

2002

The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

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

Recommended Citation

The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. California Proposition 40 (2002).

http://repository.uchastings.edu/ca_ballot_props/1213

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

THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002.



OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002.

- This act provides for a bond issue of two billion six hundred million dollars (\$2,600,000,000) to provide funds to: protect rivers, lakes, and streams to improve water quality and ensure clean drinking water; protect beaches and coastal areas threatened by pollution; improve air quality; preserve open space and farmland threatened by unplanned development; protect wildlife habitat; restore historical and cultural resources; repair and improve safety of state and neighborhood parks.
- Subject to annual independent audit.
- 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 about \$4.3 billion over 25 years to pay off both the principal (\$2.6 billion) and interest (\$1.7 billion) costs on the bonds. Payments of about \$172 million per year.
- Costs potentially in the tens of millions of dollars annually to state and local governments to operate or maintain property bought or improved with these bond funds.

FINAL VOTES CAST BY THE LEGISLATURE ON AB 1602 (PROPOSITION 40)

Assembly: Ayes 60 Noes 8

Senate: Ayes 29 Noes 4

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

The state carries out various programs to conserve natural and cultural resources, protect the environment, and provide recreational opportunities for the public. The state also provides grants and loans to local public agencies and nonprofit associations for similar purposes.

Some of the funding for such programs has come from general obligation bond funds. General obligation bonds are backed by the state, meaning that the state is required to pay the principal and interest costs on these bonds. General Fund revenues would be used to pay these costs. These revenues come primarily from the state personal and corporate income taxes and sales tax.

Since 1980, voters have approved about \$7.6 billion of general obligation bonds to provide funding for these state and local programs as follows:

- **Bonds to Improve Water Quality and Supply.** About \$3.8 billion in bonds have been approved for various water-related purposes, including improving the safety of drinking water, flood control, water quality, and the reliability of the water supply.
- **Bonds for Natural Resource Conservation and Recreational Opportunities.** About \$3.8 billion in bonds have been approved to purchase, protect, and improve recreational areas (such as parks and beaches), cultural areas (such as historic buildings and museums), and natural areas (such as wilderness and open-space areas, trails, wildlife habitat, and the coast).

It is estimated that all but about \$1.2 billion of the bonds authorized by these previous bond acts will have been spent or committed to specific projects as of June 2002.

In addition, the state also carries out programs that provide grants to public agencies and private organizations for projects that reduce air pollution. These programs have been funded from various funds, including the General Fund.

PROPOSAL

This measure allows the state to sell \$2.6 billion of general obligation bonds to conserve natural resources (land, air, and water), to acquire and improve state and local parks, and to preserve historical and cultural resources.

Figure 1 summarizes the purposes for which the bond money would be used. The bond money would be available for expenditure by various state agencies and for grants to local public agencies and nonprofit associations.

| FIGURE 1 | |
|--|------------------|
| CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT | |
| USES OF BOND FUNDS | |
| (IN MILLIONS) | |
| | Amount |
| Land, Air, and Water Conservation | \$1,275.0 |
| • State conservancies acquisition, development, and restoration projects. | 445.0 |
| • Wildlife habitat acquisition and restoration projects. | 300.0 |
| • Water quality protection and restoration activities, including protection of watersheds, coastal waters, beaches, rivers, and lakes. | 300.0 |
| • Agricultural and grazing lands preservation. | 75.0 |
| • Urban river parkways and streams development, restoration, and protection projects. | 75.0 |
| • Grants for reducing air emissions from diesel-fueled equipment operating within state and local parks. | 50.0 |
| • Land and water resource protection and restoration through the California Conservation Corps. | 20.0 |
| • Urban forestry programs. | 10.0 |
| Parks and Recreation | \$1,057.5 |
| • Urban parks and recreational facilities acquisition and development. | 460.0 |
| • Regional and local park acquisitions and development (funds distributed based on population). | 372.5 |
| • State park improvements and acquisitions. | 225.0 |
| Historical and Cultural Resources Preservation | \$267.5 |
| • Acquisition, development, and preservation of culturally and/or historically significant properties, structures, and artifacts. | 267.5 |
| Total | \$2,600.0 |

FISCAL EFFECT

Bond Costs. For these bonds, the state would make principal and interest payments from the state's General Fund over a period of about 25 years. If the bonds were sold at an interest rate of 5 percent (the current rate for this type of bond), the cost would be about \$4.3 billion to pay off both the principal (\$2.6 billion) and interest (\$1.7 billion). The average payment would be about \$172 million per year.

Operational Costs. The state and local governments that buy or improve property with these bond funds will incur additional costs to operate or manage these properties. These costs may be offset partly by revenues from those properties, such as state park entrance fees. The net additional costs (statewide) could be in the tens of millions of dollars annually.



THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002.

ARGUMENT IN FAVOR OF PROPOSITION 40

Yes on 40 for Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection!

Clean water and clean air are essential for all Californians. Safe neighborhood parks give our children and families secure places to enjoy the outdoors. Protecting California's coast from pollution and over-development is vital for people and wildlife.

Working together to pass Proposition 40, we can improve our quality of life today and for future generations.

YES ON 40 WILL:

- Protect our drinking water, our air and our beaches from toxic pollution
Protect coastal lands and beaches threatened by development
Provide kids with safe places to play
Enhance our economy and protect our environment

YES ON 40 IS SUPPORTED BY:

- California Organization of Police and Sheriffs
National Audubon Society
Clean Water Action
National Wildlife Federation
Concerned Citizens of South Central Los Angeles
League for Coastal Protection
League of Women Voters of California

ANNUAL FINANCIAL AUDITS AND STRICT SAFEGUARDS REQUIRED:

- Annual Audits
Public Hearings
Citizen Reviews

YES ON 40 WILL NOT RAISE TAXES. It requires existing tax revenue to be spent more efficiently and effectively.

A HEALTHY CALIFORNIA FOR ALL: "Clean water, clean air, and safe parks benefit all Californians. Yes on 40 is the prescription for a healthy California." League of Women Voters of California

CLEAN WATER: "We can help keep our water free of pollution and protect our bays, beaches and rivers from urban runoff by supporting Proposition 40. This measure is vital because it protects the lands that give us clean water." Clean Water Action

CLEAN AIR: "Yes on 40 reduces air pollution and improves air

quality by replacing the dirtiest vehicles—old, polluting diesel trucks and buses—with new, cleaner vehicles and pollution control equipment. We will breathe easier by voting yes on 40." California Air Pollution Control Officers Association

SAFE NEIGHBORHOOD PARKS: "Giving kids safe places to play keeps them away from gangs, drugs and violence. Yes on 40 will make our communities safer." California Organization of Police and Sheriffs

HELPS FISH AND WILDLIFE: "Protecting our lands and restoring polluted waterways will help our state's wildlife. Yes on 40 will preserve California's natural resources for future generations." The Nature Conservancy

INVEST IN CALIFORNIA'S FUTURE: "California's economy depends on preserving quality of life. The investments provided by this measure will keep California's tourism industry strong, helping California companies attract and keep employees, and strengthening communities throughout the state." California Business Properties Association

TOUGH FISCAL SAFEGUARDS: "Strict safeguards will ensure that Proposition 40 funds are spent properly and efficiently. Fortunately, California can afford to make this wise investment in our future." State Treasurer Philip Angelides

Together, we can make a big difference in improving the health and quality of life of our children, grandchildren and generations to come. Yes on 40 cleans our air and water, reduces pollution, protects our coast, bays, beaches and lakes and makes our parks safer. Proposition 40 includes annual audits and strict financial safeguards.

To help, or for more information, see www.voteyeson40.org. YES on 40!

DAN TAYLOR, Executive Director Audubon California

HANK LOCAYO, President Congress of California Seniors

BARBARA INATSUGU, President League of Women Voters of California

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 40

DON'T BE FOOLED AGAIN:

The special interests in favor of Proposition 40 listed above are the same groups that asked us to vote for Propositions 12 and 13 two years ago. To quote the 2000 California Voter Information Guide, they promised us that Proposition 12 would:

- "Protect Our Air, Water, Rivers & Beaches from Toxic Pollution"
"Provide Kids Safe Places to Play"
"Help Keep Kids Off Streets & Out of Gangs"
"Protect our Environment & Enhance our Economy"

SOUND FAMILIAR? These are the very same claims they now make for Proposition 40! So why do they want to spend another \$2,600,000,000 of our money on the same thing?

More importantly, what did they do with the \$4,000,000,000 we gave them in 2000?

It turns out they substituted the word "pork" for "park." For example:

- \$44,750,000 for three "science" centers
\$30,000,000 to the San Francisco Bay Area Conservancy Program

- \$15,000,000 to the City of San Francisco
\$2,750,000 for rail sites and underground mines
\$2,000,000 for a "visitor" center along the American River
\$2,000,000 for a "camp" in Alameda County
\$250,000 to "maintain the state flower"

PROPOSITION 40 DOES MORE OF THE SAME: It will blow most of the \$2,600,000,000 on more pork, not neighborhood parks, not clean air to breathe, and not clean water to drink.

WE TRUSTED THEM ONCE AND GOT BURNED. Don't let them waste another \$2,600,000,000 that we cannot afford to lose. Vote NO on Proposition 40!

SENATOR RAY HAYNES, Vice-Chair California State Senate Health Committee

ASSEMBLYMAN DICK DICKERSON, Vice-Chair California State Assembly Committee on Water, Parks and Wildlife

LEWIS K. UHLER, President The National Tax Limitation Committee

ARGUMENT AGAINST PROPOSITION 40

CALIFORNIANS CANNOT AFFORD MORE DEBT:

Just last year, California was running a huge surplus and our economy was strong. But we now find ourselves living in an entirely different world. Our economy is faltering. Instead of a surplus, we now have a projected budget deficit of over \$14,000,000,000!

This will mean a cut in state services, a tax increase, or both. Either way, the people of California will come out losers. But things will be much worse if Proposition 40 passes, since this new bond will cost more than \$5,000,000,000 to repay, including compounded interest!

Sales taxes were just hiked in January. Californians are already obligated to repay \$42,000,000,000 for our other bonds. It now costs taxpayers \$2,582,901,000 per year just to make the payments on our bond debt, *money that could otherwise be spent on education, health care or public safety.*

In short, Californians simply cannot afford to take on more debt at this time. And even if we could, Proposition 40 does not even do what it claims. For example:

PROPOSITION 40 WON'T PROVIDE "CLEAN WATER" TO DRINK:

California's population is expected to grow by over five million people in the next decade. This will place an enormous strain on our water supply.

However, this bond will not provide a single drop of drinking water for California's growing population. It will not build a single water storage reservoir or water treatment facility.

On the other hand, Proposition 40 will give up to \$375,000,000 for private organizations to spend on their pet projects, and lets them use these funds for their own "administrative costs."

PROPOSITION 40 WON'T PROVIDE "SAFE NEIGHBORHOOD PARKS":

The vast majority of the money will not go for neighborhood parks. Besides, Californians made a huge investment in neighborhood parks just two years ago. In 2000, the voters approved Propositions 12 and 13, bonds for parks and clean water totaling over \$4,000,000,000. At that time, the state was projecting a huge budget surplus.

Now the backers of Proposition 40 want you to approve their new \$2,600,000,000 water and parks bond. But what did they do with all the money we gave them two years ago? Taxpayers shouldn't have to pay for the same thing twice.

CALIFORNIANS MUST FOCUS ON OUR PRIORITIES:

In these uncertain times, approving Proposition 40 would be like taking out a loan to buy new patio furniture when you can't afford to pay your mortgage or rent. After the terrorist attacks of September 11, 2001, California has higher priorities, including law enforcement and disease control. Now is not the time for lower priority spending. We simply don't have the money.

Proposition 40 is bad for families, bad for taxpayers, and bad for California. Just Vote NO.

SENATOR RAY HAYNES, Chair

California State Senate Constitutional Amendments Committee

ASSEMBLYMAN DICK DICKERSON, Vice-Chair

California State Assembly Committee on Water, Parks and Wildlife

JON COUPAL, President

Howard Jarvis Taxpayers Association

40

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 40

THE OPPONENTS ARE WRONG ON THE FACTS. *Clean air, clean water and safe neighborhood parks are essential investments to protect our health, economy and quality of life.*

PROPOSITION 40 WILL PROTECT CLEAN AIR AND WATER: Proposition 40 protects our drinking water and the health of our families by keeping toxic waste out of our water supplies. It protects our air by replacing the most polluting diesel trucks and buses. *That's why Proposition 40 is supported by pollution control officers, health and community groups.*

PROPOSITION 40 WILL KEEP OUR BEACHES AND COASTAL WATERS CLEAN: Proposition 40 will protect our beaches and coastal waters from toxic pollution and urban runoff, making them safe for our families. *That's why Proposition 40 is supported by the League for Coastal Protection.*

PROPOSITION 40 WILL MAKE NEIGHBORHOOD PARKS SAFER: Proposition 40 will improve and expand neighborhood parks and provide youth with alternatives to gangs, drugs and violence. *That's why Proposition 40 is supported by the California Organization of Police and Sheriffs, and Latino Issues Forum.*

PROPOSITION 40 INCLUDES STRICT FINANCIAL SAFEGUARDS: Annual audits and public hearings ensure that funds are spent as promised. *Proposition 40 does not raise taxes—existing state revenues will be used.*

YES ON 40 IS CRITICALLY NEEDED TODAY. Proposition 40 will build safer, stronger communities, while protecting our health, economy and quality of life. *That's why Proposition 40 is supported by business groups like the California Council for Environmental and Economic Balance and the Silicon Valley Manufacturing Group.*

VOTE YES ON 40.

TOM PORTER, California State Director

AARP

RUSSELL J. "RUSTY" HAMMER, President

Los Angeles Area Chamber of Commerce

MONTY HOLDEN, Executive Director

California Organization of Police and Sheriffs



PROPOSITION 44

This law proposed by Senate Bill 1988 of the 1999–2000 Regular Session (Chapter 867, Statutes of 2000) is submitted to the people in accordance with the provisions of subdivision (c) of Article II of Section 10 of the California Constitution.

This proposed law adds sections to the Business and Professions Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SEC. 5. Section 1003 is added to the Business and Professions Code, to read:

1003. (a) *Except as otherwise allowed by law, the employment of runners, cappers, steerers, or other persons to procure patients constitutes unprofessional conduct.*

(b) *A licensee of the State Board of Chiropractic Examiners shall have his or her license to practice revoked for a period of*

10 years upon a second conviction for violating any of the following provisions or upon being convicted of more than one count of violating any of the following provisions in a single case: Section 650 of this code, Section 750 or 1871.4 of the Insurance Code, or Section 549 or 550 of the Penal Code. After the expiration of this 10-year period, an application for license reinstatement may be made pursuant to subdivision (c) of Section 10 of the Chiropractic Act.

SEC. 6. Section 1004 is added to the Business and Professions Code, to read:

1004. *The State Board of Chiropractic Examiners shall investigate any licensee against whom an information or indictment has been filed that alleges a violation of Section 550 of the Penal Code or Section 1871.4 of the Insurance Code, if the district attorney does not otherwise object to initiating an investigation.*



PROPOSITION 45

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

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

PROPOSED AMENDMENT OF ARTICLE II

SECTION 1. Preamble

Term limits have reinvigorated the political process by promoting full participation and bringing a breath of fresh air to California government. The people recognize that in some instances a few specially skilled and popular lawmakers have been unable to complete important legislative programs for their districts before they must leave office. In recognition of these special cases, the people of California seek an opportunity by petition to extend some specific district representatives' terms in office by a maximum of four years.

SEC. 2. Section 21 is added to Article II of the California Constitution, to read:

SEC. 21. *Local Legislative Option. Local legislative option is the power of the voters residing in an Assembly or Senate district to exercise an option to allow their term-limited state legislator to stand for re-election for an extended term(s) in office, not to exceed a total of four years, notwithstanding Article IV, Section 2(a) of this Constitution.*

(a) *Local legislative option may be exercised only one time per lawmaker.*

SEC. 3. Section 22 is added to Article II of the California Constitution, to read:

SEC. 22. (a) *Exercise of the local legislative option is initiated by delivering to the Secretary of State a petition invoking the right of the people to re-elect a legislator who would otherwise be ineligible for re-election by reason of Article IV, Section 2(a).*

Proponents have 90 days to circulate petitions and must submit petitions for verification at least 30 business days prior to the first day candidates may file declarations of intention to become a candidate for legislative office.

(b) *A petition invoking local legislative option must be signed by electors of the district equal in number to 20 percent of the ballots cast for that office in the last general election for which the local legislative option is sought.*

(c) *Only electors registered to vote in the district in which the legislator is serving at the time the petition is filed, or following a redistricting, in the district in which the local legislative option is sought, may sign the petition.*

(d) *Legislators permitted to run under this section may run only in the district in which they are currently serving, or if that district is changed pursuant to redistricting, then in the successor district whose lines include the larger portion of the former district.*

(e) *Local voters may exercise this option to extend the time that a legislator would otherwise be permitted to serve by a period of four years.*

(f) *The petition must be in substantially the following form:*

We the undersigned registered voters of the ___ Assembly [or Senate] district hereby invoke our right pursuant to Article II, Section 21 of the California Constitution to vote for or against [here list the legislator by name] at the next election(s) for that office, but not to exceed a total of four years. Our reasons are as follows: [here set forth reasons in no more than 200 words]

(g) *Petitions shall be submitted to local election officers who shall certify the signatures to the Secretary of State in the same fashion as initiative petitions are certified. As soon as sufficient valid signatures are certified, the Secretary of State shall so advise local election officials, who shall place the name of the certified legislator on the ballot in the same fashion as if he or she were not subject to Article IV, Section 2(a).*