

# Pete rates the Propositions

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by Pete Stahl

## PROPOSITION 53: Elementary & Secondary School Bonds -- YES

In 1978 Prop 13 effectively ended local school districts' ability to finance construction and remodeling of school buildings. The state now pays for this. There are currently over \$2 billion worth of school building applications pending. Prop 53 will provide \$800 million in state bonds to help satisfy this need.

"But," I hear you ask, "didn't June's Prop 46 restore my school district's ability to issue its *own* bonds for school construction?" Yes indeed, it sure did. Prop 46 says that if two-thirds of the voters in a district want to jack up their own property taxes to pay for local school construction bonds, they can go right ahead. Now, how likely is the average voter to vote for a hike in his own property taxes when he *knows* that the State will fund school construction if the bond fails? Prop 46 won't be a player here.

Another non-player in the school construction game, oddly enough, is the Lottery. The State Lottery Act specifically forbids the use of Lottery proceeds for school construction.

You may have heard that some California schools closed recently due to declining enrollment. Believe me, these are exceptional cases. The state Department of Education estimates that our school enrollment will *increase* by nearly 450,000 in the next five years. Those kids will need the new and rehabilitated buildings Prop 53 will fund.

## PROPOSITION 54: Prison Bonds -- YES

Our state prisons are horribly overcrowded. 55,000 inmates are being housed in facilities designed for fewer than 35,000. Prop 54 will provide \$500 million to continue the current expansion of the state prison system.

If you favor getting tough on criminals, you have an obligation to vote to fund more prison cells. If the prison system isn't expanded, overcrowding will increase so much that judges will have to release prisoners before their sentences are up (citing the "cruel and unusual punishment" clause in the Constitution). Convicted felons will be freely roaming the streets like packs of wild dogs; it won't be safe to go out after dark; entire cities will be held hostage to fear and terror. Vote yes on 54 to prevent this god-awful scene. Don't turn California into an ad for a Charles Bronson movie.

If, on the other hand, you believe that incarceration is not the best way to rehabilitate criminals, you may be tempted to vote against Prop 54. Fewer prison cells will mean shorter sentences and the institution of better alternatives such as work furloughs, social programs, etc. But at what cost? The courts will not step in until *well after* the overcrowding has gotten out of hand. In the meantime, you will have subjected the prisoners to some of the most *inhumane* treatment imaginable. Your goal of using other means to rehabilitate criminals may be noble, but this is the wrong way of achieving it. You cannot trample on the human rights and basic dignity of the prisoners in your quest to reform our system of justice. You must vote in favor of 54.

Probably the most popular argument against 54 is that it adds an unnecessary \$500 million to the nearly \$800 million provided by Props 1 (June 1982) and 17 (June 1984). Prop 54 is needed, so the argument goes, only because of gross mismanagement in the prison construction program. Okay, maybe it's true. So what? The consequences of not expanding the prisons will be just as dire regardless of the cause--mismanagement, floods, strikes, or lack of funds. Prop 54 bonds will cost the State \$43 million a year, or less than two dollars per Californian. When you look at it that way, it's a small price to pay.

### PROPOSITION 55: Safe Drinking Water Bonds -- YES

Safe drinking water is very important. If you disagree, I invite you to spend a week in Tijuana and then see how you feel. By and large our government has done an outstanding job of providing us with safe drinking water. But, as of 1984, over 40 large and 400 small water suppliers were unable to meet minimum bacteriological, chemical or other health standards for domestic water. The estimated cost for upgrading these is \$550 million. Prop 28 (November 1984) provided \$75 million help out; Prop 55 adds another \$100 million.

### PROPOSITION 56: College & University Bonds -- YES

In recent years most construction at the 135 campuses of the University of California, California State University and California Community Colleges has been funded by state tideland oil revenues. Unless you've been on Neptune for the last twelve months, you will know that oil prices have dropped sharply. This has caused a much sharper drop in state tideland oil revenues, since domestic oil can't compete with more cheaply-produced foreign oil. The result is that college construction funding from tideland oil has been reduced from the usual \$125 million per year to \$10.8 million in 1986-87. This is a 91% cutback, folks.

Prop 56 provides \$400 million over two years for college construction. Ah, I can hear those gears grinding in your head. You've just multiplied \$125 million by two, and it's not even *close* to \$400 million. Right you are, Einstein. The \$400 million figure is merely a *ceiling*. Before any Prop 56 bonds can be sold, the construction projects they will fund must be approved by both houses of the Legislature, and then survive the dreaded Governor's Line-Item Veto. So 56 will fund only worthy construction projects. Tying college construction to the price of oil seems like a silly idea anyway.

### PROPOSITION 57: Pension Limits for 16 Former State Officers -- YES

There are about sixteen living former state constitutional officers (and widows of same) who took office before October 7, 1974. Their pensions increase annually to keep pace with inflation. Their pensions also go up whenever the salaries of the *current* office-holders increase. They're getting double increases. This doesn't seem quite fair. Prop 57 will remove the linkage to the current office-holders' salaries.

Compounding the need for Prop 57 is a 70% pay increase for the State's top brass, scheduled to take effect next January (assuming Prop 61 fails). If 57 fails, Ronald Reagan will get a sweet \$20,000-a-year pension increase, Stanley Mosk will get a nice \$30,000 boost, and Alan Cranston will get a hefty \$40,000 raise, all for jobs they stopped performing over a dozen years ago. Admittedly the total savings from Prop 57 will be only about \$400,000 annually. It seems ridiculous to concern millions of voters over such a silly issue. But Prop 57 is an amendment to the state constitution, so we *have* to vote on it. I say vote "yes", mostly because you can't vote "who cares?"

### PROPOSITION 58: Property Tax Relief for Inheritors -- NO

Since the passage of the great Prop 13 of 1978, the state Constitution has said that your property's *assessed value* can only go up 2% a year as long as you don't remodel or sell. So while your building's real value may have doubled in the last decade, its *assessed value* has barely changed at all. Because property taxes are paid in proportion to a property's *assessed value*, the amount of property tax you pay depends more on how long you've owned your property than how much it's really worth. It's sort of like paying income tax based on how long you've had your present job. It's ridiculous.

Prop 58 seeks to compound this idiocy by preventing reassessment when property is handed down from parent to child. Prop 58 will create a landed gentry in California, a set of people who pay virtually no property tax because they inherited their real estate. If you think there are inequities in the property tax structure today, just imagine what it will be like in several *generations*. The mind boggles.

And one more thing: Prop 58 will apply to rental property as well as residences (up to one million dollars). Can you see, several generations from now, some once-proud apartment building whose badly-needed repairs will never be performed, not because the repairs are too expensive, but because the property taxes would jump half a century's worth? I can see it, and I don't like it one bit.

#### **PROPOSITION 59: Forced Election of District Attorneys -- NO**

Although the district attorney is currently elected in all 58 counties, the electorate in each county has the right to change it to an appointive office. Prop 59 would rescind this right, requiring district attorneys to be elected in all counties forever.

I oppose Prop 59 because I think there are too many people on the ballot. Voters turn up at the polls knowing the candidates for only a few major offices. Who among you has heard of the candidates for your Board of Equalization district? Or for local judge? My ballot will have twenty-one offices and eighteen propositions. There's *no way* a voter can make informed decisions on all of it. You're probably reading this right now because you haven't got a clue on the statewide ballot props.

Because the ballot is so large, people vote parties, not candidates. Worse, they vote images, not issues. They vote by the sound of a candidate's name, or his listed occupation, or whether he's the incumbent. If we can reduce the number of offices contested, as Prop 59 would allow, we'll reduce the demands for voters' attention, and the remaining races will be decided by a more responsible electorate.

Furthermore, there are many offices where the electorate has no way of knowing which candidate is better qualified. I know nothing about the competence of the candidates for municipal judge. And I'm totally in the dark regarding the candidates for district attorney. How can the voters, most of who think a tort is something to eat, possibly evaluate a lawyer's qualifications?

There is no indication that the district attorney's job will become more politicized if it's made appointive. Sure, cronyism, favor-returning and political litmus tests can enter the picture. But equally irrelevant factors are present in elections, like name recognition, telegenicity, and the weather on election day. There's no strong reason to require counties to elect district attorneys. Prop 59 places an unnecessary restriction on counties that might someday seek to reduce ballot clutter.

#### **PROPOSITION 60: Property Tax Relief for "Elderly" Homeowners -- NO**

Ordinarily, if you remodeling a building triggers property reassessment and causes property taxes to jump. But some kinds of remodeling are excluded. If you remodel to make your building safer from fires or earthquakes, or to install a solar energy system, you won't get reassessed. Certain types of behavior receive favored tax treatment.

You remember the old federal income tax code? The one that encouraged us to drill wildcat oil wells, take out loans to buy real estate, invest in the stock market, look for tax shelters, and so on? This was *social engineering*--using the tax code to encourage certain types of behavior.

Social engineering is unbelievably effective. Offer people the most minuscule tax break and they'll jump through the highest hoops to get it. Attest the billions of dollars donated to charities each year ("it's deductible!"), the horrid waste of perfectly good business equipment ("call it 'depreciation!'"), and the thousands brought to the

brink of financial ruin by overextended credit ("the interest is deductible!"). For better or worse, social engineering is powerful stuff. It affects peoples' lives in profound ways. It should be used only with the most extreme caution.

Prop 60 asks us to exclude from reassessment any homeowner over age 55 who moves to another home of equal or lesser value in the same county. Why? Because we want parents with grown children to move out of their large houses. (They won't do it if their property taxes jump.) And we want those large, old houses to become available to younger families. (They're generally cheaper than new houses.) Prop 60 hopes to use social engineering to rejuvenate aging neighborhoods.

Prop 60 is much too strong. It's like using a 16-ton weight to smash an ant--you get done what you set out to do, but there are unpleasant side-effects. Yes, Prop 60 will probably increase property turnover in established neighborhoods. But remember that tax codes rule peoples' lives. Prop 60 will cause folks to feel trapped in their homes until age 55. And it will cause or prevent transactions having *nothing to do* with the situation it addresses. As laudable as the goal of Prop 60 may be, this is not the way to accomplish it.

### PROPOSITION 61: Salary Limits for Public Employees -- NO

I like to tell my readers what effect a ballot measure will have. I really do. Which is why I must apologize for giving only a vague description of Prop 61. You see, nobody knows what Prop 61 will do. Not even the Legislative Analyst. Look on page 37 of March Fong Eu's (Eur?) Prop Book. "...unknown savings...would be offset...could be outweighed...fiscal impact is unknown...would depend on how the measure is interpreted..." *What's going on here?*

Prop 61 would place a cap of \$64,000 on the salaries or compensations of all other state and local employees except the governor, who would get \$80,000. Now what do I mean, "salaries or compensations?" I wish I knew. Prop 61 seems to use the terms interchangeably. "Compensation" implies inclusion of fringe benefits, which would lower the actual salary cap to about \$50,000. But nobody knows for sure.

Prop 61 would also prohibit state and local employees from carrying over sick leave and vacation from one year to the next. But state and local employees have currently banked about \$7 billion worth of sick leave and vacation time. Nobody knows whether this would have to be paid out all at once--an enormous hit on the state budget which could have far-reaching consequences. So you see, I don't know what we're being sold.

Beyond the unknown impact of 61, I'd like to point out that among the employees limited to \$64,000 (or \$50,000--take your pick) are sheriffs, district attorneys, fire chiefs, doctors in public hospitals, and the entire faculty of the University of California. How long do you think we'll be able to keep a Nobel Prize winner on the faculty at \$64,000? 61 will cause massive resignations from the highest echelons of public service. Prop 61 is incoherent, simple-minded, and very destructive.

### PROPOSITION 62: Voter Approval of Local Taxes -- NO

According to the late Howard Jarvis, the famous Prop 13 of 1978 required any local tax increases to be approved by the voters. In a 1982 decision, however, the state Supreme Court ruled that in many cases taxes may be increased with only the approval of the local governing body. Mr. Jarvis fought back with the wild, far-reaching Prop 36 of November 1984. Part of the compendious Prop 36 would have required two-thirds voter approval for all changes in local taxes that would increase *any* tax for *any* taxpayer. Fortunately, Prop 36 failed.

So now Mr. Jarvis has presented us with Prop 62. Prop 62 would require new or increased local taxes to be approved by two-thirds of the local governing body and a majority of the voters. Penalties would be imposed on any district not complying. This appears to be sensible enough. But, for the most part, we're not discussing sales or property taxes. The vast majority of local tax increases since 1982 have been for

business licenses, sewer usage fees, hotel taxes: minor things. Should a city council be forced to ask the voters to increase these? Should the voters be forced to vote on such trivial issues?

A better approach would be to let each local district decide for itself whether the voters want to be consulted. I pay my city council members to make sewer tax decisions for me--I don't want to be bothered. If you feel otherwise, you're perfectly welcome to introduce a local version of Prop 62 in your city or district. Prop 62 seeks to impose one man's view on every city and district in California.

### PROPOSITION 63: Official State Language -- NO

Prop 63 proclaims that English is the official State Language of California, and that anybody may sue if he thinks another language is being used.

I agree with the principle upon which many of you base your support of Prop 63. Knowledge of English allows everybody full participation in our society; nothing else is required. Those who don't know English are effectively "prisoners" of the ghettos where their foreign languages are spoken: they can't venture outside their neighborhoods and hope to understand or be understood. Anything we do to encourage people to learn English will help eliminate the *de facto* segregation of Chinese, Hispanics and others from the mainstream of American life. We should therefore encourage all non-English speakers to use English. It's for their own good, and for the good of society.

But how will an official State Language encourage the use of English? Will it instantly cause millions of Spanish-speakers to stop speaking Spanish? Will it eliminate bilingual ballots? (No--this is a *federal* requirement.) Will it prevent laws and contracts from being written in Legalese? Will foreigners planning to emigrate to California now consult the state Constitution to find out what language we speak?

Stop kidding yourself. We don't need an official State Language any more than we need an official State Anvil or an official State Toothbrush. This is silliness.

What Prop 63 *will* do is cause a flurry of nuisance lawsuits which could leave us without multilingual police, fire and other emergency services. The possible elimination of bilingual classes would actually *retard* the assimilation of non-English speakers by forcing them out of public schools and into foreign-language-only schools. Prop 63 is really a nice idea, and I sympathize with its supporters. But the only real effects it will have are negative, and we just don't need laws like that.

### PROPOSITION 64: AIDS -- NO

Do you believe that there's a statewide conspiracy of doctors and health officials to prevent containment of AIDS? If so, then Prop 64 is for *you*. Prop 64 says that we, the electorate, are on to those sneaky dogs at the Department of Health Services. Those rotten bureaucrats want us *all* to catch AIDS, that's right! Why else would they leave AIDS off the official List of Reportable Diseases, tell me that! But we're not so easily deceived. We've been watching St. Elsewhere, and we know a reportable disease when we see one. That's why Prop 64 will place AIDS on that list, and *force* "...all personnel of the Department of Health Services and all health officers [to] fulfill all of the duties and obligations specified in each and all of the sections of [the Health Code] in a manner consistent with the intent of [Prop 64], as shall all other persons identified in its provisions." Those dirty scumbags at the Department of Health Services don't give a hoot whether we live or die. That's why we have to protect ourselves with Prop 64. We know what's good for us better than some mangy bunch of doctors.

## PROPOSITION 65: Toxics in Drinking Water and the Workplace -- YES

Do you know anybody who's in favor of discharging cancer-causing chemicals into drinking water supplies? I sure don't. Prop 65 will impose tough, new restrictions on how much carcinogenic waste can be released into sources of drinking water. It will also require farms and businesses to warn their employees and customers about exposure to toxic chemicals. 65 sounds wonderful. So why has there been so much vociferous opposition?

First of all, there are the exemptions. Prop 65 will apply only to privately-owned farms and businesses employing 10 or more people. All government facilities, power plants, military installations and county land-fills are exempt. Is this a reason to vote no on 65? *Absolutely not!* You must never vote down a proposition because you feel it doesn't go far enough. I urge you to consider each proposition on the basis of what it *will* do, not what it won't. You do *not* have the option of voting down 65 so that you can wait for a more comprehensive bill to come down the pike. It just won't happen.

More seriously, Prop 65 will allow anybody to file suit if he thinks a farm or business is violating its provisions. It is feared that this will clog our courts with spurious suits brought by "bounty hunters." I have trouble believing this. Other laws are currently on the books with similar stipulations, and I don't see them clogging the courts. It is true that many businesses and farms will probably have to hire toxics experts to make sure they aren't dumping too many chemicals (leaving them open to legal action). This, however, is something that has been needed for a long time.

The most important objection to Prop 65 is that it is likely to impose large costs on private agriculture and industry in California. It won't be cheap to find alternative means of disposing of the chemicals, and Prop 65 offers no economic assistance to those who will be subject to its restrictions. It is probable that some businesses will move away from California to states or countries with laxer environmental laws. And food prices may rise throughout the nation. Yes, I recognize the costs involved. But what's at issue here is the physical health and well-being of tens of millions of Californians. I will gladly risk inflation, recession, or worse to reduce the threat posed by carcinogens in our drinking water. It's not without its drawbacks, but taken as a whole Prop 65 is a tough, enormously beneficial measure.