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Mental Health Services Act. Repeal. Initiative Statute.

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SA2005 RF0008

January 6, 2005

VIA PERSONAL DELIVERY

The Honorable Bill Lockyer
Attorney General
1300 I Street
Sacramento, CA 95814

Re: Request for Title and Summary
Initiative Statutory Amendment

Dear Mr. Lockyer:

Pursuant to Article II, Section 10(d) of the California Constitution and Section 9002 of the Elections Code, I hereby request that a title and summary be prepared for the attached initiative statutory amendment. Enclosed is a check for \$200. My residence address is attached.

Thank you for your assistance.

Sincerely,

LEWIS K. UHLER

Enclosure: Proposed Initiative

RECEIVED
JAN - 6 2005

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Proposed Initiative
Repealing Proposition 63, "Mental Health Services Act"

SECTION 1. Purpose

This law is submitted to the people as an initiative in accordance with the provisions of Section 8 of Article II of the California Constitution, for the purpose of repealing the Mental Health Services Act, which was approved by initiative ballot as Proposition 63 in the November 2, 2004 general election.

SECTION 2. Findings and Declarations

The People of the State of California hereby find and declare all of the following:

(a) The Summary of the Mental Health Services Act on the initiative petition submitted to voters to place the Act on the ballot, violated core provisions of the California Constitution designed to ensure the integrity of the electoral process. It did so by:

(1) misrepresenting to voters that the funds collected as a result of the sur-taxes levied by the Act would result in "savings to the state and local agencies potentially amounting to hundreds of millions of dollars from reduced costs for state prison and county jail operations, homeless shelters ... and social services programs," when in fact, the Mental Health Services Act expressly prohibits the use of taxes acquired under the Act to fund any such programs or activities.

(2) failing to inform voters that one of the primary goals of the Act was to "screen" the populace for supposed "early signs" of alleged mental illness when the mental health screening "tests" are entirely subjective, and would dramatically increase the number of psychiatric "patients" who actually have no mental illness.

(b) The description of Proposition 63 on the statewide ballot misrepresented that there would be an "unknown" savings to state and local agencies. Because the Act prohibits the reduction of state spending for the Department of Mental Health from the level of the 2003-2004 budget, yet establishes new programs which will require some additional state funding, voters who approved the initiative were misled into believing a yes vote could reduce, rather than increase, state expenditures for mental health services.

(c) The Mental Health Services Act speaks of the development of "innovative programs and integrated service plans for mentally ill children, adults and seniors." Yet it fails to inform the California electorate that such innovative programs and integrated service plans are nothing more than proposed massive "screening" for children who allegedly show "early signs" of mental illness. It would potentially subject the children caught by this screening to treatments of psychiatric drugs, forced psychiatric drug therapies that have been shown to be both largely ineffective and, according to the Food & Drug Administration, a source of suicidal thoughts and behavior.

(d) The sur-tax on income over \$1 million could drive some of the largest taxpayers out of the state, thereby necessitating the increase of general taxes for all other taxpayers.

(e) The Act would prohibit the Governor and legislators from enacting budgets which address mental health spending, notwithstanding the need of the legislature and governor to balance the state's budget and notwithstanding the substantial income the Act would create.

(f) The Act requires the governor and legislature to begin funding the Act's programs prior to revenues being realized by the new tax, costing the taxpayers of California potentially hundreds of millions of dollars from existing revenues, and conflicting with other programs.

SECTION 3. Repeal

WHEREFORE, the Mental Health Services Act, passed as Proposition 63, is repealed, specifically:

Part 3.6 of Division 5 of the Welfare and Institutions Code, PREVENTION AND EARLY INTERVENTION PROGRAMS, (commencing with Section 5840 and ending with 5840.2), is repealed.

Article 11, of Chapter 1 of Part 4 of Division 5 of the Welfare and Institutions Code, SERVICES FOR CHILDREN WITH SEVERE MENTAL ILLNESS, (commencing with Section 5878.1 and ending with 5878.3), is repealed.

Section 18257 of the Welfare and Institutions Code, is repealed.

Section 5813.5 of the Welfare and Institutions Code, is repealed.

Part 3.1 of Division 5 of the Welfare and Institutions Code, EDUCATION AND TRAINING PROGRAM, (commencing with Section 5820 and ending with 5822) is repealed:

Section 5830 of the Welfare and Institutions Code, INNOVATIVE PROGRAMS, is repealed.

PART 3.7 of Division 5 of the Welfare and Institutions Code, OVERSIGHT AND ACCOUNTABILITY, (commencing with Section 5845 and ending with section 5847), is repealed.

Section 5771.1 of the Welfare and Institutions Code, is repealed.

Section 17043 of the Revenue and Taxation Code, is repealed.

The amendment to Section 19602 of the Revenue and Taxation Code, is repealed. Section 19602 as it existed prior to November of 2004, is reinstated.

Section 19602.5 of the Revenue and Taxation Code, is repealed.

Part 4.5 of Division 5 of the Welfare and Institutions Code, MENTAL HEALTH SERVICES FUND, (commencing with Section 5890 and ending with section 5898), is repealed.

SECTION 4

The provisions of this Act shall become effective immediately following the election in which it is passed, and shall be applied retroactively. All taxes collected from individual taxpayers pursuant to Section 17043 of the Revenue and Taxation Code, shall be refunded. All funds disbursed to the Department of Mental Health or any other state or local entity pursuant to 19602.5 of the Revenue and Taxation Code and Sections 5890 through 5898 of the Welfare and Institutions Code, shall be returned to the state for refund to individual taxpayers.

SECTION 5

The Legislature may by majority vote add provisions to clarify procedures and terms for the collection and return of funds disbursed pursuant the Mental Health Service Act, and refund of such funds to individual taxpayers.