

1990

INITIATIVE AND REFERENDUM PROCESS.

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Initiative and Referendum Process. Initiative Constitutional Amendment

Official Title and Summary:

INITIATIVE AND REFERENDUM PROCESS. INITIATIVE CONSTITUTIONAL AMENDMENT

- 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.
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Analysis by the Legislative Analyst

Background

The State Constitution provides two methods for changing state and local laws, and for amending the Constitution. The first is the *legislative* process, by which elected state and local representatives of the people enact new laws. Specifically, the state Legislature may propose new laws, which take effect if signed by the Governor. The Legislature may also propose amendments to the Constitution, which take effect if approved by a majority of the voters. Local legislative bodies, such as city councils and county boards of supervisors, may enact new local laws known as ordinances by a majority vote of the legislative body. They may also propose amendments to city and county charters, which take effect if approved by their voters.

Under the second method, known as the *initiative* process, the voters can directly enact state and local laws, charter amendments and Constitutional amendments. A similar process, known as the *referendum*, allows the voters to challenge laws enacted through the legislative process by requiring that they be placed on the ballot for approval by the voters. An initiative or referendum measure may be placed on the ballot if sponsors gather a sufficient number of signatures of registered voters.

State law sets forth detailed procedures and requirements for statewide and local initiatives or referendums, although city and county charters also may

contain such procedures and requirements for local measures. These laws include requirements for the format of the petition used to gather signatures, limits on the number of days during which signatures may be obtained, the procedures used to verify the signatures, and a large number of other provisions.

Proposal

This measure requires the voters to approve any changes in state law governing (1) the manner in which statewide or local initiative or referendum petitions are circulated, presented, or certified, and (2) the manner in which measures are submitted to the voters.

Fiscal Effect

The measure could result in unknown increased state and local administrative costs, to the extent that proposed changes regarding the procedures and requirements for initiatives and referendums are submitted to the voters. The increased costs would result from preparing, printing and mailing ballot information and verifying election results. State costs to the General Fund could range from insignificant to in excess of \$200,000 per measure for each statewide election. Local costs to counties could range from insignificant to in excess of \$100,000 per measure for each statewide election.

For text of Proposition 137 see page 130

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Initiative and Referendum Process. Initiative Constitutional Amendment

Argument in Favor of Proposition 137

Proposition 137 is a simple, one paragraph initiative which **GUARANTEES YOUR RIGHT TO VOTE ON STATEWIDE AND LOCAL BALLOT PROPOSITIONS.**

Proposition 137 would require a vote of the people before state or local politicians can change any of the rules which determine how state and local propositions or referenda can be placed on the ballot.

WHY IS PROPOSITION 137 NECESSARY?

Recently, the state legislature quietly slipped in one sentence in a law which nearly **DOUBLED** the number of signatures which are required to place city or county initiatives or referenda on the ballot.

Since then, a number of new laws have been proposed in the state legislature which would make state ballot propositions more confusing and more difficult to place on the ballot.

THE INITIATIVE IS THE PEOPLE'S LAW. THE PEOPLE SHOULD HAVE THE RIGHT TO VOTE BEFORE ANY CHANGES ARE MADE IN THE INITIATIVE PROCESS.

Consider how much you would lose if the politicians are allowed to restrict your right to pass initiatives. Here are just some of the things that would not be part of California law except for the initiative process:

- The Death Penalty
- The Coastal Commission
- Proposition 13—Property Tax Limit

Proposition 103—Insurance Reform
The Gann Government Spending Limit
Proposition 65—The Anti-Toxics Law
The State Lottery

You may have voted for some of these initiatives. You may have voted against others. But you had the right to vote on all of them.

PROPOSITION 137 WILL PROTECT YOUR RIGHT TO VOTE ON INITIATIVES, NOW AND FOREVER.

If any changes in the initiative process are necessary, they can still be enacted, but only after the people vote to approve them.

Never again will the politicians be able to sneak past the people technical changes in the law governing initiatives—as they did by nearly **DOUBLING** the number of signatures required to place local initiatives on the ballot.

Your right to pass initiatives has given California the Death Penalty, Proposition 13, Insurance Reform, and local Environmental Protection Laws. Don't let the politicians tamper with your rights.

Vote YES on 137. PROTECT YOUR RIGHT TO VOTE.

JOEL FOX
President, Howard Jarvis Taxpayers Association

RICHARD GANN
President, Paul Gann's Citizens Committee

Rebuttal to Argument in Favor of Proposition 137

The late Howard Jarvis and Paul Gann are *not* sponsoring this initiative. It is sponsored by organizations that make money on ballot initiatives using their names.

Groups like these don't want *you* to know that fact—so they oppose reforms by the legislature that would force them to disclose the truth to the public.

Proposition 137 was written to make it harder for the legislature to bring needed change and reform to our initiative process.

PROPOSITION 137 WOULD HINDER NEEDED INITIATIVE REFORMS

This measure would prevent the legislature from passing laws to protect us—stopping deceitful and misleading initiative campaign practices—without costly barriers and years of delay.

In 1988, many voters signed initiative petitions believing they would lead to insurance reform—they weren't told the measures were bankrolled by the insurance industry.

And that's really the point. The backers of Measure 137

don't want you to know who's paying the bills to collect signatures for their ballot measures.

PROPOSITION 137 DOESN'T SAVE TAX DOLLARS—BUT IT COULD RAISE YOUR TAXES

Local initiatives required a small percentage of voters' signatures to qualify. With fewer and fewer people taking the trouble to vote, it became easier and easier to qualify costly *local tax increase* initiatives.

When this number fell to as few as 10% of the people, the legislature changed this to make it more reflective of the general public. Proposition 137 would *halt* such tax saving reforms.

Preserve the initiative process.

Vote *no* on 137.

JUDGE BRUCE W. SUMNER (ret.)
Former Chair, Constitution Revision Commission

TOM NOBLE
President, California Association of Highway Patrolmen

DANIEL H. LOWENSTEIN
Former Chair, Fair Political Practices Commission (FPPC)

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Argument Against Proposition 137

Proposition 137 is a power grab by special interests to block reform of the initiative process.

The initiative process has long been one of our most important instruments for popular control of government in California.

However, the initiative process is being used increasingly by special interest groups to qualify or defeat measures for their own benefit at the expense of ordinary citizens.

To prevent encroachment of the initiative process by special interests, reforms are needed. Proposition 137 is a special interest attempt to make sure these reforms never see the light of day.

What kind of reforms would be impeded by Proposition 137?

REFORMS ARE URGENTLY NEEDED THAT WILL:

- Force proponents to tell the public who is paying the bills for an initiative campaign.
- Prevent deceitful and misleading campaign practices.
- Limit the ability of wealthy interests to buy a place on the ballot for propositions that have little or no popular support.

- Make clearer the cost to the taxpayer of special interest initiatives and spending schemes.

Proposition 137 creates costly barriers against these and other important reforms that benefit all of us. At best it will require a costly election and years of delay. At worst, interest groups will spend millions to confuse the issue and defeat popular reforms.

The supporters of Proposition 137 do not suggest similar barriers for special interest benefits such as tax loop holes for themselves or weakening environmental protections. These restrictions will apply only to the initiative process, the special instrument by which we the people control our government.

Don't be fooled—VOTE NO ON PROPOSITION 137.

DANIEL H. LOWENSTEIN

Former Chair, Fair Political Practices Commission

ED FOGLIA

President, California Teachers Association

HOWARD L. OWENS

President, Congress of California Seniors

Rebuttal to Argument Against Proposition 137

Proposition 137 **GUARANTEES THE PEOPLE THE RIGHT TO VOTE** on any proposed change to the initiative process. Nothing more.

If there is a power grab going on, it's being waged by **POLITICIANS WHO WANT TO RESTRICT OR ELIMINATE THE INITIATIVE PROCESS.**

Recently, the state legislature quietly slipped one sentence into a law which nearly **DOUBLED** the number of signatures that are required to place initiatives on the ballot in the largest cities in California. Why trust the Legislature alone to change the initiative process? Let the people vote.

Proposition 137 does nothing to prohibit reform nor does it erect any barriers to reform. If reforms are really needed, let the people approve them.

PROTECT YOUR RIGHTS. Before politicians can make more changes that limit your right to vote on initiatives, **VOTE YES ON PROPOSITION 137.**

JOEL FOX

President, Howard Jarvis Taxpayers Association

RICHARD GANN

President, Paul Gann's Citizens Committee

QUENTIN L. KOPP

State Senator, Independent—8th District

SECTION 11. Conflicting Law. Pursuant to Article II, §10(b) of the California Constitution, if this measure and another measure appear on the same ballot and conflict, and this measure receives more affirmative votes than such other measure, this measure shall become effective and control in its entirety and said other measure shall be null and void and without effect. If the constitutional amendments contained in this measure conflict with statutory provisions of another measure on the same ballot, the constitutional provisions of this measure shall become effective and control in their entirety and said other measure shall be null and void and without effect irrespective of the margins of approval. This

initiative is inconsistent with any other initiative on the same ballot that enacts any tax, that employs a method of computation, or that contains a rate not authorized by this measure, and any such other measure shall be null and void and without effect.

SECTION 12. Severability. If any provision of this Act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

Proposition 137: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure expressly amends the Constitution by adding a section thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE II

Section 11.5 is added to Article II of the California Constitution as follows:

SEC. 11.5. The power of initiative and referendum is reserved to the people and laws affecting the power shall be submitted to the people. A statute enacted after the adoption of this section, which provides the manner in which statewide or local initiative or referendum petitions are circulated, presented, or certified or the manner in which measures are submitted to the electors or otherwise establishes procedures or requirements for a statewide or local initiative or referendum including the initiative powers set forth in section 3 of Article XI, shall become effective only when approved by the electors.

Proposition 138: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure amends and adds sections to the Public Resources Code; therefore, existing sections proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

TITLE ONE

Section 1.

This initiative shall be known as the Global Warming and Clearcutting Reduction, Wildlife Protection and Reforestation Act of 1990.

TITLE TWO

Section 2.

The people of the State of California find and declare:

1. There is evidence that widespread use of fossil fuels, conversion of South American forests to agricultural use, urban development and the toxic emissions of industry are all contributing to the gradual warming of the earth's atmosphere.

2. Global warming may have a major impact on California, including massive forest fires, reduction of wetlands, flooding of coastal areas and the loss of prime food producing land.

3. It is important to the long-term economic and physical health of the people of California to act now, as the first state to take reasonable steps to avoid the devastation of global warming.

4. The forests of this state, whether privately owned or owned by the federal or state governments, should be managed and utilized in a manner that makes a substantial contribution to lowering of carbon dioxide levels in the atmosphere.

5. It is in the public interest to plant trees in urban areas because growing trees helps remove carbon dioxide from the atmosphere and reduce energy use.

6. The most effective steps toward protection from global warming can be achieved with a fair and careful balance of the public's right to a healthy, high-quality environment and the preservation of private property rights.

7. Reforestation and other forest resource improvement projects in California's wildland areas will enhance wildlife habitat, increase bio-diversity for the long-term health of ecosystems and stabilize watersheds and water quality.

8. Timber harvesting in this state should be conducted in a manner that protects all species listed under state or federal law as Threatened or Endangered, and other species of special concern identified by the State Board of Forestry. Therefore, fish and wildlife management plans, prepared by a certified wildlife biologist, shall be part of long-term timber management plans.

9. It is the policy of this State to ensure that healthy forests are maintained for future generations and that more trees are planted than are harvested.

10. Clearcutting of old-growth forests shall be prohibited, except when it is essential to stop the spread of disease or harmful insects, or to salvage fire-damaged timber.

11. Clearcutting of forests other than old growth shall be substantially reduced.

12. It is the objective of this state to encourage the continued existence of a viable private timber industry in California and maintain a skilled and healthy labor force. Therefore, the export of raw unprocessed logs from this state to foreign countries should be prohibited.

13. California's old growth redwood forests now in state parks must continue to be protected. Four expansions to existing state parks are hereby authorized.

14. Private timberland owners should be encouraged to open suitable portions of their property to the public for recreational purposes.

Section 3.

Declarations of Purpose. The purposes of this initiative are:

A. To enhance and protect the environment by:

1. Authorizing and requiring timber management practices and other programs that diminish carbon dioxide production and increase oxygen production from forests and other lands in California;

2. Prohibiting clearcutting of old growth timber except in very narrow circumstances where it is essential; and substantially reducing clearcutting of other forest lands.

3. Authorizing and providing funding for research into the relationship between California, national, and worldwide forestry practices and global warming trends, and into development of a statewide geographic inventory

system to be used to assure the maintenance and enhancement of habitats for both game and non-game wildlife in the forests of this state.

B. To protect and enhance certain state parks containing old growth redwood trees by authorizing the state to purchase or condemn as buffers privately owned timberlands that are contiguous to specified parklands.

C. To balance timber production and wildlife protection objectives by requiring the owners of large tracts of timberland to prepare and implement wildlife management plans and long-term timber management plans.

D. To encourage private timberland owners to open portions of their property to the public for recreational purposes.

E. To request Congress to prohibit the foreign export of unprocessed logs produced on state or privately owned timberland in California.

F. The statements of policy and purpose here and throughout this Act imply substantive and affirmative obligations incumbent upon government agencies in California and, whenever appropriate, they are enforceable.

TITLE THREE

Section 4.

Chapter 6 (commencing with Section 4820) is added to Part 2.5 of Division 4 of the Public Resources Code, to read:

Article 1. General Provisions

4820. This Chapter shall be known as the Global Warming Protection and Urban Reforestation Program.

4821. As used in this Chapter, the following terms have the following meanings:

(a) "Committee" means the Reforestation and Urban Forestry Finance Committee created pursuant to Section 4822.

(b) "Department" means the Department of Forestry and Fire Protection.

(c) "Forest Land" means land at least 10 percent occupied by forest trees of any size, or formerly having had that tree cover, and not currently zoned for uses incompatible with forest resource management.

(d) "Forest resource improvement projects" means all of the following:

(1) Site preparation.

(2) Planting and costs of seeds and seedlings.

(3) Young growth stand improvement.

(4) Forest land conservation measures, consisting of measures designed to protect, maintain, or enhance the forest resource system, including soil and watershed values and diversity of forest species.

(5) Fish and wildlife habitat improvement, consisting of measures designed to protect, maintain, or enhance fish and wildlife habitat, including, but not limited to, stream clearance, reestablishment of desirable vegetation along stream channels and elsewhere, measures to encourage habitat diversity, and restoration of anadromous fisheries.

(6) Follow up work, consisting of work necessary to promote the survival of seed or seedlings planted, or protection or enhancement of other work undertaken, as part of a prior forest resource improvement project.

(e) "Fund" means the Reforestation and Urban Forestry Fund of 1990 created pursuant to Section 4822.

(f) "Hardwood range land" means non-conifer land on which it is biologically and technically feasible to carry a 10 percent canopy at maturity of native hardwoods (excluding eucalyptus), including heavily tree-covered land, woodland, savanna, and grassland.

(g) "Smaller nonindustrial landowner" means an owner of 5,000 acres or less of forest land or hardwood range land.

Article 2. Reforestation and Urban Forestry Program

4822. The proceeds of bonds issued and sold pursuant to this Chapter shall be deposited in the California Reforestation and Urban Forestry Fund of 1990, which is hereby created.

4823. All money deposited in the fund shall be available upon appropriation by the Legislature, for expenditure by the Department, in accordance with Section 4826, for the purposes set forth in this section, in amounts not to exceed the following:

(a) One hundred twenty million dollars (\$120,000,000) for loans and grants to smaller nonindustrial landowners for forest resource improvement and reforestation projects on forest land or hardwood range land pursuant to Chapter 1 (commencing with Section 4790).