxes. Restricts imposition of fees exceeding direct costs of services provided. Provides specified refunds including taxes attributable to assessed value inflation adjustments in assessment years 1976-77 through 1978-79. Makes other changes. Operative date for specified provisions -- August 15, 1983.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal**

##### **Impact:**

(1) state government revenues reduced by at least \$100 million, net, over two-year period 1984-85 to 1985-86; (2) state costs increased up to \$750 million over two-year period 1984-85 to 1985-86, and by about \$150 million annually in subsequent years, to replace revenue losses experienced by K-12 school districts; (3) local agencies other than schools identifiable property tax and other revenue losses of approximately \$2.8 billion, net, over two-year period 1984-85 to 1985-86, and revenue losses of about \$1.1 billion annually in subsequent years.

1. State government revenues would be reduced by at least \$100 million, net, over the two-year period 1984-85 to 1985-86.

2. The state would incur increased costs of up to \$750 million over the two-year period 1984-85 to 1985-86, as a result of the requirement in current law that the state replace any revenue losses experienced by K-12 school districts. The increased cost to compensate for any school district's revenue losses in subsequent years would be about \$150 million.

3. Local agencies other than schools would experience an identifiable net loss of property tax and other revenues of approximately \$2.8 billion over the two-year period 1984-85 to 1985-86. The revenue losses experienced by these agencies would be about \$1.1 billion in 1986-87 and subsequent years.

PRO Howard Jarvis, Paul Gann

CON Richard Simpson, Bill Honig, Bobette Bennett

Votes FOR 4,052,993 (45.2%);

Votes AGAINST 4,904,372 (54.8%)

### **PROP. 37: State Lottery**

Amends Constitution to authorize establishment of a state lottery and to prohibit casinos. Adds statutes providing for establishment of a state-operated lottery. Of the total lottery revenues, requires that 50% be returned as prizes, not more than 16% be used for expenses, and at least 34% be used for public education. Requires that equal per capita amounts of the funds for education be

distributed to kindergarten-through-12 districts, community college districts, State University and Colleges, and University of California. Contains numerous specific provisions concerning the operation and administration of lotteries and funds.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

The effect of this measure on state revenues cannot be predicted with certainty. Once full range of games is operational, estimated yield would be about \$500 million annually for public education. Yield for first two years would be less. Estimated 80% of yield would go to K-12 schools, 13% to community colleges, 5% to California State University, and 2% to University of California.

PRO Gail N. Boyle, Nancy J. Brasmer, Ed Foglia  
CON John Van De Kamp, Robert Presley, Bobette C. Bennett

**Votes FOR 5,398,096 (57.9%)**

**Votes AGAINST 3,924,346 (42.1%)**

***PROP. 37: Subsequent Action Taken:***

The legislature subsequently adopted the 1985 Lottery Act, codifying the State Lottery and division of revenues.

In 2000, California voters passed Prop. 20 (Text Book Act), which requires that 50% of all lottery revenue increases over the 1997-1998 fiscal year be dedicated to providing instructional materials in K-12 schools and two-year community colleges.

**PROP. 38: Voting Materials in English Only**

States declaration of public policy concerning use of common English language. Adds a new statute requiring the Governor to write to the President of the United States, the United States Attorney General, and all members of Congress, a communication urging that federal law be amended so that ballots, voters' pamphlets, and all other official voting materials shall be printed in English only.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

The cost to the state of providing the written communication required by this measure would be insignificant.

PRO S. I. Hayakawa, Ph.D., J. William Orozco, Stanley Diamond  
CON Robert Matsui, Esteban Edward Torres, Don Edwards

**Votes FOR 6,390,676 (70.5%)**

**Votes AGAINST 2,645,599 (29.5%)**

***No subsequent action taken.***

### **PROP. 39: Reapportionment**

Repeals existing constitutional and statutory provisions. Adds provisions specifying criteria and procedures to reapportion Senate, Assembly, congressional, and equalization districts for 1986 elections and after each decennial census. Establishes new commission to adopt plans. Commission composed of eight former appellate court justices, who haven't previously been representatives from districts reapportioned and meet other criteria, and certain nonvoting members. Voting members selected by lot equally from two lists comprised of justices appointed by governors representing political parties with largest (list 1) and second largest (list 2) registered voters. Plans subject to referendum, Supreme Court review.

**Summary of Legislative Analyst's estimate of net state and local government fiscal impact:** Commission costs of up to \$3.5 million for reapportionment for 1986 election. Costs of \$10,000 to \$20,000 each to relocate an unknown number of district legislative offices. One-time county costs of approximately \$500,000 for new maps and election materials. Savings for certain counties on printing costs of about \$300,000 in 1986 and \$200,000 every two years thereafter. Reapportionments after 1990 census, and following, will probably cost less than under existing law due to expenditure limit in measure.

PRO Colleen Conway McAndrews, Sandra R. Smoley, Dr. George C. S. Benson, John T. Hay, Paul Gann

CON John K. Van De Kamp, Daniel H. Lowenstein

Votes FOR 3,995,762 (44.8%)

Votes AGAINST 4,919,860 (55.2%)

### **PROP. 40: Campaign Contribution Limitations—Elective State Offices**

Limits contributors and contributions to elective state office candidates. Limits contributions to individuals, political action committees, parties. Individuals' yearly contributions limited to \$1,000 per candidate, \$250 per party or political action committee, with \$10,000 maximum to all candidates, political action committees and parties. Parties and political action committees' yearly contributions limited to \$1,000 per candidate. Allows candidate expenditures only from designated account for legitimate campaign expenditures. Regulates independent expenditures, loans, and surplus contributions. Candidates may expend personal funds without limit. Provides limited public funding for candidates to match opposition candidates' personal expenditures.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

It is estimated that this measure would reduce State General Fund revenues by approximately \$100,000 each fiscal year, and increase State General Fund expenditures by approximately up to \$1,650,000 each fiscal year.

PRO Ross Johnson

CON Henry J. Voss, Dean A. Watkins

Votes FOR 3,109,746 (35.5%)

**Votes AGAINST 5,640,473 (64.5%)**

**PROP. 41: Public Aid and Medical Assistance Programs**

Summary: Establishes Public Assistance Commission to annually survey and report on state per capita expenditures and state and county administrative costs of public aid and medical assistance programs in California and the other states. Limits expenditures for benefits under each program to the national average expenditure, excluding California, plus 10%. Permits increase in any program expenditure upon majority vote of Legislature so long as total of expenditures do not exceed limit. Defines programs included; exempts specified programs. Provides for amendment by two-thirds vote of Legislature after specified public notice. Makes other provisions.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Net effect would be to reduce *combined* state and county expenditures, beginning July 1, 1986. It is impossible at this time to determine the size of the reduction and the impact at different levels of government. While the measure would reduce expenditures under specified public assistance programs by substantial amounts, these reductions would be partially offset to an unknown extent by (1) increased costs under programs that are not subject to the measure's limitations and (2) reduced tax revenues resulting from the reduction in federal expenditures within the state. On balance, it is likely that state expenditures would be reduced and county expenditures would be increased.

PRO Ross Johnson

CON Ray Uzeta, Rev. John Deckenbach, Mary Jane Merrill

Votes FOR 3,427,127 (37.0%)

**Votes AGAINST 5,517,127 (63.0%)**

## 1986 PRIMARY

### **PROP. 51: Multiple Defendants Tort Damage Liability**

Under existing law, tort damages awarded a plaintiff in court against multiple defendants may all be collected from one defendant. A defendant paying all the damages may seek equitable reimbursement from other defendants. Under this amendment, this rule continues to apply to "economic damages," defined as objectively verifiable monetary losses, including medical expenses, earnings loss, and others specified; however, for "non-economic damages," defined as subjective, non-monetary losses, including pain, suffering, and others specified, each defendant's responsibility to pay plaintiff's damages would be limited in direct proportion to that defendant's percentage of fault.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Under current law, governments often pay non-economic damages that exceed their shares of fault. Approval of this measure would result in substantial savings to state and local governments. Savings could amount to several millions of dollars in any one year, although they would vary significantly from year to year.

PRO Richard Simpson, Donnetta Spink, Elwin E. (Ted) Cooke, Kirk West, Pat Russell, Leslie Brown

CON Harry M. Snyder

**Votes FOR 2,875,382 (62.1%)**

**Votes AGAINST 1,753,244 (37.9%)**

#### ***PROP. 51: Subsequent Action Taken:***

The constitutionality of Prop. 51 was challenged in 1988 for potentially violating the Equal Protection and Due Process clauses of the U.S. and California Constitutions in *Evangelatos v. Superior Courts*, 44 Cal. 3d 1188. The Court upheld the constitutionality of the proposition.

In response to Prop. 51 both the trial lawyers and the insurance industry sponsored ballot initiatives in the 1988 general election. **Prop. 101**, sponsored by the insurance industry, was a second effort to cap contingency fees. **Prop. 104**, also sponsored by the insurance industry, was a "no fault" initiative. Both initiatives failed.

The trial lawyers countered the business community's efforts by sponsoring **Proposition 100**, which also failed.

**Prop. 103** narrowly passed, providing strict regulation of the insurance agency and attempting to reduce auto insurance rates by 20%.

In 1996, three additional tort reform initiatives were placed before the voters in the primary election. All three, **Propositions 200, 201, and 202**, failed.

With the 1996 general election came additional efforts at tort reform. Voters adopted **Proposition 213**, which prohibited plaintiffs from collecting non-economic damages when a person was in an accident while committing a crime, driving drunk or illegally, or without insurance. In the same election voters rejected Proposition 201, sponsored by the trial lawyers, which would have prohibited restrictions on the right to negotiate attorneys' fees.

In 2000, the insurance industry placed two referenda on the ballot regarding third party liability legislation passed in the legislature and signed by the Governor. **Propositions 30 and 31** were both soundly defeated, overturning the legislation.



## 1986 GENERAL

### **PROP. 61: Compensation of Public Officials, Employees, Individual Public Contractors.**

Sets Governor's annual salary at \$80,000; other "Constitutional" officers at \$52,500. Limits maximum compensation of elected or appointed state and local government employees and individual public contractors to 80% of Governor's salary. Requires people's vote to increase salaries of constitutional officers, members of Board of Equalization, legislators, judiciary, and specified local elected officers. Prohibits public officials and employees from accruing sick leave or vacation from one calendar year to another.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Public official and employee salary and benefit-related reductions would amount to \$125 million in the first year at the state level and roughly the same amount at the local level. These reductions would not necessarily result in comparable savings. They would be offset to some extent or could be outweighed by the need to pay various costs depending on unknown factors relating to (1) how the measure is interpreted, (2) possible payment of vested sick and vacation leave at a one-time cost of about \$7 billion, (3) how the measure would be implemented, (4) its effect on governmental efficiency resulting from its limitation on pay for officers, employees and contractors. Net fiscal impact is unknown.

PRO Paul Gann

CON Richard P. Simpson, Linda Broder, Bill Honig

Votes FOR 2,341,883

Votes AGAINST 4,523,463

### **PROP. 62: Taxation—Local Governments and Districts**

Enacts statutes regarding new or increased taxation by local governments and districts. Imposition of special taxes, defined as taxes for special purposes, will require approval by two-thirds of voters. Imposition of general taxes, defined as taxes for general governmental purposes, will require approval by two-thirds vote of legislative body; submission of proposed tax to electorate; approval by majority of voters. Contains provisions governing election conduct. Contains restrictions on specified types of taxes. Restricts use of revenues. Requires ratification by majority vote of voters to continue taxes imposed after August 1, 1985.



**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

The measure prevents imposition of new or higher general taxes by local agencies without voter approval. It also could reduce existing tax revenues to local agencies, if a majority of their voters do not ratify the continuation of new or higher taxes adopted after August 1, 1985. As this is a statutory, not a constitutional, initiative, the provisions of this measure imposing penalties and requiring voter approval cannot be applied to charter cities.

PRO Howard Jarvis, Paul Carpenter, John J. Lynch  
CON Linda Broder, Lenny Goldberg, Daniel A. Terry

**Votes FOR 3,858,119**  
Votes AGAINST 2,798,805

**PROP. 63: Official State Language**

Provides that English is the official language of State of California. Requires Legislature to enforce this provision by appropriate legislation. Requires Legislature and state officials to take all steps necessary to ensure that the role of English as the common language of the state is preserved and enhanced. Provides that the Legislature shall make no law which diminishes or ignores the role of English as the common language. Provides that any resident of or person doing business in state shall have standing to sue the state to enforce these provisions.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

This measure would have no direct effect on the costs or revenues of the state or local governments.

PRO S. I. Hayakawa, Ph.D., J. William Orozco, Stanley Diamond, Frank Hill  
CON John Van De Kamp, Willie L. Brown, Jr., Daryl F. Gates

**Votes FOR 5,138,577**  
Votes AGAINST 1,876,639

***PROP. 63: Subsequent Action Taken:***

The Legislature effectively rejected the vote of the people on this initiative by refusing to enforce this proposition.<sup>9</sup>

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<sup>9</sup> For a complete discussion of the legislature's refusal to enact Prop. 63, see Germber, Elisabeth R., Arthur Lupia, Mathew D. McCubbins, D. Roderick Kiewiet, *Stealing the Initiative How State Government Responds to Direct Democracy*. Upper Saddle River, New Jersey: Prentice Hall, 2001.

**PROP. 64: Acquired Immune Deficiency Syndrome (AIDS)**

Declares that AIDS is an infectious, contagious and communicable disease and that the condition of being a carrier of the HTLV-III virus is an infectious, contagious and communicable condition. Requires both be placed on the list of reportable diseases and conditions maintained by the director of the Department of Health Services. Provides that both are subject to quarantine and isolation statutes and regulations. Provides that Department of Health Services personnel and all health officers shall fulfill the duties and obligations set forth in specified statutory provisions to preserve the public health from AIDS.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

The fiscal effect of the measure could vary greatly depending upon how it would be interpreted by public health officers and the courts. If only existing discretionary communicable disease controls were applied to the AIDS disease, given the current state of medical knowledge, there would be no substantial change in state and local costs as a direct result of this measure. If the measure were interpreted to require added control measures, depending upon the level of activity taken, the cost of implementing these measures could range to hundreds of millions of dollars per year.

PRO Khushro Ghandhi, John Grauerholz, M.D., William E. Dannemeyer, Gus S. Serros, Nancy T. Mullan, M.D.

CON Gladden V. Elliott, M.D, Ed Zschau, Alan Cranston

Votes FOR 2,039,744

Votes AGAINST 5,012,255

**PROP. 65: Restrictions on Toxic Discharges into Drinking Water. Initiative.**

Provides persons doing business shall neither expose individuals to chemicals known to cause cancer or reproductive toxicity without first giving clear and reasonable warning, nor discharge such chemicals into drinking water. Allows exceptions. Requires Governor publish lists of such chemicals. Authorizes Attorney General and, under specified conditions, district or city attorneys and other persons to seek injunctions and civil penalties. Requires designated government employees obtaining information of illegal discharge of hazardous waste disclose this information to local board of supervisors and health officer.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Costs of enforcement of the measure by state and local agencies are estimated at \$500,000 in 1987 and thereafter would depend on many factors, but could exceed \$1,000,000 annually. These costs would be partially offset by fines collected under the measure.

PRO Ira Reiner, Art Torres, Penny Newman, Arthur C. Upton, M.D, Norman W. Freestone, Jr, Albert H. Gersten, Jr.

CON Dr. Bruce Ames, Henry Voss, Alice Ottosoni, Ph.D.

**Votes FOR 4,400,471**

**Votes AGAINST 2,632,617**

***PROP. 65: Subsequent Action Taken***

The constitutionality of Prop. 65 was challenged in two separate court cases: *National Paint & Coatings Assn., Inc., et al. v. State of California*, 58 Cal. App. 4<sup>th</sup> 753 (1997) (California Constitution Separation of Powers doctrine and CA/US Constitution Due Process Clauses) and 53 Cal. App 4<sup>th</sup> 1373 (1997), 871 f. Supp. 1278 (1994), 92 F3d 807 (1996) (U.S. Constitution's Supremacy clause). In both instances the court upheld the proposition as constitutional.

## 1988 PRIMARY

### **PROP. 68: Legislative Campaigns—Spending and Contribution Limits—Partial Public Funding**

Limits political contributions to state legislative candidates per election to \$1,000 from each person, \$2,500 from each organization, and \$5,000 from each "small contributor" political committee, as defined. Establishes Campaign Reform Fund to which individuals may designate up to \$3 annually from income taxes. Provides legislative candidates who receive specified threshold contributions from other sources, and meet additional requirements, may receive with limitation matching campaign funds from Campaign Reform Fund. Establishes campaign expenditure limits for candidates accepting funds from Campaign Reform Fund. Provides civil and criminal penalties for violations.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Annual revenue loss from tax return designation to Campaign Reform Fund is estimated at \$9 million starting in 1988-89. Annual state administrative costs will be about \$1.9 million. Any surplus state campaign funds which exceed \$1 million after the November general election will go back to the state's General Fund. If the amount of matching funds claimed by candidates is more than the amount available in the Campaign Reform Fund, the payment of matching funds is made on a prorated basis.

PRO Carol Federighi, Raoul Teilhet, Daniel Lowenstein, Geoffrey Cowan, John K. Van De Kamp, Bill Honig  
CON John Keplinger

**Votes FOR 2,802,614 (52.84%)**

**Votes AGAINST 2,501,263 (47.16%)**

#### ***PROP. 68: Subsequent Action Taken:***

See discussion of campaign finance reform measures under Prop. 9, 1974, page 12 above.

### **PROP. 69: Acquired Immune Deficiency Syndrome—AIDS. Initiative Statute.**

Declares that AIDS is an infectious, contagious and communicable disease and that the condition of being a carrier of the HTLV-III virus or other AIDS-causing viral agent is an infectious, contagious and communicable condition. Requires each be placed on the list of reportable diseases and conditions maintained by the Department of Health Services. Provides each is subject to quarantine and isolation statutes and regulations. Provides that Health Services Department personnel and all health officers shall fulfill the duties and obligations set forth in specified statutory provisions to preserve the public health from AIDS.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

The net fiscal impact of this measure is unknown -- and could vary greatly, depending on what actions are taken by health officers and the courts to implement it. If current practices used for the control of AIDS are continued, there would be no substantial change in direct costs. If the measure were interpreted to require changes in AIDS control measures by state local health officers, depending upon the level of activity, the cost of implementing it could range from millions to hundreds of millions of dollars.

PRO Khushro Ghandhi, John Grauerholz, M.D., F.C.A.P., Lyndon H. Larouche, Jr.  
CON Laurens White, M.D, Marilyn Rodgers, C. Duane Dauner

Votes FOR 1,746,780 (31.96%)

Votes AGAINST 3,718,776 (68.64%)

**PROP. 70: Wildlife, Coastal, And Park Land Conservation**

This act authorizes a general obligation bond issue of seven hundred seventy-six million dollars (\$776,000,000) to provide funds for acquisition, development, rehabilitation, protection, or restoration of park, wildlife, coastal, and natural lands in California including lands supporting unique or endangered plants or animals. Funds from bond sales would be administered primarily by or through California Department of Parks and Recreation, Wildlife Conservation Board, and State Coastal Conservancy with funds made available to other state and local agencies and nonprofit organizations. Contains provisions in event other conservation bond acts are enacted.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Assuming all the bonds are sold at 7.5 percent interest and state repays the principal and interest over 20 years, the overall cost of repayment would be about \$1.4 billion. To the extent these bonds increase amount state borrows, state and local governments may pay more interest on other bond programs. State income taxes could be reduced to the extent California taxpayers invest in these tax-free bonds instead of other taxable investments.

PRO Alan Cranston, Leo McCarthy, John K. Van De Kamp, Gerald R. Ford, Deane Dana  
CON Steve Peace, Trice Harvey, Henry J. Voss

Votes FOR 3,531,629 (65.15%)

Votes AGAINST 1,889,346 (34.85%)

### **PROP. 71: Appropriations Limit Adjustment**

Constitution limits tax revenues state and local governments annually appropriate for expenditure: allows "cost of living" and "population" changes. "Cost of living" defined as lesser of change in US Consumer Price Index or per capita personal income; measure redefines as greater of change in California Consumer Price Index or per capita personal income. "State population" redefined: includes increases in K-12 or community college average daily attendance greater than state population growth. Local government "population" redefined: includes increases in residents and persons employed. Specifies motor vehicle and fuel taxes are fees excluded from appropriations limit.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Change in the appropriations limit inflation adjustment will allow increased state appropriations of up to \$700 million in 1988-89, and increasing amounts annually thereafter. Change in the population adjustment will allow further undetermined increase in state appropriations. State's ability to appropriate additional funds as a result of increased state limit is dependent on receipt of sufficient revenue. Based on estimates contained in Governor's Budget, state revenues will not be sufficient in 1988-89 to fund any additional appropriations allowed by this measure. In future years, economy's performance will determine whether and to what extent state revenues will be available to fund such additional appropriations. Local government and school district appropriation limits will be increased by unknown but significant amounts. Change in the treatment of state transportation-related revenues would have no fiscal effect because of the limit adjustment formula.

PRO Bill Honig, Carol J. Federighi, Josephine D. Barbano, John K. Van De Kamp, John Sonneborn, Craig Meacham  
CON Lewis K. Uhler, Wm. Craig Stubblebine

Votes FOR 2,544,731 (48.87%)

Votes AGAINST 2,662,463 (51.13%)

**PROP. 72: Emergency Reserve—Dedication Of Certain Taxes To Transportation—**  
**Appropriation Limit Change**

Requires three percent of total state General Fund budget be included in reserve for emergencies and economic uncertainties. Provides net revenues derived from state sales and use taxes on motor vehicle fuels be used only for public streets, highways, and mass transit guideways. (Three-year phase-in.) Requires two-thirds vote of Legislature or majority vote of voters before taxes on motor vehicle fuels may be raised. Reserve and fuel tax revenues excluded from appropriation limit. Prohibits Legislature from lowering local sales tax rates in effect January 1, 1987.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Measure has two major fiscal effects. First, changes in state's appropriation limit will result in increased state appropriations authority of up to \$1.6 billion in 1988-89, \$1.5 billion in 1989-90, and slightly larger amounts in future years. As a result, the state may be able to spend or retain tax proceeds which otherwise would be returned to the taxpayers. State's ability to appropriate additional funds as a result of increased state limit is dependent on receipt of sufficient revenue. Based on estimates contained in Governor's Budget, state revenues will not be sufficient in 1988-89 to fund any additional appropriations allowed by this measure. In future years, economy's performance will determine whether and to what extent state revenues will be available to fund such additional appropriations. Second, the requirement that certain sales tax revenues be expended only for transportation purposes results in an increase in the amount of revenues available for transportation purposes while reducing the amount available for education, health, welfare and other General Fund expenditures. This shift in funding will amount to about \$200 million in 1988-89, about \$430 million in 1989-90, and about \$725 million in 1990-91, and increasing amounts thereafter.

PRO Paul Gann, Joel Fox, Doris Allen  
CON Bill Honig, Helen H. Lindsey, Tom Noble

Votes FOR 2,046,358 (38.53%)  
Votes AGAINST 3,264,653 (61.47%)



**PROP. 73: Campaign Funding—Contribution Limits—Prohibition Of Public Funding**

Limits annual political contributions to a candidate for public office to \$1,000 from each person, \$2,500 from each political committee, and \$5,000 from a political party and each "broad based political committee," as defined. Permits stricter local limits. Limits gifts and honoraria to elected officials to \$1,000 from each single source per year. Prohibits transfer of funds between candidates or their controlled committees. Prohibits sending newsletters or other mass mailings, as defined, at public expense. Prohibits public officials using and candidates accepting public funds for purpose of seeking elective office.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Measure would result in net savings to state and local governments. State administrative costs would be about \$1.1 million a year when measure is fully operational. These costs would be more than completely offset by savings of about \$1.8 million annually resulting from ban on publicly funded newsletters and mass mailings. Local governments would have unknown annual savings primarily from the ban on publicly funded newsletters and mass mailings.

PRO Joel Fox, Dan Stanford, Quentin L. Kopp, Joseph B. Montoya, Ross Johnson  
CON Walter Zelman, Roy Ulrich, Tom K. Houston

**Votes FOR 3,144,944 (58.06%)**

Votes AGAINST 2,271,941 (41.94%)

***PROP. 73: Subsequent Action Taken:***

See discussion of campaign finance reform measures under Prop. 9, 1974, page 12 above.



## 1988 GENERAL

### **PROP. 95: Hunger And Homelessness Funding**

Creates public corporation to disburse funds to counties, other political subdivisions of the state, and nonprofit organizations pursuant to countywide plans, to provide emergency and transitional services for hungry and homeless persons, and for low-income housing as specified. Funding to come from new fines for the violation of existing laws and regulations relating to housing and food preparation, and bonds secured by the revenue from these fines. Includes other provisions.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

The revenue to be collected from new fines is unknown because (1) the measure does not specify the amount of each fine and (2) the measure lets cities and counties decide the number of fines given out. Possibly, several millions of dollars could be collected each year.

PRO Conway H. Collis, Valerie Harper, Reverend Joseph A. Carroll  
CON Don C. Beaver, Trice Harvey, Jeff Palsgaard

Votes FOR 4,090,441 (45.18%)

Votes AGAINST 4,962,409 (54.82%)

### **PROP. 96: Communicable Disease Tests**

Requires courts in criminal and juvenile cases, upon finding of probable cause to believe bodily fluids were possibly transferred, to order persons charged with certain sex offenses, or certain assaults on peace officers, firefighters, or emergency medical personnel, to provide specimens of blood for testing for acquired immune deficiency syndrome (AIDS), AIDS-related conditions and other communicable diseases. Provides notification to specified persons of test results. Requires medical personnel in correctional facilities to report inmate exposure to such diseases and notice to personnel who come in contact with such inmates. Provides confidentiality of information reported.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

The costs of judicial proceedings to local governments and laboratory costs to local and state governments could range up to \$1 million annually depending on cost of courtroom hearings, the nature of the tests, and the number of persons subject to them.

PRO Sherman Block, Monroe Richman, M.D., Ed Davis  
CON Michael Hennessey, Robert J. Melton, M.D., M.P.H., Marcus A. Conant, M.D.

Votes FOR 5,758,670 (62.41%)

Votes AGAINST 3,468,215 (37.59%)

#### ***PROP. 96: Subsequent Action Taken:***

Prop. 96 was challenged for violating California's constitutional guarantee of the right to privacy in *Johnetta J. v. Municipal court*, 218 Cal. App. 3d 1255 (Cal. App. 1<sup>st</sup> Dist. 1990). The court upheld the proposition in its entirety concluding that the disclosure represented no undue privacy violation.

### **PROP. 97: State Occupational Safety And Health Plan**

Federal law permits states to enforce occupational safety and health standards in private sector employment pursuant to federally approved state plan. California has had such a state plan and has occupational safety laws regulating private and public employment. In 1987, the Governor took action to withdraw the plan and to reduce its funding. This measure requires funds to be budgeted for the state plan and requires steps be taken to prevent withdrawal of federal approval of the plan or, if withdrawn, to require submission of new plan. Other changes are made.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

The cost to state government depends on the results of legal action on the issue of the State's present obligation to administer private sector enforcement. If it is held that the Governor legally terminated the private sector Cal-OSHA program, then, assuming the previous level of federal matching funds is made available, the annual net increase in General Fund costs could exceed \$12 million, which would be offset by revenue from fines of approximately \$1.6 million annually. If it is held that the State already has an obligation to administer the private sector program notwithstanding the Governor's action, then annual state General Fund costs could be approximately \$700,000 to administer a mine inspection program.

PRO John F. Henning, Michael Paparian, Laurens P. White, M.D., Carol Federighi, Hewitt F. Ryan, M.D., Ira Reiner

CON George Deukmejian, Robert Stranberg, John Hay

**Votes FOR 4,776,182 (53.71%)**

**Votes AGAINST 4,166,102 (46.29%)**

***No Subsequent Action Taken on Prop. 97***

## **PROP. 98: School Funding**

Amends State Constitution by establishing a minimum level of state funding for school and community college districts; transferring to such districts, within limits, state revenues in excess of State's appropriations limit; and exempting excess funds from appropriations limit. Adds provisions to Education Code requiring excess funds to be used solely for instructional improvement and accountability and requiring schools to report student achievement, drop-out rates, expenditures per student, progress toward reducing class size and teaching loads, classroom discipline, curriculum, quality of teaching, and other school matters. Contains other provisions.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Meeting the required minimum funding level for schools and community college districts will result in state General Fund costs of \$215 million in 1988-89. No excess state revenues are expected in 1988-89 for transfer to schools and community colleges. Local administrative costs are estimated to be \$2 million to \$7 million a year for preparation and distribution of School Accountability Report Cards. No fiscal effect can be identified for the required prudent reserve fund.

PRO Ed Foglia, Helen H. Lindsey, Bill Honig, Ray Tolcacher  
CON George Deukmejian, George Christopher, Richard P. Simpson

**Votes FOR 4,689,737 (50.7%)**

Votes AGAINST 4,500,503 (49.3%)

### ***PROP. 98: Subsequent Action Taken:***

Prop. 98 was altered by **Prop. 111**, *The Traffic Congestion Relief And Spending Limitation Act Of 1990* (a legislative initiative). Prior to Prop. 111, two formulas were used to determine the minimum funding guarantee for public schools and community colleges under Prop. 98. One, the "percentage-of-revenues" formula, guaranteed these institutions collectively the same percentage (about 41 percent) of state General Fund tax revenues as they received in 1986-87. The other, the "maintenance-of-effort" formula, guaranteed these institutions collectively their prior-year funding level adjusted for increases in enrollment and changes in cost of living. Whichever formula produced the *larger* amount determined the level of state funding for these schools and colleges.

Prop. 111 changed the cost-of-living factor used in the maintenance-of-effort formula. Specifically, it required that the change in California per capita personal income be used instead of the *lower* of the USCPI or California per capita personal income.

Prop. 111 also allowed the state to reduce the minimum-funding guarantee in low-revenue-growth years. However, it also required that the funding base be restored in future years so that education eventually receives the same annual amount that it would have received if no reduction had occurred.

### **PROP. 99: Cigarette and Tobacco Tax—Benefit Fund**

Imposes additional tax upon cigarette distributors of one and one-fourth cents (1 1/4 cents) for each cigarette distributed. Imposes tax upon distributors of other tobacco products which is equivalent to combined rate of tax imposed on cigarettes. Directs State Board of Equalization to determine this tax annually. Places moneys raised in special account which can only be used for: treatment; research of tobacco-related diseases; school and community health education programs about tobacco; fire prevention; and environmental conservation and damage restoration programs. Declares revenues not subject to appropriations limit.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Will raise additional state revenues of approximately \$300 million in 1988-89 (part year) and \$600 million in 1989-90 (first full year). These revenue increases would decline gradually in subsequent years. Annual administrative costs are estimated at \$500,000 in 1988-89 and \$300,000 in subsequent years. There would be no substantial net effect on sales and excise tax revenues to the state, cities, and counties.

PRO Jesse Steinfeld, M.D., Neil C. Andrews, M.D., Patricia A. Schifferle, John Van De Kamp, Carol Kawanami, Richard V. Loya  
CON Paul Gann, Vincent Calderon, Richard Floyd

Votes FOR 5,607,387 (41.83%)

Votes AGAINST 4,032,644 (58.17%)

#### ***PROP. 99: Subsequent Action Taken:***

The constitutionality of Prop. 99 was challenged in *Kennedy Wholesale Inc. v. State Board of Equalization*, 53 Cal. 3d 245 (1991). The lawsuit claimed that the proposition violated the "single subject" rule, usurped legislative powers, and challenged the 1/2 requirement for tax increases. The court upheld the proposition in its entirety.

### **PROP. 100: Insurance Rates, Regulation**

Provides minimum 20 percent reduction in certain rates for good drivers from January 1, 1988, levels. Requires companies insure any good driver in counties where company sells automobile insurance. Requires ongoing minimum 20 percent good-driver differential. Funds automobile insurance fraud investigations, prosecutions. Provides consumers comparative automobile insurance prices. Applies laws prohibiting discrimination, price-fixing, and unfair practices to insurance companies. Requires hearing, Insurance Commissioner approval for automobile, other property/casualty, health insurance rate changes. Establishes Insurance Consumer Advocate. Increases enforcement, penalties for fraudulent health insurance sales to seniors. Cancels conflicting provisions of Propositions 101, 104, and 106 including attorney contingent fee limits and prohibits future laws setting attorney fees unless approved by voters or Legislature. Authorizes insurance activities by banks.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Would increase state administrative costs by \$8 million for Department of Insurance and \$2 million for Department of Justice in 1988-89, varying thereafter with workload, to be paid by additional fees on the insurance industry. Would increase costs for Department of Motor Vehicles by \$100,000. Would reduce state revenues from the gross premiums tax by about \$20 million in first year if no other changes are made in insurance rates. Would increase revenues for Department of Insurance by over \$500,000 annually from fees paid by insurance companies for fraud investigations.

PRO Patricia Ramirez, Carl Jones, John Van De Kamp, Steven Miller, J. Robert Hunter, Jr., Stephen Brobeck

CON Henry J. Voss, Ed Davis, Betty Smith

Votes FOR 3,849,572 (40.9%)

Votes AGAINST 5,562,483 (59.1%)

**PROP. 101: Automobile Accident Claims and Insurance Rates**

Reduces bodily injury, uninsured motorist rates to 50 percent of October 31, 1988, or October 31, 1987, level, whichever is lower, adjusted for medical inflation. Limits motor vehicle accident recovery for noneconomic losses such as pain and suffering to 25 percent of economic losses, as defined. Prohibits attorney contingent fees greater than 25 percent of economic losses, as defined. Limitations not applicable to survival, wrongful death actions or actions involving serious and permanent injuries and/or disfigurement. Provisions expire December 31, 1992.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Would increase state administrative costs by about \$2 million in 1988-89, varying thereafter with workload, to be paid by additional fees on the insurance industry. State and affected local governments would have unknown savings from reduced insurance rates and loss limitations. Possible reduction in court costs and court revenues could result from limitation on claims for noneconomic damages. Would reduce state revenues from the gross premiums tax by about \$50 million a year for next four years if no other changes are made in insurance rates.

PRO Richard Polanco, John Seymour, Mike Roos, Richard Polanco, Don Roth, May Shotwell  
CON Harry M. Snyder

Votes FOR 1,226,735 (13.3%)

Votes AGAINST 8,020,659 (86.7%)

### **PROP 102: Reporting Exposure to AIDS Virus**

Requires doctors, blood banks, and others, to report patients and blood donors, whom they reasonably believe to have been infected by or tested positive for AIDS virus, to local health officers. Restricts confidential testing. Requires reporting by persons infected or tested positive. Directs local health officers to notify reported person's spouse, sexual partners, and others possibly exposed. Repeals prohibition on use of AIDS virus tests for employment or insurability. Creates felony for persons with knowledge of infection or positive test to donate blood. Modifies fines and penalties for unauthorized disclosure of AIDS virus test results.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Fiscal impact is unknown, possibly tens or hundreds of millions of dollars depending on costs of measures "reasonably necessary" to prevent spread of disease, number and types of cases investigated, testing criminal offenders, and public health care for those denied insurance or employment.

PRO Warren L. Bostick, M.D., Lawrence J. McNamee, M.D., Paul Gann, Larimore Cummins, M.D., William E. Dannemeyer

CON Laurens P. White, M.D., Marilyn Rodgers, Tom Bradley

Votes FOR 3,208,517 (34.41%)

Votes AGAINST 6,116,276 (69.59%)

### **PROP. 103: Insurance Rates, Regulation, Commissioner.**

Requires minimum 20-percent rate reduction from November 8, 1987, levels, for automobile and other property/casualty insurance. Freezes rates until November 8, 1989, unless insurance company is substantially threatened with insolvency. Thereafter requires every insurer offer any eligible person a good-driver policy with 20-percent differential. Requires public hearing and approval by elected Insurance Commissioner for automobile, other property/casualty insurance rate changes. Requires automobile premiums be determined primarily by driving record. Prohibits discrimination, price-fixing, unfair practices by insurance companies. Requires commissioner provide comparative pricing information. Authorizes insurance activities by banks.



### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Would increase Department of Insurance administrative costs by \$10 to \$15 million in first year, varying thereafter with workload, to be paid by additional fees on the insurance industry. State and some local governments would have unknown savings from lower insurance rates. Gross premium tax reduction of approximately \$125 million for first three years offset by required premium tax rate adjustment. Thereafter, possible state revenue loss if rate reductions and discounts continue but gross premium tax is not adjusted.

PRO Ralph Nader, Harvey Rosenfield  
CON Kirk West, William Campbell, David Davreux

**Votes FOR 4,844,312 (51.13%)**

**Votes AGAINST 4,630,752 (48.87%)**

### ***PROP. 103: Subsequent Action Taken:***

Prop. 103 was partially invalidated by the courts in *Cal. Farm Insurance Co., et al. v. Deukmajian, et al.*, 48 Cal. 3d 805 (1989). The court ruled that, while the proposition did not violate the Single Subject Rule, the provision restricting the opportunity for insurers' redress of "confiscatory rates" constituted a violation of the state and federal Due Process Clauses. The provision naming private corporations consumer advocates was also invalidated.<sup>10</sup>

### **PROP. 104: Automobile And Other Insurance**

Establishes no-fault insurance for automobile accident injuries, covering medical expenses, lost wages, funeral expenses. Accident victim may recover from responsible party only for injuries beyond no-fault limits. Prohibits recovery for non-economic injuries except cases of serious and permanent injuries and specified crimes. Reduces rates for certain coverages 20 percent for two years. Cancels Propositions 100, 101, 103. Restricts future insurance regulation legislation. Requires arbitration of disputes over insurers' claims practices, limits damage awards against insurers. Prohibits agents and brokers from discounting. Increases Insurance Commissioner's power to prosecute fraudulent claims. Limits plaintiffs' attorney contingency fees in motor vehicle accident cases.

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<sup>10</sup> Miller, 189.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Would increase state administrative costs by about \$2.5 million in 1988-89, varying thereafter with workload, to be paid by additional fees on the insurance industry. State and some local governments would have unknown savings from lower insurance rates and liability limitations. Possible, but unknown, effect on recovery of workers' compensation. Possible reduction in court costs and court revenues could result from limitations on claims for non-economic damages. Would reduce state revenue from the gross premiums tax by about \$25 million a year for two years if no other changes are made in insurance rates.

PRO Dianne Feinstein, Alfred F. Federico, Pat Nolan, Richard U. Robison, Betty Smith, Jim Nielsen

CON Ralph Nader, Harvey Rosenfield

Votes FOR 2,391,287 (25.42%)

Votes AGAINST 7,015,325 (74.58%)

**PROP. 105: Disclosures to Consumers, Voters, Investors**

Measure requires, as specified, the following disclosures: (1) advertisers' warnings regarding disposal of toxic household products with exceptions; (2) notices regarding coverage limits and insurance offeror's identity on insurance policies to supplement Medicare; (3) disclosures in nursing home contracts and advertisements regarding access to State Ombudsman and facility violation information; (4) disclosures by initiative and referendum campaign committees as to contributors; and (5) disclosures by corporations selling stocks in state whether or not they are doing business in South Africa or with any person or group located there. Provides fines for violations.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

The net annual state costs could be up to \$550,000 when the measure is fully implemented for toll-free telephone lines, development of regulations, and record keeping. Costs would be offset by unknown amount of fines from violators.

PRO Jim Rogers, Lois McKnight, Bill Shireman, George Sandy, Ken McEldowney, Margaret Byrne  
CON James Caudill

Votes FOR 4,864,674 (54.5%)

Votes AGAINST 4,046,654 (45.5%)

***PROP. 105: Subsequent Action Taken***

Prop. 105 was ruled unconstitutional for violating the Single Subject Rule in *Chemical Specialties Manufacturers Assn., Inc., et al. v. Deukmejian, et al.*, 227 Cal. App. 3d 663 (1991).



**PROP. 106: Attorney Fees Limit For Tort Claims**

Measure places limit on amount of a contingency fee an attorney may collect for representing a plaintiff in connection with a tort claim. The fee may be no more than 25 percent of first \$50,000 recovered, no more than 15 percent of next \$50,000 recovered, and no more than 10 percent of amount recovered above \$100,000. The court may review the fee and reduce it below the stated limits if it is not reasonable and fair. Defines amount recovered to calculate fee limitations.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Fiscal impact on state and local governments is unknown and would depend on how attorneys and their clients respond to these contingency limits. The response could affect the number of cases filed and settled, and the size of awards.

PRO Tom McClintock, Alan F. Shugart, John Fleming, Jerry Eaves, James Nielsen, Regis McKenna  
CON Judith Rowland, Tom Bradley

Votes FOR 4,288,346 (46.9%)

**Votes AGAINST 4,855,839 (53.1%)**

## 1990 PRIMARY

### **PROP. 115: Criminal Law**

Amends state Constitution regarding criminal and juvenile cases: affords accused no greater constitutional rights than federal Constitution affords; prohibits post-indictment preliminary hearings; establishes People's right to due process and speedy, public trials; provides reciprocal discovery; allows hearsay in preliminary hearings. Makes statutory changes, including: expands first degree murder definition; increases penalty for specified murders; expands special circumstance murders subject to capital punishment; increases penalty for minors convicted of first degree murder to life imprisonment without parole; permits probable cause finding based on hearsay; requires court to conduct jury examination.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

The net fiscal effect of this measure is unknown. The measure makes several significant changes to the criminal justice system. How the measure will be implemented and interpreted is unknown. There may be only a minor fiscal impact on state and local governments, or there may be a major fiscal impact.

PRO Pete Wilson, Collene Thompson Campbell, William G. Plested III, M.D.  
CON Robin Schneider, Shirley Hufstedler, W. Benson Harer, Jr., M.D.

**Votes FOR 2,690,115 (57.03%)**

Votes AGAINST 2,026,599 (42.97%)

#### ***PROP. 115: Subsequent Action Taken:***

The constitutionality of Prop. 115 was challenged in *Raven v. Deukmejian*, 52, Cal. 3d 553 (1991). The court invalidated section three of the proposition, which amended the state constitution preventing any interpretation affording greater rights to defendants than those afforded by the U.S. Constitution. The State Supreme Court ruled that this provision amounted to a qualitative constitutional revision, which could not be accomplished through the initiative process.

### **PROP. 116: Rail Transportation**

Authorizes general obligation bond issue of \$1,990,000.000 to provide funds principally for passenger and commuter rail systems, with limited funds available for public mass transit guideways, paratransit vehicles, bicycle and ferry facilities, and railroad technology museum. Allocates certain amounts to specified state and local entities through a grant program administered by the California Transportation Commission. Program will require some matching funds from local entities. Appropriates money from state General Fund to pay off bonds.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

If all authorized bonds are sold at 7.5 percent interest and paid over the typical 20-year period, the General Fund will incur about \$3.6 billion in costs to pay off bond principal (\$2 billion) and interest (\$1.6 billion). The estimated annual cost of bond principal and interest is \$180 million.

PRO John Van De Kamp, Pete Wilson, Lawrence D. Odle, Carole Wagner Vallianos, Claudia Elliott, Dianne Feinstein

CON Dr. Martin Wachs, Ryan Snyder

**Votes FOR 2,579,810 (53.26%)**

**Votes AGAINST 2,263,573 (46.74%)**

***PROP. 116: Related Measures***

Prop. 116 appeared on the 1990 ballot along side the legislatively sponsored **Propositions 108** (Passenger Rail And Clean Air Bond Act, a legislatively sponsored act) and **111** (The Traffic Congestion Relief And Spending Limitation Act, a legislatively sponsored constitutional amendment). All three propositions dealt with the appropriation of funds for various aspects of light and high-speed rail transit systems, traffic and pollution reduction. Collectively, the measures authorized the sale of \$3 billion in bonds to finance the rail system expansion.

### **PROP. 117: Wildlife Protection**

Establishes Habitat Conservation Fund. Transfers \$30 million to Fund annually from existing environmental funds and General Fund. Monies from Fund appropriated to Wildlife Conservation Board; Coastal, Tahoe, Santa Monica Mountains Conservancies; state and local parks programs. Funds to be used principally for acquisition of deer and mountain lion habitat; rare and endangered species habitat. Remaining funding for wetlands; riparian and aquatic habitat; open space; other environmental purposes. Prohibits taking of mountain lions unless for protection of life, livestock or other property. Permit for taking required, but prohibits use of poison, leg-hold or metal-jawed traps and snares.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

For 1990-91, approximately \$18 million from Unallocated Account in Cigarette and Tobacco Products Surtax Fund and \$12 million from General Fund will be transferred to the Habitat Conservation Fund, unless Legislature makes transfers from other funds. In subsequent years, General Fund transfers may increase if sales of cigarettes and tobacco products decline. Estimated annual costs of managing acquired properties could exceed \$1 million, supported by sources other than Habitat Conservation Fund.

PRO John Van De Kamp, Ed Davis, Richard Katz, Vivian Vaught, Terry Friedman, Pete Dangermond

CON Robert Beverly, Jonathan Oldham, Richard Golightly

**Votes FOR 2,572,470 (52.42%)**

**Votes AGAINST 2,334,899 (47.58%)**

#### ***PROP. 117: Subsequent Action Taken***

The substance of Prop. 117 was essentially non-controversial. However, some legislative supporters of the proposition received subsequent campaign contributions from the sponsors of Prop. 117. Some observers of the legislature believed that this constituted, or at least appeared to constitute, a kind of political corruption. In response to this fear of corruption the Senate proposed two pieces of legislation: SB 1495 (which was vetoed by Governor Deukmajian for not going far enough), and SB 424 (which was invalidated by the California Supreme Court as unconstitutional).

### **PROP. 118: Legislature—Reapportionment—Ethics**

Amends state constitutional provisions governing redistricting procedures and criteria for Senate, Assembly and Congressional offices. Redistricting plan requires two-thirds vote of each house, approval by voters. Reschedules elections for all senatorial offices to second, sixth, tenth years following national census. Amends Constitution to create Joint Legislative Ethics Committee, directs Legislature establish ethical standards. Amends and adds statutes to: prohibit participation in legislation when legislator has personal interest; require legislators report gifts, honoraria of \$50 or more; prohibit receipt of gifts from sources employing lobbyists; prohibit lobbying by former legislators for one year.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Limit on redistricting expenditures to one-half of costs of last redistricting (adjusted for cost-of-living changes) could reduce state costs by several millions of dollars each decade. However, requirement of electorate vote and possible court reapportionment could increase state costs, offsetting part or all of savings. Costs of legislative ethics provisions are probably minor.

PRO Bruce Herschensohn, Gerald C. Lubenow, Gary J. Flynn, Gaddi Vasquez, Albert Aramburu  
CON John Phillips, Ed Foglia, Jerry Pierson

Votes FOR 1,615,163 (32.99%)

Votes AGAINST 3,281,177 (67.01%)

**PROP. 119: Reapportionment by Commission**

Amends state Constitution. Requires 12-person Commission, appointed by retired appellate justices, adjust boundaries of California Senatorial, Assembly, Congressional, and Board of Equalization districts. Commissioners appointed from nominees of non-partisan, non-profit state organizations. Requires Commission review plans submitted by registered voters and adopt plan or amended plan which complies with standards. Each district's population may vary no more than 1% from average district population. Senatorial districts formed from two adjacent Assembly districts, Board of Equalization districts from 10 adjacent Senate districts. Elections held for all Senate and Assembly seats in 1992.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Requires Legislature to transfer \$3.5 million to the Independent Citizens Redistricting Fund in 1990-91 for expenses of commission. Transfers thereafter, every 10 years, adjusted for changes in the Consumer Price Index, resulting in the reduction of reapportionment costs by several millions of dollars each decade. If Supreme Court undertakes redistricting, state costs would increase thereby offsetting part or all of above savings.

PRO Carole Wagner Vallianos, Stephen Horn, Tom Huening, Dan Stanford  
CON Daniel H. Lowenstein, Howard L. Owens, Bruce W. Sumner

Votes For 1,761,510 (36.19%)

Votes AGAINST 3,105,501 (63.81%)

## 1990 GENERAL

### **PROP. 128: Environment—Public Health**

- Requires regulation of pesticide use to protect food and agricultural worker safety.
- Phases out use on food of pesticides known to cause cancer or reproductive harm, chemicals that potentially deplete ozone layer.
- Requires reduced emissions of gases contributing to global warming. Limits oil, gas extraction within bay, estuarine and ocean waters. Requires oil spill prevention, contingency plans.
- Creates prevention, response fund from fees on oil deliveries.
- Establishes water quality criteria, monitoring plans. Creates elective office of Environmental Advocate.
- Appropriates \$40,000,000 for environmental research.
- Authorizes \$300,000,000 general obligation bonds for ancient redwoods acquisition, forestry projects.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Annual state administrative and program costs of approximately \$90 million, decreasing in future years; partially offset by \$10 million increased annual fee revenue.
- Local governments would incur \$8 million one-time cost; \$5 million to \$10 million annually, decreasing in future years.
- State General Fund to incur one-time \$750,000 appropriation in 1992-93 for Office of Environmental Advocate, future office administrative costs unknown; \$40 million for environmental research grants.
- If all bonds authorized for ancient redwood acquisition, forestry projects were sold at 7.5 percent interest and paid over the typical 20-year period, General Fund would incur approximately \$535 million in costs to pay off principal (\$300 million) and interest (\$235 million).
- Estimated average annual costs of bond principal and interest would be \$22 million.
- Per-barrel fee on oil would increase revenues by \$500 million by 1996-97, used to pay oil spill prevention/clean-up costs. Indefinite deferral of potentially \$2 billion in future state oil and gas revenues resulting from limits on oil and gas leases in marine waters.
- Indirect fiscal impact could increase or decrease state and local government program costs and revenues from general and special taxes in an unknown amount. The overall impact is unknown.

PRO Dr. Jay Hair, Lucy Blake, Dr. Herb Needleman, M.D., Michael Papanian  
CON Barbara Keating-Edh, Al Stehly, Larry McCarthy

Votes FOR 2,636,663 (35.65%)  
Votes AGAINST 4,760,022 (64.35%)

### **PROP. 129: Drug Enforcement, Prevention, Treatment, Prisons**

- Statutory changes: commencing 1991, appropriates up to \$1.9 billion over next eight years to state, county, city governments for drug enforcement, treatment, and gang related purposes.
- Authorizes issuance of \$740,000,000 of general obligation bonds for drug abuse, confinement, and treatment facilities.
- Amends state Constitution to provide that specified provisions relating to rights of criminal defendants do not abridge right to privacy as it affects reproductive choice.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- No additional revenues result from this measure.
- Total General Fund costs of \$1.2 billion for transfers to the Anti-Drug Superfund between 1990-91 through 1993-94.
- From 1994-95 through 1997-98 it is not clear whether any funds would be transferred from the General Fund to the Superfund.
- If all bonds proposed by this measure are sold at an interest rate of 7.5 percent, cost would be approximately \$1.3 billion to pay off principal (\$740 million) and interest (\$585 million), with average annual payment being approximately \$55 million.
- Additional annual costs of tens of millions of dollars for state and local governments could arise for operation of new correctional facilities.
- Additional costs resulting from increased criminal arrests and convictions could be offset by increased funding for drug education and prevention.

PRO John Van De Kamp, Glen Craig, Johan Klehs, Frank Jordan, Susan Kennedy  
CON Larry McCarthy

Votes FOR 1,982,372 (27.63%)

Votes AGAINST 5,192,742 (72.37%)

### **PROP. 130: Forest Acquisition—Timber Harvesting Practices**

- Authorizes 10-year state acquisition program, limited logging moratorium, to permit public acquisition of designated ancient forests providing wildlife habitat.
- Requires wildlife surveys, mitigation measures. Limits logging sites, including those near waterways.
- Requires state-funded compensation, retraining program for loggers displaced by new regulations, acquisitions.
- Authorizes general obligation bond issue of \$742,000,000 to fund acquisition, other provisions.
- Limits timber cutting practices, burning of forest residues, on California timberlands.
- Mandates sustained yield standards.
- Imposes new timber harvesting permit fees.
- Revises Board of Forestry membership.
- Discourages foreign export of forest products. Imposes penalties for violations.



**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- If all authorized bonds are sold at 7.5 percent interest and paid over the typical 20-year period, General Fund will incur approximately \$1.3 billion in costs to pay off bond principal (\$742 million) and interest (\$585 million).
- Estimated average annual cost of bond principal and interest is \$55 million.
- State administrative costs of up to \$10 million annually for state forestry review and enforcement programs, fully offset by revenues from timber harvesting fees.
- Such fees would also offset current state logging-related regulatory costs, thus resulting in state savings of about \$6.4 million annually.
- Unknown effect on revenues from other state taxes, possible decreased revenue to local governments to extent lands acquired under measure would no longer be assessed property taxes.

PRO Dr. Rupert Cutler, Michael L. Fischer, David Pesonen, Robert Van Meter, Jennifer Jennings, Jeff DuBonis

CON Gerald L. Partain, Phillip G. Lowell, Scott Wall

Votes FOR 3,528,887 (47.87%)

Votes AGAINST 3,842,733 (52.13%)

**PROP. 131: Term Limits**

- Limits elected statewide officials to eight successive years in office; state legislators, Board of Equalization members to twelve successive years.
- Limits gifts to elected state, local officials.
- Enlarges conflict of interest prohibitions, remedies applicable to state, local government officials.
- Prohibits use of public resources for personal or campaign purposes.
- Authorizes special prosecutors.
- Establishes campaign contribution limits for elective offices.
- Provides partial public campaign financing for candidates to state office who agree to specified campaign expenditure limits.
- Substantially repeals campaign ballot measures, 68 and 73, enacted June, 1988.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Unknown level of state revenues, possibly \$12 million in 1990-91 and uncertain amounts thereafter, to be generated from state income tax check-off provisions for campaign financing; corresponding unknown revenue loss to state General Fund.
- Annual General Fund contributions of \$5 million for campaign matching payments beginning January 1, 1992, amounts to increase in subsequent years.



- Unknown amount of state matching payments likely to be requested under measure for campaign financing by candidates for state office.
- State General Fund administrative costs of approximately \$1.5 million in 1990-91, \$3 million annually for subsequent years.

PRO Ralph Nader, John Phillips, John Van De Kamp, Tom McEnery, Joan Claybrook, David Brower

CON Dan Stanford, Howard Owens, Tom Noble

Votes FOR 2,723,763 (37.75%)

Votes AGAINST 4,490,973 (62.25%)

### **PROP. 132: Marine Resources**

- Establishes Marine Protection Zone within three miles of coast of Southern California.
- Commencing January 1, 1994, prohibits use of gill or trammel nets in zone.
- Between January 1, 1991 and December 31, 1993 requires additional permit for use of gill nets or trammel nets in zone.
- Requires purchase of \$3 marine protection stamp for fishermen in zone.
- Establishes permit fees and \$3 sportfishing marine protection stamp fee to provide compensation to fishermen for loss of permits after January 1, 1994.
- Directs Fish and Game Commission to establish four new ocean water ecological reserves for marine research.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Permit fees and marine protection stamp would provide approximately \$5 million to Marine Resources Protection Account by 1995.
- Compensation for fishermen who surrender gill and trammel nets between July 1, 1993 and January 1, 1994, could total up to \$3.4 million, if necessary legislation enacted.
- Enforcement of measure could cost up to \$1.5 million annually.
- Loss of \$100,000 annually from reduced fishing license, permit, and tax revenues may result; losses offset in unknown amount by measure's increased fines.

PRO Assemblywoman Doris Allen, Stanley M. Minasian, Ann Moss, Quentin Kopp, Dr. John S. Stephens, Jr., Sam La Budde

CON Robert E. Ross, Frank Spenger Jr., Mrs. Theresa Hoinsky

Votes FOR 3,959,238 (55.76%)

Votes AGAINST 3,140,733 (44.24%)

### ***PROP. 132: Subsequent Action Taken:***

The constitutionality of Prop. 132 was challenged for violating California's Single Subject Rule, The U.S. Constitution's Equal Protection, Due Process, and Guarantee clauses as well as certain technical ballot requirements in *California Gilnetters Assn., et al. v. Dept. of Fish and Game, et al.*, 39 Cal. App. 4<sup>th</sup> 1145 (1995). The proposition was upheld in whole.

### **PROP. 133: Drug Enforcement and Prevention—Taxes—Prison Terms**

- Establishes Safe Streets Fund in State Treasury.
- Appropriates funds in account for Anti-Drug Education (42%); Anti-Drug Law Enforcement (40%); Prisons and Jails (10%); Drug Treatment (8%).
- Increases state sales and use taxes 1/2 cent for four years starting July 1, 1991; increased funds transferred to Safe Streets Fund.
- Limits state administrative expenses to 1%.
- Prohibits early release of persons convicted twice of: murder; manslaughter; rape or sexual assault; mayhem; sale, possession for sale, drugs to minors on school grounds or playgrounds; using minors to sell or transport drugs.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- The Safe Streets Fund will receive a total of \$7.5 billion in sales tax revenue for distribution during four-year period rate increase is in effect.
- Interest earnings received by the General Fund for the four-year period will be \$80 million, with education programs receiving up to \$33 million.
- Minor General Fund costs beginning in 1997-98 increasing to more than \$30 million annually, by 2012-13 as a result of increased prison population due to elimination of sentence credits for specified offenders; potential one-time costs of more than \$140 million for construction of new prison facilities.
- Increased law enforcement funding could result in additional criminal arrests and convictions, increasing state and local costs, which may be reduced by the increased funding of drug education and prevention programs.

PRO Daryl Gates, Bill Honig, Leo McCarthy, Chief Don Burnett, Dr. Joan E. Hodgman  
CON Bill Leonard, Richard Gann

Votes FOR 2,281,937 (37.87%)  
Votes AGAINST 4,877,808 (68.13%)

### **PROP. 134: Alcohol Surtax**

- Establishes Alcohol Surtax Fund in State Treasury.
- Imposes surtax of five cents per 12 ounces beer, 5 ounces most wines, 1 ounce distilled spirits.
- Imposes additional per unit floor stock tax.
- Proceeds deposited into Alcohol Surtax Fund.
- Guarantees 1989-90 non-surtax funding with required annual adjustments, and appropriates Surtax Fund revenues for increased funding for alcohol and drug abuse prevention, treatment and recovery programs (24%); emergency medical care (25%); community mental health programs (15%); child abuse and domestic violence prevention training and victim services (15%); alcohol and drug related law enforcement costs, other programs (21%).

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Surtax would increase tax on beer from 4 cents to 57 cents per gallon, most wines from 1 cent to \$1.29 per gallon, and distilled spirits from \$2 to \$8.40 per gallon.
- The surtax would result in additional state revenues of approximately \$360 million in 1990-91 and \$760 million in 1991-92, depending on alcohol sales.
- State General Fund revenues could increase or decrease several million dollars due to effect on sales tax revenues and revenues from existing alcoholic beverage taxes.
- Local sales tax revenue would increase by several million dollars.
- The guarantee for 1989-90 level non-surtax funding, with required annual adjustments, for various health, mental health, criminal justice and other programs could increase costs by \$180 million in 1990-91 and over \$300 million in 1991-92; possibly additional tens of millions of dollars in subsequent years.
- These costs would have to be funded from revenues other than surtax.
- Expenditure of surtax revenues for prevention and treatment programs could result in future savings.

PRO Dr. Donald M. Bowman, Michael P. Trainor, M.D., Thomas A. Noble, Harry Snyder, Ric Loya, Jacqueline Masso  
CON Frank M. Jordan, Larry McCarthy, Herbert E. Salinger

Votes FOR 2,285,256 (31.01%)

Votes AGAINST 5,076,822 (68.97%)

### **PROP. 135: Pesticide Regulation**

- Expands state pesticide residue monitoring program for produce, processed foods.
- Establishes state training, information programs for pesticide users.
- Mandates review of cancer-causing pesticides.
- Creates, modifies pesticide-related state advisory panels.
- Creates state-appointed advocate to coordinate pesticide policies.
- Eliminates some industry fees for pesticide regulatory programs.
- Restructures penalties, system of fines, for regulatory violations.
- Provides for state disposal of unregistered pesticides.
- Appropriates \$5,000,000 annually through 1995 to fund pesticide-related research.
- Provides that between competing initiatives regulating pesticides, measure obtaining most votes supersedes components of other(s) dealing with pesticide enforcement for food, water and worker safety.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- One-time state General Fund cost of approximately \$4 million, and annual costs of approximately \$5.5 million, for pesticide and food safety programs.
- Estimated annual state revenue loss of approximately \$1.5 million due to repeal of industry fees.
- One-time state General Fund cost of approximately \$20 million, unknown annual costs, to fund collection and disposal of unregistered pesticides.

- State General Fund cost of \$25 million over five years to support pest management research, and annual General Fund cost of up to \$600,000 for purchase of sterile fruit flies.
- Additional state administrative and regulatory costs ranging from \$200,000 for Environmental Advocate to, possibly, several million dollars annually for other programs.

PRO Bob L. Vice, Dr. Julian R. Youmans, M.D., Ph.D., Haruko N. Yasuda, R.D., David Moore, Don Beaver

CON Lucy Blake, Dan Sullivan, Al Courchesne

Votes FOR 2,191,301 (30.4%)

Votes AGAINST 5,015,928 (69.6%)

### **PROP. 136: State, Local—Taxation**

Abolishes per unit basis for special personal property taxes; requires such taxes based on property value; limits rate of tax to 1% of value.

- Extends 2/3 vote requirement necessary for legislative approval of state general, special taxes to any new, or increase in, such taxes, and to voter approval of special taxes through initiative.
- Requires charter cities to get majority voter approval of new or increased local general taxes.
- Provides temporary exceptions for disaster relief.
- States that conflicting measures on November, 1990 ballot, which impose special taxes with less than 2/3 vote, are invalid.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Restricts rate of certain special taxes, could limit future ability of state to raise revenues through such taxes.
- Could limit future passage of initiative statutes proposing approval of special state taxes.
- Prohibits imposition of new, higher general taxes by charter cities without voter approval, thus potentially preventing such cities from increasing revenues.
- Unknown fiscal effect on other local governments.
- Could facilitate local government's enactment of new or higher taxes for disaster relief.

PRO Joel Fox, Richard Gann

CON Bill Honig, Senator Ed Davis, Dan Terry

Votes FOR 3,439,621 (47.88%)

Votes AGAINST 3,744,620 (52.12%)

### **PROP. 137: Initiative and Referendum Process**

- Prohibits legislative enactment from becoming effective without voter approval of any statute that provides the manner in which statewide or local initiative or referendum petitions are circulated, presented, certified or submitted to the electors.
- Also requires voter approval of statutes that establish procedures or requirements for statewide or local initiatives or referendums.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- The measure could result in unknown increased state and local administrative costs for preparation, printing and mailing of ballot information and verifying election results to extent that changes in requirements for initiatives and referendums are submitted to voters.
- State General Fund costs could range from insignificant to \$200,000 per measure for each statewide election.
- Counties' costs could range from insignificant to \$100,000 per measure for each statewide election.

PRO Joel Fox, Richard Gann, Quentin L. Kopp  
CON Daniel H. Lowenstein, Ed Foglia, Howard L. Owens

Votes FOR 3,157,383 (44.99%)  
Votes AGAINST 3,860,756 (55.01%)

### **PROP. 138: Forestry Programs—Timber Harvesting Practices**

- Authorizes \$300,000,000 general obligation bond issue to fund, subject to Legislature approval, program for loans, grants to public entities, others for forest and park restoration, urban forestry projects, reforestation of private timberlands under 5,000 acres.
- Limits timber cutting practices, requires state-approved timber and wildlife management plans, on certain private timberlands exceeding 5,000 acres.
- Mandates timberland, wildlife, global warming studies.
- Authorizes state acquisition of designated timberlands, suspends state's eminent domain power for 10-year period over other timberlands.
- Urges Congress ban foreign timber exports.
- Provides between competing timber initiative(s) this measure overrides other(s).

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- If all authorized bonds are sold at 7.5 percent interest and paid over the typical 20-year period, state General Fund will incur about \$535 million in costs to pay off bond principal (\$300 million) and interest (\$235 million).
- Estimated average annual costs of bond principal and interest is \$22 million.

- Annual costs of approximately \$3.2 million, funded through sales of state-owned timber, to administer grants program. Initial, increased annual state costs of over \$1 million to review timber management plans, which could over time be more than offset by savings resulting from reduced periodic state regulatory reviews.
- One-time state costs of about \$1.1 million for climatological studies, fully offset by revenues from new regulatory fees. Unknown effect on revenues from other state taxes.

PRO Gerald L. Partain, Phillip G. Lowell, Scott Wall, Sue Granger-Dickson  
CON George Frampton, Maurice Getty, Phillip S. Berry

Votes FOR 2,108,389 (28.84%)  
Votes AGAINST 5,201,891 (71.16%)

**PROP. 139: Prison Inmate Labor—Tax Credit**

- Amends state Constitution to permit state prison and county jail officials to contract with public entities, businesses and others, for inmate labor.
- Limits inmate labor during strike or lockout situations.
- Adds statutes requiring state prison director to establish joint venture programs for employment of inmates.
- Requires inmate wages be comparable to non-inmate wages for similar work.
- Makes inmate wages subject to deductions for: taxes, room and board, lawful restitution fines or victim compensation, and family support.
- Allows inmate's employer ten percent of wage tax credit against defined state taxes.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- This measure would likely result in net savings to the state because of wage deductions to offset cost of incarceration, reduction in amount of time spent in prison due to participation in joint venture program, and decreased state and local costs due to additional family support payments reducing public assistance costs.
- These savings would be partially offset by costs due to revenue loss resulting from employer tax credits and possible additional administrative costs to operate program.
- The magnitude of savings is impossible to quantify.
- The measure's impact on local governments is impossible to estimate because the contents of local ordinances implementing contracts for use of jail labor are unknown.
- Unknown indirect fiscal effects may occur to the extent this measure affects the number of jobs available in the private sector.

PRO George Deukmejian, Don Novey, Doris Tate, Pete Wilson, Dan Lungren  
CON John F. Henning, Albin J. Gruhn

Votes FOR 3,867,147 (54.05%)  
Votes AGAINST 3,288,144 (45.95%)

***No Subsequent Action Taken on Prop. 139***



### **PROP. 140: Limits on Terms of Office, Legislators' Retirement, Legislative Operating Costs**

- Persons elected or appointed after November 5, 1990, holding offices of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Board of Equalization members, and State Senators, limited to two terms; members of the Assembly limited to three terms.
- Requires legislators elected or serving after November 1, 1990, to participate in federal Social Security program; precludes accrual of other pension and retirement benefits resulting from legislative service, except vested rights.
- Limits expenditures of Legislature for compensation and operating costs and equipment, to specified amount.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- The limitation on terms will have no fiscal effect.
- The restrictions on the legislative retirement benefits would reduce state costs by approximately \$750,000 a year.
- To the extent that future legislators do not participate in the federal Social Security system, there would be unknown future savings to the state.
- Legislative expenditures in 1991-92 would be reduced by about 38 percent, or \$70 million.
- In subsequent years, the measure would limit growth in these expenditures to the changes in the state's appropriations limit.

PRO Peter F. Schabarum, Lewis K. Uhler, J. G. Ford, Jr., W. Bruce Lee, II, Lee A. Phelps, Art Pagdan, M.D.

CON Dr. Regene L. Mitchell, Lucy Blake, Dan Terry

**Votes FOR 3,744,447 (52.17%)**

**Votes AGAINST 3,432,666 (47.83%)**

#### ***PROP. 140: Subsequent Action Taken:***

The constitutionality of Prop. 140 was challenged in several court cases: *Legislature, et al. v. Eu, et al*, 54 Cal. 3d 492; *Bates v. Jones*, 131 F.3d 843 (9<sup>th</sup> Cir., 1997) (en banc). After initial rulings which held parts of the proposition unconstitutional, the final decisions up held the constitutionality of the term limits portion of the Proposition (the Court struck down the pension limitations as a violation of federal Contracts Clause).

## 1992 GENERAL

### **PROP. 161: Physician-Assisted Death—Terminal Condition**

Authorizes mentally competent adult to request in writing "aid in dying", as defined, in event terminal condition is diagnosed. Establishes rules for executing, witnessing, revoking request. If properly requested, authorizes physician to terminate life in "painless, humane and dignified manner"; provides immunity from civil or criminal liability for participating health care professionals, facilities. Allows physicians, health care professionals, privately owned hospitals to refuse assistance in dying if religiously, morally, ethically opposed. Provides requesting, receiving authorized assistance "not suicide." Prohibits existence or non-existence of directive from affecting insurance policy terms, sale, renewal, cancellation, premiums.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Potential costs and savings to state and local government health programs. Net impact is unknown, but probably not significant.

PRO Warren L. Bostick, M.D, Mae Ziskin, Ph.D, Douglas I. Norris, Charlotte P. Ross  
CON Mary Foley, Jo Ann Siensen, Pamela Kushner, M.D

**Votes FOR 4,863,478 (45.87%)**

**Votes AGAINST 5,739,918 (54.13%)**

### **PROP. 162: Public Employees' Retirement Systems**

Grants the board of a public employee retirement system sole and exclusive authority over investment decisions and administration of the system. Requires board to administer system so as to assure prompt delivery of benefits to participants and beneficiaries. Provides that board's duty to participants and beneficiaries takes precedence over any other duty. Grants board sole and exclusive power to provide for actuarial services. Prohibits changing number, terms, and method of selection or removal of members of board without approval of voters of the jurisdiction in which participants of the retirement system are employed.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Unknown fiscal effect from giving public pension boards complete authority over assets and administration of the systems. Potential costs to employers as a result of public pension system giving highest priority to providing benefits to members and their beneficiaries. Annual savings of \$1 million to \$3 million to the state's Public Employees' Retirement System for actuarial services.

PRO Charles Carbonaro, Peter J. Kanelos, Peter J. Kanelos, Derrell Kelch, Peter J. Kanelos  
CON Larry McCarthy, Richard L. Gann

**Votes FOR 5,066,530 (51.0%)**

**Votes AGAINST 4,867,681 (49.0%)**

***No Subsequent Action Taken on Prop. 162***



### **PROP. 163: Ends Taxation of Certain Food Products**

Amends Constitution to prohibit state and local governments from imposing sales or use taxes on food products which are exempt from such taxation under existing statutes or this initiative. Adds statute exempting candy, bottled water, and snack foods from sales and use taxes.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Reduces sales and use tax revenue to the state by \$210 million in the current year (1992-93) and \$330 million annually thereafter. Reduces sales and use tax revenue to local governments by \$70 million in the current year and \$120 million annually thereafter.

PRO Richard E. Floyd, Peter Jensen, Jackie Speier

CON No argument against Proposition 163 was filed

**Votes FOR 6,967,009 (66.62%)**

**Votes AGAINST 3,491,372 (33.38%)**

***No Subsequent Action Taken on Prop. 163***

### **PROP. 164: Congressional Term Limits**

Excludes from ballot for United States House of Representatives any person who has represented California congressional district(s) as member of the House during six or more of previous eleven years. Excludes from ballot for United States Senate any person who has represented California as Senator during twelve or more of previous seventeen years. Congressional service prior to 1993 is not counted. Full current and previous terms are counted even if person resigned during term. Term limits do not restrict "write-in" candidacies.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

This measure would have no direct fiscal impact on state or local governments. However, to the extent that the measure results in more write-in candidates, counties would have additional elections-related costs for counting write-in votes. These costs probably would not be significant on a statewide basis.

PRO Peter F. Schabarum, Martyn B. Hopper, Alan Heslop, Ph.D. Jay Kim, Ted Costa, Anna Sparks

CON Daniel Lowenstein, Eva Skinner, Joan Claybrook

**Votes FOR 6,578,637 (63.57%)**

**Votes AGAINST 3,769,511 (36.43%)**

#### ***PROP. 164: Subsequent Action Taken:***

*U.S. Term Limits v. Thornton*, 514 U.S. 779 (1995) ruled that state imposed Congressional term limits violated the U.S. Constitution's Qualifications Clause (Art. I, secs. 2,3). The Court maintained that Congressional term limits could only be imposed by an amendment to the U.S. Constitution. This decision effectively overturned Prop. 164.

**PROP. 165: Budget Process—Welfare—Procedural and Substantive Changes**

Amends Constitution to allow Governor to declare "fiscal emergency" when budget not adopted or deficit exceeds specified percentages. Grants Governor, with restrictions, powers to reduce expenditures to balance budget including state salaries but not education (Proposition 98). Amends statutes to eliminate or limit automatic cost of living adjustments in specified welfare programs. Reduces AFDC by 10%, then 15% after six months on aid. Limits aid for new residents. Provides teenage recipients school attendance incentives. Gives counties discretion to set general assistance. Implements as federal law permits. Other provisions.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Potential state savings, or costs of up to several hundred million or billions of dollars in some years, depending on the budget situation. Annual savings of about \$680 million to the state General Fund and \$35 million to counties, due to changes in the Aid to Families with Dependent Children (AFDC) Program. The savings are due primarily to grant reductions. Savings in years beyond 1993-94 could increase by an unknown, but potentially significant, amount, due to the effect of certain provisions. Potential annual savings beginning in 1996-97 -- up to several hundred million dollars to the state and several million dollars to counties -- due to elimination of automatic cost of living adjustments in the AFDC Program and the Supplemental Security Income/State Supplementary Program (SSI/SSP). Unknown annual savings to counties -- probably over \$75 million and potentially several hundred million dollars -- due to payment limits and funding discretion in general assistance (GA) programs. These savings would be partly offset by additional GA costs of up to \$30 million annually, due to the effects of the measure's AFDC provisions.

PRO Pete Wilson, Joel Fox, Maureen Dimarco, Russell S. Gould, Ingrid Azvedo, John A. Arguelles  
CON Robyn C, Prud'Homme-Bauer, Reverend Les L. Sauer, John F. Allard

**Votes FOR 4,869,305 (46.61%)**

**Votes AGAINST 5,577,061 (53.39%)**

**PROP. 166: Basic Health Care Coverage**

Requires employers to provide basic health care coverage for employees working specified hours, and their dependents, as permitted by federal law. Provides phase-in period. Employee contributions shall not exceed 2% of wages; eliminates duplicate coverage; specifies type of health care benefits, including prescription services. Subjects health carriers to enforcement powers of Insurance Commissioner or Commissioner of Corporations and prohibits exclusion based upon prior disease, disorder, or condition. Establishes Health Care Coverage Commission and panels for Medical Policy, Cost Containment, and Technology. Provides employer tax credits. Makes appropriations for commission support.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Potential state general tax revenue losses of tens to hundreds of millions of dollars annually, in the short term. The longer-term impact on general tax revenues is unknown. State revenue losses of hundreds of millions of dollars annually from expanded use of the small business health care tax credit. State savings in the range of \$250 million annually to the Medi-Cal Program. County savings of potentially more than \$100 million annually. Net fiscal impact of the measure is unknown.

PRO Richard F. Corlin, M.D, Mary Ann Valentine

CON Mary E. Foley, R.N., Martyn B. Hopper, Lewis K. Uhler

Votes FOR 3,255,302 (30.81%)

Votes AGAINST 7,310,637 (69.19%)

**PROP 167: State Taxes**

Increases state tax rates for top personal income taxpayers. Temporarily suspends indexing on top personal income tax brackets. Increases income tax rates for corporations and premium tax rates on insurers. Defines corporate income to include specified excess employee compensation. Increases tax liability of banks and corporations doing business within and outside California. Provides for reappraisal of most business-owned real property upon specified change in ownership interests. Imposes new oil severance tax. Changes tax rules related to oil and gas production. Repeals 1991 sales tax increases. Provides for renters' tax credits.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Increases state tax revenues by roughly \$340 million in 1992-93, and \$210 million annually through 1995-96. Additional annual revenue increases of roughly \$1 billion beginning in 1996-97. Replaces state expenditures on schools with increased local property tax revenue of \$350 million to \$700 million annually beginning in 1993-94. Increases property tax revenue to local governments by \$750 million to \$1.4 billion annually, beginning in 1993-94. Reduces sales tax revenue to local governments by about \$95 million in 1992-93 and \$200 million annually thereafter. The actual fiscal impact could differ significantly from these estimates, depending on how individuals and businesses respond to the measure's tax changes.

PRO Lenny Goldberg, Howard Owens, Dan Terry, Jerry Cremins, Mary Bergan, Howard Owens

CON Jane A. Armstrong, Lynne Choy Uyeda, Larry Lutz

Votes FOR 4,293,460 (41.16%)

Votes AGAINST 6,136,895 (58.84%)

## 1993 Special Election

### **PROP. 174: Education—Vouchers**

Amends California Constitution to enable parents to choose a child's school by requiring State to provide a voucher for every school-age child equal to at least 50 percent of prior fiscal year per pupil spending for K-12 public schools. Requires Legislature to establish procedures whereby public schools may become independent voucher-redeeming schools. Vouchers may be redeemed by such schools and by qualifying private schools. Authorizes required academic testing. Limits new regulation of private and voucher-redeeming schools. Voucher expenditures and specified savings count toward education's existing constitutional minimum funding guarantee.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Long-term (by the fifth year) net fiscal effect on state funding of K-12 schools is largely unknown. Annual impact likely to range from costs of about \$800 million to savings of about \$1 billion, depending on the number of pupils who shift from public schools to schools that accept vouchers and legislative decisions on funding of public schools. Short-term (first few years) state costs averaging hundreds of millions of dollars annually. Debt service savings to the state and school districts potentially in excess of \$100 million annually after 10-20 years, resulting from reduced need for construction of public schools.

PRO William J. Bennett, H. Glenn Davis, Carmela Garnica, Lewis K. Uhler, Joseph F. Alibrandi, Marci Delgado

CON Charity Webb, Del Weber, Norman T. Allen

Votes FOR 1,561,514 (30.4%)

Votes AGAINST 3,567,833 (69.5%)

## 1994 GENERAL

### **PROP. 184: Increased Sentences—Repeat Offenders (Three Strikes)**

- Increases sentences for defendants convicted of any felony who have prior convictions for violent or serious felonies such as rape, robbery or burglary.
- Convicted felons with one such prior conviction would receive twice the normal sentence for the new offense. Convicted felons with two or more such prior convictions would receive a life sentence with a minimum term three times the normal sentence or 25 years, whichever is greater.
- Includes as prior convictions certain felonies committed by juveniles 16 years of age, or older.
- Reduces sentence reduction credit which may be earned by these convicted felons.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Provisions of this measure are identical to a law that was enacted in March 1994. That law will (1) increase state prison operating costs by hundreds of millions of dollars annually, reaching about \$3 billion in 2003 and about \$6 billion annually by 2026; (2) increase state prison construction costs by about \$20 billion; (3) have an unknown net fiscal effect on local governments; and (4) possibly result in other savings of unknown magnitude to state and local governments to the extent prison sentences prevent offenders from committing additional crimes for which government would have incurred costs.
- Because this measure reaffirms the March 1994 changes, it would have no direct fiscal impact on state and local governments.

PRO Mike Reynolds, Jan Scully, Mike Huffington, Jan Miller, Chief Larry Todd, Lewis K. Uhler  
CON Marc Klaas, Terrence Starr, Mary Bergan

**Votes FOR 5,906,268 (71.8%)**

**Votes AGAINST 2,314,548 (28.2%)**

### ***PROP. 184: Subsequent Action Taken:***

The constitutionality of the Three Strikes Law has been challenged in two cases, *People v. Superior Court*, 13 Cal. 4<sup>th</sup> 497 (1996) and *Andrade v. Attorney General*, (2003), as a violation of the California Constitution's separation of powers doctrine as well as the U.S. Constitution's prohibition against "cruel and unusual punishment" (8<sup>th</sup> Amendment) and the Equal Protection Clause (14<sup>th</sup> Amendment). Both challenges were defeated and the proposition has been upheld in its entirety.

**PROP. 185: Public Transportation Trust Funds—Gasoline Sales Tax**

- This measure imposes an additional 4% tax on retail sales of gasoline.
- Proceeds will be deposited into transit and highway trust funds.
- Revenue to be spent on electric rail and clean fuel buses, light rail, commuter and intercity rail systems, transit for elderly and disabled persons, bicycle projects, crime reduction on transit systems, and other transportation programs.
- Limits overhead on state construction projects and transportation operations funded from revenue.
- Provides for acquisition of agricultural land conservation easements, wetlands, riparian habitat and land for parks as offsets to transportation impacts.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Increases gasoline sales tax revenues by about \$630 million annually for specified transportation purposes.
- Increases state and local costs, potentially in the tens of millions of dollars annually, to operate passenger rail and bus services. These costs are potentially offset to an unknown extent by revenues from the measure.
- Shifts about \$25 million annually in existing sales tax revenues from the General Fund to transportation uses.
- Potential loss in gasoline and sales tax revenues to state and local governments of less than \$15 million annually.
- Increases administrative costs of about \$46 million annually to various state agencies, offset by the measure's revenues and other state transportation funds.

PRO Howard Owens, Dennis T. Zane, Gerald H. Meral, Anthony Garrett, Ed Maschke, Dennis Zane

CON Larry McCarthy, Lee Phelps

Votes FOR 1,586,242 (19.5%)

Votes AGAINST 6,561,505 (80.5%)



### **PROP. 186: Health Services**

- Establishes health services system with defined medical, prescription drug, long-term, mental health, dental, emergency, other benefits; available to California residents, replacing existing health insurance, premiums, programs.
- Services funded by tax upon employers, individuals, with stated exemptions, cigarette/tobacco products surtax, existing federal, state, county health care funds, if authorized; proceeds deposited into Health Security Fund. Health benefit providers, authorized costs, paid from fund.
- Elected Health Commissioner administers fund/system, coordinates with federal law.
- Provides cost controls; annual expenditure limits based on prior year expenditures, unless adjusted.
- Creates advisory Policy Board, Consumer Council.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Total funds for a state-administered health system potentially exceeding \$75 billion annually, including \$40 billion to \$50 billion from new state taxes. Costs could be less or greater than funds.
- Potential state and local government savings in the hundreds of millions of dollars annually over time if these governments limit their contributions to the new health care system.
- Potential state revenue losses initially as much as a few hundred million dollars annually. Long-term effect on state revenues is uncertain, but probably not major in context of the total state economy.

PRO Mary Tucker, Kurt Laumann, R.N., John Proctor, Harry Snyder, Marlys Robertson, Krista Farey, M.D.

CON Larry McCarthy, Carol Denton, R.N., Martyn B. Hopper

Votes FOR 2,212,691 (26.6%)

Votes AGAINST 6,110,899 (73.4%)

### **PROP. 187: Illegal Aliens—Ineligibility for Public Services—Verification and Reporting**

- Makes illegal aliens ineligible for public social services, public health care services (unless emergency under federal law), and public school education at elementary, secondary, and post-secondary levels.
- Requires various state and local agencies to report persons who are suspected illegal aliens to the California Attorney General and the United States Immigration and Naturalization Service.
- Mandates California Attorney General to transmit reports to Immigration and Naturalization Service and maintain records of such reports.
- Makes it a felony to manufacture, distribute, sell or use false citizenship or residence documents.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Annual savings of roughly \$200 million to the state and local governments (primarily counties), due to reduced costs for public social services, health care and higher education.
- Annual administrative costs of tens of millions of dollars (potentially more than \$100 million in the first year) to the state and local governments (primarily counties and public schools) to verify citizenship or legal status of students and parents and persons seeking health care and/or social services.
- Places at possible risk billions of dollars annually in federal funding for state and local education, health and welfare programs due to conflicts between the measure's provisions and federal requirements.

PRO Assemblyman Dick Mountjoy, Ronald Prince, Mayor Barbara Kiley, Congressman Jay Kim, Jesse Laguna

CON Sherman Block, D.A. ("Del") Weber, Ralph R. Ocampo, M.D.

**Votes FOR 5,063,537 (58.8%)**

**Votes AGAINST 3,529,432 (41.2%)**

#### ***PROP. 187: Subsequent Action Taken:***

Prop. 187 faced fierce legal opposition immediately after its passage. Filed one day after the passage of Prop. 187, *League of United Latin American Citizens v. Wilson*, 1998 U.S. Dist. Lexis 3368 (USDC C.D. Cal 1998), challenged the constitutionality of the proposition. The lawsuit charged that Prop. 187's provision denying access to secondary schools was a "violation of the right to equal education guaranteed by the California Constitution," and that the proposition "unconstitutionally usurps federal authority by enacting immigration laws in conflict with federal authority; violates due process and equal protection guarantees; and violates the 1982 U.S. Supreme Court decisions in *Plyler v. Doe*, which affirms the right of immigrant children to education."<sup>11</sup> A temporary restraining order against the proposition was granted on November 16 and extended on November 22. A preliminary injunction was then granted on December 14 against all but provisions 2, 3, and 8 of Prop. 187. The case remained in District Court for four years. Finally, newly elected Governor Gray Davis sought to end the litigation through mediation. Proponents of 187 attempted to block the mediations by seeking writ in the California Supreme Court, however the petition was denied. The mediation essentially killed 187.

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<sup>11</sup> "Judge Signs Oder Blocking Prop. 187; State Officials Enjoined From Enforcing Anti-Immigrant Measure." ACLU News (Freedom Network: 1996) <http://archive.aclu.org/news/n011895.html>



**PROP. 188: Smoking and Tobacco Products—Local Preemption—Statewide Regulation**

- Repeals and preempts local smoking and tobacco regulations. Repeals and replaces existing statewide smoking and tobacco regulations. Permits amendment of tobacco regulations by two-thirds vote of Legislature.
- Bans public smoking with significant exceptions. Permits smoking sections in restaurants and employee cafeterias with conditions. Bars not regulated. Permits smoking in private offices, and business conference rooms with occupants' consent. Exempts from smoking regulations gaming clubs, bingo establishments, racetracks, sports facility private boxes and smoking lounges.
- Regulates location of tobacco vending machines and billboards. Increases penalties for tobacco purchases by minors.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Likely, but unknown, annual increase in state and local government health care costs and state tobacco tax revenues.
- State enforcement costs of less than \$1 million annually.

PRO Jeanette Roache, Robert M. Jacobs, Jesse Navarro

CON C. Everett Koop, M.D., Nancy Houston Miller, R.N., B.S.N., Spencer Koerner, M.D.

Votes FOR 2,490,156 (29.3%)

Votes AGAINST 6,004,876 (70.7%)

## 1996 PRIMARY

### **PROP. 198: Elections—Open Primary**

- Provides that all persons entitled to vote, including those not affiliated with any political party, shall have the right to vote at any election for any candidate regardless of the candidate's political affiliation.
- Provides for a single primary ballot on which, under the appropriate title for each office, the names and party affiliations of all candidates are placed randomly and not grouped by political party.
- Retains separate partisan ballot only for the selection of elective political party committee members by voters of each party.
- Requires Legislature to conform conflicting statutes.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- No direct fiscal impact on state government.
- Unknown, but probably minor, savings to counties statewide.

PRO Becky Morgan, Eugene C. Lee, Dan Stanford, Lucy Killea, Houston Flournoy  
CON John S. Herrington, Bill Press

**Votes FOR 3,340,642 (59.51%)**

**Votes AGAINST 2,273,064 (40.49%)**

### ***PROP. 198: Subsequent Action Taken:***

Initially, legislators and party officials from both the major parties, (as well as the Libertarian and Peace & Freedom parties) scorned the voters' mandate and blocked implementation of the initiative. However, Attorney General Dan Lungren, who opposed the initiative before it was approved, bound by his office to uphold Prop. 198 as the law of the land, promised to prosecute anyone who ignored the legislation or obstructed justice.

The legislature responded to Prop. 198 in an official capacity by attempting to amend the law through the passage of **SB 1505** (1998). SB 1505 would have exempted the presidential primary from Prop. 198's blanket primary requirement. However, because SB 1505 would have altered Prop. 198 it required voter approval. **Prop. 3**, a referendum on SB 1505, was soundly defeated in 1998's general election, leaving Prop. 198 in its original form.

However, in 2000, the U.S. Supreme Court overturned Prop. 198 in *California Democratic Party, et al. v. Jones*, 530 U.S. 567 (2000) on certiorari from 9<sup>th</sup> Circuit, 169 F.3d 646 (9<sup>th</sup> Cir. 1999) [on appeal from U.S.D.C. (E.D.Cal.)]. The court maintained that the blanket primary law placed undue burden on parties' associational rights and was not narrowly tailored to further state interests.

**PROP. 199: Limits on Mobile home Rent Control—Low-Income Rental Assistance**

- Phases out local rent control laws on mobile homes. Prohibits new state and local rent control laws.
- Limits existing local rent control laws to current spaces. Prohibits controls on rent increases smaller than annual cost-of-living increase; eliminates controls on rent for space when tenancy or unit ownership changes.
- Requires park owners to provide subsidy of 10% of monthly rent for very low-income tenants if fewer than 10% of existing spaces are subject to rent control and if subsidy will not subject more than 10% of spaces to rent control or subsidy.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Future savings to local agencies totaling statewide at least several million dollars annually.

PRO Lewis K. Uhler, Sandra L. Butler, Vickie M. Talley, Binnie Lanahan, Lewis K. Uhler  
CON Dave Hennessy, Mary Tucker, Lois Wellington

Votes FOR 2,159,316 (39.20%)

Votes AGAINST 3,348,930 (60.80%)

**PROP. 200: No-Fault Motor Vehicle Insurance**

- Requires insurer to pay benefits regardless of who is at fault in most motor vehicle accidents. Suit against another driver prohibited unless specified crime or hazard proven.
- Requires at least \$50,000 and up to \$1,000,000 vehicle-owner insurance for personal injury protection; optional coverage to \$5,000,000. Minimum coverage permitted with waiver of full benefits.
- Generally covers vehicle occupants, pedestrians, bicyclists.
- Requires insurance benefits for medical and rehabilitation costs, wage loss, replacement services, and death. Supplemental optional coverage available.
- Generally requires benefit payment within 30 days or mandates arbitration.
- Incorporates health care fee limits.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- State and local government savings in health care and other expenditures potentially over \$100 million annually.
- State and local government loss in motor vehicle registration and insurance tax revenues in the tens of millions of dollars annually, potentially exceeding \$100 million annually.
- State costs to implement the measure of about \$15 million (one-time), with administrative costs of about \$10 million annually thereafter.
- The measure's fiscal effect would vary by governmental entity. The net fiscal impact on the public sector as a whole is unknown.

PRO Jennifer Frank, Andrew Tobias, Jim Conran, M. J. Hannigan  
CON Wendell Phillips

Votes FOR 2,002,767 (34.79%)

Votes AGAINST 3,754,414 (65.21%)

**PROP 201: Attorneys' Fees—Shareholder Actions—Class Actions**

- Requires losing party to pay winning party's reasonable attorneys' fees and expenses in shareholder actions against corporations and in class actions based on securities law violations.
- Payment by member of losing party not required if position was substantially justified and payment would be unjust. Court may require losing party's attorney to pay.
- After hearing, court may require plaintiff to furnish bond for defendant's estimated fees and expenses, unless plaintiff owns or traded at least 5% of shares. Plaintiff's attorney may agree to furnish bond and pay defendant's fees and expenses for plaintiff.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Adoption of this measure would have unknown, but probably not significant, fiscal impact on state and local governments.

PRO Charles Schwab, Kirk West, Lewis K. Uhler, Alan Shugart  
CON Howard L. Owens

Votes FOR 2,320,747 (40.68%)

Votes AGAINST 3,384,580 (59.32%)

**PROP. 202: Attorneys' Contingent Fees—Limits**

- Limits fees which plaintiffs' attorneys may collect, if payable contingent on plaintiffs' recovery of compensation, in personal injury, wrongful death, other tort cases. Hourly rates not limited.
- Requires demand against defendants for compensation with supporting information. Allows defendants to respond with prompt settlement offer with supporting information. If accepted, plaintiffs' attorneys may not collect contingent fees exceeding 15% of defendants' offer. If not accepted, they may collect fees above 15% only on part of recovery in excess of defendants' prompt settlement offer.
- Fiduciary relationship applies to fee agreement between plaintiff, plaintiff's attorney.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Adoption of this measure would have an unknown net fiscal impact on state and local governments.

PRO Mary Anderson, Garry Deloss, Thomas Proulx, Michael Johnson  
CON Candace Lightner, Harvey Rosenfield

Votes FOR 2,769,466 (48.79%)

Votes AGAINST 2,907,347 (51.21%)

## 1996 GENERAL

### **PROP. 207: Attorneys—Fees—Right to Negotiate—Frivolous Lawsuits**

- Except as allowed by laws in effect on January 1, 1995, prohibits restrictions on the right to negotiate amount of attorneys' fees, whether fixed, hourly or contingent.
- Prohibits attorney from charging or collecting excessive or unconscionable fees.
- Authorizes court to impose sanctions upon attorney who files a lawsuit or pleading which is totally and completely without merit or filed solely to harass opposing party. Prohibits sanctioned attorney from collecting fees for case.
- Requires State Bar to recommend appropriate discipline for attorneys with repeated sanctions.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Adoption of this measure would have an unknown, but probably not significant, net fiscal impact on state and local governments.

PRO Mary E. Alexander

CON John Sullivan, Martyn B. Hopper, Bill Morrow

Votes FOR 3,206,350 (34.2%)

Votes AGAINST 6,163,645 (65.8%)

### **PROP. 208: Campaign Contributions and Spending Limits—Restricts Lobbyists**

- Limits a contributor's campaign contributions per candidate to \$100 for districts of less than 100,000, \$250 for larger districts, and \$500 for statewide elections. Committees of small contributors can contribute twice the limit. Contribution limits approximately double for candidates who agree to limit spending. Limits total contributions from political parties, businesses, unions and others. Prohibits transfers between candidates.
- Limits fundraising to specified time before election.
- Prohibits lobbyists from making and arranging contributions to those they influence.
- Requires disclosure of top contributors on ballot measure advertising.
- Increases penalties under Political Reform Act.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Adoption of this measure would result in costs to state and local governments for implementation and enforcement of new campaign finance limitations in the range of up to \$4 million annually.

- The measure would result in unknown, but probably not significant, additional state and local election costs.

PRO Tony Miller, Fran Packard, Jean Carpenter, Robert Holub, Ruth Holton  
CON: Amy Schur, Dr. Carol Edwards, Richard Solomon

Votes FOR 5,716,349 (61.3%)  
Votes AGAINST 3,612,813 (38.7%)

***PROP. 208: Subsequent Action Taken:***

See discussion of campaign finance reform measures under Prop. 9, 1974, page 12 above.

**PROP. 209: Prohibition Against Discrimination or Preferential Treatment by State and Other Public Entities**

- Prohibits the state, local governments, districts, public universities, colleges, and schools, and other government instrumentalities from discriminating against or giving preferential treatment to any individual or group in public employment, public education, or public contracting on the basis of race, sex, color, ethnicity, or national origin.
- Does not prohibit reasonably necessary, bona fide qualifications based on sex and actions necessary for receipt of federal funds.
- Mandates enforcement to extent permitted by federal law.
- Requires uniform remedies for violations. Provides for severability of provisions if invalid.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- The measure could affect state and local programs that currently cost well in excess of \$125 million annually.
- Actual savings to the state and local governments would depend on various factors (such as future court decisions and implementation actions by government entities).

PRO Pete Wilson, Ward Connerly, Pamela A. Lewis, Daniel E. Lungren, Quentin L. Kopp, Gail L. Heriot  
CON Fran Packard

Votes FOR 5,268,462 (54.6%)  
Votes AGAINST 4,388,733 (45.4%)

***PROP. 209: Subsequent Action Taken:***

Plaintiffs in *Coalition for Economic Equity, et al., v. Pete Wilson, et al.*, (1996), charged that Prop. 209 violated the Equal Protection Clause of the U.S. Constitution's 14<sup>th</sup> Amendment. The court issued a temporary restraining order and enjoined the state from implementing or enforcing Prop. 209. This decision was overturned on appeal by the 9<sup>th</sup> Circuit Court of Appeals and the measure was upheld in whole.



### **PROP. 210: Minimum Wage Increase**

- Increases the state minimum wage for all industries to \$5.00 per hour on March 1, 1997, and then to \$5.75 per hour on March 1, 1998.
- Requires the California Industrial Welfare Commission to adopt minimum wage orders consistent with this section, which orders shall be final and conclusive for all purposes.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- The fiscal effect of this measure would depend on whether the federal minimum wage increase passed by Congress in August is signed into law. Because California's minimum wage must be at least as high as the federal rate, an increase in the federal rate would reduce the incremental fiscal effects of this measure.
- Unknown net impact on state and local government revenues, primarily depending on the measure's effect on the level of employment, income, and taxable sales in California.
- Annual state and local government wage-related costs of approximately \$300 million (about \$120 million if the federal minimum wage increase is enacted).
- Net annual savings in state health and welfare programs, potentially in the low tens of millions of dollars (\$10 million to \$15 million if the federal minimum wage is enacted).

PRO Rev. Kathryn Cooper-Ledesma, Dr. Regene Mitchell, Howard Owens, Kenneth Arrow, Cliff Waldeck, Hon. Hilda Solis

CON Sheldon Grossman, Connie Trimble, William H. Merwin

**Votes FOR 5,937,569 (61.5%)**

**Votes AGAINST 3,724,598 (38.5%)**

***No Subsequent Action Taken***

### **PROP. 211: Attorney-Client Fee Arrangements. Securities Fraud. Lawsuits.**

- Prohibits restrictions on attorney-client fee arrangements, except as allowed by laws existing on January 1, 1995.
- Prohibits deceptive conduct by any person in securities transactions resulting in loss to pension, retirement funds, savings. Imposes civil liability, including punitive damages, for losses.
- Authorizes class actions, derivative suits; adds presumption fraudulent acts affected market value of security.
- Prohibits indemnification of officers found liable for fraudulent acts by business entities, but may purchase insurance to cover liability.
- Declares measure conflicts with other ballot measures that restrict attorney fees or securities fraud actions.



**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Potential increase in court-related costs to state and local governments of an unknown, but probably not significant, amount.
- Potential increase in revenue to the state of an unknown, but probably not significant, amount.

PRO Lois Wellington, Kenneth E. Wilson, Ramona E. Jacobs, John R. (Jack) Quatman, James Kenneth Hahn

CON Larry McCarthy, Martyn B. Hopper, Kirk West

Votes FOR 2,414,216 (25.6%)

Votes AGAINST 6,997,003 (74.4%)

**PROP. 212: Campaign Contributions and Spending Limits—Repeals Gift and Honoraria Limits—Restricts Lobbyists**

- Repeals existing law limiting gifts and prohibiting honoraria received by public officials.
- Limits contributor's contributions per candidate per election to \$200 for statewide offices, \$100 for most other offices. Allows committees of small contributors 100 times this individual limit. Prohibits more than 25% of contributions from outside district. Limits total contributions by committees and individuals. Bans direct contributions from businesses and unions.
- Imposes spending limits.
- Limits time for fundraising.
- Prohibits tax deduction for lobbying expenses. Prohibits lobbyists from making or arranging contributions to those they influence.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Adoption of this measure would result in costs to state and local governments for implementation and enforcement of new campaign finance limitations in the range of up to \$4 million annually.
- The measure would result in unknown, but probably not significant, additional state and local election costs.
- The measure would result in additional tax revenues to the state of about \$6 million annually due to the elimination of the tax deduction for lobbying expenses.

PRO Wendy Wendlandt, Don Vial, Robert Benson, Jerry Brown, Daniel A. Terry

CON Fran Packard, Jacqueline Antee, Tony Miller

Votes FOR 4,539,403 (49.1%)

Votes AGAINST 4,694,166 (50.9%)

### **PROP. 213: Limitation on Recovery to Felons, Uninsured Motorists, Drunk Drivers**

- Denies all recovery of damages to a convicted felon whose injuries were proximately caused during the commission of the felony or immediate flight there from.
- Denies recovery for non-economic damages (e.g., pain, suffering, disfigurement) to drunk drivers, if subsequently convicted, and to uninsured motorists who were injured while operating a vehicle.
- Provides exception when an uninsured motorist is injured by a subsequently convicted drunk driver. With this one exception, provides that insurer is not liable for non-economic damages.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Probably minor annual savings in state and local government court-related costs.
- Reduction in insurance tax revenue to the state of probably less than \$5 million annually.

PRO Linda Oxenreider, Chuck Quackenbush, D. O. "Spike" Helmick, Ronald E. Lowenberg, Jan Miller, Steven H. Craig

CON Harvey Rosenfield, Ken McEldowney, Ina DeLong

**Votes FOR 7,278,167 (76.9%)**

**Votes AGAINST 2,194,380 (23.1%)**

### ***PROP. 213: Subsequent Action Taken:***

Prop. 213 was challenged in two separate cases for violating the Single Subject Rule as well as both the state and federal constitutions' Due Process and Equal Protection Clauses: *Yoshioka v. Superior Court*, 58 Cal. App. 4<sup>th</sup> 972 (1997) and *Quackenbush v. Superior Court*, 60 Cal. App. 4<sup>th</sup> 454 (1997). *Quackenbush* also charged that the initiative violated the U.S. Constitution's 1<sup>st</sup> Amendment right to petition the government for a redress of grievances as well as the right to travel. In both cases the court upheld the proposition in its entirety.

### **PROP. 214: Health Care—Consumer Protection**

- Prohibits health care businesses from: discouraging health care professionals from informing patients or advocating for treatment; offering incentives for withholding care; refusing services recommended by licensed caregiver without examination by business's own professional.
- Requires health care businesses to: make tax returns and other financial information public; disclose certain financial information to consumers including administrative costs; establish criteria for authorizing or denying payment for care; provide for minimum safe and adequate staffing of health care facilities.
- Authorizes public/private enforcement actions. Provides penalties for repeated violations. Defines "health insurer."

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Increased state and local government costs for existing health care programs and benefits, probably in the range of tens of millions to hundreds of millions of dollars annually, depending on several factors.

PRO Mary Tucker, Lois Salisbury, Laura Remson Mitchell, Robyn Wagner Holtz,  
W. E. (Gene) Giberson, Jonathon Shestack  
CON Sister Carol Padilla, R.N., Richard Gordinier, M.D., Kirk West

Votes FOR 3,886,699 (42.0%)

Votes AGAINST 5,358,331 (58.0%)

**PROP. 215: Medical Use of Marijuana**

Exempts patients and defined caregivers who possess or cultivate marijuana for medical treatment recommended by a physician from criminal laws which otherwise prohibit possession or cultivation of marijuana.

- Provides physicians who recommend use of marijuana for medical treatment shall not be punished or denied any right or privilege.
- Declares that measure not be construed to supersede prohibitions of conduct endangering others or to condone diversion of marijuana for non-medical purposes.
- Contains severability clause.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Adoption of this measure would probably have no significant fiscal impact on state and local governments.

PRO Richard J. Cohen, Ivan Silverberg, M.D., Anna T. Boyce, Terence Hallinan, John Vasconcellos,  
James Canter  
CON James P. Fox, Michael J. Meyers, Sharon Rose

Votes FOR 5,382,915 (55.6%)

Votes AGAINST 4,301,960 (44.4%)

***PROP. 215: Subsequent Action Taken:***

*U.S. v. Cannabis Cultivators' Club, et al*, 532 U.S. 483: Court ruled that the medical use of marijuana violates federal law, but does not address directly Prop. 215.

**PROP. 216: Health Care—Consumer Protection—Taxes on Corporate Restructuring**

- Prohibits health care businesses from: discouraging health care professionals from informing patients/advocating for treatment; offering incentives for withholding care; refusing services recommended by licensed caregiver without examination by business's own professional; increasing charges without filing required statement; conditioning coverage on arbitration agreement.
- Requires health care businesses to: make tax returns public; establish criteria written by licensed health professionals for denying payment for care; establish staffing standards for health care facilities.
- Authorizes public/private enforcement actions.
- Establishes nonprofit public corporation for consumer advocacy.
- Assesses taxes for certain corporate structure changes.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Increased revenues from new taxes on health care businesses -- potentially in the hundreds of millions of dollars annually -- to fund a corresponding amount of expenditures for specified health care services.
- Additional state and local costs for existing health care programs and benefits, probably in the range of tens of millions to hundreds of millions of dollars annually, depending on several factors.
- Reduced state General Fund revenue of up to tens of millions of dollars annually because the new taxes would reduce businesses' taxable income.

PRO Ralph Nader, Dr. Helen Rodriguez-Trias, M.D., Kit Costello, R.N., Harvey Rosenfiel, Dr. Sheldon Margen, Linda Ross  
CON Sister Krista Ramirez, R.N., William S. Weil, M.D., Sally C. Pipes

Votes FOR 3,540,845 (38.7%)

Votes AGAINST 5,593,589 (61.3%)

**PROP. 217: Top Income Tax Brackets—Reinstatement—Revenues to Local Agencies**

- Retroactively reinstates 10% and 11% tax rates, respectively, on taxpayers with taxable income over \$115,000 and \$230,000 (current estimates), and joint taxpayers with taxable income over \$230,000 and \$460,000 (current estimates).
- Requires Controller to apportion revenue from reinstated tax rates among counties.
- Requires counties to allocate that revenue to local government agencies based on each local agency's proportionate share of property taxes which must be transferred to schools and community colleges under 1994 legislation.
- Prohibits future reduction of local agency's proportionate share of property taxes.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Annual increase in state personal income tax revenues of about \$700 million, with about half the revenues allocated to schools and half to other local governments.

PRO Fran Packard, Mary Bergan, Daniel Terry, Steven H. Craig, Carol Ruley;  
CON Larry McCarthy, Ruth Lunquist, Martyn B. Hopper

Votes FOR 4,575,550 (49.2%)

Votes AGAINST 4,723,873 (50.8%)

**PROP. 218: Voter Approval for Local Government Taxes—Limitations on Fees, Assessments, and Charges**

- Limits authority of local governments to impose taxes and property-related assessments, fees, and charges. Requires majority of voters approve increases in general taxes and reiterates that two-thirds must approve special tax.
- Assessments, fees, and charges must be submitted to property owners for approval or rejection, after notice and public hearing.
- Assessments are limited to the special benefit conferred.
- Fees and charges are limited to the cost of providing the service and may not be imposed for general governmental services available to the public.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Short-term local government revenue losses of more than \$100 million annually.
- Long-term local government revenue losses of potentially hundreds of millions of dollars annually.
- Local government revenue losses generally would result in comparable reductions in spending for local public services.

PRO Joel Fox, Jim Conran, Richard Gann, Carol Ross Evans, Felicia Elkinson,  
Lee Phelps

CON Fran Packard, Chief Ron Lowenberg, Chief Ron Lowenberg

Votes FOR 5,202,429 (56.6%)

Votes AGAINST 3,996,702 (43.4%)

## 1998 PRIMARY

### **PROP. 223: Schools—Spending Limits on Administration**

- Prohibits school districts from spending more than five percent of funds from all sources for costs of general administration, instructional resources supervision, and supervision of instruction, beginning fiscal year 1999-2000.
- Requires State Board of Education to fine districts failing to comply.
- Requires districts to publish percentage of funds expended on administrative costs annually, report expenditure information to State Board of Education, and undertake performance audits and fiscal efficiency reviews every five years.
- Requires districts to develop systems which indicate the intended contribution of each projected expenditure to the achievement of specific performance objectives.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- This measure would require school districts to reduce administrative costs (as defined by the measure) by up to \$700 million. To comply with this requirement, districts could more accurately account for administrative costs, move operations from central locations to school sites, and reduce administrative spending.
- The measure also would result in costs of around \$10 million annually for performance based budgeting, and around \$20 million every five years for auditing requirements.

PRO Richard Riordan, Dianne Feinstein, Tyrone Vahedi, Congressman Howard Berman, Steven Soboroff

CON Rosaline Turnbull, Stephen C. Bock, Rusty Herod

Votes FOR 2,551,123 (45.5%)

Votes AGAINST 3,050,474 (54.5%)

### **PROP. 224: State-Funded Design and Engineering Services**

- Prohibits contracting where performance of work by civil service employees is less costly unless urgent need for contract.
- Prohibits contracts which Controller or awarding agency determines are against public interest, health, safety or where quality of work would be lower than civil service work.
- Contractors must indemnify state in suits related to performance of contracts.
- Requires defined competitive bidding of state-funded design and engineering contracts over \$50,000, unless delay from bidding would endanger public health or safety.
- Provisions severable and should be harmonized with similar measures on subject.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Unknown impact on state and local government costs to obtain construction-related services. Impact would depend largely on factors included in the cost comparison analyses required by the proposition.
- Administrative costs to the State Controller--one-time costs of probably less than \$500,000 and annual costs of up to \$2 million.

PRO Don Brown, Ben Hudnall, Woody Allshouse, Arthur P. Duffy, Lois Wellington, Edmundo Lopez

CON: Larry McCarthy, Loring A. Wyllie, Jr., Ron Bates

Votes FOR 2,066,925 (38.1%)

Votes AGAINST 3,351,322 (61.9%)

**PROP. 225: Limiting Congressional Terms—Proposed U.S. Constitutional Amendment**

- Declares that the official position of the People of the State of California is that its elected officials should vote to help enact an amendment to the U.S. Constitution limiting congressional terms.
- The proposed constitutional amendment would limit U.S. Senators to two terms and House of Representatives members to three terms.
- Requires the California Legislature and state and federal legislators from California to use their powers to pass the amendment.
- All candidates for federal or state legislative office who do not provide required support must be identified as non- supporters on ballot.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Relatively minor costs to Secretary of State to review voting records of state and federal legislators and to make certain determinations regarding ballot statements, and to counties to add certain statements to the ballot.

PRO Sally Reed Impastato

CON Mark Whisler

Votes FOR 2,871,975 (52.9%)

Votes AGAINST 2,561,382 (47.1%)

***PROP. 225: Subsequent Action Taken:***

In *Bramberg v. Jones*, 20 Cal. 4<sup>th</sup> 1045 (1999) the California Supreme Court ruled that Prop. 225 violated Art. V (rules for amendment) of the U.S. Constitution. The Proposition was overturned in its entirety.



**PROP. 226: Political Contributions by Employees, Union Members, Foreign Entities**

- Requires all employers and labor organizations to obtain employee's or member's permission before withholding wages or using union dues or fees for political contributions. Employee's or member's permission is to be obtained annually using a prescribed form. Requires record keeping.
- Prohibits contributions to state and local candidates by residents, governments or entities of foreign countries.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Unknown, but probably not major, net state enforcement costs.
- Annual costs of up to about \$2 million and one-time costs of \$2 million to \$5 million to the state for administration of employee payroll deductions for political activities; costs offset by fees.
- Unknown, but probably not major, costs to local governments for administration of employee payroll deductions for political activities; probably offset by fees.

PRO Pete Wilson, Elizabeth Lee, Robert Eisenbeisz, Mark Bucher, Linda Hunt, Roger Hughes  
CON Lois Tinson, Howard Owens, Dan Terry

Votes FOR 2,688,033 (46.6%)

Votes AGAINST 3,073,943 (53.4%)

**PROP. 227: English Language in Public Schools**

- Requires all public school instruction be conducted in English.
- Requirement may be waived if parents or guardian show that child already knows English, or has special needs, or would learn English faster through alternate instructional technique.
- Provides initial short-term placement, not normally exceeding one year, in intensive sheltered English immersion programs for children not fluent in English.
- Appropriates \$50 million per year for ten years funding English instruction for individuals pledging to provide personal English tutoring to children in their community.
- Permits enforcement suits by parents and guardians.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Impacts on individual school districts would depend on how schools, parents, and the state respond to the proposition's changes. These impacts could vary significantly by district.
- Requires state spending of \$50 million per year for ten years to teach tutors of limited English proficient students. Total state spending on education, however, probably would not change.

PRO Alice Callaghan, Ron Unz, Fernando Vega, Jaime A. Escalante  
CON John D'Amelio, Mary Bergan, Lois Tinson

Votes FOR 3,570,193 (60.9%)

Votes AGAINST 2,296,578 (39.1%)

***PROP. 227: Subsequent Action Taken:***

Prop. 227 faced substantial legal and political challenges. On the legal front, in *Valerie G. v. Wilson*, 12 F. Supp. 2d 1007 (U.S.D.C., N.D. Cal. 1998), challengers sought an injunction against implementation of Prop. 227 and also argued that 227 violated the U.S. Constitution's Equal Protection Clause as well as Supremacy Clause (violated the Federal Civil rights and Education laws). The injunction was denied and the court upheld Prop. 227.

The initiative was also challenged in *California Teachers Association v. State Board of Education*, 271 F. 3d 1141 (9<sup>th</sup> Cir. 2001) for violating the U.S. Constitution's 1<sup>st</sup> and 14<sup>th</sup> Amendments (free speech and due process). The court upheld the proposition in its entirety.

Although Prop. 227 has survived its legal challenges, it has not been quite as successful against all of its political challenges. In May of 1998 the Senate tried to nullify Prop. 227 by passing **SB 6**, which would have required Limited English Proficient (LEP) students to be both English language proficient and to possess academic skills comparable to other students of the same grade level before being transferred into the mainstream school curriculum and being taught in English. Governor Wilson vetoed this bill and it never regained a legislative majority.

In April of 1999, the California State Board of Education eliminated the redesignation criteria and granted each school district broad authority to classify their students as LEP or Fluent English Proficient (FEP). This broad authority grants each district more discretion in implementing Prop. 227.

In many heavily Hispanic/Latino school districts the waiver system is used regularly to circumvent the aim of Prop. 227.

## 1998 GENERAL

### **PROP. 4: Trapping Practices—Bans Use of Specified Traps and Animal Poisons**

- Prohibits trapping mammals classified as fur bearing or non-game with specified traps for recreation or commerce in fur.
- Prohibits commerce in raw fur of such mammals trapped with specified traps in California.
- Prohibits use of steel-jawed leghold traps on wildlife mammals and dogs and cats except for padded steel-jawed traps used by government officials where it is the only way to protect human health and safety.
- Prohibits all use of sodium fluoroacetate (Compound 1080) or sodium cyanide to poison any animal.
- Provides misdemeanor penalties.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Negligible annual revenue losses to the Department of Fish and Game (DFG).
- Unknown enforcement costs to DFG, ranging from negligible to several hundred thousand dollars annually.
- Unknown state and local costs to implement alternative animal control methods of several hundred thousand dollars to in the range of a couple of million dollars annually, depending on relative cost-effectiveness of alternative methods.

Negligible annual loss in personal income tax revenue in the context of total state General Fund revenues.

PRO Doris Day, Honorable William A. Newsom, Elden Hughes, Roger A. Caras, John Grandy, Catherine Rich

CON Ben Norman, Dona Mast, Stephanie Larson

**Votes FOR 4,485,030 (57.5%)**

**Votes AGAINST 3,324,133 (42.5%)**

### ***PROP. 4: Subsequent Action Taken:***

The constitutionality of Prop. 4 was challenged in *National Audubon Society, Inc. v. Davis* (1999). The lawsuit charged that the proposition violated the Supremacy Clause of the U.S. Constitution. The proposition was nullified by the Court's decision in 2002.

### **PROP. 5: Tribal-State Gaming Compacts—Tribal Casinos**

- Specifies terms and conditions of mandatory compact between state and Indian tribes for gambling on tribal land. Mandates Governor to sign compact upon request by tribe. Permits alternative compacts only if consistent with prescribed compact.
- Permits gambling devices and lotteries at tribal casinos.
- Amends California law to allow slot machines and banked card games at tribal casinos.
- Provides for contributions to trust funds benefiting nongaming tribes, statewide emergency medical care programs, and programs benefiting communities near tribes, if tribes retain monopoly on authorized gambling.
- Provides for reimbursement of state regulatory costs.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Uncertain impact on state and local revenues, depending on the extent of expansion of gambling on Indian lands in California and the amount of gambling diverted from outside the state.
- Fiscal effect could range from little impact on revenues to significant annual increases.

PRO Daniel Tucker, Mary Ann Andreas, David R. Edwards, Jeff Sedivec, Les Sourisseau, Daniel Tucker

CON Griselda A. Barajas, Jack Gribbon, Sheriff Glen Craig

**Votes FOR 5,090,452 (62.4%)**

**Votes AGAINST 3,070,358 (37.6%)**

#### ***PROP. 5: Subsequent Action Taken:***

The California Supreme Court, in *Hotel Employees and Restaurant Employees International Union v. Davis, et al.*, Cal. Supreme Court Case No S074850, invalidated Prop. 5 in its entirety.

As part of a compromise worked out between Governor Gray Davis and the Indian tribes, **Prop. 1A**, a legislative constitutional amendment was placed on the March 2000 ballot. Prop. 1A, which amended the California Constitution to allow the Governor to negotiate gaming compacts with federally recognized Indian Tribes on tribal lands in California, was adopted with 65% voter approval.

### **PROP. 6: Criminal Law—Prohibition on Slaughter of Horses and Sale of Law—Prohibition on Slaughter of Horses and Sale of Horsemeat for Human Consumption**

- Prohibits any person from possessing, transferring, receiving or holding any horse, pony, burro or mule with intent to kill it or have it killed, where the person knows or should know that any part of the animal will be used for human consumption. Provides that a violation constitutes a felony offense.
- Also adds a provision making the sale of horsemeat for human consumption a misdemeanor offense, with subsequent violations punished as felonies.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- The measure could result in some increased law enforcement and incarceration costs at both the state and local level. These costs probably would be minor, if any.

PRO Gini Richardson, Michael D. Bradbury, William J. Hemby, Robert Redford, John van de Kamp, Jill Henneberg  
CON Ted Brown, Thomas Tryon, Joseph Farina

**Votes FOR 4,670,524 (59.4%)**

**Votes AGAINST 3,194,570 (40.6%)**

*No subsequent action was taken.*

**PROP. 7: Air Quality Improvement—Tax Credits**

- Authorizes State Air Resources Board and delegated air pollution control districts to award \$218 million in state tax credits annually until January 2011, to encourage air-emissions reduction through acquisition, conversion, and retrofitting of:

- vehicles, buses, and heavy-duty trucks;
- hearth products;
- construction vehicles and equipment;
- lawn and garden equipment;
- ambient air pollution destruction technology;
- off-road, nonrecreational vehicles;
- port equipment;
- agricultural waste and rice straw conversion facilities; and through research and development.

- Requires study of air quality market-based incentive program for prescribed burning projects.
- Establishes local transportation funds as trust funds.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Annual net state revenue loss due to new tax credits, averaging in the range of tens of millions to over a hundred million dollars, from 1999 to beyond 2010. Increase in local sales tax revenues, potentially in the millions of dollars annually through 2010-11.
- State costs of up to \$4.7 million annually through 2010-11 to administer new tax credit program.
- Potential long-term savings to state and local governments, of an unknown amount, in health care expenditures.

PRO John Balmes, R. Michael Kussow, Kit Costello, R.N., Senator Mike Thompson, Howard Ris, John van de Kamp  
CON Dan Aguirre, State Senator Quentin L. Kopp, Lenny Goldberg

**Votes FOR 3,313,816 (43.6%)**

**Votes AGAINST 4,282,557 (56.4%)**

**PROP. 8: Public Schools—Permanent Class Size Reduction—Parent-Teacher Councils—Teacher Credentialing—Pupil Suspension for Drug Possession—Chief Inspector's Office**

- Creates permanent fund for reduction of kindergarten through third-grade class size.
- Funding eligibility requires each school establish governing council of parents/teachers. Council consults with principal, makes all curriculum/expenditure decisions for school; principal responsible for personnel decisions.
- Pupil performance to be utilized for teacher evaluations.
- Teachers must pass subject matter examinations for credential and assignment to teach particular subjects.
- Immediate pupil suspension for drug possession.
- Creates Office of Chief Inspector of Public Schools to evaluate school quality.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Creates up to \$60 million in new state programs. A significant portion of the annual cost probably would be paid from within the state's existing education budget or be offset by increased fee collections.
- Potential costs to local school districts in the high tens of millions of dollars annually for new teacher testing requirements and various other provisions. The actual costs to districts could be significantly less, depending on how the state implemented the measure.

PRO Pete Wilson, Yvonne Larsen, Kim Jacobsma, Jim Barnes, Wadie P. Deddeh, Susan Henry  
CON Lois Tinson, Lenny Godlberg, Bob Wells

Votes FOR 2,913,430 (36.8%)

Votes AGAINST 4,989,466 (63.2%)

**PROP. 9: Electric Utilities—Assessments—Bonds**

- Prohibits assessment of utility tax, bond payments or surcharges for payment of costs of nuclear power plants/related assets.
- Limits authority of electric companies to recover costs for non-nuclear generation plants.
- Prohibits issuance of rate reduction bonds and assessments on customers for payment of bond principal, interest, and related costs.
- Provides judicial review of Public Utilities Commission decisions relating to electric restructuring and financing costs by writ of mandate.
- May provide up to 20% electricity rate reduction for residential and small commercial customers of investor-owned utilities by January 1, 1999.
- Restricts customer information dissemination.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- State government net revenue reductions potentially in the high tens of millions of dollars annually through 2001-02.
- Local government net revenue reductions potentially in the tens of millions of dollars annually



through 2001-02.

- State and local government savings in utility costs, potentially in the tens of millions of dollars annually through 2001-02.

PRO Harvey Rosenfield, Nettie Hoge, Harry M. Snyder, Ralph Nader, David Brower, Eugene P. Coyle, Ph.D.

CON Larry McCarthy, Jerry Meral, Allan Zaremborg

Votes FOR 2,064,623 (26.5%)

Votes AGAINST 5,710,140 (73.5%)

**PROP. 10: State and County Early Childhood Development Programs—Additional Tobacco Surtax**

- Creates state commission to provide information and materials and to formulate guidelines for establishment of comprehensive early childhood development and smoking prevention programs.
- Creates county commissions to develop strategic plans with emphasis on new programs.
- Creates trust fund for these programs. Funding for state and county commissions and programs raised by additional \$.50 per pack tax on cigarette distributors and equivalent increase in state tax on distributed tobacco products.
- Funds exempt from Proposition 98 requirement that dedicates portion of general tax revenues to schools.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Raises new revenues of approximately \$400 million in 1998-99 and \$750 million annually thereafter for the California Children and Families First Program, to be allocated primarily to new state and county commissions for early childhood development programs.
- Results in reduced revenues for Proposition 99 health care and resources programs of about \$18 million in 1998-99 and \$7 million annually thereafter.
- Results in increased state General Fund revenues of about \$2 million in 1998-99 and \$4 million annually thereafter. Results in increased county General Fund revenues of about \$3 million in 1998-99 and \$6 million annually thereafter.
- Potential unknown long-term savings in state and local health, education, and other programs.

PRO Rob Reiner, Dr. Alan Henderson, John D'Amelio, C. Everett Koop

CON Jane Armstrong, Helena Rutkowski, Dr. Ken Williams

Votes FOR 4,042,466 (50.5%)

Votes AGAINST 3,962,738 (49.5%)

***PROP. 10: Subsequent Action Taken:***

The constitutionality of Prop. 10 was challenged in *California Assn. Of Tobacconists (CART) v. State of California, Cal. Ct. of Appeal, 4<sup>th</sup> Dist. Case No. D037599* under the California Constitution's Single Subject Rule and the U.S. Constitution's Equal Protection and Due Process clauses. The Court upheld the proposition in its entirety.



## 2000 PRIMARY

### **PROP. 21: Juvenile Crime**

- Increases punishment for gang-related felonies; death penalty for gang-related murder; indeterminate life sentences for home- invasion robbery, carjacking, witness intimidation and drive-by shootings; and creates crime of recruiting for gang activities; and authorizes wiretapping for gang activities.
- Requires adult trial for juveniles 14 or older charged with murder or specified sex offenses.
  - Eliminates informal probation for juveniles committing felonies.
  - Requires registration for gang related offenses.
  - Designates additional crimes as violent and serious felonies, thereby making offenders subject to longer sentences.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- State costs: Ongoing annual costs of more than \$330 million. One-time costs of about \$750 million.
- Local costs: Potential ongoing annual costs of tens of millions of dollars to more than \$100 million. Potential one- time costs in the range of \$200 million to \$300 million.

PRO Maggie Elvey, Grover Trask, Chief Richard Tefank, Sheriff Hal Barker, Elaine Bush, Collene Campbell (Thompson)

CON Lavonne McBroom, Gail Dryden, Raymond Wingerd

**Votes FOR 4,491,166 (62.1%)**

**Votes AGAINST 2,742,148 (37.9%)**

### ***PROP. 21: Subsequent Action Taken:***

The constitutionality of Prop. 21 was challenged for violating the California Constitution's Single Subject provision as well as for violating technical aspects of the petition qualification process (*League of Women Voters of California v. Gray Davis*, A093544 2002 Cal. App [2002]; and *Manduly v. Superior Court*, No. S095992 27 Ca. 4<sup>th</sup> 537 [2002]). The proposition was upheld in its entirety.

### **PROP. 22: Limit on Marriages**

- Adds a provision to the Family Code providing that only marriage between a man and a woman is valid or recognized in California.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Probably no fiscal effect on the state or local governments.

PRO Jeanne Murray, Gary Beckner, Thomas Fong, Dana Kruckenberg, Amy Williams, Star Parker  
CON Antonio R. Villaraigosa, The Right Reverend William E. Swing, Krys Wulff

**Votes FOR 4,618,673 (61.4%)**

**Votes AGAINST 2,909,370 (38.6%)**

### ***PROP. 22: Subsequent Action Taken:***

Prop. 22 was drafted and adopted in response to the social movement to legalize so-called “gay-marriage” as well as several legislative bills which expanded the rights/privileges of married couples to “domestic partners.” Subsequent to the passage of Prop. 22, the California Legislature has adopted several pieces of legislation which extend additional rights to domestic partners: **AB 25** (2001) extends authority over medical decisions in the hospital, inheritance without a will, administration of an estate, family leave privileges, stepparent adoption privileges, etc.; **AB 2216** (2001) inheritance rights; **AB 2777** (2002) extends death benefits of county employees in Los Angeles, Marin, and Santa Barbara Counties; **SB 1575** (2002) inheritance rights; **SB 1661** (2002) extends temporary disability to care for sick family members to domestic partners; **AB 205** (2003) extends all the rights of married couples to domestic partners; **AB 17** The Equal Benefits Bill (2003) ensures that tax dollars will not be spent on government contracts with companies that discriminate against domestic partners in their company benefits programs; **AB 1338** (2003) extends additional rights of married couples to domestic partners (including right not to testify against partner in court).

### **PROP. 23: "None of the Above" Ballot Option**

- Provides that in general, special, primary and recall elections for President, Vice President, United States House of Representatives and Senate, Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Insurance Commissioner, Board of Equalization, State Assembly and State Senate, voters may vote for "none of the above" rather than a named candidate.
- Votes for "none of the above" shall be tallied and listed in official election results, but will not count for purposes of determining who wins election.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Generally minor costs to state and county governments.

PRO Amanda Gutwirth, David James, Susan Howell, Alan F. Shugart  
CON Sara Amir, John Strawn, Dona Spring

Votes FOR 2,355,850 (36.0%)

Votes AGAINST 4,175,784 (64.0%)

### **PROP. 25: Election Campaigns—Contributions and Spending Limits—Public Financing—Disclosures**

- Expands campaign contribution disclosure requirements, establishes contribution limits from single sources of \$5,000 for statewide candidates, \$3,000 for other candidates, \$25,000 for political parties, and \$50,000 total per election. Bans corporate contributions. Limits fund-raising to period 12 months before primary election and ninety days after election.
- Provides public financing of campaign media advertisements and voter information packets for qualifying candidates and ballot measure committees adopting spending limits ranging from \$300,000 for Assembly primary race to \$10,000,000 for Governor's race.
- Requires ballot pamphlet to list top contributors on ballot measures.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- State costs of more than \$55 million annually, potentially offset to an unknown extent.
- Local government costs of potentially several million dollars annually.

PRO James K Knox, Ron Unz, Tony Miller, March Fong Eu, Thomas K Houston, Donald Kennedy  
CON Daniel Lowenstein, Peter J. Kanelos, Lois Wellington

Votes FOR 2,415,846 (34.7%)

Votes AGAINST 4,541,235 (65.3%)

### **PROP. 26: School Facilities—Local Majority Vote**

- Authorizes school, community college districts, and county education offices that evaluate safety, class size, information technology needs to issue bonds for construction, reconstruction, rehabilitation or replacement of school facilities if approved by majority of applicable jurisdiction's voters.
- New accountability requirements include annual performance, financial audits.
- Prohibits use of bonds for salaries or other school operating expenses.
- Requires that facilities be available to public charter schools.
- Authorizes property taxes higher than existing 1% limit by majority vote, rather than two-thirds currently required, as necessary to pay the bonds.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Increased local school district debt costs--potentially in the hundreds of millions of dollars statewide each year within a decade. These costs would depend on voter action on future local school bond issues and would vary by individual district.
- Unknown impact on state costs. Potential longer-term state savings to the extent local school districts assume greater responsibility for funding school facilities.

PRO Lavonne McBroom, Allan Zaremberg, Wayne Johnson, Jacki Antee, Bill Hauck  
CON Jon Coupal, Felicia Elkinson, Richard H. Close

Votes FOR 3,521,327 (48.7%)

Votes AGAINST 3,704,687 (51.3%)

### **PROP. 27: Elections—Term Limit Declarations for Congressional Candidates**

- Permits congressional candidates to voluntarily sign non-binding declaration of intention to serve no more than three terms in House of Representatives or two terms in the United States Senate.
- Requires placement of information on ballots and state-sponsored voter education materials when authorized by candidates.
- Candidates may appear on official ballot without submitting declaration.
- Declaration by winning candidate applies to future elections for same office.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Unknown, but probably not significant, election costs to the state and counties.

PRO George E. Martinex, Sally Reed Impastato, Lewis K. Uhler, Lisa Powers, Juan Carlos Ros,  
Dwight Filley  
CON Mark Whisler

Votes FOR 2,737,274 (40.4%)

Votes AGAINST 4,032,355 (59.6%)

**PROP. 28: Repeal of Proposition 10 Tobacco Surtax**

- Repeals additional \$.50 per pack tax on cigarettes and equivalent increase in state tax on tobacco products previously enacted by Proposition 10 at November 3, 1998, election.
- Provides for elimination of funding for Proposition 10 early childhood development and smoking prevention programs.
- Prohibits imposition of additional surtaxes on distribution of cigarettes or tobacco products unless enacted by state legislature.
- Provides for termination of California Children and Families First Trust Fund once all previously collected taxes under Proposition 10 are appropriated and expended.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Reduction in annual state special fund revenues of approximately \$670 million that would otherwise be allocated for early childhood development programs and activities.
- Relatively small annual increases in Proposition 99 revenues of a few million dollars.
- Annual decreases in state General Fund revenues of approximately \$7 million and local government sales tax revenues of about \$6 million.
- Loss of potential long-term state and local governmental savings that could otherwise result from Proposition 10.

PRO Ned Roscoe

CON Paul Murata, M.D, William D. Novelli, Kay McVay, R.N

Votes FOR 2,017,425 (27.8%)

Votes AGAINST 5,230,734 (72.2%)

## 2000 GENERAL

### **PROP. 35: Public Works Projects—Use of Private Contractors for Engineering and Architectural Services**

- Amends constitution to provide that in the design, development and construction of public works projects, state government may choose to contract with private entities for engineering and architectural services without regard to certain existing legal restrictions which apply to the procurement of other services.
- Specifies that local governments may also choose to contract with private entities for engineering, architectural services.
- Imposes competitive selection process, which permits but does not require competitive bidding, in awarding engineering and architectural contracts.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Unknown fiscal impact on state spending for architectural and engineering services and construction project delivery. Actual impact will depend on how the state uses the contracting flexibility granted by the proposition in the future.
- Little or no fiscal impact on local governments because they generally can now contract for these services.

PRO Larry McCarthy, Loring A. Wyllie, Jr., Todd Nicholson, Mike Spence, Ron Hamburger, Michael E. Flynn

CON Jeff Sedivec, Lois Wellington, Marlayne Morgan

**Votes FOR 5,471,515 (55.2%)**

**Votes AGAINST 4,448,647 (44.8%)**

***No subsequent action taken.***

### **PROP. 36: Drugs—Probation and Treatment**

- Requires probation and drug treatment program, not incarceration, for conviction of possession, use, transportation for personal use or being under influence of controlled substances and similar parole violations, not including sale or manufacture.
- Permits additional probation conditions except incarceration.
- Authorizes dismissal of charges when treatment completed, but requires disclosure of arrest and conviction to law enforcement and for candidates, peace officers, licensure, lottery contractors, jury service; prohibits using conviction to deny employment, benefits, or license.
- Appropriates treatment funds through 2005-2006; prohibits use of these funds to supplant existing programs or for drug testing.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Net savings to the state of between \$100 million and \$150 million annually, within several years of implementation.
- Potential one-time avoidance of capital outlay costs to the state of between \$450 million and \$550 million in the long term.
- Net savings to local government of about \$40 million annually, within several years of implementation.

PRO Peter Banys, Richard Polanco, Kay McVay, Maxine Waters, Tim Sinnott  
CON John T. Schwarzlose, Alan M. Crogan, Thomas J. Orloff

**Votes FOR 6,233,422 (60.9%)**

**Votes AGAINST 4,009,508 (39.1%)**

*No subsequent action has been taken.*

**PROP. 37: Fees—Vote Requirements—Taxes**

- Requires two-thirds vote of State Legislature, or either majority or two-thirds of local electorate, to impose on any activity fees used to pay for monitoring, studying, or mitigating the environmental, societal or economic effects of that activity when the fees impose no regulatory obligation upon the payer.
- Redefines such fees as taxes.
- Excludes certain real property related fees, assessments and development fees.
- Excludes damages, penalties, or expenses recoverable from a specific event.
- Does not apply to fees enacted before July 1, 1999, or increased fees due to inflation or greater workload, as specified.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Unknown, potentially significant, reduction in future state and local government revenues from making it more difficult to approve certain regulatory charges.

PRO Larry McCarthy, David Moore, Susan Corrales-Diaz, Jack Stewart, Ruth Lopez Williams  
CON Clancy Faria, Lenny Goldberg, Jon Rainwater

**Votes FOR 4,593,406 (47.9%)**

**Votes AGAINST 4,988,450 (52.1%)**



**PROP. 38: School Vouchers—State-Funded Private and Religious Education—Public School Funding**

- Authorizes annual state payments of at least \$4000 per pupil for private and religious schools phased in over four years.
- Restricts state and local authority to require private schools to meet standards, including state academic requirements.
- Limits future health, safety, zoning, building restrictions on private schools.
- Requires release of composite test scores of voucher pupils.
- Permits Legislature to replace current voter-enacted constitutional funding priority for public schools (Proposition 98) with minimum formula based on national per-pupil average, as defined by terms of this measure.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Short-term (first several years) state costs averaging between zero and \$1.1 billion annually.
- Longer-term (within five years to ten years) net fiscal effect on state funding of K-12 schools is largely unknown. Annual impact likely to range from costs of about \$2 billion to savings of over \$3 billion, depending on the number of pupils who shift from public schools to private schools.
- Debt service savings to the state and school districts potentially in excess of \$100 million annually after 10 years to 20 years, resulting from reduced need for construction of public schools.
- Potential loss of federal funds in the hundreds of millions of dollars annually.

PRO Carmela Garnica, Tim Draper, John McCain, John O. Norquist, Dr. Alexandria Coronado, Virginia Hall

CON Lavonne McBroom, Lois Wellington, Wayne Johnson

Votes FOR 3,101,193 (29.4%)

Votes AGAINST 7,425,037 (70.6%)

### **PROP. 39: School Facilities**

- Authorizes bonds for repair, construction or replacement of school facilities, classrooms, if approved by 55% local vote for projects evaluated by schools, community college districts, county education offices for safety, class size, and information technology needs.
- Accountability requirements include annual performance and financial audits on use of bond proceeds.
- Prohibits use of bond proceeds for salaries or operating expenses.
- Requires facilities for public charter schools.
- Authorizes property taxes in excess of 1% limit by 55% vote, rather than current two-thirds, as necessary to pay school bonds.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Increased debt costs for many school districts, depending on local voter approval of future school bond issues (these costs would vary by individual district). District costs throughout the state could total in the hundreds of millions of dollars each year within a decade.
- Potential longer-term state savings to the extent local school districts assume greater responsibility for funding school facilities.

PRO Gail D. Dryden, Lavonne McBroom, Jacqueline N. Antee, Allan Zaremborg, Andrew Ysiano, William Hauck, Dan Terry

CON Jon Coupal, Dean Andal, Felicia Elkinson

**Votes FOR 5,431,152 (53.4%)**

Votes AGAINST 4,756,311 (46.6%)

### ***PROP. 39: Subsequent Action Taken:***

After Prop. 39 qualified for the ballot, but before the voters adopted it, the legislature approved **AB 1908**, which would add certain restrictions to the school bonds approved under Prop. 39. These restrictions were: A) these bond measures can only be placed on the ballot in regularly scheduled elections or statewide special elections; B) the tax rate levied by a bond election is capped at \$60 for a unified school district, \$30 for an elementary or high school district, or \$25 for a community college district, per \$100,000 of taxable property value; C) a citizens' oversight committee must be appointed to make sure the money is not wasted; D) A two-thirds vote of the district governing board is required to place a bond issue on the ballot.

Certain provisions of AB 1908 were amended by the adoption of **AB 2659 (2000)**. Specifically, the absolute tax rate levied according to AB 1908 was revised as follows: a district may only issue bonds using the Prop. 39 55% voter approval procedure if the district projects, at the time of issuance of the bonds, that the tax rate needed to pay debt service on the bonds will not, taking into account any increases in the tax base allowed under Prop. 13, exceed the applicable limit (\$60 per \$100,000 for unified school districts, \$30 per \$100,000 for elementary and high school districts).

## 2002 PRIMARY

### **PROP. 45: Legislative Term Limits—Local Voter Petitions**

- Allows registered voters in legislative districts to submit petition signatures to permit their incumbent legislator to run for re-election and to serve for a maximum of four years beyond the presently allowed two four-year terms for State Senators and three two-year terms for members of the Assembly, if a majority of voters approves.
- Option can be exercised only once per legislator.
- Legislator can run under option only in district where legislator currently serves.
- Petitions must be filed before the end of legislator's final term.
- Provides for signature verification.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Counties would incur unknown costs to verify petition signatures, potentially up to several hundreds of thousands of dollars every other year on a statewide basis.
- The state would incur little or no costs to track the eligibility of re-election candidates.

PRO Dan Terry, Hank Lacayo, Kay McVay, Robert P. Blankenship, Mary Bergan, Barbara B. Inatsugu

CON Richard Riordan, Lewis K. Uhler, Edna Gonzalez,

Votes FOR 2,049,348 (42.3%)

Votes AGAINST 2,790,153 (57.7%)

## 2002 GENERAL

### **PROP. 49: Before and After School Programs—State Grants**

- Increases state grant funds available for before/after school programs, providing tutoring, homework assistance, and educational enrichment.
- Makes every public elementary, middle/junior high school, including charter schools, eligible for after school grants ranging from \$50,000 - \$75,000. Maintains local funding match requirement.
- Provides priority for additional funding to schools with predominantly low-income students.
- Requires that, beginning 2004-05, new funding for before/after school programs not be taken from education funding, guaranteed under Proposition 98. Gives priority to schools already receiving grants and requires increasing expenditures only if state revenues grow.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Additional annual state costs for before and after school programs of up to \$455 million, beginning in 2004-05

PRO Arnold Schwarzenegger, Wayne Johnson, Warren Rupf  
CON Barbara Inatsugu

**Votes FOR 4,024,904 (56.7%)**

Votes AGAINST 3,084,122 (43.3)

*No subsequent action has been taken.*

### **PROP. 50: Water Quality, Supply and Safe Drinking Water Projects—Coastal Wetlands Purchase and Protection**

Authorizes \$3,440,000,000 general obligation bonds to fund a variety of water projects, including:

- Specified CALFED Bay-Delta Program projects including urban and agricultural water use efficiency projects;
- Grants and loans to reduce Colorado River water use;
- Purchasing, protecting and restoring coastal wetlands near urban areas;
- Competitive grants for water management and quality improvement projects;
- Development of river parkways;
- Improved security for state, local and regional water systems;
- Grants for desalination and drinking water disinfection

Appropriates money from state General Fund to pay off bonds.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- State cost of up to \$6.9 billion over 30 years to pay off both the principal (\$3.44 billion) and interest (\$3.46 billion) costs on the bonds. Payments of about \$230 million per year.
- Reduction in local property tax revenues, ranging from a few million dollars to roughly \$10 million annually, about one-half of which would be offset by state payments to schools to make up their revenue loss
- Unknown costs to state and local governments to operate or maintain properties or projects purchased or developed with these bonds.

PRO Barbara Inatsugu, Dan Taylor, Marguerite Young  
CON Ernie Dynda, Edward J. (Ted) Costa, Tom C. Rogers

**Votes FOR 3,882,118 (55.3%)**  
Votes AGAINST 3,139,478 (44.7%)

*No subsequent action has been taken.*

**PROP. 51: Transportation—Distribution of Existing Motor Vehicle Sales and Use Tax**

- Creates "Traffic Congestion Relief and Safe School Bus Trust Fund"
- Redistributes portion of existing state revenues from motor vehicle sales/leases from General Fund to Trust Fund for transportation, environmental, and safety programs.
- Allocates portion of these funds for: school bus safety; clean air programs; highway improvements; mass transit improvements including bus purchase, commuter and light rail expansion.
- Provides funds for environmental enhancement programs and traffic mitigation programs.
- Allocates money to 45 specific projects. For remainder of Trust Fund, specifies distribution percentages, redistricts fund uses, requires accountability mechanisms

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

Redirects specified General Fund revenues to state and local transportation-related purposes of about \$420 million in 2002-03, \$910 million in 2003-04, and increasing amounts annually thereafter, depending on the increase in the sale and leasing of motor vehicles.

PRO Lieutenant Gray, Kirk Hunter, Paul Burris  
CON Barbara Inatsugu, Lenny Goldberg, Lewis K. Uhler

Votes FOR 2,883,234 (42.2%)  
Votes AGAINST 3,947,217 (57.8%)

**PROP. 52: Election Day Voter Registration—Voter Fraud Penalties**

- Allows persons who are legally eligible to vote and have valid identification to register to vote on election day at their polling place.
- Increases criminal penalty for voter and voter registration fraud.
- Criminalizes conspiracy to commit voter fraud.
- Requires trained staff at polling places to manage election day registration, creates fund to implement measure, including training and providing personnel for election day registration.
- Allows persons to register or reregister during 28 days preceding election day at local election offices.
- Provides more time to county election officials to prepare voter registration lists.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Annual state costs of about \$6 million to fund counties for election day voter registration activities, thereby resulting in no anticipated net county cost.
- Minor state administrative costs and unknown, but probably minor, state costs to enforce a new election fraud offense.

PRO Lee Baca, March Fong Eu

CON Honorable Jan Scully, Honorable Mike Carona, Sharon Runner

Votes FOR 2,888,207 (40.9%)

Votes AGAINST 4,166,035 (59.1%)

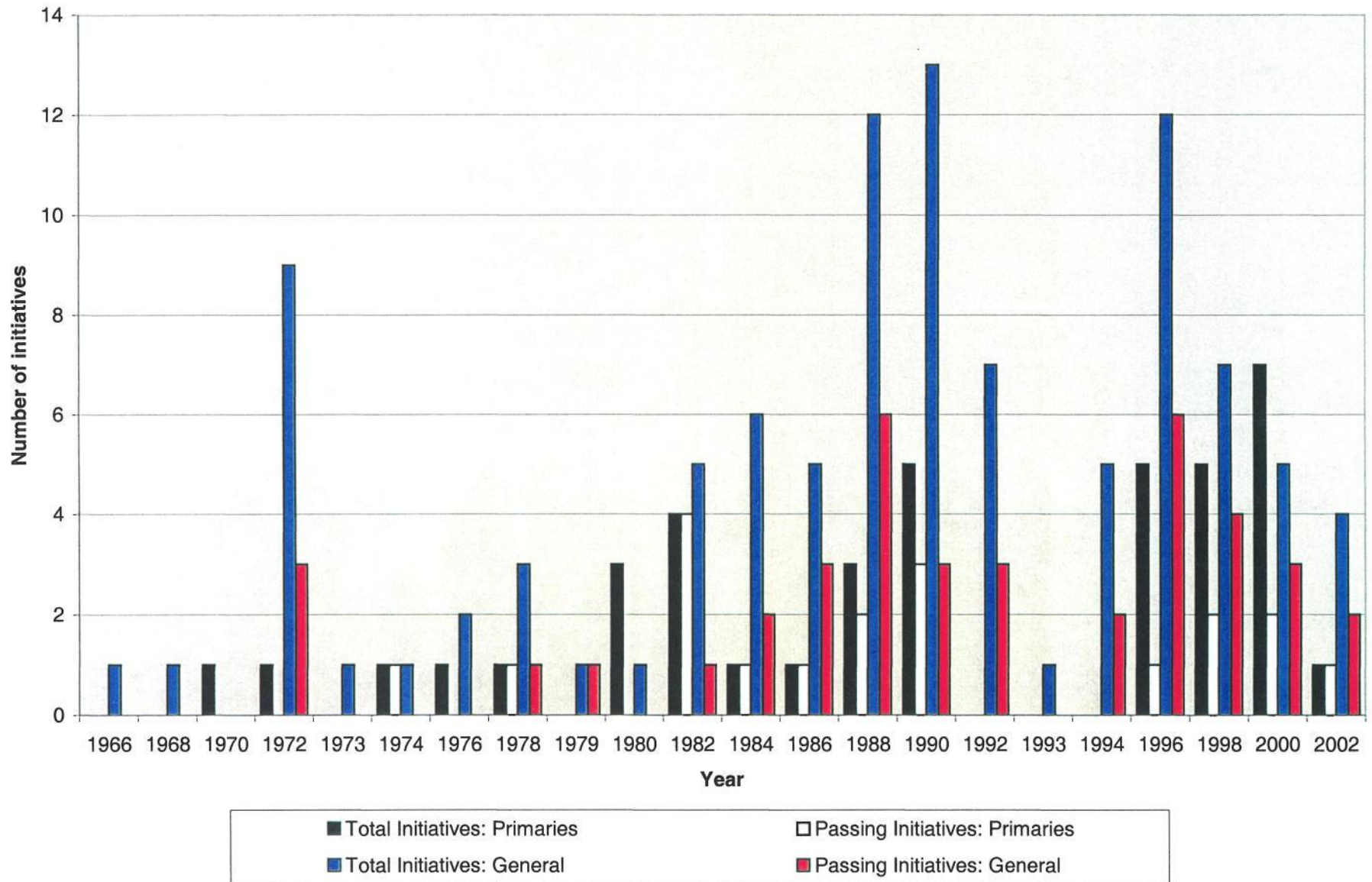




## **APPENDIX**

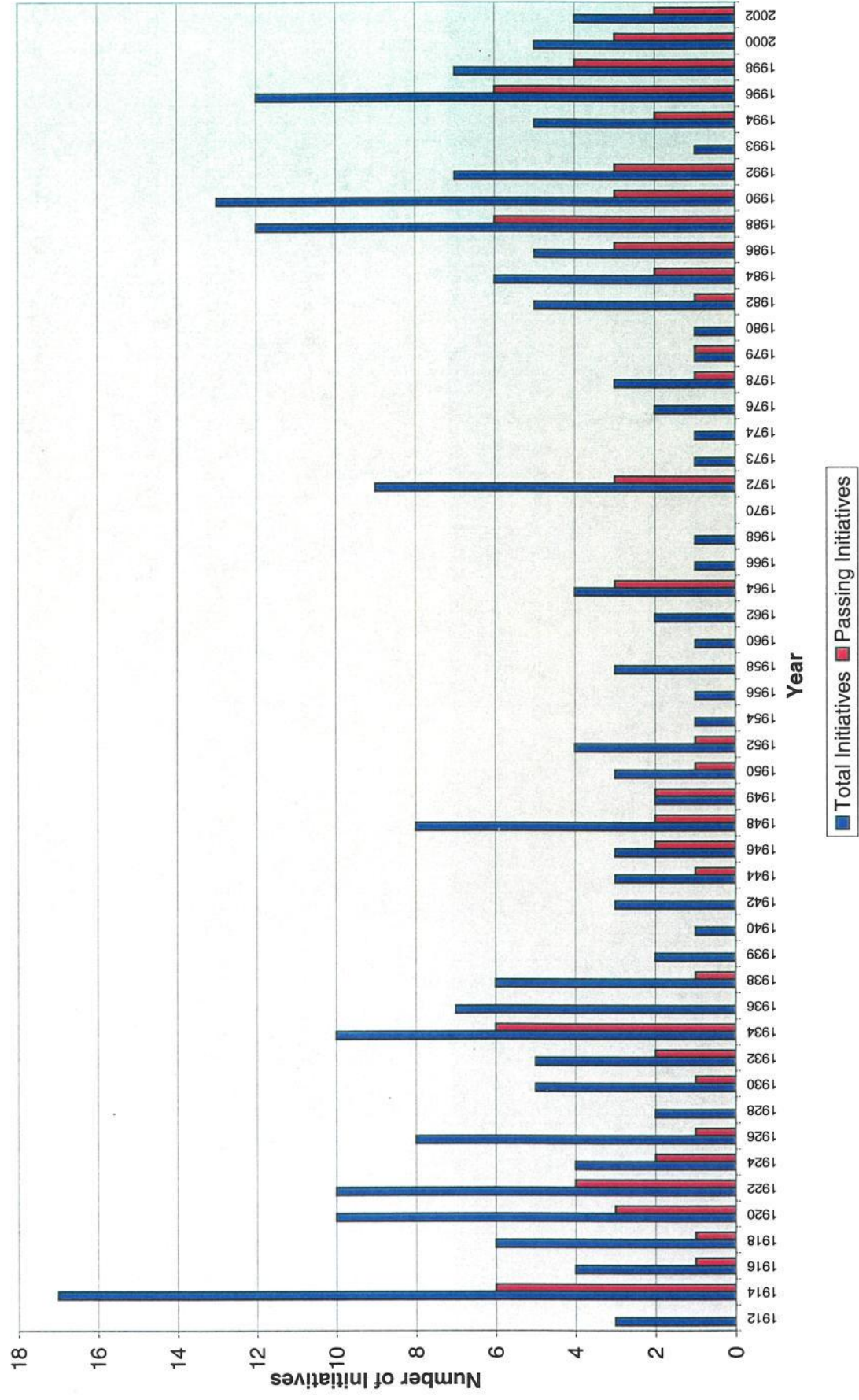


Number of Initiatives on Ballot and Passing 1966-2002



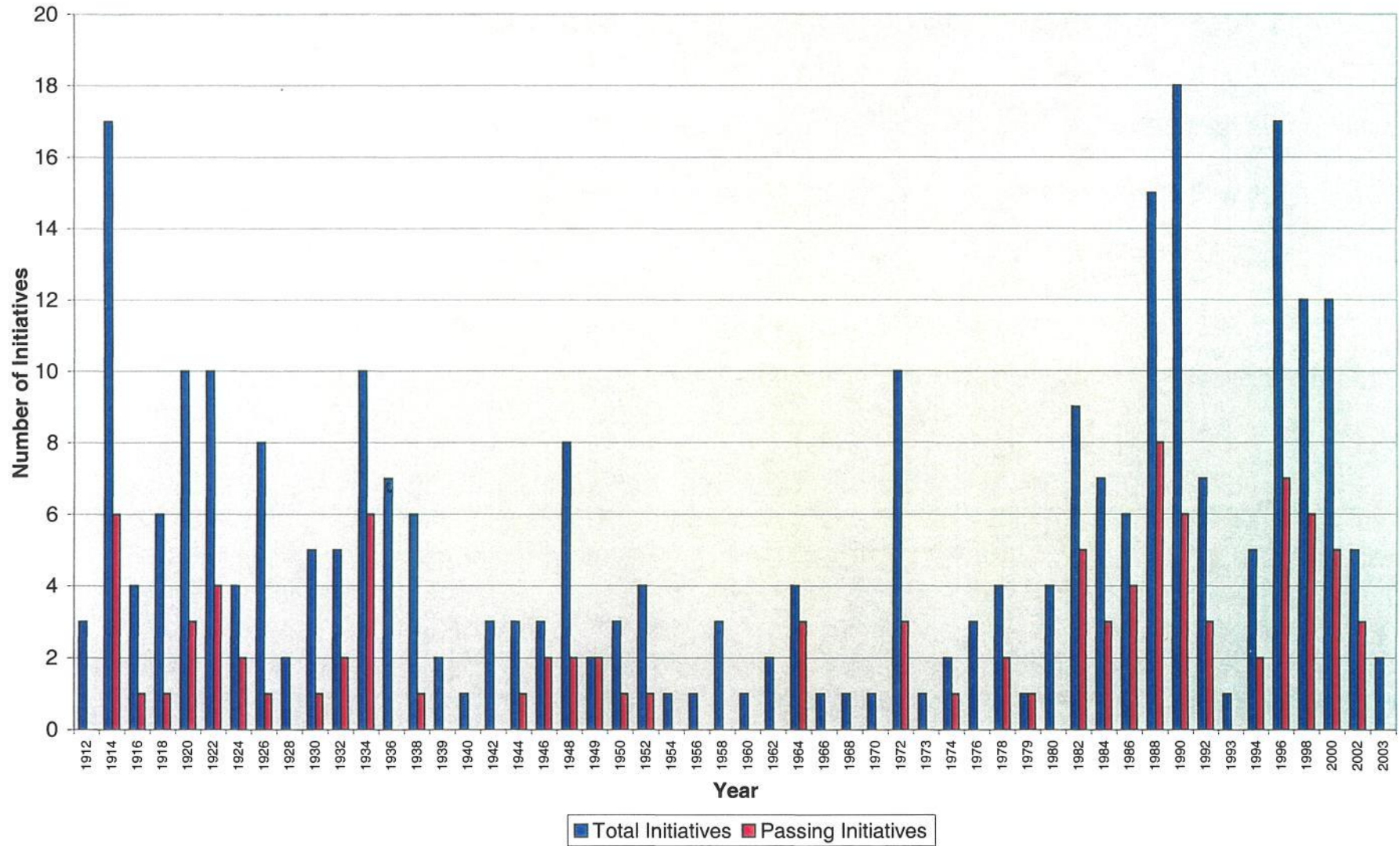


Number of Initiatives on Ballot and Passing in General and Special Elections 1912-2002





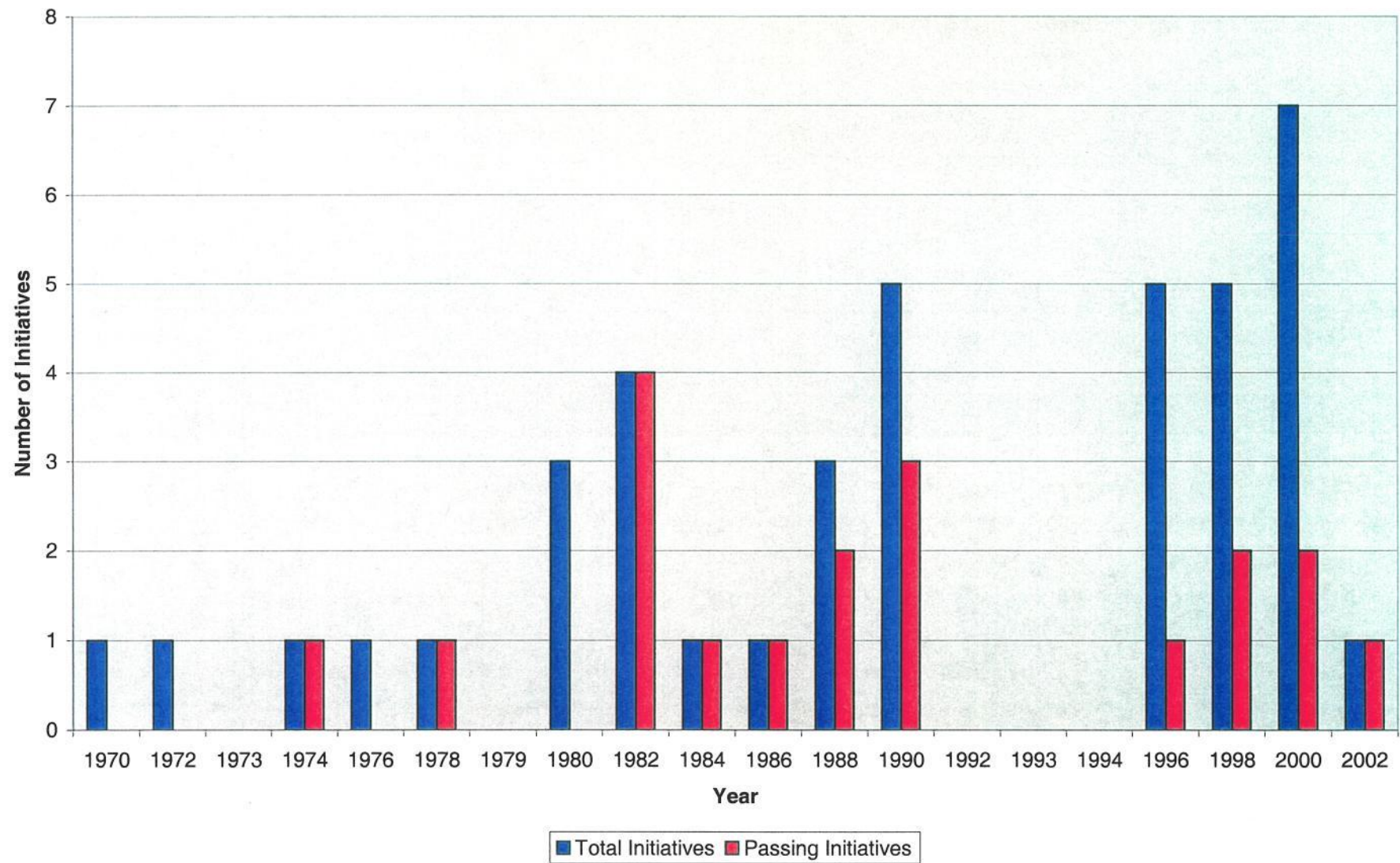
Number of Initiatives on Ballot and Passing in all Elections 1912-2002







**Number of Initiatives on Ballot and Passing in Primary Elections 1970-2002**



Note: No initiatives appeared on the primary ballot prior to 1970.

