

'Mushroom' Bills Schwarzenegger Should Veto

By Jon Coupal Howard Jarvis Taxpayers Association

If insanity is defined as doing the same thing over and over again and expecting a different result, then the California Legislature is indeed an "institution" in more than one sense of the word. Any notion that, because of the recession and related budget crisis, the Legislature would finally "get it" and become fiscally prudent and transparent, is dashed on the rocks of political reality.

For example, a fair amount of legislative effort this year was expended on bills that have been vetoed in previous years. Unless there has been a change in the Governor's office (or in his predisposition), taxpayers can rightfully wonder why many of these bills are being advanced yet again. Of the numerous veto requests from the Howard Jarvis Taxpayers Association to Governor Schwarzenegger, at least six have been vetoed in previous years.

Repetitive bills and meaningless bills -- think Blueberry Commission -- are bad enough. But add to that the blatant disregard for transparency that permeates the end-of-session madness and you have a real problem. HJTA opposed three bills this year that were "gutted and amended" in the final week. This is a process whereby the entire contents of a bill is replaced and then jammed through the Legislature, often with little public scrutiny. In Capitol circles, these are called "mushroom bills" for their ability to grow in the dead of night.

Just one example of this is Senate Bill 83 by State Senator Loni Hancock which would authorize a "county transportation planning agency" by majority voter approval, to impose an annual fee of up to \$10 per car to administer a program to manage traffic congestion and pollution. We oppose SB 83 because it purports to authorize special taxes that should require two-thirds voter approval under Proposition 13.

SB 83 was originally SB 205. This version of the bill was killed quietly in the Assembly Appropriations Committee. Not content to let her bill die for the year, Senator Hancock moved the entire contents of SB 205 into SB 83 on September 4th, a week before the session ended. The bill then passed off the Assembly Floor on September 9th, the Senate on September 10th, and has now gone to the Governor. There were no committee hearings on this bill, and no opportunity for public testimony. A process that would normally take months occurred in one week.

This is but one example demonstrating that, while California continues its fiscal death spiral, it is business as usual in the Legislature. And this institutional dysfunction has particularly disturbing consequences for taxpayers. With this in mind, we briefly present our remaining Taxpayer Traps for 2009.

AB 267 by Assemblyman Tom Torlakson: Allows school districts to join together to form an 'Education Finance District,' making it easier to impose and increase parcel taxes. Parcel taxes avoid Proposition

13's one percent cap and are highly regressive. The owner of a mansion pays the same tax as someone living in a bungalow.

AB 286 by Assemblywoman Mary Salas: Extends the sunset date from January 1, 2010 to January 1, 2018 allowing some counties to impose a \$1-2 annual vehicle registration fee to fund programs that increase public safety funding. While this "fee" is already authorized by previous legislation, any extension of those fees should also require a two-thirds vote under provisions of Proposition 13. Again, the vote is required because these are taxes and not true user fees which would otherwise exempt them from voter approval requirements.

SB 34 by State Senator Ellen Corbett: This bill would make it a criminal offense for initiative petition signature gatherers to be paid on a per signature basis. This bill is another example of the Legislature's obsessive hostility toward the initiative process. If the Legislature would like fewer initiatives, perhaps they should start doing their jobs. In addition to being bad policy, we doubt the courts will allow this unwarranted attack on the initiative process to stand.

SB 406 by Assemblyman Mark DeSaulnier: Allows a municipal planning organization or council of governments to adopt a resolution to impose a \$1-2 VLF surcharge on vehicles registered within that jurisdiction to fund regional blueprint plan creation. Beyond assessing this VLF tax without any apparent vote of the people, the measure also violates Proposition 13 because there is absolutely no connection or nexus between vehicle fees and local land use planning. Thus, it cannot be termed a fee. Since it is a tax for a special purpose, it should require a 2/3rds local voter approval.

The phrase "fiddling while Rome burned" has been used so many times to describe California's governance, it has become its own cliché. But the Governor has a brief opportunity in the next several days to start to extinguish the fire by vetoing bad, anti-taxpayer legislation. We hope he does so.

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