

4-30-1982

Utilities: Rates, Service, Burdens Tax, Amended See #304

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Utilities: Rates, Service, Burdens Tax, Amended See #304 California Initiative 301 (1982).
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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

April 30, 1982

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**UTILITIES: RATES, SERVICE, BURDENS TAX
INITIATIVE CONSTITUTIONAL AMENDMENT**

Circulating and Filing Schedule

1. Minimum number of signatures required 553,790
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date Friday, 4/30/82
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures . . Friday, 4/30/82
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with the county.
All Sections are to be filed at the same time within each
county. Monday, 9/27/82
Elec. C., Secs. 3513, 3520(a).
 - c. Last day for county to determine total number of signatures
affixed to petition and to transmit total to the Secretary of
State Monday, 10/4/82

(If the Proponent files the petition with the county on a date prior to 9/27/82, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

- d. Last day for county to determine total number of qualified electors who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. Tuesday, 10/19/82

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 10/4/82, the last day is not later than the fifteenth day after the notification.)
Elec. C., Sec. 3520(d), (e).

- e. If the signature count is between 498,411 and 609,169 then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. Thursday, 11/18/82

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 10/19/82, the last day is not later than the thirtieth day after the notification.)
Elec. C., Sec. 3521(b), (c).

4. Campaign Statements:

Last day for the Proponent to file a Campaign Statement of Receipts and Expenditures for period ending 10/25/82. Monday, 11/1/82

(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 9/27/82, the last date to file is the 35th calendar day after the deadline for filing petitions or the date of notification by the Secretary of State that the measure has either qualified or failed to qualify, whichever is earlier. The closing date for the campaign statement is seven days prior to the filing deadline.)
Gov. C., Secs. 84200(d), 84202(j).


UTILITIES: RATES, SERVICE, BURDENS TAX
April 30, 1982
Page 3

5. The Proponent of the above named measure is:

Roberto Acosta
2117 Eastern Avenue
Sacramento, CA 95825
(916) 482-6703

Sincerely,

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform


EDWARD G. ARNOLD JR.
Elections Assistant

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate format and type considerations in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code Section 81000 et seq.

Date: April 30, 1982
File No.: SA82RF0007

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

UTILITIES: RATES, SERVICE, BURDENS TAX. INITIATIVE CONSTITUTIONAL AMENDMENT. Private utility company rates are returned to November 1, 1981 rates. Increases collected since that date shall be credited to consumer bills. Private and public utilities are prohibited from turning off gas, electricity, or water for occupied private dwellings without specified proceedings. Future rate increases granted by public utilities commission are limited to annual increases at not exceeding rate established by two-thirds vote of legislature. Emergency rate increases may be granted with approval by two-thirds of commission and legislature. Legislature may establish utilities burdens tax covering fiscal burdens imposed by this measure. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The adoption of this measure could substantially reduce the income of utility companies. While such reduction would result in substantial savings in state and local government utility costs, it would also result in a reduction in tax revenue that would otherwise have been payable by the utilities. This measure could result in state and local administrative costs of several millions of dollars per year to provide judicial review of utility service terminations.

AMENDED SEE #304



State of California
Department of Justice

555 CAPITOL MALL, SUITE 350
SACRAMENTO 95814
(916) 445-9555

George Deukmejian
(PRONOUNCED DUKE-MAY-GIN)

Attorney General

April 30, 1982

FILED

In the office of the Secretary of State
of the State of California

APR 30 1982

MARCH FONG EU, Secretary of State

By Barbara J. Lee
Deputy

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, California 95814

RE: Initiative Title and Summary.
Our File No.: SA82RF0007

Dear Mrs. Eu:

Pursuant to the provisions of section 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponent(s) of the above identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent(s), a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name(s) and address(es) of the proponent(s) is as stated on the declaration of mailing.

Very truly yours,

George Deukmejian
Attorney General

Robert Burton
Deputy Attorney General

Enclosure

(RF-10)

CALIFORNIA ATTORNEY GENERAL

Please prepare a title and summary of this measure.
ATTACHED IS OUR CHECK FOR \$200.00 (\$3502)

Thank you,

STATEWIDE - PEOPLE'S PETITION TO LIMIT UTILITIES RATE INCREASES

ROBERTO ACOSTA, 2117 Eastern Avenue, Sacramento, CA 95825
Proponent of this Proposed Amendment.

Roberto Acosta 3/25/82
PROPOONENT

INITIATIVE CONSTITUTIONAL AMENDMENT - UTILITIES RATE LIMITATION

TO: The Honorable Secretary of the State of California

We, the undersigned, registered, qualified electors of the State of California, residents of SACRAMENTO County (or City and County) present to the Secretary of State this petition proposing to add Article XII-b to the Constitution, and petition that the same be submitted to the electors of the State of California for the adoption or rejection at the next succeeding general election, or at any special statewide election held prior to that general election, or as otherwise provided by law. The following is a full and correct copy of the title and text of the proposed measure.

ARTICLE XIIb --UTILITIES RATE LIMITATION

Section 1.

- a) Utility rates for all private utility companies shall be returned to November 1, 1981 rates effective upon passage of this section.
- b) Rate increases collected after November 1, 1981 and above November 1, 1981 rate shall be credited to consumers bills.
- c) All monies collected above November 1, 1981 rates, which are collected after May 5, 1982 shall be credited to consumers (with interest) at rates 6% above the prime interest rate existing on November 1, 1981.

Section 2.

Gas, electricity or water shall not be turned off by any private or public utility on any occupied private dwelling without due process before the small claims court or any other body of appropriate jurisdiction established by the legislature.

Section 3.

From and after the effective date of this article rate increases granted by the public utilities commission shall not exceed an annual rate established by a two-thirds vote of all members elected to each of the two houses of the legislature. Rates shall be limited to annual increases for all utilities.

Emergency rate increases may be granted by the Public Utilities Commission, subject to a two-thirds approval vote by members of the commission. Any emergency rate increase shall be subject to approval by a two-thirds vote of all members elected to each of the two houses of the legislature.

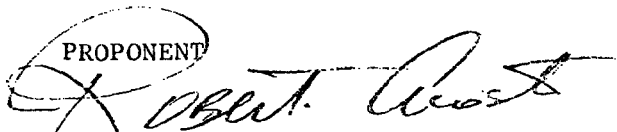
Section 4.

The legislature may establish a special utilities burdens tax to cover costs of any fiscal burdens imposed by this statute. The special utilities burdens tax will be subject to a two-thirds approval vote by members elected to each of the two houses of the legislature.

Section 5.

If any section, part, clause or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining section shall not be effected and will remain in full force and effect.

PROPONENT

A handwritten signature in cursive script, appearing to read "Roberto Acosta". The signature is written in dark ink and is positioned to the right of the word "PROPONENT".

R OBERTO ACOSTA
2 117 EASTERN AVE.

S ACRAMENTO, CALIFORNIA 95825

DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 555 Capitol Mall, Suite 350, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: April 30, 1982

Subject: Utilities: Rates, Service, Burdens Tax


Our File No.: SA82RF0007

Name of Proponent(s) and Address(es):

Roberto Acosta
2117 Eastern Avenue
Sacramento, California 95825

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California on April 30, 1982.


Marsha L. Bierer
Marsha L. Bierer
Declarant



State of California
Department of Justice

555 CAPITOL MALL, SUITE 350
SACRAMENTO 95814
(916) 445-9555

George Deukmejian

(PRONOUNCED DUKE-MAY-GIN)

Attorney General

April 30, 1982

Roberto Acosta
2117 Eastern Avenue
Sacramento, California 95825

RE: Initiative Title and Summary.
Subject: Utilities: Rates, Service, Burdens Tax
Our File No.: SA82RF0007

Pursuant to your request, we have prepared the attached title and summary of the chief purposes and points of the above identified proposed initiative. A copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our declaration of mailing, and the text of your proposal that was considered is attached.

The Secretary of State will be sending you shortly a copy of the circulating and filing schedule for your proposal that will be issued by that office.

Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.

Very truly yours,

George Deukmejian
Attorney General

Robert Burton
Deputy Attorney General

Attachment

Barbara Lee

For Immediate Release
May 3, 1982

Contact: Caren Daniels

UTILITY RATES INITIATIVE GETS GO-AHEAD REPORTS EU

SACRAMENTO -- Secretary of State March Fong Eu today (May 3) announced the beginning of an initiative campaign to curb the high costs of energy supplied to consumers by both public and private utility companies. This is the second such campaign of this year.

Roberto Acosta of Sacramento has been given the go-ahead to begin circulating petitions to return rates charged by private utility companies to the levels in effect on November 1, 1981. All rate increases collected after that date would be credited to consumers' bills; increases collected after May 5, 1982 would be credited to consumers with interest "at rates 6% above the prime interest rate existing on November 1, 1981." Public and private utilities providing gas, water or electric service to occupied dwellings could not turn off that service "without due process before the small claims court or any other body of appropriate jurisdiction established by the legislature."

Under the terms of this proposal, any increases granted by the public utilities commission could not exceed an annual rate established by a two-thirds voter of both houses of the Legislature. The commission could grant emergency rate increases which would have to be approved by the Legislature, again by a two-thirds vote. To cover any fiscal burdens imposed by this measure, the Legislature is empowered to enact special burdens taxes.

The measure, titled "Utilities: Rates, Service, Burdens Tax", is an initiative constitutional amendment requiring 553,790 signatures of registered voters to be placed on the ballot. The last day that signatures can be filed with county elections officials is September 27.

Paul Drake and Jim Chapman, both Lassen County supervisors, began an initiative drive in April to limit utility rate increases. Those petitions are currently still in circulation.

(more)



EU -- p. 2

A copy of this initiative, its title and summary, and circulation calendar is attached.

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8242MW

Prepared by
RALPH W. EPPERSON
County Clerk
County of San Joaquin



301
200304
REGISTRATION-ELECTION DEPT.
119 East Weber Avenue
Stockton, California 95202
Phone 944-2671

October 20, 1982

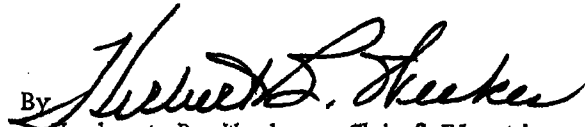
The Honorable March Fong Eu
Secretary of State
State of California
1230 J Street
Sacramento, Calif. 95814

Attn: Barbara Lee

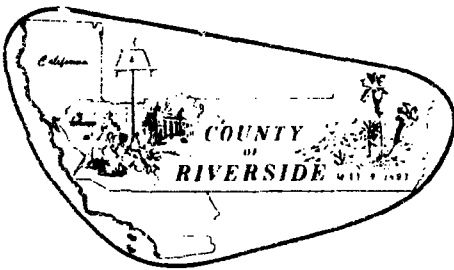
Re: UTILITIES: RATES, SERVICE, BURDENS TAX INITIATIVE CONSTITUTIONAL
AMENDMENT

This is to inform you that under Elections Code Sections 3513 and 3520,
San Joaquin County has received -0- signatures for the UTILITIES: RATES,
SERVICE, BURDENS TAX INITIATIVE CONSTITUTIONAL AMENDMENT.

Very truly yours,
RALPH W. EPPERSON, County Clerk

By 
Herbert B. Weekes, Chief Elections Clerk

RWE:HBW:ev



OFFICE OF
COUNTY CLERK
ELECTION DEPARTMENT
P. O. BOX 431
RIVERSIDE, CALIFORNIA 92502

WILLIAM E. CONERLY
COUNTY CLERK - RECORDER

ROBERT G. MORGAN
CHIEF DEPUTY
REGISTRAR OF VOTERS

September 27, 1982

Secretary of State - Elections
1230 J Street
Sacramento, CA 95814

Attention: Barbara Lee

Dear Barbara:

This is to notify you that no signatures were filed in Riverside County for the initiative petition UTILITIES: RATES, SERVICE, BURDENS TAX.

Very truly yours,

WILLIAM E. CONERLY
County Clerk

By Barbara Myers
Deputy

RECEIVED
SACRAMENTO, CALIF
SEP 30 1 24 PM 1982
SECRETARY OF STATE



Libertarian Headquarters

401 East Taylor Street
San Jose, California 95112
408/CRY-FREE

March Fong Eu,
Secretary of State
1230 J Street
Sacramento, Calif. 95814

June 13, 1984

Dear Mrs. Eu,

I am interested in obtaining information concerning ballot arguments for and against the propositions that will be on the November ballot here in California. Would please tell me who may write these arguments, the order in which competing arguments are accepted, the length of the arguments, the number of people who may sign, the restrictions (if any) place on the signatories, their occupations, and when the deadline and first date available to submit arguments. Please include any additional information that you deem appropriate.

I look forward to your quick reply.

Sincerely,

Mark W.A. Hinkle

Mark W.A. Hinkle,
Candidate for the
25th Assembly Seat
7178 Via Colina
San Jose, CA 95139
Tel: 408-227-1459 (H)

MH:hs