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PUBLIC HEARING

before

SENATE STATE GOVERNMENT, FEDERAL AND INTERSTATE RELATIONS
AND VETERANS' AFFAIRS COMMITTEE

on

Senate Concurrent Resolution No. 1
(Proposes to amend the State Constitution to establish an
indirect initiative and referendum process in New Jersey)

November 6, 1986
Burlington County Freeholders
Meeting Room
Mount Holly, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Wynona Lipman, Chairman
Senator C. William Haines

ALSO PRESENT:

Joseph P. Capalbo
Office of Legislative Services
Aide, Senate State Government,
Federal and Interstate Relations,
and Veterans' Affairs Committee

* * * * *

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SENATE STATE GOVERNMENT, FEDERAL AND INTERSTATE RELATIONS AND VETERANS' AFFAIRS COMMITTEE

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October 28, 1986

ANNOUNCEMENT

Senator Wynona Lipman, Chairman of the Senate State Government Committee, announced today that the committee will hold a public hearing on Senate Concurrent Resolution No. 1 SCA on Thursday, November 6th, 1986. The hearing is scheduled to start at 10:30 A.M. and will be held in the Freeholder Board Room in the Burlington County Office Building, 49 Rancocas Road, Mount Holly, New Jersey.

Senate Concurrent Resolution No. 1 SCA proposes to amend the State Constitution to establish an indirect initiative and referendum process in New Jersey.

For further information please contact Joseph P. Capalbo, aide to the committee, at (609) 292-9106.

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[OFFICIAL COPY REPRINT]

SENATE CONCURRENT RESOLUTION No. 1
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator DORSEY

A CONCURRENT RESOLUTION proposing to amend Article I, paragraph 2 *and Article II* of the Constitution of the State of New Jersey.

1 BE IT RESOLVED *by the Senate of the State of New Jersey (the*
2 *General Assembly concurring)*:

1 1. The following proposed amendment to the Constitution of the
2 State of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

3 **a.** Amend Article I, paragraph 2, as follows:

4 2. All political power is inherent in the people. ***[a.]*** **(a)**
5 Government is instituted for the protection, security, and benefit
6 of the people, and they have the right at all times to alter or re-
7 form the same, whenever the public good may require it. ***[b.]***
8 **(b)** *The people reserve unto themselves the power to propose*
9 *to the Legislature amendments to the Constitution and to approve*
10 *or reject the same at the polls****[.]*** *if not acted upon by the Legis-*
11 *lature* ***[as may be provided by law]***, *and the power to propose*
12 *to the Legislature laws that are not only for the purpose of repeal*
13 *and to approve or reject the same at the polls if not* ***[enacted]***
14 **acted upon* by the Legislature and the Governor* ***[as may be**
15 *provided by law]*. *The people also reserve unto themselves the*
16 *power****[, in addition to that required by Article IV, Section VII,***
17 *paragraph 2 and Article VIII, Section II, paragraph 3 of the Con-*
18 *stitution,]** *to repeal* ***[at the polls any law, or any section or part**
19 *thereof,]** **laws, or sections or parts thereof, at the polls* if such*
20 *repeal is not* ***[enacted]*** **acted upon* by the Legislature and the*
20A *Governor* ***[as may be provided by law]***.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted October 20, 1986.

20B *[(1) The number of signatures required upon an initiative peti-
21 tion proposing a constitutional amendment in order for that petition
22 to be submitted to the Legislature shall be equal to at least 12% of
23 the votes cast in the State in the preceding presidential election.
24 However, no more than 15% of the signatures on the petition may
25 come from any one county.

26 (2) The number of signatures required upon an initiative peti-
27 tion proposing a statute and upon a referendum petition shall be
28 equal to at least 8% of the votes cast in the State in the preceding
29 presidential election. However, no more than 15% of the signatures
30 on the petition may come from any one county.]*

31 *b. Amend Article II as follows:

ARTICLE II
ELECTIONS [AND]. SUFFRAGE AND INITIATIVE
AND REFERENDUM
SECTION I

32 1. General elections shall be held annually on the first Tuesday
33 after the first Monday in November; but the time of holding such
34 elections may be altered by law. The Governor and members of
35 the Legislature shall be chosen at general elections. Local elective
36 officers shall be chosen at general elections or at such other times
37 as shall be provided by law.

38 2. All questions submitted to the people of the entire State shall
39 be voted upon at general elections.

40 3. (a) Every citizen of the United States, of the age of 18 years,
41 who shall have been a resident of this State and of the county in
42 which he claims his vote 30 days, next before the election, shall be
43 entitled to vote for all officers that now are or hereafter may be
44 elective by the people, and upon all questions which may be sub-
45 mitted to a vote of the people; and

46 (b) (Deleted by amendment, effective December 5, 1974.)

47 (c) Any person registered as a voter in any election district of
48 this State who has removed or shall remove to another state or to
49 another county within this State and is not able there to qualify
50 to vote by reason of an insufficient period of residence in such
51 state or county, shall, as a citizen of the United States, have the
52 right to vote for electors for President and Vice President of the
53 United States, only, by Presidential Elector Absentee Ballot, in
54 the county from which he has removed, in such manner as the
55 Legislature shall provide.

56 4. In time of war no elector in the military service of the State
57 or in the armed forces of the United States shall be deprived of

58 his vote by reason of absence from his election district. The Leg-
 59 islature may provide for absentee voting by members of the armed
 60 forces of the United States in time of peace. The Legislature may
 61 provide the manner in which and the time and place at which such
 62 absent electors may vote, and for the return and canvass of their
 63 votes in the election district in which they respectively reside.

64 5. No person in the military, naval or marine service of the
 65 United States shall be considered a resident of this State by being
 66 stationed in any garrison, barrack, or military or naval place or
 66a station within this State.

67 6. No idiot or insane person shall enjoy the right of suffrage.

68 7. The Legislature may pass laws to deprive persons of the right
 69 of suffrage who shall be convicted of such crimes as it may desig-
 70 nate. Any person so deprived, when pardoned or otherwise re-
 71 stored by law to the right of suffrage, shall again enjoy that right.

SECTION II

72 1. (a) *The number of signatures of registered voters required*
 73 *upon an initiative petition proposing a constitutional amendment*
 74 *in order for that petition to be submitted to the Legislature shall*
 75 *be equal to at least 12% of the votes cast in the State in the pre-*
 76 *ceding presidential election, provided that (1) the petition signa-*
 77 *tures shall include signatures from the region encompassing the*
 78 *eight southernmost counties of this State equal in number to at*
 79 *least 12% of the total number of votes cast in that region at that*
 80 *presidential election and shall also include signatures from the*
 81 *region encompassing the other counties of this State equal in*
 82 *number to at least 12% of the total number of votes cast in that*
 83 *region at that presidential election, and (2) any signatures from*
 84 *any one county which are in excess of 9% of the minimum total*
 85 *number of signatures required on the petition shall be disregarded*
 86 *in determining whether that minimum total number of signatures*
 87 *has been obtained.*

88 (b) *The number of signatures of registered voters required*
 89 *upon an initiative petition proposing a law and upon a referendum*
 90 *petition proposing a law to repeal an existing law or any section*
 91 *or part thereof shall be equal to at least 8% of the votes cast in*
 92 *the State in the preceding presidential election, provided that (1)*
 93 *the petition signatures shall include signatures from the region*
 94 *encompassing the eight southernmost counties of this State equal*
 95 *in number to at least 8% of the total number of votes cast in that*
 96 *region at that presidential election and shall also include signa-*
 97 *tures from the region encompassing the other counties of this State*
 98 *equal in number to at least 8% of the total number of votes cast*

99 in that region at that presidential election, and (2) any signatures
100 from any one county which are in excess of 9% of the minimum
101 total number of signatures required on the petition shall be dis-
102 regarded in determining whether that minimum total number of
103 signatures has been obtained.

104 2. (a) After verification, a petition with the required number of
105 signatures shall be submitted to both houses of the Legislature.

106 (b) If an initiative petition proposes a constitutional amend-
107 ment, the Legislature shall have six months from the date of sub-
108 mission of the petition to pass a concurrent resolution placing on
109 the ballot the constitutional amendment proposed in the petition
110 or a constitutional amendment that is substantially similar to the
111 proposed constitutional amendment. If the Legislature fails to
112 pass such a concurrent resolution, the proposed constitutional
113 amendment shall be submitted to the voters at the next general
114 election held more than 120 days following the expiration of the
115 six-month period.

116 (c) If, within six months of the submission of an initiative peti-
117 tion which proposes a law or of a referendum petition which pro-
118 poses a law to repeal an existing law or any section or part thereof,
119 the proposed law or a law that is substantially similar to the
120 proposed law is not enacted, the proposed law shall be submitted
121 to the voters at the next general election held more than 120 days
122 following the expiration of the six-month period.

123 3. A concurrent resolution passed by the Legislature placing on
124 the ballot a constitutional amendment proposed in a petition or a
125 constitutional amendment that is substantially similar to the pro-
126 posed constitutional amendment shall be subject to the require-
127 ments of Article IX of this Constitution. A proposed constitutional
128 amendment placed on the ballot because the Legislature fails to
129 pass a concurrent resolution shall be subject to the publication
130 and effective date provisions of Article IX.

131 4. (a) No constitutional amendment shall be proposed by an
132 initiative petition which removes or diminishes any of the pro-
133 visions of Article I of this Constitution.

134 (b) No law shall be proposed by an initiative petition which the
135 Legislature is prohibited from enacting under Article IV, Section
136 VII of the Constitution nor shall a constitutional amendment which
137 the Legislature would be prohibited under that section from en-
138 acting as a law be proposed by an initiative petition.

139 (c) No constitutional amendment shall be proposed by an initia-
140 tive petition which establishes, dedicates, alters, or eliminates any
141 tax, fee, charge, or other source of revenue or which makes or
142 provides for an appropriation of money.

143 (d) No constitutional amendment or law shall be proposed by
144 an initiative petition which requires or prohibits the siting of a
145 public or private facility in a specific county or class of counties,
146 or in a specific municipality or class of municipalities, and no law
147 shall be proposed by a referendum petition to repeal a law requir-
148 ing or prohibiting such siting.

149 5. (a) If conflicting laws or conflicting amendments to the Con-
150 stitution proposed by initiative petitions, or enacted by the Legis-
151 lature and the Governor or passed by the Legislature in response
152 to initiative petitions and submitted to the voters, are approved
153 at the same election by a majority of the total number of votes
154 cast for and against the same, the one receiving the highest num-
155 ber of affirmative votes shall be the law, or in the case of amend-
156 ments to the Constitution shall be the amendment to the Constitu-
157 tion.

158 (b) In the event that at the same election there are submitted
159 to the people laws proposed by referendum petitions to repeal an
160 existing law in its entirety and sections or parts of the same law,
161 or laws enacted by the Legislature and the Governor in response
162 to those referendum petitions, and those laws shall each receive
163 a majority of the votes cast thereon, the one receiving the highest
164 number of affirmative votes shall be the law.

165 (c) No law proposed by an initiative or referendum petition and
166 approved by the voters shall be subject to the veto power of the
167 Governor.

168 6. A law proposed by an initiative or referendum petition con-
169 cerning any tax, fee, charge, or other source of revenue or any
170 appropriation of money shall become effective at the beginning of
171 the fiscal year next following passage of the law.

172 7. No law which is enacted by a vote of the people and no law
173 which is enacted by the Legislature and the Governor in response
174 to an initiative or referendum petition and which is the same as
175 or is substantially similar to the law proposed by the petition shall
176 be amended or repealed, and no law or section or part thereof
177 which is repealed by a vote of the people or by the Legislature
178 and the Governor in response to an initiative or referendum peti-
179 tion shall be reenacted, by the Legislature and the Governor for
180 a period of two years following the effective date of the law en-
181 acted by the people or by the Legislature and the Governor, except
182 by a vote of three-fourths of all the members of each house after
183 at least 20 calendar days have elapsed following the introduction
184 of a bill to amend, repeal, or reenact, as the case may be, and a
185 public hearing has been held thereon.

186 8. *If, at a general election, a law or constitutional amendment*
187 *proposed by an initiative or referendum petition is not approved,*
188 *neither the proposed law or constitutional amendment nor one to*
189 *effect the same or substantially the same change shall be submitted*
190 *to the people by an initiative or referendum petition before the*
191 *third general election thereafter.*

192 9. *No law or amendment to the Constitution submitted to the*
193 *voters by an initiative petition and receiving an affirmative major-*
194 *ity of the votes cast thereon shall be held unconstitutional or void*
195 *on account of the insufficient number of signatures on the petition*
196 *by which the submission of the same was procured; nor shall the*
197 *repeal of any law or section or part thereof submitted to the voters*
198 *by a referendum petition be held invalid for the same insufficiency.*

199 10. *The filing of an initiative or referendum petition with respect*
200 *to any law or section or part thereof shall in no way affect the*
201 *effective date or the implementation of the law.*

202 11. *Nothing contained in this section shall be construed as*
203 *preventing from being submitted to the people at the same election:*

204 (a) *A referendum question with respect to a law in its entirety*
205 *and a referendum question with respect to any section or part of*
206 *the same law; or*

207 (b) *Two or more referendum questions with respect to different*
208 *sections or parts of the same law."*

1 2. When this proposed amendment to the Constitution is finally
2 agreed to, pursuant to Article IX, paragraph 1 of the Constitu-
3 tion, it shall be submitted to the people at the next general election
4 occurring more than 3 months after such final agreement and shall
5 be published at least once in at least one newspaper of each county
6 designated by the President of the Senate and the Speaker of the
7 General Assembly and the Secretary of State, not less than 3
8 months prior to said general election.

1 3. This proposed amendment to the Constitution shall be sub-
2 mitted to the people at said election in the following manner and
3 form:

4 There shall be printed on each official ballot to be used at such
5 general election, the following:

6 a. In every municipality in which voting machines are not used,
7 a legend which shall immediately precede the question, as follows:

8 If you favor the proposition printed below make a cross (X),
9 plus (+) or check (✓) in the square opposite the word "Yes."

10 If you are opposed thereto make a cross (X), plus (+) or check
11 (✓) in the square opposite the word "No."

12 b. In every municipality the following question:

	Yes.	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT TO ESTABLISH THE INITIATIVE AND REFERENDUM IN THE STATE</p> <p>Shall the amendment to Article I, paragraph 2* [.] <i>and Article II</i> of the Constitution, agreed to by the Legislature, [establishing the] <i>granting the people the power of</i> initiative and referendum in the State, be adopted?</p>
	No.	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>The purpose of this constitutional amendment is to allow the people of the State of New Jersey to use the initiative and referendum process in directing the affairs of the State and in exercising their right to alter or reform the government of the State.</p>

STATE GOVERNMENT—GENERAL

Proposes to amend the State Constitution to establish an indirect initiative and referendum process in New Jersey.

SENATE STATE GOVERNMENT AND FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO

SENATE CONCURRENT RESOLUTION No. 1

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 16, 1986

The Senate State Government Committee reports with committee amendments and without recommendation Senate Concurrent Resolution No. 1.

As amended, this concurrent resolution proposes to amend the State Constitution to establish an indirect initiative and referendum process in New Jersey.

The proposed constitutional amendment provides that an initiative petition proposing a constitutional amendment must have signatures in a number equal to at least 12% of the votes cast in the State in the preceding presidential election in order for it to be submitted to the Legislature. An initiative petition proposing a law or a referendum petition proposing to repeal an existing law or any section or part thereof must have signatures in a number equal to at least 8% of the votes cast in the State in the preceding presidential election in order for it to be submitted to the Legislature. Additional requirements are that at least 12% or 8%, as the case may be, of the signatures must come from the region encompassing the eight southernmost counties of the State and similar percentages from the region encompassing the remaining counties, and that any signatures from one county which exceed 9% of the minimum total number of signatures required shall be disregarded in determining whether the minimum number has been obtained.

After the required number of signatures has been obtained and verified, the law or constitutional amendment proposed by an initiative or referendum petition shall be submitted to the Legislature for its action, which must occur within six months of the date of submission. If the Legislature does not enact the same law or constitutional amendment, or one that is substantially similar, the proposed law or constitutional amendment shall be submitted to the voters.

Several restrictions are placed on the constitutional amendments and laws which may be submitted by an initiative or referendum petition:

(1) No constitutional amendment shall be proposed by an initiative petition which removes or diminishes any of the provisions of Article I of the Constitution.

(2) No law shall be proposed by an initiative petition which the Legislature is prohibited from entering under Article IV, Section VII of the Constitution nor shall a constitutional amendment which the Legislature would be prohibited under that section from enacting as a law be proposed by an initiative petition.

(3) No constitutional amendment shall be proposed by an initiative petition which establishes, dedicates, alters, or eliminates any tax, fee, charge, or other source of revenue or which makes or provides for an appropriation of money.

(4) No constitutional amendment or law shall be proposed by an initiative petition which requires or prohibits the siting of a public or private facility in a specific county or class of counties, or in a specific municipality or class of municipalities, and no law shall be proposed by a referendum petition to repeal a law requiring or prohibiting such siting.

Further provisions of the proposed constitutional amendment are:

(1) the elimination of the veto power of the Governor with respect to a law proposed by initiative or referendum and approved by the voters; and

(2) a restriction on legislative action for a two-year period following the effective date of a law enacted by the vote of the people or by the Legislature and the Governor in response to an initiative or a referendum petition when that law is the same as or is substantially similar to the proposed law, except by a vote of three-fourths of all the members of each house after at least 20 calendar days have elapsed following the introduction of a bill to amend, repeal or reenact, as the case may be, and upon the holding of a public hearing.

This concurrent resolution was pre-filed for introduction in the 1986 session pending technical review. As reported, the concurrent resolution includes the changes required by technical review which has been performed.

SENATOR WYNONA M. LIPMAN (Chairwoman): I would like to call to order the hearing on the amended version of Senate Concurrent Resolution No. 1.

As you know, the Senate State Government Committee released this measure on October the 20th, and although it was extensively amended, it was released without recommendation. However, because, mainly that was, the issue is very controversial, the debate has always been very heated, so I expect we will have some spirited comments here today.

Now, we have about 30 - 32-- Thirty-two persons who would like to speak. So, since we would like to finish today -- otherwise we have to extend this hearing into another hearing in Trenton -- we would like to finish, and so I wish you would take about five minutes, and if the Senators have questions to ask, then you will be pleased to answer, I hope.

Now, Senator Dorsey is the sponsor of Senate Concurrent Resolution No. 1 -- SCA. He will begin this hearing.
S E N A T O R J O H N H. D O R S E Y: Thank you, Madam Chairman.

I am pleased to be here and pleased to have the opportunity to speak initially in connection with SCR-1. It is particularly pleasing to be testifying in Mount Olive -- Mount Holly, in Burlington County, where the voters have overwhelmingly expressed support for initiative and referendum at the polls.

In 1979, the voters of Mount Holly voted in favor of I&R by a 2-1 margin. This support for initiative and referendum was carried over to the rest of Burlington County, which approved initiative and referendum by a vote of 36,471 to 19,615, in a non-binding referendum.

Burlington's voters were joined by their South Jersey neighbors and colleagues in Cape May, Cumberland, and Ocean, and their Central and North Jersey neighbors in Hunterdon, Union, Morris, and Warren in approving initiative and

referendum in wide margins. In 1980, the voters in Passaic County added their collective voice in support of I&R by a substantial margin.

Madam Chairman, as you are well aware, SCR-1 is the product of years of study, negotiation and compromise within the Senate and within your Committee. It represents the accumulated work of numerous legislators, members of the public, good government organizations, and hundreds of hours of careful research. I sincerely believe that SCR-1 will give the citizens of New Jersey a valuable tool for controlling their destiny.

Under the provisions of SCR-1, individuals wishing to either amend the State Constitution, or to create or repeal a law, would be required to gather the signatures of voters from around the State. In the case of a constitutional amendment, the petition circulators would have to gather the signatures of 12% those who voted in the last presidential election. If we use the 1984 presidential election results as an example, petition circulators would need to gather some 385,000 signatures from across the State in order to place a proposed constitutional change before the Legislature.

Of those 385,000 signatures, a minimum of 98,000 would have to come from the southern eight counties of New Jersey, since not more than nine percent of the total signatures could come from any one county.

The voters of a least three of the State's southern counties would have to sign a petition in order for it to be considered. The nine percent limitation would absolutely guarantee that more than half of the State's counties would have to actively participate in any initiative and referendum petition effort.

For proposals to enact or repeal State laws, petition circulators would need to obtain the signatures of some 257,000 voters, or eight percent of those voting in the presidential

election. Of those signatures, 65,810 would have to come from southern New Jersey. Again, because of the nine percent signature limit per county, at least three southern counties would have to participate in order for an I&R petition to be valid.

These signature thresholds absolutely guarantee that one region of the State will never be able to use I&R to the detriment of another. Southern New Jersey will have to be an active participant in any effort which would permit an I&R question to be placed before the Legislature and/or placed before the voters.

Under the provisions of SCR-1, only questions of interest to all regions of the State would ever be placed before the Legislature. Proposals by extremists or fringe groups would never see the light of day.

Madam Chairman, the people of New Jersey have repeatedly expressed their desire to be granted the powers of initiative and referendum. They have done this through public referendum in 1979, in 1980, and through various opinion polls. They have also repeatedly demonstrated their ability to vote intelligently on the complex issues of the day.

Since the adoption by public referendum of the State Constitution in 1947, the State Legislature has placed more than 120 public questions before the voters. These questions have addressed a wide variety of complex issues, such as tax measures, bond issues, gambling, transportation, civil law, governmental organization, and the structure of our court system. The public has proven its ability to deal with these complex issues over the last four decades. It is now time to give the people the power to initiate these questions.

More than a century and a half ago, Thomas Jefferson wrote: "I know of no safe depository of the ultimate powers of society but the people themselves, and if we think them not enlightened enough to exercise control with a wholesome

discretion, the remedy is not to take it from them, but to inform their discretion." I sincerely believe that the people have demonstrated their ability to decide the issues of the day, at least in New Jersey, in an enlightened manner. It is up to us to give them the opportunity through the powers of initiative and referendum.

SCR-1 will allow the people of New Jersey to address the wide variety of issues currently facing our State, with only a few modest restrictions. In the course of my discussions with numerous individuals who are interested in I&R, a recurring concern that was expressed revolved around the questions of revenue and expenditures at the State level. A number of individual who otherwise supported I&R were concerned that some measure might be enacted that would cripple the State's finances by placing a constitutional limit on a State revenue source.

Although I personally have no reservations about the people's ability to vote on State financial matters, I did respect the views of those who do have such reservations. The State Government Committee amended SCR-1 to limit the initiative and referendum process as it affects fiscal matters to statutory initiatives. Under this provision, the people would still propose and adopt tax reductions and tax increases, or propose and repeal spending measures. In short, they could propose any fiscal matter -- measure which the Legislature is constitutionally permitted to enact. This amendment will allay the fears of those who are apprehensive about constitutionally imposing fiscal measures while guaranteeing the people the ultimate power to propose a particular fiscal policy.

The Assembly version of I&R contained a prohibition against siting a public or private facility in a particular municipality or county, and a prohibition against the use of I&R to enact laws which the Legislature itself is forbidden to enact. The passage of private laws changing the law of

dissent, regulating the internal affairs of a municipality, or granting a corporation an exclusive franchise is currently prohibited under our Constitution. Those prohibitions would be extended to those measures proposed by the I&R referendum.

Individuals who would otherwise support the establishment of I&R have expressed the fear that the process might be used to deprive someone of his ability to exercise the rights and privileges that are guaranteed to all under the New Jersey Bill of Rights. While I personally have faith that the people would never consciously act to deprive someone of those political rights, I do respect the sincerity and depth of feeling of those who have expressed those reservations, especially Senator Stockman. This Committee amended SCR-1 to eliminate the possibility of such deprivation ever happening. While new rights could be added to the State Constitution, no existing right can now be removed under this version of SCR-1.

Senate Concurrent Resolution 1 is a just and workable proposal that will stand the test of time. I would like to thank Senate President Russo, Chairman Lipman, and the other members of this Committee for their advice and counsel as we have drafted and redrafted this grand compromise measure. I'd also like to thank other members of the Legislature and members of the public for their suggestions, and the Republican, Democratic, and non-partisan staff members for their work on fashioning this compromise.

We all pay homage to the precepts of democracy, and we are constantly paying tribute to the wisdom of the voters. The time for homage and tribute is now passed. Words must be replaced with action. I&R must be submitted to the people now.

Madam Chairman, we have worked on this legislation for a long, long time. Hundreds and hundreds of hours of work and research have gone into drafting this final version of I&R. It is now time to send this measure to the people for their final and binding decision.

Thank you very much.

SENATOR LIPMAN: Do you want to make a comment, Senator Haines?

SENATOR HAINES: Yeah. I'd like to make a comment. There's a Buick station wagon -- (laughter) New Jersey 836-22H that's blocking some of the traffic that's getting out of the parking lot. So, if anybody has NJ 836-22H, they'd better move their car.

SENATOR LIPMAN: In regard to SCR, you want to make a comment?

SENATOR HAINES: Yes, I would like to make a comment on that too. This court-- Can you hear me? (affirmative response from audience) Senator Dorsey, you say that this could never be used in a detrimental way, to affect one area of the State. Suppose, in a hypothetical example, that we have an initiative, and we have a referendum which says that we shall have one solid waste disposal facility -- the whole thing, with burning the trash and so forth -- in one location in the State, and that location shall be within a certain distance of the Turnpike, near a Turnpike exit, with a certain density of population and clay soils. It could be Burlington Township, Springfield Township, but it could be pretty well pinpointed not to be in North Jersey, and since we're the first open area you get to when you come down from North Jersey, it might almost mean that it would definitely be in Burlington County. This worries me. Why can't this happen?

SENATOR DORSEY: In the first place, Senator, I think that's a terribly hypothetical and provocative question. You could have phrased it so that you could have put it in the back door of Boonton Township in Morris County, where I myself live.

I think the ultimate answer to that is, that underlying that question is a certain precept of the views of the voters of New Jersey, a certain meanness and smallness that I frankly do not think exists. Secondly, it totally overlooks the fact

that this concurrent resolution has been amended to, for all practical purposes, absolutely prohibit your suggestion by such a question ever appearing on the ballot. I can't prove to you beyond a doubt that it could never happen. I just don't believe that the people of this State are so mean or small that they would all gather up and decide that they were going to punish Mount Holly or any place else in Burlington County.

SENATOR HAINES: Senator Dorsey, we have had quite a struggle here in Burlington County getting rid of Philadelphia's trash, and we don't really want to have that replaced with Essex County's trash. This is one of our problems. But I say -- Essex or Bergen or anyplace else, Senator-- But you know, one of the fine things about the Legislature is that we do, through our process -- and it's a cumbersome process -- but we do protect the rights of minorities.

SENATOR DORSEY: You know-- One of the things I haven't mentioned is the fact that with the amendment that was put in while it was in the Assembly, they prohibited any initiative and referendum on the siting of any public facility. So, aside from the philosophical issue, there could be no referendum under the ballot under this concurrent resolution that would do what you hypothesize could in fact be done.

SENATOR HAINES: Yeah, but the referendum could say, "We're going to have one site under certain conditions," which in effect does site, even though it's prohibited.

All I'm saying is that the legislative process does protect minorities. This is the type of things that gives the majority absolute control, and we don't have that in the legislative process. It's one of the fine things about the legislative process, that through the various committee sessions and other things, minority rights are protected.

We're a minority down here in South Jersey because we only represent a small percentage of the voting public. So this is

why I think that our current process is superior to this, which changes our current process of making laws.

SENATOR DORSEY: Senator Haines, that totally overlooks the fact that in this particular concurrent resolution -- at Senator Stockman's request -- we have specifically provided that there can be no referendum to do away with one's rights under the Federal Bill of Rights or under Article 1 of the State Constitution, which is the State Bill of Rights. And therefore, to the extent that there is any protection for minorities in our form of government at all, it is protected here, as well as in the Legislature.

I don't, quite frankly, understand your statement that the Legislature necessarily protects the rights of minorities in the fact that there is nothing, for instance, that prohibits a majority in the Assembly, for instance, from being totally arbitrary in terms as to how they deal with the minority members and the minority interest in the Assembly. The basic protection in both forms lies in that which is in the Federal Constitution Bill of Rights, and the State Bill of Constitutional Rights.

And understand what you are saying. What you are saying, in essence -- and its logical conclusion -- is that not only should minority rights -- and it's always difficult to know who is going to be in the minority at any given time or at all times -- should not only receive protection as they have been protected for 200 years in the Constitution, but that the majority of the citizens of this State should not be permitted to effectuate change in either the Constitution or the statutes of this State, even when they wish to do so and even when the majority would have the right to control those decisions since those decisions that we're referring to would not impede, would not eliminate the minority rights or the rights granted to all of us under the Constitution.

Certainly, in anyone's philosophy of government, one must understand that there are times in which the so-called majority

in fact has the right to control the future of government because that's what it's all about so long as that control does not eliminate basic rights guarantees. There is no right guaranteed to any minority that they should be able to prohibit the majority, either in the Legislature or in the voting population as a whole, from effectuating those changes which they think are appropriate.

SENATOR HAINES: Thank you very much, Senator.

SENATOR DORSEY: Thank you.

SENATOR LIPMAN: All right.

SENATOR DORSEY: Thank you again, Madam Chairman.

SENATOR LIPMAN: All right.

Senator Dorsey, are you going to be able to stay awhile with us?

SENATOR DORSEY: (away from microphone) I'll stay here a little while. You're going to be here all day anyway. I don't want to argue with everybody that comes here. (laughter)

I would have stayed if you had ridden down with me today, Madam Chairman (laughter). But you turned down my very generous offer.

SENATOR LIPMAN: I had to study something, Senator.

All right. Assemblyman Foy is here and wants to make a presentation. And Senator Cardinale could not come today, so after Assemblyman Foy, we will hear Senator Cardinale's statement.

A S S E M B L Y M A N T H O M A S P. F O Y: Madam Chairman, members of the Committee, ladies and gentlemen, Senator Dorsey. I first want to welcome you all to Burlington County. I hope you enjoy your day today, and you have a productive and thought-provoking session.

Your presence here today, I think, bespeaks one of the most powerful arguments against the need for initiative and referendum. This is practical, functional democracy at its very best. You're taking the issue to the people, the people are here to testify; and our system works. And we're very

practical here in Burlington County, and our view truly is, "if it ain't broke, don't fix it." And it ain't broke, and I'm here to tell you that.

I recently voted against amending the State Constitution to permit initiative and referendum. The I&R process would permit a private group to draft a proposed law, and then circulate petitions to force a ballot decision on their proposal. After careful review of the legislation, I concluded that the system proposed would reduce the opportunity for meaningful citizen input on the major policy issues of our day. It would open the door to one-sided, poorly written, and unsound law serving only special interests.

Every step of the way, the initiative process gives power to large interest groups at the expense of the ordinary citizens. To begin with, it is only the large organizations, not individual citizens, who have the ability to gather the voter signatures required on initiative petitions. Narrow interest groups would be able to design self-serving, unbalanced proposals behind closed doors and without public knowledge or input. Multi-million dollar media campaigns would decide the ballot outcome, because there is simply no more affordable way to address arguments to over four million voters. And the more complex the issue, the less likely it would be that the voters would have the time, information, or expertise to see through misleading ad campaigns to reach informed decisions.

We already have much better ways for individuals to be heard in the lawmaking process. All of us in the Legislature maintain district offices to hear the suggestions and the concerns of our constituents. And we have made tremendous progress in providing a legislative system that welcomes and benefits from citizen input. In order to produce balanced, fair, and responsive laws, the Legislature holds hearings on legislative proposals, and schedules open committee meetings at

which any member of the public is invited to comment. Floor debate focuses on the pros and cons of proposals after committee consideration and refinement.

The same process of public input, examination, and debate occurs in both the Senate and the Assembly with the assistance of the professional staffs. Throughout the process of considering a proposed law, the Legislature can view an unlimited number of options in its effort to hammer out a consensus on what form of law will serve the greatest number of people with the least injury to anyone.

Let's not give big interest groups the power to close ordinary citizens out of the lawmaking process, or to engineer one-sided, single interest laws. We must maintain an open, deliberative, lawmaking process if we want to produce balanced, fair, and effective laws.

As a parenthetical comment, I think some more persuasive arguments against initiative and referendum result from an examination of what happened Tuesday around the country in those states in which initiative and referendum exists. And I realize it may exist in somewhat of a different form than the Senator is proposing, and I applaud Senator Dorsey and his sincerity, and I appreciate the sincerity of that effort. Nonetheless, I have to disagree with it.

It seems to me that mean-spirited things can get on the ballot. For example, where would we be in New Jersey if we were to support a law that would quarantine an innocent eight year-old child who was an hemophiliac because they got bad blood from an AIDS victim? That law was proposed on a ballot out in California. Fortunately, the voters there had the wisdom to reject it.

Would we in New Jersey, like our brothers and sisters in Oregon, decide that we want to grow pot in our backyard and therefore, put a law on the ballot? I mean, we can't let this flotsam and jetsam of electoral whim clutter our ballot. We have more important issues to deal with.

That kind of stuff could get on the ballot under Senator Dorsey's bill, and I think we New Jerseyans owe it to ourselves-- You know, Thomas Jefferson also said, "The price of democracy is eternal vigilance." The Legislature can be vigilant, and be mindful of the peoples' business. I don't think we need I&R, because it ain't broke, and we don't need to fix something that ain't broke.

SENATOR LIPMAN: Any questions, Senator, of Assemblyman Foy?

SENATOR HAINES: I'd like to know more about this flotsam and jetsam. (laughter)

SENATOR LIPMAN: All right. Jim, would you like to read Senator Cardinale's statement? He sends his apologies.

MR. CARROLL: Yes. Senator Cardinale regrets that he can't be here today, and I'm here to read on his behalf a statement.

"I would like to take the opportunity to make a brief statement in support of SCR-1, the measure sponsored by Senator Dorsey, which would give the voters of the State of New Jersey the opportunity to choose whether or not they want the power of initiative and referendum on a statewide basis.

"As a member of this Committee, I believe that we have developed and reported a measure that reflects the unique political culture of New Jersey. The signature thresholds are very conservative, a guarantee that no frivolous questions will be place on the ballot. We have provided protection to the southern region of the State from any prospective tyranny from the northern counties.

"The measure precludes domination by any of the heavily populated counties. We have provided complete immunization for the Bill of Rights, and we have prohibited the use of I&R to railroad through the siting of facilities. The measure also prohibits a constitutional amendment dealing with revenue and fiscal matters, although it would permit the proposal of laws through I&R which would affect taxation and finance.

"In addition, SCR-1 provides for indirect initiative and referendum. The Legislature will have the opportunity to act on the issues raised by petitions. Initiative and referendum, as embodied in SCR-1, will give the citizens of this State the power to have some control over the agenda of the Legislature, and I think that is a healthy development. I, for one, trust the judgment of the citizens of New Jersey.

"Finally, and I think this is a very important point, when the Legislature passes SCR-1 and the question goes on the ballot, we are merely giving the voters of the State a choice. It will be up to them to vote yes or no on initiative and referendum, and I think our citizens deserve the opportunity to make this decision."

SENATOR LIPMAN: Okay. Senator Cardinale's statement.

We will now begin the hearing list. Betty Wilson, Center for Non-Profit Corporations.

B E T T Y W I L S O N: Senators, thank you very much for the opportunity to be here this morning to present testimony. I'm Betty Wilson, President of the Center for Non-Profit Corporations.

The Center for Non-Profit Corporations is a non-partisan umbrella organizations that works with 4000 New Jersey charities. The charitable non-profit groups we work with serve millions of New Jerseyans in the fields of human services health, housing, arts and culture, environmental protection, civil justice, minority and women's rights, economic development, and a host of others. Many of the people we serve are disabled, sick, old, and young -- the most vulnerable people in our society.

We oppose initiative and referendum because we believe it jeopardizes the interests of minorities and other vulnerable people.

One of the strengths of representative government is its ability to protect the interests of minorities, the poor, and

the voiceless. We support representative democracy and oppose its erosion through initiative and referendum.

If initiative and referendum were approved in New Jersey, our groups would almost never have the money to launch expensive I&R campaigns. They would not be able to divert scarce resources from their strapped budgets to develop an issue and get a question on the ballot. To do so would require many to literally take the food out of the mouths of babies and old people. They simply will not make such a cruel choice.

Thus, we will seldom, probably never, be able to launch campaigns, but often will find ourselves on the defensive. We'd have to spend scarce dollars that are meant for more compelling needs defending ourselves against well-heeled radical elements in our society.

We implore you, our elected representatives: please do not abandon us. Please do not leave us to fend for ourselves. We need the protection of representative government that are built into our Constitution. Please preserve representative democracy and oppose initiative and referendum.

SENATOR LIPMAN: Well spoken. Any questions?

SENATOR HAINES: Yeah, just one question. You've served in the Legislature and you know how it works. Do you feel that there is anything in the legislative process that we're not currently -- at least, have bills proposed for and working on?

MS. WILSON: I guess I don't understand your question.

SENATOR HAINES: Well, is there a void in our legislative process that we're not taking care of?

MS. WILSON: I think that the New Jersey Legislature is incredibly responsive to the needs of the State. One need only look at the "Legislative Index" and the number of bills, to see that there are thousands and thousands of attempts to meet community needs. So, to answer your question, I think that the needs of society are adequately addressed. There's adequate opportunity for them to be addressed in our system, and

annually, there are probably too many attempts already in the legislative process to solve the -- to meet the current needs.

SENATOR HAINES: Thank you very much.

SENATOR LIPMAN: You see, we're trying to move rapidly here. Mr. Robert Woodford, New Jersey Business and Industry Association?

R O B E R T W O O D F O R D: Senator Lipman, members of the Committee. Thank you very much for the opportunity to speak to you and through you to the Senate of New Jersey on this issue.

New Jersey has had now two centuries of representative democracy. We've had nearly four decades living under the multiple safeguards and the checks and balances of our 1947 Constitution, which were designed expressly to insure a deliberative system of lawmaking. I&R would, in our judgment, undermine that system and permit laws and constitutional amendments which would be unsound, imbalanced, and incapable of serving the broader public interest.

In support of this legislation, we've heard statements over the many debates and hearings that are representative, really, of the idealism of the Progressive Era, which reacted to legislatures that were controlled by single interests, which were closed systems. And the idea of I&R was that people would become reinvolved in self-government, that I&R would give them a decision-making power because their representative system was unresponsive.

But a look at the contemporary process of I&R, not the image from the Progressive Era at the turn of the century -- and that system as it works today, in 23 states, shows that neither the idealized vision of direct democracy exists today, nor the target against which it was used at the turn of the century.

We've had substantial reform in the electoral process, and in the operation of the legislatures which have opened them, and I won't repeat what Assemblyman Foy has already told you in

terms of the operation of the Legislature, but you are certainly well informed.

But while the period of reform continued over the last several decades in New Jersey and elsewhere in the nation, we have seen a substantial and continuing degeneration of the initiative process. Until today, it is become a multi-million dollar, public relations industry used most frequently by a relative handful of groups on the political fringe. And why by groups on the political fringe? Because the rest of the public, the great center, is served well by the legislative system.

There's no reason to believe the ordinary citizen in New Jersey would be better served by I&R than those who are in the 23 states that have that process. In fact, there are few groups, or even combinations of groups, with the size, the resources, geographic dispersion, and the activism necessary to use the process proposed in SCR-1. And nearly all of these groups are currently and continuously involved in the legislative system.

What I&R has produced in modern days is largely the experience of simple solutions proposed to deal with complex social and economic issues that are debated through slick, costly, simplistic, and emotional television spot advertising. And studies have shown that most voters vote on the basis of their exposure to television advertising. There is little about the process which can be termed either deliberative or analytical. It would be hard to design, in fact, any system which is less well suited to deal with the complex and the interrelated and difficult economic and social issues of a modern state, and a metropolitan state, and a system proposed from beginning to end is one which would tend to close out most citizens.

A law or constitutional amendment proposed through the I&R process is drafted by a private group, usually without public

input or public knowledge. The public becomes aware of the proposal when the drafting is completed. By comparison, the legislative process permits the consideration of a full range of policy options, not yes or no on a single option -- a full range of options from the moment a bill is introduced until the time of the Governor's signature. Through the committee process, through the floor debates, through the Governor's consideration, the opportunity is there for persons to be heard and for the system to respond.

There is no such opportunity in a system which gives a private organization the right in secrecy to make the final decisions on wording, with the exception of minor amendments that might be permitted under this process by the Legislature. And there's darn little that the Legislature could do to a petition without violating the requirements of SCR-1.

I&R is proven to be an inviting tool for targeting groups, groups whose interests would otherwise be weighed and considered in the legislation process. Betty Wilson certainly has covered the difficulty that such groups would have. If they don't have the resources to use the system, they also are unlikely to have the resources to defend against the system when their interests are threatened.

And none of the alleged protection, including that of waste siting, are necessarily more than an illusion. You talk about signature requirements and regional signature requirements, and subjects that cannot be dealt with through this initiative process -- the fact is, the initiative process itself can be used to change those ground rules, to change those exceptions, to change those signature requirements. And the Legislature will not again be involved in this process, because the Legislature, should I&R become a part of our Constitution, will have provided the means of bypassing the Legislature's judgment on these issues, and on these protections.

And unlike the I&R process, where a single group determines the agenda, the Legislature has made it its business, and the law makes it the Legislature's business, to serve the difficult role of balancing diverse and differing interests within a pluralistic society. We know that's not an easy job.

The Legislature produces most often compromise and consensus-building in that process. And I might add that that serves the parties involved better, even than sometimes their own proposals, in the financing of the cleanup of abandoned hazardous waste sites -- the package which just passed the Legislature and was signed by the Governor this year -- in the worker's compensation reforms of 1979. No organization, no faction with different interests -- all contesting -- received everything that they'd asked for, but the resulting compromise was a consensus of the groups involved. With the support of the groups involved, a law which took effect with the backing of those who had been involved in the process; something which initiative and referendum as an antagonistic and divisive process, can never produce.

And finally, the I&R process as proposed by SCR-1 is a poor screening device. We have a legislative system which sets very high hurdles for a proposal, to get through the committee systems in two houses, to meet the constitutional requirements that more than half of the members of each house of the Legislature approve a proposal, and that proposal also receive the approval of the Governor, or in the absence of the Governor's approval, that even higher threshold levels of approval in each house occur -- contrasts in the extreme to what is being proposed today.

SCR-1 permits any number of voters, no matter how small the percentage of those who vote on a question in the general election, to determine the issue. And if they determine it in the affirmative, regardless of how small the percentage of the

State's population, or voters, or voters in that general election may have voted in the affirmative, if they are in the majority, that is the only screening device for unsound proposals. And under the barrage of misleading advertising, which has become typical in the initiative and referendum states, for a citizen to gain sufficient knowledge to make wise decisions is a difficult task. The future of the State's legal system and its Constitution should not hang by so slender a thread.

In summary, I&R offers little to the citizens of New Jersey. It addresses legislative problems long since gone from the scene in this country, and provides a process which threatens the successful, the open, accessible, and responsible legislative systems that we have today. Thank you very much for the opportunity to address you.

SENATOR LIPMAN: Are you finished?

MR. WOODFORD: Yes.

SENATOR LIPMAN: Okay. Senator?

SENATOR HAINES: Yeah. Bob, we've gone through a session for the last six weeks of campaign commercials, and if you live in the Philadelphia area, they may be worse here than anyplace else in the State, I don't know.

SENATOR LIPMAN: It couldn't be.

SENATOR HAINES: We certainly seem to be pretty bad. Do you feel our present campaign commercials are any less emotional or simplistic than those that we might have for I&R? I don't know how they could be any worse, but--

MR. WOODFORD: I think in general, both the campaign television spots and the spots for initiatives have been pretty low-grade -- pretty low on information, generally providing a totally one-sided emotional view. Fortunately, you have an opportunity to meet and get to know about candidates in other ways, which-- and it sometimes, I think, is easier to assess someone's performance in office or to view someone in a public

gathering and make a decision on the character and the nature of that individual, than it is to judge the complexities of an issue.

But I&R also, of course, tends to distract, in a huge fashion. It distracts people from the choice of candidates who will make most of the governmental decisions, and focus their attention on the highly emotional fringe issues which are, frankly, far more sexy for the press to cover, such as AIDS and some of the other more emotional subjects such as legalization of marijuana that were on ballots this year.

SENATOR HAINES: Thank you.

SENATOR LIPMAN: All right. Thank you, Mr. Woodford.

Mr. Wayne Dibofsky, from the NJEA?

W A Y N E D I B O F S K Y: Thank you, Madam Chairperson, Senator Haines, members of the Committee, for allowing NJEA the opportunity to speak before you on this extremely important issue: whether the State Constitution will be amended to allow for the process known as initiative and referendum.

Many who support initiative and referendum talk about serving the will of the people. "Let the people decide," they say. "What's wrong with that?"

Madam Chairperson, members of the Committee, the NJEA believes no one should ever deny the will of the people should be served -- that decisions should be in the hands of those citizenry. Our country is founded on that very premise.

But any citizen should not be compelled to make uneducated decisions. Government should not put before our citizens choices that rightfully deserve in-depth analysis, research, and debate.

The purpose of government is to improve the quality of life for all its citizens and provide direction of growth for the future. Initiative and referendum, and specifically, this legislation, do neither.

Think about the complexities of State government. Issues

ranging from tort reform to wetlands, land use and management, maintaining a vibrant economy, improving our schools -- all these issues and many more do not lend themselves to "quick fix" solutions and simplistic answers.

The agenda for State policy will no longer be set by reasoned dialogue, consensus building, compromise, debate, and balanced programs. Instead, what you will create is a panacea for single issue zealots who will be given the tools and ability to whipsaw our State legislators into constantly shifting centers of power and responsibility. Proposals of major State consequence will no longer have the benefit of hammering out well-reasoned and comprehensive solutions -- they will have been reduced to a simplistic yes or no answer. Armchair democracy will become the new political catchword.

I think, as an aside, it's interesting that since 1981, on questions of public referendum before our State, there has been a fall-off of between 17 and 21% of the populace, going from the major candidates running on the ballot that particular year, to the referendum issue.

Let me make another note of interest at this time. Twenty-three states currently have some type of I&R, but only 15 states currently have I&R for both constitutional and statutory legislation. Since World War II, only four states have adopted initiatives. That should tell us all something. Certainly, there is no groundswell to get into the process of initiative and referendum. Certainly, we could take the opportunity, and should take the opportunity, to study and learn from the more than 17,000 referenda which have appeared on ballots since 1898.

Perhaps the intent of New Jersey is to transform our State from a role as a national trendsetter in education, insurance reform, and environmental quality to a state of numbing mediocrity.

Perhaps we wish to emulate California as a "do-nothing"

state, seeking the road of least success rather than building the highways of growth.

Perhaps we, too, wish to place before the electorate as a political landscape under I&R the following self-interest ideas. They were, to some extent, already enunciated by Assemblyman Foy, but very quickly:

-English, the only initiative directed at our minority citizens, which passed in California on Tuesday and is now, under former Senator Hayakawa, going to be a national form of review.

-The Draconian AIDS testing that was alluded to earlier, and possible quarantine requirements that are built into it. It failed in California, but I must bring to the sense of the Committee that where people said Proposition 63 would never garnish enough signatures, they got 683,000 signatures.

-Perhaps we wish to legalize marijuana, as was on Proposition 5 in Oregon, or, the non-binding referendum in Boston, Massachusetts, which would have divided urban centers into dual cities, one white and one black. Just think, in New Jersey, how, too, creative we could become if SCR-1 went on the ballot.

Are not these current national initiatives that I just outlined noted in other states -- are not they the reasonable issues of the well-educated and well-intended designs of the grass-roots citizen involvement, have been taken over by a "small band of gadflies, promoters, and profit-seekers"?

History becomes our teacher. In state after state, I&R ballot questions are directed not on the validity of the issue, and are certainly not decided on the validity of issues, but rather, whose media campaign won. In sad fact, those hurt most on some of those ill-advised ballot questions -- people who lose jobs, communities that lose police and fire protection, school districts forced to declare bankruptcy -- are those who supported the initiative because they were told that nothing

bad would ever happen. One only has to harbor (sic) to issues on the ballot in New Jersey: Riparian Lands was incorrectly voted on in the sense that those people who it would best protect in New Jersey in 1983 -- the Casino Revenue Fund for Senior Citizens -- was incorrectly voted because of lack of understanding two years ago; and the Human Services Ballot question of \$60 million in 1981 had to be changed by an attorney general's opinion, and was not challenged simply because the public, thinking their own best interest was served by one vote, indirectly voted the wrong way because the clarification of the issue was not there.

Bad things, in fact, then, do happen under I&R, and with SCR-1, you will allow that folly to continue here in New Jersey.

NJEA believes SCR-1 is an easy way out. It will allow the Legislature to abdicate its power and prerogatives and replace them with "What, me worry?" attitudes. You will become reactive, not pro-active. You will play to the "anti-institutions, anti-process, know-nothing thinking" that at times pervades our national conscious. You will be admitting, unfortunately, that you can't make the tough decisions, that you can't take the pressure.

But the worst thing initiative and referendum would do would be to weaken representative government. Legislators who see that the sense of their well-intended, well-developed policies are turned down by the voters will unlikely continue making the efforts needed as lawmakers.

NJEA believes more people should be involved in the political process. They should be involved in campaigning for honest, intelligent lawmakers who can be trusted to apply their best judgment to the questions of the day. The system of representative democracy works, even if some voters don't like everything every representative does.

Get involved in government is our answer, but in a way that it doesn't equal the easy way out. Politics and

government are like other human endeavors; they require work, not the simple pushing of a lever. We ask all members of the Committee to fulfill their commitment to representative democracy and vote against these measures when they come to the full floor.

I thank you on behalf of our 123,000 members.

SENATOR LIPMAN: Very impressive, Mr. Diboisky.

MR. DIBOFSKY: Senator Haines?

SENATOR HAINES: Yeah. You're in education. What happened to Proposition 13 in California? How did it affect the educational process out there? Did it have an effect on the quality of education in California?

MR. DIBOFSKY: In 1978, Senator, pre-Proposition 13-1/2, California ranked 14th in the nation in per pupil aid to education. Today, it ranks 45th. California school systems -- San Jose, specifically -- literally declared bankruptcy. The school enrollment population has moved from the public schools into the private schools by about 21% and all specialized programs in many of the urban centers -- after school help, remediation, comp-ed help, co-curricular and extra-curricular activities in most of the urban centers in California as well as Massachusetts, I might add, have gone by the wayside because there is no longer money in the budget to carry on those needed programs.

SENATOR HAINES: Were there any educational testing done before this, and after it to--

MR. DIBOFSKY: In California, no. Not pre- and not post. They're working on putting together some numbers now. In the State of Massachusetts, with "Prop 2-1/2," there has been a small falling off of the performance levels and proficiencies of students, statewide, as an aggregate. Again, in urban centers, the falloff has been notably large, because again, we're dealing with a different type of student population that needs basic remediation, where again, those

programs would push by the wayside. So again, it becomes an urban versus a suburban issue, sir, as far as quality of education, because the dollars are no longer there as a base.

SENATOR HAINES: You have in your statement one statement that says, "you will play to any institutional anti-process, know-nothing thinking that pervades our national conscious." Where did that come from?

MR. DIBOFSKY: That is a statement that's being used in the State of California by the major opponents of I&R that are now making a move to do away with initiative and referendum in the State of California. It was specifically a quote by Norman Cousins. It's attributed to him.

SENATOR HAINES: Thank you very much.

SENATOR LIPMAN: Mr. Norman Cousins?

MR. DIBOFSKY: Yes.

SENATOR LIPMAN: Thank you, Mr. Dibofsky.

MR. DIBOFSKY: You're welcome. Thank you.

SENATOR LIPMAN: All right. We continue. Is Kate Litvak here? (no response) She's not here? Mr. James Morford, New Jersey Chamber of Commerce.

J A M E S M O R F O R D: Madam Chairman, Senator Haines. I'm James C. Morford, Vice President of the New Jersey State Chamber of Commerce. We thank you for the opportunity to address this public hearing today.

The New Jersey State Chamber of Commerce strongly opposes legislation to establish initiative and referendum as a system of making law in the State of New Jersey. As demonstrated in state after state that has initiative procedures, I&R is damaging to the legislative process. It leads to divisiveness among the citizenry, and it is an extremely expensive proposition for any state to undertake.

I&R would transform our deliberative representative process of lawmaking into a superficial system, in which our elected representatives may be tempted to duck the tough issues

confronting our State. Voters would be asked to cast a yes or no vote on highly complex, confusing questions that have been drafted by powerful citizen committees. These groups are often not interested in greater public involvement in the legislative process; rather, their interest is in circumventing the Legislature. As described in the October 20, 1986 issue of Newsweek, the California initiative process has been taken over by what pollster Martin Field calls "a small group of gadflies, promoters, and profit seekers."

A fundamental flaw in the I&R proposals before the Senate is that their objective is not to encourage the Legislature to act on an issue. The objective is to require the Legislature to enact a law or constitutional proposal that is substantially similar to a proposed initiative. Once an initiative has been proposed and the signatures have been collected, the Legislature would have six months to pass the proposal similar in substance. Alternatives could not be considered, and compromise is out of the question.

As The Press in Atlantic City warned in an editorial on May 19, 1986, "The I&R proposals weaken the fine art of compromise, and would eliminate much of the essential debate that takes place in the Legislature before bills are hammered out and voted on."

Rather than a system of I&R to promote compromise, the State Chamber is concerned that instead of compromise, it will promote divisiveness, and it will encourage those differences between the North and the South, between young and old, between urban and rural groups. A dangerous polarization of viewpoints that has repeatedly occurred in others states with the I&R process could become the norm in New Jersey. In a June 20, 1986 editorial, The Press, again in Atlantic City, said that opponents of the measure "rightfully fear that initiative and referendum could result in North Jersey imposing its will on South Jersey."

Another question that deeply concerns the State Chamber is the incredible cost that is involved in the I&R process. Not only will the public be forced to fund significantly higher budgets for the agencies responsible for monitoring and maintaining an I&R system, and the bureaucracies that will inevitably grow within those agencies, but also, the millions of dollars that will be expended by supporting and opposing groups on high-gloss media campaigns intended to influence the voters' decisions.

Who pays for I&R campaigns, and who benefits from the results? According to 66% of those New Jerseyans interviewed by a Star-Ledger/Eagleton Poll in 1984, special interest groups would gain power by expending money to promote only their side of an issue.

Mr. Will Morrissey, a resident of Rumson, wrote in a recent letter to the editor that appeared in The Star-Ledger that not only some politicians, but some interest groups might very well favor I&R for less than public spirited reasons. Editors and publishers, owners and operators of radio and television stations, advertising executives and political -- professional political organizers, all could view the prospect of mass plebiscites as lucrative opportunities to extend their already considerable influence.

While I&R sounds like a good idea to some, it is an easy way for legislators to rally and say they support reform. The State Chamber believes elected officials have an ultimate responsibility, however, to the people. The 1984 Star-Ledger/Eagleton Poll referred to earlier showed that 67% of New Jerseyans agreed, the job of making laws should be left to elected representatives. If people don't like what those elected representatives do, then they can vote them out of office.

I&R also tends to dilute the real issues in campaigns. Over the past few weeks, citizens in I&R states have been

bombarded with multi-million dollar media blitzes that have urged voters to support and oppose such controversial initiatives as declaring English as California's official language, legalizing marijuana in Oregon, repealing a mandatory seat belt law in Massachusetts, and repealing the property tax in Montana.

Regardless of the merit of any of these proposals, the fact is that candidates running for office in these states, in some cases, were almost lost in the shuffle of media attention directed to the voter initiatives. The high concentration of media attention to these issues and many other initiatives actually diluted public awareness and interest in the candidates themselves and the offices they sought.

The State Chamber believes that citizen involvement in the legislative process is a crucial ingredient to an effective, lawmaking process. Two days ago, the voters of New Jersey approved two statewide questions which together represent a \$1.6 billion, five-year effort to clean up hazardous waste sites in New Jersey. Our voters acted wisely in approving these urgently needed funds. Two questions -- the two questions -- and a package of companion legislation which was recently approved by the Legislature are the culmination of months of debate, compromise, drafting and redrafting of the measures -- even down to almost last-minute changes as those issues went to the floor. A coalition of citizen groups, including representatives of business and environmental organizations, and members of the Legislature and the Governor's office, worked together to develop this multi-billion dollar fund that will have a positive and lasting effect on our State's environment. That's the process working at its best.

This is the representative system of government we are proud of in New Jersey. The founding fathers of our nation and our State demonstrated greater wisdom in rejecting I&R in favor of representative democracy than those of today's politicians

who support it. Our system of representative democracy is not always perfect, but it works. It doesn't always work fast to everyone's satisfaction, but it works. It works best when our elected representatives take the responsibility to make informed decisions on all aspects of legislative matters.

A couple of years ago, The Bergen Record concluded an editorial on I&R with this message to the Legislature: "We, the taxpayers, pay you. You do the job."

The State Chamber of Commerce urges the Senate of the State of New Jersey to carefully evaluate the consequences of I&R before casting a vote on this dangerous system of lawmaking. Let's work to improve the legislative process, not abandon it.

Thank you.

SENATOR HAINES: Jim, I want to correct one statement that you made, that says that North Jersey could impose its will on South Jersey. It already does. (laughter)

MR. MORFORD: This is another mechanism, perhaps, to make it a greater certainty.

SENATOR HAINES: Jim, one of the things that I'm particularly concerned about-- It's been said by the previous speaker that there are things in the present bill that would protect minorities. Minorities -- and I mean minorities whether they're small businessmen, farmers, blacks -- any minorities in the State. Do you feel that this protection is there, or is it not there?

MR. MORFORD: Senator Haines, I believe that there was a good faith effort made on the part of Senator Stockman when he insisted that a protection of the rights guaranteed under the Bill of Rights of the Federal and State Constitution be included. That was a step in the right direction. However, there are many ways of diminishing people's rights through the legislative process that have become a very gray area.

The initiative process is not immune from a mechanism to amend the initiative process. I think we saw in California, shortly after -- within some years after they established -- they lowered the number of signatures required on a petition by a substantial percentage to make it that much easier to access and make changes. In fact, the initiative process itself is subject to change, and could be amended through a constitutional amendment. So, very frankly, the protection of the Bill of Rights may be a very transient thing in SCR-1.

SENATOR HAINES: Thank you.

SENATOR LIPMAN: Thank you. Thank you very much.

Mr. Irving Tecker, Executive Director of the New Jersey Podiatric Medical Society.

I R V I N G J. T E C K E R: Madam Chairman, gentlemen. My name is Irving J. Tecker, and I am Executive Director of the New Jersey Podiatric Society.

I want to thank the Committee for this opportunity to present the views of the Society regarding proposed initiative and referendum legislation.

There are many philosophical questions about initiative and referendum, but the primary concern of our members is that, if enacted in its present form, this proposed legislation would permit initiative or referendum petitions concerning health care issues affecting the practice of licensed, and already closely regulated, health care practitioners.

Providing health care is a complex undertaking. The medical needs of the patient, the physiological condition of the patient, the financial condition of the patient, the limitations and restrictions of the Medicare and Medicaid programs as they affect the patient -- all must be taken into consideration by the doctor in every case.

Despite some public conceptions to the contrary, rendering medical care is still as much an art as it is a science. Both

the art and the science, in most instances, are best exemplified by the experienced practitioner.

If initiatives or referenda result in laws which would affect the qualifications or licensure of health care practitioners, for which New Jersey enforces high standards, or if they result in laws which affect the economics of practice, which in New Jersey already suffers from the impact and restrictions imposed by commercial and Federal health programs, we feel that the quality of care rendered to the public would suffer.

There is a desire to cap the cost of health care, the factors of which, incidentally, have never been specifically detailed. Such pressure could result in petitions for popular, but simplistic, solutions to complex medical and economic problems.

One result of this would be that health care programs for the elderly and the medically needy would be serviced primarily by the new and relatively inexperienced practitioners, or by practitioners who have not been able to compete successfully in the open health care market place, or by alternative providers, opportunistically established, who have little or no appropriate academic or clinical training.

Health care practitioners in New Jersey are subject to high standards and stringent review and control by State regulatory boards. They are already subject to a variety of complex and often impractical restrictions by commercial and government health care benefit programs.

Our concern is that, under the privilege of initiative or referendum petitions, groups which are large and well funded -- with the best of intentions, but minimum knowledge of the complexities and risks of health care delivery -- would initiate legislation which would result in reduction of the quality of care which the very proposers desire and deserve, and which the health care professions do their best to provide.

Our feeling is that our legislators have the ability, the responsiveness, and the constitutional charge, to initiate, evaluate, and enact appropriate and publicly beneficial legislation. That is why they are elected.

We do not favor the initiative and referendum proposals as presented. We urge you, at the least, to incorporate an exemption from initiative or referendum petitions concerning health care issues, practice, or licensure.

Thank you very much.

SENATOR HAINES: Have there been problems in other states with initiative and referendum? I know the AIDS problem in California, but have there been other health care issues that have come on to the ballots?

MR. TECKER: I don't know how adequately I can answer that. I keep a close focus--

SENATOR LIPMAN: They're always linking the AIDS problem.

MR. TECKER: --I keep a close focus on New Jersey, and what I do recall is that where there have been the simplistic and brutal attempts to cap health care costs, which nobody really knows the factors which make it up -- we don't know whether administrative costs are included, what other aspects of the delivery of health care go to make up what are commonly called health care costs, but the easiest way for people simplistically to try to reduce what they feel are health care costs, is to attack the actual provider, who I understand is almost the smallest factor in the total cost of the delivery of health care.

When programs-- When the economics of medical care are attacked, simply and brutally, inevitably, the quality of care suffers. The only people who can stay within severely medically restricted medical care systems are those who, in simple words, can't cut it in the open marketplace; or the brand-new practitioner who doesn't really have any experience, but he simply needs the business. Or, alternative technician

type individuals who seize the opportunity to provide the care, and in the long run, it is those who need the care most who suffer -- by quality, as well as quantity.

SENATOR HAINES: Thank you very much.

SENATOR LIPMAN: Okay. Thank you, Mr. Tecker. Mr. Horn? Senator Horn? Would you like to make your statement?

SENATOR HAINES: You want us to sing "Happy Birthday"?

J O H N H O R N: No, no, Senator.

SENATOR LIPMAN: Is this your birthday? (There is some more conversation regarding this, but it is inaudible, apparently due to the speaker's distance from the microphone.)

MR. HORN: Thank you, Chairperson Lipman, for the opportunity to be here, and to the members of the State Government and Federal and Interstate Relations and Veterans Affairs Committee.

I'm speaking today on behalf of James Grogan, the President of the New Jersey Building and Construction Trades Council, who couldn't be here. "As President of the New Jersey State Building and Construction Trades Council AFL-CIO, representing 125,000 members in this State, I would like to pass on to you the feelings of our membership relative to pending legislation better known as I&R, initiative and referendum.

"We support the representative system of government that we presently have, and we believe the one-man, one-vote rule allows each and every voter in New Jersey ample opportunity for expression through the legislative system that exists today.

"The existing system has proven itself to the citizens of New Jersey, and we have confidence in the form of government that allows freedom of expression and provides opportunity to change or introduce legislation that protects the interests of all people and fits the times.

"Every arm of the media occupies in State House residency. All meetings and hearings are covered and reported

upon by the media. The public is better informed today than ever before. And if the need arises, the voters themselves will sound the alarm loud and clear, to make its wishes known.

"The Constitution provides the Legislature with the power to handle all legislative matters, and because it has worked well for us, though not always in our favor, we hesitate to consider alternatives to a proven system. Educating the citizenry on initiative and referendum so that they can evaluate fairly and honestly, in order to make astute judgments, will result in an unnecessary costly effort of time and money.

"A complicated statement on the ballot cannot be answered by a simple yes or no vote. There must be debate pro or con on the issues which the pending I&R legislation does not allow. In some instances, the question voted upon, if passed, will stand for a five-year period with no possibility of change by the Legislature if a mistake is made by a small number of voters" -- and I think Wayne Dibofsky made mention of that in his statement -- "especially the vote on the casino situation, when the people made a mistake and the Legislature had an opportunity under the present system today to correct that mistake. Had I&R been in effect at that particular time, that mistake would have had to stand for five years.

"I say small numbers of voters because of the record of school board election turnouts in this State, and most recently, a small number of voters exercising their right to vote in the 1986 primary, and also, last Tuesday. I read in the newspaper this morning that only 37% of the public voted.

"In view of the foregoing statement, we would recommend that the citizens of New Jersey can best be served by the process that now exists. We encourage each legislator to oppose changes in the legislative process at this time, as proposed in the I&R bills pending action in the Senate.

"Thanking you for your cooperation in this matter, I am,

sincerely yours, James Grogan, President, New Jersey Building and Construction Trades Council."

SENATOR LIPMAN: Okay. Thank you. Senator, you want to ask a question?

SENATOR HAINES: Yes, I'd just like to ask you, John-- Senator, if we put a right to work law on the ballot, do you think we'd get people out?

MR. HORN: Oh, I'm sure they'd be out. (Laughter) It's such a misnomer, it sounds like it's giving you an opportunity to get a job, and that's one of our fears, Senator.

SENATOR HAINES: Thank you very much.

SENATOR LIPMAN: Okay. Mr. John Spinager, the SEED Organization -- S-E-E-D?

J O H N S P I N A G E R: Good morning, Madam Chairperson, and members of the Committee. My name is John Spinager. I'm President of the New Jersey Society for Environmental Economic Development, which is usually referred to as New Jersey SEED.

I want to thank you for the opportunity to present the views of our organization on the proposals to establish initiative and referendum in our State.

New Jersey SEED is a coalition of business and labor groups working to promote balanced environmental and economic interests. Our organization is historically opposed, and has recently confirmed, its strong opposition to the I&R process. Simply stated, New Jersey SEED believes an I&R process would seriously weaken our system of representative government. We fear that many of the most complex issues confronting our State would be reduced to a yes or no decision by the voters on Election Day. In such a system, there is no room for effective debate, compromise, or consideration of legislative alternatives; and once approved, there is great difficulty and undesirable rigidity in changing constitutional or statutory provisions which have been approved by the I&R process.

There is no question that an I&R process would result in massive costs to the State, the business and labor communities, and the general public. An examination of the cost of I&R campaigns was taken recently by the National Center for Initiative Review. The fourth quarter, 1983 issue of The Initiative Quarterly reports that committees on both sides of an issue often spend millions of dollars buying television and radio time and newspaper ads. And in that connection, I would just tell you that last Tuesday, on the issue to cap salaries -- government salaries in California, it was over \$4.5 million was spent on that question alone. They have expended uncounted thousands of volunteer man-hours as well.

"Hidden pre-election costs to the taxpayers, usually undocumented but possibly substantial, can include the cost of administering special elections, the expenses of preparing and distributing voter handbooks, the cost of voter education efforts such as newspaper ads, legal and professional fees; the time invested by state officials at each step of the petitionary process; and the considerable costs of certifying signatures in those states requiring certification."

The National Center for Initiative Review Study found that in 1982, proponents of I&R questions nationwide spent 42 cents per favorable vote, while opponents spend 63 cents for each vote received. In the expensive media markets of New Jersey, it is fair to assume that election after election, voters will be asked to make decisions on the critical issues facing our State, based on what they hear from so many sophisticated, multi-million dollar media campaigns.

Madam Chairperson, these concerns are not new, and they are not shared by only a minority of citizens. The 1984 Star-Ledger/Eagleton Poll on initiative and referendum found that 75% of those surveyed said they agreed with the statement, "Many important issues are too complicated to be decided by a

yes or no vote by people in an election." Sixty percent agreed the special interest groups would gain power by spending money to promote only their side of an issue. Seventy-seven percent agreed that since many people did not follow politics regularly, they may not be able to make an informed decision on the issues they would be asked to vote on.

And finally, 67% agreed that the job of making laws should be left to elected representatives. If people don't like what they do, they can simply vote them out of office.

And while the idea that citizens ought to be able to vote directly on important issues and policies was also popular in the poll -- some 75% agreed to that -- there is a clear hesitancy by most New Jerseyans about whether such a system is workable, or if it is in the best interests of our State.

New Jersey SEED maintains that thanks to reforms in recent years, including the Sunshine Laws, the substantial efforts to increase public information on legislative issues by the Office of Legislative Services, and the increasing accessibility of our legislators to their constituents, our representative system is more open to the general public today than at any time in history.

There are, of course, further improvements that can be made: an educational campaign to increase citizen involvement in the legislative process, along with an effort to disseminate information on legislative calendars and schedules are clearly and widely possible. And this would contribute to further public participation in our existing system of government.

New Jersey SEED urges that such a campaign be seriously considered. When the present Constitution was drafted in convention 37 years ago, the subject of initiative and referendum was debated and rejected. It was determined that the Legislature should continue to be the main initiating body for constitutional change, and not the voting booth.

Candidates were not alone on last Tuesday's ballot. Across the country, they had to share the spots with 50 I&R questions dealing with a variety of issues including legalizing marijuana, abolishing property taxes, halting nuclear weapons production, banning public funding of abortions, cutting public officials' salaries, creating state lotteries, and many, many more. Regardless of your views or mine on these sensitive and controversial subjects, I'm sure we'll both agree that it was, indeed, a blessing that voters in New Jersey were spared from the barrage of TV, radio, and printed advertisements that were produced from both proponents and opponents of these questions.

It should also be noted for the record that the use of initiatives has skyrocketed since the 1970s, and it is commonly believed that every initiative that passes inspires another; and that nationwide, one out of every three initiatives passes -- an average that has changed very little over time.

Finally, the results of I&R are highly questionable. For example, of 10 initiatives adopted in California between 1964 and 1979, all but two have been declared unconstitutional in whole or in part, or are still in litigation. What a terrible waste of the taxpayers' dollars. What a terrible waste of significant resources on the part of both opponents and proponents of these issues.

On behalf of the New Jersey Society for Environmental Economic Development, I would urge you to oppose the concept of I&R and vote against the proposals when they are considered on the floor of the Senate. Again, thank you very much for the opportunity to present these concerns before the Committee.

SENATOR LIPMAN: Thank you, Mr. Spinager. Senator?

SENATOR HAINES: Yeah. In Atlantic City, at your conference, we had a debate at our dinner table as to what your initials stood for, and I forget who won the deal, but anyway-- On this thing. Capping salaries in California -- why

would there be so much -- I can understand that there's public interest in it, but why would there be so much money spent on this thing?

MR. HORN: Well, I think, if you consider who public officials include, that would include the President of UCLA, that would include cardiologists and surgeons in hospitals that are funded by the State, so you're talking about some very high-level and highly-paid people. And I might quickly add that when I go for a heart operation, I sincerely wanted to have the best there is, and I don't want him to only make \$64,000 a year.

SENATOR HAINES: What happened to it? Did it go through?

MR. HORN: It was defeated.

SENATOR HAINES: It was defeated?

MR. HORN: Yes.

SENATOR HAINES: Okay. Because, I mean, you know, if you cap a surgeon's salary in New Jersey, they'd go to Philadelphia to practice, or New York City.

MR. HORN: Well, they asked the question about -- to the president of one of the University of California colleges -- I'm not sure which particular location it was, but they said, "What's your reaction going to be? What's the impact on education going to be if this were to pass?" And he said, "You'll have to ask the man that follows me in office." He would be gone that day. We really don't need these kinds of questions in New Jersey.

SENATOR HAINES: Thank you.

SENATOR LIPMAN: Thank you.

All right, Mr. Steve Brown?

S T E V E L. B R O W N: Madam Chairman and members of the Senate State Government Committee, my name is Steve Brown, a senior at Rutgers College, and an undergraduate associate at the Eagleton Institute of Politics. I am currently working on a senior thesis on initiative and referendum, and I want to

thank you for giving me the opportunity to speak on SCR-1, in particular, sponsored by Senator Dorsey, as well as the opportunity to speak on the topic of initiative and referendum in general.

I am a registered voter in the State of New Jersey; however, in light of my past experiences as a native Californian and my present research on the topic of initiative and referendum, I feel I can bring some valuable insight to the I&R process as it affects New Jersey citizens. One cannot directly compare the language of the California process with the proposed New Jersey version; however, the process itself is similar and generalizations can be made which can be applied to New Jersey. There are two points I would like to present in support of my strong conviction that SCR-1 should be opposed.

First: The proposed initiative process is inherently cumbersome, and it lacks the flexibility of the legislative process. Due to the complexity of many issues considered under the I&R process in California as well as in other I&R states, the vast majority of voters invariably never get a grasp on the issues, which would first require an educated decision on which they are to vote. This is true if there is only one issue on the ballot, and only gets worse if there are more, as we had this November in California with 13 ballot initiatives. In a past study concerning the comprehensibility of ballot descriptions -- the questions as they are printed on the ballot -- the research found that most initiatives were understandable only by voters with an education level averaging from three years of college to two years of graduate school.

At this point, I'd like to take a moment to illustrate the actual complexity of ballot issues, again using California's example. I have brought with me copies of a sample ballot from election this past Tuesday, and excerpts from a 63-page pamphlet which is mailed to each registered voter in the State, explaining the ballot propositions.

For simplicity, I will focus on two issues: Proposition 61, and Proposition 65. First of all, in order to vote on 61 and 65, you have to find them, for they are buried within the 21 pages of the ballot. There are 10 statewide races, 23 judge reinstatements, and then on page 7, the statewide initiative measures finally appear.

After the voter has gotten through the 13 statewide propositions, there are still five county and local propositions which required a vote. If you look at the explanations contained in the excerpt of the pamphlet, you can get an idea of the actual complexity of the ballot initiatives. On the ballot, the initiatives appear in a simplified form, only one or two sentences in length, as compared to the actual text, which could range from one to an unlimited number of pages, which-- In 1979, they passed Proposition 9, which was about 80 pages in legal text. Can you really expect the average voter to understand these measures?

After the initiative process has begun and the first signature has been collected, the initiative cannot be amended or altered in any way or it would cause the process to start over again. Senator Dorsey's version of indirect initiative and referendum provides that the Legislature must respond with policy which is acceptable to the sponsors or it will go directly on the ballot. Unfortunately, as is so often the case with citizen or interest group initiated ballot proposals, the initiative process has flaws that raise questions about its implementation in a rational, orderly fashion if adopted by the voters. This is why so many wind up in courts and litigation.

Nationwide, one out of every three initiatives passes, and this super class of laws requires a two-thirds majority vote in both houses to repeal or to amend for a period of two years. Senator Dorsey's version of I&R restricts change. Amendments, which may often be required for rational implementation of a proposal, are thus discouraged.

On the other hand, the legislative process requires input from different interest groups in order to reach a compromise which is acceptable to all groups involved. In contrast, the initiative process limits the input of interest groups which may lack the resources necessary to either influence the electorate or the authors of the initiative in the drafting stage. The representative system of government, which has been with us since America's political history, has been effective and responsive to the policy demands of the electorate, and with the level of specialization that has developed in all branches of government, we are able to deal with complex policy topics. The initiative process does not allow for this historically proven debate and compromise.

Second: A protected right granted under the U.S. Constitution guarantees the "freedom of speech" and presently prevents any restriction on the amount of campaign contributions used to support ballot initiatives. In four of the I&R states which have outlawed paid petitions collectors, similar to Senator Dorsey's proposal, the restriction was overturned by the State Supreme Court based on the right to freedom of speech.

If rising campaign costs spent on gubernatorial, congressional, and legislative elections in New Jersey bother you -- being located in the most expensive media market -- ballot initiative campaigns in California often spend more than U.S. Senatorial or gubernatorial races. In the California general election last Tuesday, over \$4.5 million was spent opposing Proposition 61, which would have capped public officials' salaries. And Proposition 65, the so-called clean water initiative, has attracted over \$6 million spent on both sides of the issue, which passed overwhelmingly with 65% of the popular vote.

With this enormous amount of money being spent, candidates often use the I&R process for their own political ends by

introducing initiative measures to stimulate partisan turnout. For example, in 1982, Governor George Deukmejian helped sponsor and support a gun control initiative which was termed to be the deciding factor in his narrow 100,000 vote victory over Los Angeles Mayor Tom Bradley. By using the initiative process, he was able to effectively attract the conservative vote to the polls.

And in this election year, we have Mayor Tom Bradley sponsoring Proposition 65, the toxics initiative. This initiative has been the center of Bradley's campaign theme, using back-to-back television and radio ads, and shared political mailings, and, as a result, he hoped to have gotten out the liberal and environmental voters to support his campaign.

I don't view these abuses in the initiative process as playing a positive role, or having a positive effect upon the political system. Rather, it distorts the real issues of the campaign and creates a smoke screen which distracts the electorate from the real issues.

In summary, while on the surface SCR-1 may appear to overcome many of the problems inherent in the I&R process, I would argue, based upon the examples given, the problems found in the I&R process are not simply procedural ones which can be corrected by increasing the signature requirement, or restricting certain policy areas, but are more deep-rooted within the initiative process itself. These problems cannot be easily overcome by cosmetic changes in the process.

I want to again emphasize that while the system of I&R may seem to have positive aspects which could complement the Legislature in the formation of public policy, actually the process will have the reverse effects and will diminish the effectiveness of a legislature, and will reduce the efficiency of the representative system of government as we know it today in New Jersey. I urge a "no" vote on SCR-1.

I want to thank you, Madam Chairman and members of the Committee, for listening to my views. I trust you will give them serious consideration. Thank you.

SENATOR LIPMAN: Senator?

SENATOR HAINES: Yeah. Proposition 65 -- I look at it, and it looks like a good thing to vote for on the ballot, yet I read that the American Farm Bureau says that it may, in effect, destroy agriculture in California.

MR. BROWN: That's very true.

SENATOR HAINES: Do you have any comments on this at all?

MR. BROWN: Yeah, but-- What they're trying to do is, they're trying to -- I guess the toxic problem in California -- in the water tables and the wells -- has become increasingly important, and they were trying to correct this problem, but they exempted the major polluters of the state, which included the local, city, and state water municipalities from the bill, which are the major causes, since they own the wells. And they're attacking big businesses which they say are causing the problems, which it won't -- but it won't correct the problem at all.

SENATOR HAINES: It looks like they're trying to kill an ant with a sledgehammer.

MR. BROWN: Yes, that's basically true.

SENATOR HAINES: Thank you very much.

SENATOR LIPMAN: All right. Thank you -- and for all the literature, too.

Miss Margaret Reynolds? Is she here? (Affirmative response) She is.

M A R G A R E T R E Y N O L D S: My name is Margaret Reynolds. I'm from Willingboro, New Jersey; a 26-year resident of Willingboro. I'm one of six founders of the 10 year-old "Taxed to Death" Committee. I'm editor of the "Right to Know" Newsletter, which I edit and publish. I'm a self-appointed watchdog, and I have three offspring in California who have no trouble whatsoever understanding the issues on the ballot.

I'm also born, raised, and schooled in Massachusetts, and go back there frequently. And my friends and family have no trouble understanding what's on the ballot.

I'm privileged -- privileged -- to speak, to be the first speaker, maybe the only one, supporting--

SENATOR LIPMAN: No, we had Senator Dorsey and Senator Cardinale--

MS. REYNOLDS: Oh, well I don't call myself in that company, supporting, as a lowly citizen, SCR-1. And I think it would have been a marvelous show of good faith -- it would really have been -- to have this hearing on a Saturday, or an evening, when people who go to business of all kinds could have been expected, or extended, the courtesy -- the chance to make known their opinions.

Also, had this meeting been better publicized -- my own local paper knew nothing about it until I telephoned them yesterday afternoon, and they were able to get in a very short blurb in last night's paper-- So, it's only another reason why I'm disillusioned, as are so many citizens; weary, vexed, angered, by the way public servants -- elected officials -- ignore and abuse the general public. It is the reason why so many thoughtful citizens have withdrawn from the political process, which is the answer to a former speaker's comment about 37% of the registered voters voting on Tuesday. I don't find that at all surprising -- why would they vote? They know that some legislators -- some, I say -- are ruled, motivated, and driven by special-interest groups who jerk them around with threats ever present -- the threat of withholding PAC dollars for re-election, all at the expense of the general public.

I am a committed advocate for initiative and referendum. I support SCR-1. I know it is right; I know it is good; I know it is just; I know its time has come. I know it enables citizens to participate in their State government, and address issues which impact on the quality of life, but are too politically sensitive for legislators to handle.

Those who would keep my neighbor and myself out of the lawmaking process are the obvious power brokers. Just look at the list; it speaks for itself: Citizens for Representative Democracy. Their name, because of who they are alone, flies in the face of all that is holy. The NJEA, dedicated to politics, not education; and as a former elected school board member, I'd answer the NJEA lobbyist who spoke this morning by saying that New Jersey has the third highest cost per pupil in the United States, and at the same time, more home schoolers than any other state in the country, because to teach your children at home, of course, is, thank God, legal in New Jersey. And thousands are doing it.

So, if we have the highest cost per pupil -- third highest; Alaska is first, New York is second, and New Jersey is third -- if we pay highest cost per pupil in New Jersey, why do we have so many home schoolers?

And the list goes on. The New Jersey Federation of Teachers, AFL-CIO, New Jersey School Boards Association, New Jersey Industry Association, the New Jersey Chamber of Commerce, and of course, all of the honorables -- the honorable Richard Hughes, the honorable Robert Meyner, the honorable Brendan Byrne, the honorable Raymond Bateman, the honorable Albert Burstein, and don't forget Dr. Alan Rosenthal, Director of the Eagleton Institute of Politics.

Are we supposed to be impressed? All, every one, part of the system. Public employees, paid at one time or another, from the public trough; all with an insatiable need to keep the public out. How refreshing it would be to have elected representatives in Trenton who are so secure within themselves, as the 41 Assembly people who voted for the Zimmer bill -- which, of course, we all preferred -- in June are, that they would not be threatened by the citizens -- the citizens, their own constituents -- and shed the stereotype of the fearful, PAC-pleasing politician, and carry the banner for I&R with

vigor, optimism, and good will, confident that New Jersey voters are as astute as are the voters in the 23 states who enjoy I&R, and perhaps more so. How can any legislator do anything but welcome more enlightened citizen participation?

How arrogant, insulting, demeaning it is to hear legislators -- many themselves of thin character and questionable educational credentials -- question the ability of the electorate -- my word -- to make responsible decisions about the status of their State, their future, their destiny.

Is it true that legislators in Trenton -- some of them -- some of them, I repeat -- are more comfortable with dictating PAC groups and professional paid lobbyists who lean on them in the hallowed halls in Trenton, than with the ordinary voter in New Jersey? Yes, I think so.

The foolish, empty, transparent argument contrived by the South Jersey Assembly Coalition to create a civil war between North and South Jersey, through fear tactics, is insulting to our intelligence. It's a shameful attempt to produce and divide -- to produce a divide and conquer mentality, an effort to maintain a power elite, and keep it where it is -- protected power, guaranteed for the lobbyists alone. And the public be damned.

The South Jersey Coalition stupidly rejects the notion that ordinary citizens frequently have reason to question just who their elected representatives in Trenton serve. Full-time, paid lobbyists -- all here today -- notice the average, common, ordinary citizen is at business or digging ditches or at work, or wherever -- or in the offices-- It's-- The full-time, paid lobbyists thrive on the status quo. It is easier, cheaper, and safer for them to do legislative business with individual legislators in State House corridors than to confront the collective wisdom of their constituents in a statewide I&R referendum.

I remind you that in 1979, thanks to the foresight of the Burlington County Freeholders, the people of Burlington County were given the opportunity to vote on initiative and referendum, and they passed it on a non-binding referendum. I tell you now, hear me, hear this -- initiative and referendum will eventually pass. New Jersey will proudly join the other 23 states, where the people are empowered to initiate and vote on public questions through the petition process. Were I a legislator in Trenton, I would wish to make such a historic event top priority, so that if nothing else, the record would reflect my loyalty to the electorate, to say nothing of respect for the average New Jersey citizen. Thank you.

SENATOR LIPMAN: Thank you, Miss Reynolds. Do you have problems?

SENATOR HAINES: Yeah, I have a question, if you don't have any--

SENATOR LIPMAN: I have problems.

SENATOR HAINES: Do you have some questions?

SENATOR LIPMAN: Yeah-- No, no, you go ahead.

SENATOR HAINES: Well, you are very definitely concerned about this issue, and I know you've put an awful lot of effort into it, and I've talked to you before about this. One of the things that comes to my mind right off the top of my head is, what issues do you feel we're not looking at in Trenton? I mean, we've got 8000 bills there. Are we neglecting some things? (laughter)

MS. REYNOLDS: Are you serious?

SENATOR HAINES: I'm serious, yeah.

MS. REYNOLDS: Well, how long do you have? I-- It's-- I'm-- I'm serious, too. I wouldn't know where to begin. I spend half my life writing to you people. The list is endless. You'd have to read my newsletter.

SENATOR HAINES: You haven't written to me. You're not in my district, I guess that's--

MS. REYNOLDS: No, I'm not. I-- It's much worse in my own, but-- The-- It's endless. Of course you're not addressing the issues. You're not even getting the -- how many bills was it? Well, it's just -- on and on it goes. It doesn't represent the things I'm concerned about -- my neighbors, the things we talk about in our living rooms -- quite intelligently, by the way. We're really capable. Some of us do need remedial help in certain areas, but we're capable of grasping the issues. And the fact that I've heard repeatedly here this morning that people aren't participating, and they're not voting-- Of course they're not. I mean, some of us have wanted for years -- I worked very hard for it years ago, until it didn't get anyplace -- to have something on the ballot that says, you know, "none of the above." I mean, who does one vote for, if one is looking for up-front integrity without the conflict of-- How many years have I worked against PACs? I mean, I know what the NJEA has done to the State of New Jersey. I know that public education has failed in the whole country, and certainly, that's to do with the -- ever since teachers got into politics, etc., etc..

And in my view, the NJEA owns the Legislature, doesn't it? I mean, isn't it-- What did the gentleman say this morning, 123,000 strong? I mean, that terrifies me. That doesn't please me; that terrifies me. I don't know anyone anymore putting anyone into -- any child into public school. Do you? Who would put a child into public school today, with the amount of politics and grandstanding and political-- Well, you asked me, Senator Haines. See, that's the point. You people don't really want to hear.

SENATOR LIPMAN: Now, wait, wait, wait--

MS. REYNOLDS: Only from the lobbyists. I won't put you in that, but you see-- Go ahead.

SENATOR HAINES: I just want to make one statement. NJEA's favorite bill was 585, and it didn't get -- didn't pass the Senate. Now, the other--

MS. REYNOLDS: We--

SENATOR HAINES: Now, the other thing that you talked about -- the legislators and their lack of education. I did go to college in Massachusetts, as you did, but I want you to know that the Chairman of this Committee is probably the best educated person in the Legislature, and one of the--

MS. REYNOLDS: Notice how defensive--

SENATOR HAINES: --and one of the best educated persons in the State--

SENATOR HAINES: Notice how defensive-- Well, I thought it was rather rude of Mr. Foy to arrive this morning and not -- he had not signed up, and he should have been put at the bottom of the list, like all the rest of the peons. He got -- what was it, second speaker this morning?

SENATOR HAINES: She has a very impressive education.

SENATOR LIPMAN: You know, we do-- Miss Reynolds?

MS. REYNOLDS: You want to discuss him? I'd love to. He's from my district. (laughter)

SENATOR LIPMAN: Miss Reynolds, I have to tell you that this is a legislative Committee--

MS. REYNOLDS: Right.

SENATOR LIPMAN: --and although you are suggesting that lobbyists have the first call, legislators have the first call to speak.

MS. REYNOLDS: I didn't know that.

SENATOR LIPMAN: It's what you call courtesy.

MS. REYNOLDS: Oh, it is?

SENATOR LIPMAN: Right.

MS. REYNOLDS: I would think it would be--

SENATOR LIPMAN: It depends on what group you belong to.

MS. REYNOLDS: --reversed, since they work for me.

SENATOR LIPMAN: It's part of the honorables, as you said. We have to give-- Okay.

MS. REYNOLDS: The-- Yeah. Well, I don't like it, since I pay the bill.

SENATOR LIPMAN: I'm very sorry that you had trouble to find out about this hearing, though --

MS. REYNOLDS: I did have a lot of trouble. Someone from North Jersey told me.

SENATOR LIPMAN: --so Joe is going to tell you how we do publicize the hearings, aren't you, Joe?

MR. CAPALBO: The hearing notice got passed out throughout the State House and the newspapers down in Trenton, and news media.

MS. REYNOLDS: But not below Trenton, I take it then.

SENATOR LIPMAN: But if you would sign up, you could get one in your mailbox, if you wanted to get these notices about changes in State policies. That's what this Committee is concerned with.

MS. REYNOLDS: Oh, I would like to.

SENATOR LIPMAN: And all you have to do is tell him if he would send you a personal one.

MS. REYNOLDS: Thank you. I appreciate that very much. That's productive.

SENATOR LIPMAN: All right? Okay.

SENATOR HAINES: The only other thing -- Is Ray Houlihan here? His car is blocking somebody trying to get out of the parking lot.

MS. REYNOLDS: Are you through?

SENATOR LIPMAN: Yeah, well-- Did you find this stimulating to testify to this Committee?

MS. REYNOLDS: Well, not particularly. It's awfully hot in here. (laughter) And I've been so bored with the rhetoric. The rhetoric has been pretty dull, and not very imaginative. I'm perfectly comfortable with another point of view providing it's interesting. But boxed, packaged rhetoric, without any passion, without any clear thinking -- honestly, as far as I can see-- I thought I was wonderful, though. (laughter) But I've been very bored up until now. I

have to be truthful, of course. It is terribly boring, and I would suggest, Madam Chairperson, that you start on time. You know, it started at five minutes to 11. When I conduct meetings -- in my living room, that is to say, or my kitchen table -- they start on time. Really. It would be -- give you a gold star, if you would do that.

SENATOR LIPMAN: All right.

MS. REYNOLDS: Any other--

SENATOR LIPMAN: No.

MS. REYNOLDS: I'll turn you off now. I'm going to play this for the neighbors this afternoon.

SENATOR LIPMAN: All right. Very good.

MS. REYNOLDS: Thank you.

SENATOR LIPMAN: Senator, did we leave some time to get across the street? We could take one more?

SENATOR HAINES: We can take one or two more.

SENATOR LIPMAN: All right. Let's go. Mr. Ray Kalanaikas -- did I do it right?

R A Y K A L A N A I K A S: My name is Ray Kalanaikas, and I'm a resident of Toms River, New Jersey. I'm here as a concerned citizen.

I have nothing to read to you; I would simply like to make my comments eyeball-to-eyeball, if I may. And I'd like to thank Joe -- who's not here-- I'd like to thank Joe for putting me number 11 on the list. And so, speaking to Bill and Wynona, I'd like to indicate first of all, that I support the I&R process. It was mentioned here today, that "if it ain't broke, you don't have to fix it." It's my contention that it is broke.

Since our government was founded, we have reached a point where the average citizen works until the end of May, or within the first part of June, to fund the government. And I'm also told that approximately 52% of the population receives their livelihood from government. So, government, in effect, has

taken control of our lives at the halfway point. We have reached that far in terms of government control of our lives.

I do not see I&R as replacing the representative process. I see I&R as being a check on the representative process so that we can get back on track to that original vision of government Jefferson and his peers meant us to have -- speaking about freedom, and respect for life. What I'd like to say, at this particular point-- I would like to hold up two visions of government to you, and indicate to you where we are. Let us take the Soviet system; that is, they hold to one particular division of government. And let us look at Jefferson and what I would call the early Quakers. They basically held the same vision of government.

Jefferson and the early Quakers held that since God is our only creator, God is our only master. No human being has a right to be master over any other human being. All human relationships should be voluntary, specifically, with regard to human government.

The Soviets hold a vision that there is no God; that the only master -- the only God -- is the collective state, the government. And they, in effect, control freedom and life for each and every individual under their control.

Between those two visions of government, when we started out, we were -- let's say, a range of 100 points. We were 18-20 points away from the Jefferson's and the Quakers' visions of government, and we were 82 points away from the Soviet vision of government. Currently, we've reached the point where we are now 48 points away from the Soviet vision of government -- of government control of our lives -- and we are now 52 points away from Jefferson's and the Quakers' vision of government. In other words, we are consistently and we are constantly going toward the Soviet system of government. The Soviets once said -- and I never understood it -- they once said, "We will bury you without firing a shot." In other

words, we will make you what we are, without using a bullet. And they're doing it; they're accomplishing it. And what I'm saying in effect is, the citizen who goes out and votes, and says, "I want to reduce my taxes," and the individual running for office says, "I'll reduce your taxes; I'll cut back on taxes." But we know, that in spite of all of this, the representative system is taking us to greater and greater taxes -- greater and greater control of our lives. And so we must have initiative and referendum to reverse that process. It's essential.

But I&R, of and in itself, is not enough. We have to understand the vision of government that Thomas Jefferson understood, that the early Quakers understood. And quite frankly, ladies and gentlemen, we in this room do not understand. We've lost sight of it. That's why government is constantly taking more control of our lives. If we were to go in the direction of Jefferson and the early Quakers, we wouldn't be working until the end of May and the first part of June to fund the government before we worked for ourselves. We would work no further than the end of January before we can begin earning for ourselves. And that's not going to happen unless we have I&R.

And unless we have that vision of government that Jefferson and the early Quakers spoke about. And to be more specific about that vision of government, the decision-making process of the Quakers -- I think they understood it best of all, and Jefferson seemed to agree. If you have 10 people in a meeting, and nine people say yes to an issue, and one says no, as a group you don't move, with the understanding that God's your only master. The nine cannot control the one; the one cannot control the nine. There is no majority rule; there is no Committee rule, there is no dictatorial rule. But the basis of that decision-making process is the understanding that you never have a right to do harm to human life for any reason

whatsoever. The absolute law of God or the essence of life is, you must love your fellow human being. Therefore, under that understanding of government, the idea is, you're free to do anything you want, as long as you do not do harm to another human being, so you're free to do what you want. But that's necessary, and that understanding of government means that decision-making process can not go beyond a group of people who can personally meet together. We're talking New England village, 2-5000 people at best. Once you go beyond that, you're required elected representatives. And the more people there are between you and a decision that affects your life, the less control you have over your life. This is why Jefferson wanted the smaller boundary lines of government. He wanted the larger boundary lines of government to be the weakest, and the smallest boundary line of government to be the strongest. But of course, Hamilton was able to persuade the people otherwise, and we lost track of that vision of government.

And I'm in effect saying to you, we have to get back on that track, and I&R is essential to get us back on that track, because the representatives will not take us back on that track, as clearly indicated over the many years that they've had control. They will not take us, because unfortunately, human nature being what it is, the interest is in self -- the interest is in my financial condition, in my power and my control over other people. And that being the case in government, people on the outside of government have to use I&R to see that the representative gets back on track.

I wanted to make it as brief as possible, and I hope I was brief. And I did not want to use anything written. I don't know if you have any questions of me.

SENATOR LIPMAN: Yeah, I'm sure he does.

SENATOR HAINES: Yeah, I just-- You and I have talked about this, and we shared the same idea. I think I basically am a conservative, and would like to see less government. And

I'd like to be able to pay for it in January, instead of May or whenever it is.

MR. KALANAİKAS: In June. Yes.

SENATOR HAINES: But how does I&R fit into this? That's my problem. I can see you and I are both looking towards the same goal, but how do we do this? With a Proposition 13, or-- What are you thinking of in terms of, how does I&R lessen the role of government? I can see in some of these questions in California, in fact, it would increase the role of government.

MR. KALANAİKAS: Yes. I think--

SENATOR HAINES: Proposition 65 would certainly produce a whole staff of people running around, telling everybody what to do.

MR. KALANAİKAS: I think, Bill, what I've listened to right up to this point is, there are arguments -- many arguments against I&R, because what I really heard was, people in general do not have that vision that you seem to understand, that I was speaking of, in terms of Jefferson and the early Quakers. I would say the average citizen doesn't have that vision of government, and unfortunately, it's not propagated within our society. I&R, in and of itself, will not do the job, and I think what-- Many of the comments I heard here were correct. I&R must be in conjunction with that vision of government. In other words, I do not see a real change of government going toward greater freedom, toward less taxation, unless that vision of government is connected with I&R. I&R is the only thing that will take us to that vision of government -- the representative form of government we have now, in and of itself, will not reverse the process from where it's going, toward more government control of our lives.

And I'm saying to you, as important as I&R is -- and it is important, and I want to see it -- but that vision of government must be in conjunction with I&R. And that's the reason, I suspect, that I&R is having a hard time in other

states, and I think I&R may have a hard time in this State, unless we begin talking about that vision of government. I don't think the American people truly have an understanding of where they ought to be going in terms of government. This is my personal opinion. I've attended many town meetings; I conducted a legislative forum last night in Dover Township in which I had Senator Russo, Assemblyman Doyle there. Very few people showed up, and most people do not come to town meetings, do not come to legislative forums, because they haven't the foggiest idea of where government ought to be going. They assume their representatives or the legislators know all there is to know about government -- "Let them do it. We're paying them. I could care less." And they're concerned about where it's all going, but they don't know what to do anymore.

And I'm saying I&R, in conjunction with that vision of government -- which isn't talked about, and I've only spoken about it very briefly today -- but I think it ought to be talked about more. I don't know if you would agree with me, with respect to I&R in conjunction with that vision of government. I think what's always been left out of the argument of I&R is that vision of government. Where are we going with I&R? Where's it going? I think that's the important thing.

SENATOR HAINES: Thank you.

MR. KALANAİKAS: Thank you.

SENATOR LIPMAN: All right, thank you very much.

Break for lunch?

SENATOR HAINES: It's up to you. We can take one. It's 1-1:30--

SENATOR LIPMAN: Is Dr. Bonilla Santiago here? (no response) I don't think so. Dr. Hilda Hidelgo here? No.

Miss Barbara McConnell, President of the Food Council.
Former Assemblywoman, Barbara McConnell.

B A R B A R A M c C O N N E L L: Thank you, Madam Chairperson and members of the Committee. I thank you for giving me the opportunity to testify before your Committee on this important issue, the proposed constitutional amendment to establish the process of initiative and referendum.

I offer my comments on behalf of the New Jersey Food Council, which is a trade association that represents retail supermarkets and food manufacturing companies, and which employs over 200,000 people in New Jersey. My comments are also colored by my tenure as a former member of the New Jersey Legislature.

I know that you've already heard many arguments pro and con on this issue, so I'll spare you a lengthy preamble and get right to the point. The Food Council, and I personally, believe this proposal should be defeated for several reasons. The initiative and referendum process is costly; it is unnecessary; and it is fraught with unprecedented danger.

First let me begin by asking some very practical, common sense questions. If I&R is such a good idea for everyone, where is the outpouring of popular support? Certainly, a few organizations have concluded that this is a sensible step, but from my point of view, there appears to be no popular interest.

Next, where are all the examples of good ideas that the Legislature has refused to consider; or of issues that can be identified? And if you can identify them, then why tamper with it? Even Mrs. Reynolds, who supports this proposal, could not come up with a single, specific, legislative issue that the Legislature has not dealt with.

And if it is so important to give the people the rights incorporated by I&R, why have the sponsors of I&R been so willing to accept amendments of all kinds that limit the access of the public to various articles of the Constitution?

It has been said that the people need this constitutional amendment in order to have a voice in government, and it's also been said that the people have an extraordinary ability to decide and understand complex issues. In the first place, we have 121 sworn New Jersey citizens to do that job that is contemplated by the initiative and referendum amendments. The reason the complicated task of enacting legislation is delegated to the Legislature and the Governor are numerous and compelling, and I'd like to touch on three of these.

The Legislature is empowered to give deliberate and careful attention to the details required if sound legislation is to result. And I'm painfully aware that this power is not always discharged properly; nevertheless, when contrasted with the character of legislation that results from the use of I&R process in other states, the legislative process is to be strongly preferred. The process of committee consideration and amendments improves legislation, and that is not a process that is available through I&R.

The legislative process demands a consensus; that a consensus be created among conflicting points of view, whether those views are based on geography, philosophy, intergovernmental perspectives, partisanship, or whatever. And the process of bargaining and compromise is essential to the health of our State, with so many diverse needs, people, and problems.

The I&R process does not allow for consensus, and is usually the instrument of those who hold a single, narrow point of view, and who reduce the most complex issues to a yes or no answer.

Thirdly, the legislative process also increases the chances that the resultant legislation will be marked with clarity. I emphasize "increases the chances" because I'm aware that the legislative process is not perfect. However, the most startling examples of imprecision of proposed laws that lack

clarity have to do with the preparation of ballot statements wherein very complicated and important questions must be reduced to a short statement, which is rarely understood with regard to its implications.

Do the people have the ability to understand and decide complex issues? Perhaps. But the system of I&R limits the voters the opportunity to debate with careful attention to details. It limits the opportunity to compromise, to form a consensus, and to present questions with clarity. And in my opinion, that's dangerous.

If we could look at New Jersey, its laws and its Legislature, and say that they've been unresponsive to major public policy issues facing our State, perhaps this proposal might have some appeal. But we can't say that because it isn't true. We have dealt with -- and reached a consensus on -- far-reaching social reforms, tax reform, school reform, environmental laws, transportation. We have established a better balance between business and labor. We have encouraged the growth of technology and innovation, and we have fairly dealt with minority rights, women's rights, and human rights; and presently, the Legislature is struggling with important issues such as insurance reform, toxic and solid waste, and many others.

In New Jersey, our economy is good. Unemployment is low, and our feelings about ourselves and our State is at an all-time high. So, why do we need I&R? It appears that the sponsors and the proponents of this legislation have designed a very complex and costly answer, but have failed to establish the problem.

The New Jersey Food Council and its members believe in our representative form of government; and believe that it is the Legislature's responsibility to weigh all the facts surrounding issues facing our State; and to make decisions for all the citizens. And if we don't like it, then we can hold someone.

or several, accountable. One only has to look at the history of I&R across the country to see that many were enacted prior to 1921; and others, such as California, have been utilized with confusion, high costs, and resulted in many issues being thrown into the courts. And millions have been spent on numerous proposals. Do they have better government, or better laws? I think not.

And do you want such issues as taxation and revenue decided by the voters? How about insurance reform? How about farmland assessment? Funding for education? Women's rights -- abortion rights, gay rights, the AIDS issues, housing opportunities? Do you want a question on the ballot that declares that ballots shall be printed in English only? These are some of the tough, sensitive, and emotional issues that are being decided by initiative and referendum across the country. And those that are powerful will spend millions to defeat or enact such proposals; and those that are powerless will become voiceless and helpless under this system.

And I know as you listen to me speak, that there is an issue on your mind -- the Bottle bill -- that you surely know I and my industry have an interest in. And I'm certainly aware, as I speak, that if initiative and referendum becomes a reality in this State, that the Bottle bill will be one of the first questions on the ballot. It's no secret that our industry opposes a Bottle bill; and the Legislature has wrestled with this issue for 12 years, and last year, resoundingly defeated such a proposal in the Assembly, recognizing that a Bottle bill is a costly proposal, and one that would not solve New Jersey's solid waste problem. This is an issue that could never be decided rationally by referendum. However, if such a question does appear on the ballot in New Jersey, the food industry will fight it. We'll pour millions into a campaign to defeat it.

In California two years ago, the food industry spent \$6 million to defeat a Bottle bill question. Don't you think this

money could be better spent on new stores, capital improvements, and jobs for the people of this State? And don't you think such issues as garbage and solid waste can be -- cannot be solved by such a simplistic and archaic approach as a Bottle bill?

The ultimate question we must ask ourselves is, will our system of government be strengthened by I&R? Can a consensus be formed on tough issues? Will the people of New Jersey be treated fairly? The answer is no, and therefore I urge this Committee to take a bold and courageous step, and to recommend to the full Senate that this measure be soundly defeated. Thank you.

SENATOR LIPMAN: Thank you. Very thoughtful statement.

(To Senator Haines) Do you want to speak to her?

SENATOR HAINES: Barbara, you mentioned public questions. Do you find, in your district, that public questions are generally misunderstood? I find that here all time time--

MS. McCONNELL: Yes.

SENATOR HAINES: --I've gone to Rotary clubs, service clubs, and they ask me at the end of the meeting to get up and explain the public question. And I get up and explain it to them. Maybe I don't do a good job, but they come back, sometimes, later, and say, "Hey, I didn't understand that and I voted the wrong way." And I find all kinds of people voting the wrong way on these questions.

MS. McCONNELL: I think you're absolutely right. I think they're very difficult to understand. And I'm asked that question perhaps more than any other, as I travel through not only my county but across the State on behalf of my industry -- what does such-and-such a question mean, how do we interpret it, what impact -- what are the implications. I think it's very difficult--

SENATOR HAINES: I don't know whether we have expert writers up there in Trenton that write these things, but I've talked to people about them, and explained them to them, and then they read the statement, and they get another impression and then they read what happened in the newspaper and they get a third impression. It seems as though they're written-- They seem to be written so that you can't understand them in the first place.

MS. McCONNELL: Yes. And I don't think that's intentional on the part of the Legislature or whoever writes it. But, it's just very difficult to reduce complex issues into one paragraph in order that the people can understand all the facts.

SENATOR HAINES: Thank you.

SENATOR LIPMAN: Thank you very much.

MS. McCONNELL: Thank you.

SENATOR LIPMAN: I think at this point we have to take a break until about 1:30 or a quarter to -- 1:45. I would ask you who are here to bear with us while we have a bite of lunch.

(Recess for Lunch)

(After Recess)

SENATOR LIPMAN: We are a little delayed because it took some time to get lunch. And anybody who is outside those who are immediately speaking, who feels that they cannot stay until 4 o'clock -- we've decided to run another hearing in Trenton on this same subject. That is to accommodate those who may not have the opportunity to stay until this afternoon.

But now, Mr. Lloyd Curtiss from Pepsico -- you're going to--

L L O Y D C U R T I S S: (Speaks away from microphone)
Yes. Senator, I believe there's somebody here from the glass

industry that has to be on the 4 o'clock shift back in Millville. If he's still outside--

SENATOR LIPMAN: No, he's here.

MR. CURTISS: Oh, he is?

SENATOR LIPMAN: Mr. Larry Levy.

MR. CURTISS: Oh, okay. I didn't see him there.

SENATOR LIPMAN: Of the Glass Council.

MR. CURTISS: I (inaudible) to him because he's got a time problem.

L A W R E N C E L E V Y: Thank you.

Madam Chairman, on behalf of the Glass, Pottery, Plastics and Allied Workers International, I represent over 20,000 people, including retirees. My name is Lawrence D. Levy; I work for Foster Forbes in Millville, New Jersey, and we are very much opposed to I&R for various reasons.

You've heard testimony before me in reference to Bottle bills and other things, but we are very certain that the same people who did push the Bottle bill would be right back trying to push a referendum against the glass industry, which would be very devastating to thousands of workers in this State. And our international president isn't too sure that New Jersey wouldn't be susceptible to a Right to Work bill through initiative and referendum.

We find that again, as it was stated, the Philadelphia television media, blitzed us with thousands of campaigns, slogans, interviews, and statements, and I feel that, as a working person, the money that would be spent fighting issues that could be better discussed by more intelligent people in the State Legislature, could be put to use for education and other things. If I recall correctly, when the Governor ran for election, there were about eight questions at the top of that ballot. We also went to our State legislators and asked them to explain to us what they meant and how we should vote; because on many occasions, a "yes" vote was a "no" vote and a

"no" vote was a "yes" vote, depending on how it was presented. And if the average person isn't educated -- the average person hasn't been to college -- therefore, how are we going to determine whether we should vote on certain key issues that might be disguised in such a way that we could be cutting our own throat?

I'm not going to take up any more of your time, because basically, I would be repeating the same thing that some of the same people have already said. I just wanted to be on record for the people who I represent within the State; and we hope that initiative and referendum will die within your Committee, and we won't have to go through a long, drawn out procedure like we did -- and flood the State Legislature.

Thank you. Do you have any questions?

SENATOR LIPMAN: Thank you, Mr. Levy. Senator?

SENATOR HAINES: Yes. Do you have any suggestions on how- I agree with you 100% on how to clear up this business of public questions.

MR. LEVY: Make it simple. You know, red's red, black's black, and green's green, but the way they draft it out, it makes it very ambiguous for us to try to figure out what you're trying to say. They can't ever put down a question, "Do you want -- yes or no?" They always have some other long, drawn-out, two or three sentences.

SENATOR HAINES: I think it should be too, but I don't know how we get to that point.

MR. LEVY: Take it out of some of these college professors' hands who write this stuff, maybe we'll be better off. (laughter)

Thank you.

SENATOR LIPMAN: Thank you very much, Mr. Levy.

Mr. Curtiss, would you allow somebody who has to go to a hospital?

MR. CURTISS: Yes.

SENATOR LIPMAN: Okay. Mr. Barry Perlman?

B A R R Y P E R L M A N: Democracy is hell, isn't it?
(laughter)

I think the rights and obligations documented within our State's Constitution exist to support the individual sovereignty of all who claim residence within the geographical boundaries of our collective house -- this New Jersey of ours. There can be no rational argument against citizens doing what is both right and an obligation of citizenship; that being, exercising their individual ability to speak and write, and to be published so that thoughts and experience of some may be shared and evaluated by others.

If we accept as just, let's say, the poet's protection under Article 1, Paragraph 6 of our Constitution to initiate their views on the beauty of a flower such as a rose, and further acting as a sovereign citizen to publish his or her expressions for others to approve or disapprove, as in a public referendum, can we then reject as having no merit or possibly even dangerous connotations the collective expression of many poets who would wish to set before this same public, through another form of initiative and referendum process, their desires and views about the use of the earth, into which those, who by the poetic words, were moved to planting? Are poets to be sentenced to a class of political serfdom, restricted only to prose of posies, but never of politics?

And what of farmers? Shall they not make a collective voice about the use of tractors, or should those who labor to build tractors be only restricted to a political voice only when the ballot is in a union newsletter? You may believe that initiative and referendum is unsuitable or chaotic, or even a plot to subordinate your political power to the will of others in the State, like, perhaps, poets interested in land use, farmers who read poems, or tractor assembly line workers who wish to protect poets and farmers' rights as well as their own costs of government.

Think what you wish, but remember, your sole purpose for holding office is to preserve and protect the rights and obligations documented already in our State's Constitution. And we already possess the right to initiate political action and eventually find our views in public print for public referendum, in a manner.

We wish only to expand our capabilities in a manner and a forum more fitting political discourse, and that means having equal rights to finding a place on the ballot as those we employ to carry out the maintenance of our political house -- this New Jersey of ours.

The Zimmer proposal, ACR-53, could have been improved, but was acceptable. The Dorsey SCR-1 proposal is an insult to your employers, we taxpayers. As an example of the type of political compromise which so justly illustrates the need for Zimmer's ACR-53, no elected representative has ever been given the mandate to compromise the citizen's right of political expression, much less assume the misguided role of the faithful servant who censors his master's voice.

I'd just like to add at this point that it's been said against this bill by almost all who have been before me that there are certain antagonisms that are carried forth with a system of initiative and referendum. One particular question was made by, I believe, Senator Haines with regards to how much detrimental harm this bill could be, what it would produce in harm; and other people have suggested in rather general terms the amount of harm that might be done. Can the legislators promise or assure that they will never do any harm or detriment to us? We're looking for another form or exercise of free speech. This is derived directly from the components of the Constitution. There's no reason why we should be denied a place also to give voice to those concerns that we have, whether we be glassworkers, like the fellow that left, or people from Pepsico, who have been so good, to give me some

time; or the teachers, or what have you. I think that there has been much said with little content as to the fear of what could be put on the ballot. If people are frivolous, then they're frivolous with or without initiative and referendum. We may even have legislators that are frivolous. We certainly have them that are overfed at the expense of the taxpayer, thanks to Alan Karcher's free lunch program. That may want to be voted on (sic).

The thing that I think I should like to emphasize in closing is that many times, that which is right and just ends up in a political compromise. While politics is considered the great art of compromise, and it's a benign term, compromise in a political arena is oftentimes different from that when you compromise with your neighbor, or your friends. Oftentimes, the analogy can be best stated that a political compromise is like, I break into your house. I threaten to rape your wife and your daughter. But we make a compromise, and I come back tomorrow. Haven't we both given up something?

We don't want this to be also compromised out. The difference between the Zimmer bill and the Doyle (sic) bill is already amounting to an attack on our ability, I think, to gain more access to the -- both legislators and our neighbors in discussing what should be the agenda. We don't wish to tell you how to run every detail of the mechanisms of government. It would be laborious, and I think it would supplant why you're there. But we want additional input. It's needed. And, if you feel you do not trust the people out here to be proper -- to exercise proper judgment in making recommendations for initiative and referendum action, I can only wonder at what you feel when you have successfully won an election, because you are the products of our decisions, both negative and positive.

I would like-- Some of you, I disagree with, and some of you, agree. But I want you to be there. Some of you will agree or disagree with initiative and referendum actions, but I

think it's important for them to be there even if only they can be cleared away as frivolous, so we can go on with other matters. If not, again and again, there will be new protection sought, at least in southern New Jersey.

And as you noticed before the election of Kean, there was a strong indication of a separatist movement in South Jersey. That wasn't directed at any single, specific legislative act, but a general feeling of discontent. I think that would come up.

I also think that this would be a protector of minority rights, and I feel that an opportunity to destroy this is an attack on my minority rights. I would rather see people in the streets handing out petitions to be signed, and having a feeling that they can get redress, and have even, perhaps, their most frivolous ideas put up on the ballot. Like, if it was 20 or 30 years ago, a frivolous thing like eating at a lunch counter with other people. That was frivolous then, but if we had had initiatives and referendums in states around the country, there would have been a lot less people injured, and we would have reached levels of cooperation among all people, I think, a lot easier.

And I look forward to seeing this legislation put through, and eventually expanded to meet the ideals that I think Mr. Zimmer originally hoped for.

Thank you.

SENATOR LIPMAN: Senator?

SENATOR HAINES: I'm very glad that you mentioned Alan Karcher's lunch program instead of John Russo's lunch program. Other than that, I have no questions. (laughter)

SENATOR LIPMAN: Yeah, well, I just want to tell Mr. Perlman that this is exactly the third time that the State Government Committee has considered the initiative and referendum legislation. And we addressed it -- sort of changed it -- to indirect referendum the first time it passed the

Senate. The next time we had it, it again passed the Senate. The next time we had it, it again passed the Senate. It has passed the Senate twice, and it's always been Senator Dorsey's bill, so Senator Dorsey was the initiator in the first place, before Assemblyman Zimmer.

When we received Assemblyman Zimmer's legislation this time, the way that it passed the Assembly, the Senate could have no voice on changing it at all. On considering whether this is the right answer, we could--

MR. PERLMAN: So, you would be in favor of the Zimmer bill if it included the right for the Senate to get rid of it?

SENATOR LIPMAN: No. It's just-- Unless we change the way that the statutes are written -- and we didn't have time for that -- we would either have to take Assemblyman Zimmer's bill as it is, with no changes, or we could consider only trying to put some amendments on Senator Dorsey's bill. No legislator would like to see his bill amended to the worst -- for the worst. If he accepts an amendment, it's usually for the better.

MR. PERLMAN: Well, I believe we all hope that you accept things for the better--

SENATOR LIPMAN: Right.

MR. PERLMAN: --but I'm sure that you admit that not everything that's amended, or that's initiated in the Legislature, is for the better. But even with that, we don't say, "Disband the Legislature," because you're human and we're human.

SENATOR LIPMAN: I'm just trying to tell you, from the point of view of this--

SENATOR HAINES: There's a lot to do, you know.

SENATOR LIPMAN: Yeah.

MR. PERLMAN: There is, there is. And I believe that the 80-20 rule -- I don't know if you're familiar with it or not, those of you that may or may not have inventories or what have

you -- but it generally says that 20% of your inventory represents 80% of your sales, or in a group, 20% of the group will do 80% of the work. And I believe a figure of 6000 piece of legislation was mentioned. I can't help but believe that if one applied the 80-20 rule to that, that 20% of the 6000 would represent 80% of the worthwhile legislation.

Now everyone likes to see their name in print, and perhaps, if there were some of these measures that were perhaps were frivolous were fought out on the street corners with petitions, rather than being -- it taking up the good legislator's time, so that it could narrow it down to the really important works of business that I'm sure you all recognize has to be done. I'm sure you all know what has to be done. I don't believe that you don't know. I think that you're overburdened because people come to you, just as they did to General Grant when he originally came up with the lobbying problem in the lobby of the hotel in Washington, and want things done. Perhaps these things should be channeled in different ways.

I think that-- You know, it's easy to accept the status quo. Nobody wants change for change's sake. But it's been mentioned before about participation. I think that we need to be concerned about the lack of interest in participating. There is a bicentennial of our national Constitution coming up in the next year. There's very little discussion about really, what the Constitution provides us, and our State Constitution parallels that. I certainly don't want to see another Statue of Liberty type of meaningless hoopla about it. And I think that this bill has a lot to do with that. This would give people the opportunity to participate in a small way -- a non-violent way, I think -- and a productive way. And that's why I'm for it. I believe it's an extension of free speech and the interaction of all levels of government with the governed.

SENATOR LIPMAN: Well, thank you so much.

MR. PERLMAN: Thank you.

SENATOR LIPMAN: All right.

Mr. Lloyd Curtiss from Pepsico?

MR. CURTISS: My name is Lloyd Curtiss. I work for Pepsico, which has the pleasure of doing business in New Jersey in the form of Pepsi Cola Company and independent bottlers, and a couple of company-owned plants around the State; and Pizza Hut and Taco Bell, which is not a big factor here -- and Frito Lay. These are companies that are New Jersey companies, though because they work here, they employ here, they pay taxes, they're members of the State associations that represent these industries.

We believe we're good citizens, and we try very hard to be; and in the line of citizenship, our State has suffered badly over the last few years, with a reputation of not being as good as some other state. Or, people ride up and down the Turnpike, and they get an opinion of New Jersey. I had the pleasure of being over in Princeton, at a seminar where a number of people attended that seminar from all over the United State. This was about three weeks ago. And, we had legislators participate in that meeting. They came in to see us, and we visited Governor Kean's office and he was out someplace doing something, which he's doing these days, and we understand that, too. But we had the courtesies extended to us.

But I came away from that meeting very proud of New Jersey, because there was much said that made me realize that this State had a tremendous comeback, and there's a lot more pride in the State among New Jerseyans. And I am a New Jerseyan; I was born and raised here. I've never lived anywhere else. And I consider that an honor. I live in the adjoining county here of Monmouth County, and I've lived there 30 years. I love this area, south or north, and I've lived in the north. It's a nice State.

But when such a proposal as I&R is pushed -- recommended -- I feel that I must speak not only in my role as a

representative of the company, but as a New Jersey resident of many years, and taxpayer. I'm upset that such a provision as I&R would be considered in this State, because it is anti-business. And we must remember the business helps pay for many things. The schools -- if people want to teach their kids at home, that's their thing. But I still think you get a better education out there in the public school system, and it helped me get where I am today, many years ago. And that goes for colleges, too. We all have to pay taxes for some of these benefits.

But I would say that the point I'm trying to make is that we don't want any more regulation, or any more "Mickey Mousing" of any laws than there are already. The fact that an I&R can help a very wild provision be passed-- What I feel is that I&R -- if you have enough money, you can get something passed; you can sell the thing with campaigns. And I know that in California, the public relations firms, the advertising firms, the media, have benefitted greatly from I&R, out there. And if there's an issue that's worthy of consideration, I would hope that the people that I vote for would pass it; or they'd vote against it.

I had the pleasure -- and I'm going to speed this up now, because the day is passing-- I had the pleasure, about two or three months ago, of meeting the President of the Senate in California, Vincent Roberti (phonetic spelling), who has come up through the Assembly chain. He was the youngest Assemblyman ever elected out there at that time; and he's been in the Legislature about 20 years. And he spoke at a meeting that I attended, and after that meeting I spoke to Senator Roberti, who again, is the President of the California Senate. And I asked him his opinion of the initiative and referendum proposal -- or, system. And he said -- and I was amazed to hear him say this -- he said that he's very much against it, that it causes mass confusion. And we heard the young man from the Eagleton Institute who made a statement about that. And he handed all

of you, I believe, a booklet that had 35 pages of explanations of what I think was -- I did not see that booklet -- of what was on the ballot in California last week. Now, I have to tell you that I think there is great confusion when such proposals go on the ballot, and that is the reason that Senator Roberti is very much against it. He said it just causes so much confusion to the voter, and they don't have two or three -- we had two last week -- they have sometimes as many as 10 proposals on the ballot. And I don't know how many there were this time, but it probably was at least five or six on the ballot there in California. And it was almost too much for the voter to understand, let alone read.

So I think this is something that you should look at very carefully. I worry about it going out on the Senate floor, because there's a lot of pressure going on there -- it's a very popular issue. It makes a person maybe march with the liberals a little bit, and that doesn't hurt if you're a candidate, to have a little bit of that kind of a reputation. But I do ask that this be considered carefully, when it goes to a vote -- if it does -- on the floor. And I thank you all very much for your time.

SENATOR LIPMAN: All right, thank you too.

Mr. Curtiss, you realize that this bill is already before the Senate? The statutes dictate--

MR. CURTISS: It will be on the floor, I guess.

SENATOR LIPMAN: --that we must have a public hearing and exhaust comment on it before it goes to the floor.

MR. CURTISS: Well, I'm glad I have a chance to comment.

SENATOR LIPMAN: Yeah.

MR. CURTISS: But I do hope that among yourselves, that you will all look at it very carefully before it does go for a vote.

SENATOR LIPMAN: Yeah, well, it left the State Government Committee without recommendation.

MR. CURTISS: Good.

SENATOR LIPMAN: It's just there.

Yes, Senator, I'm sorry to hog the floor. Go ahead.

SENATOR HAINES: No, I usually do.

I just wanted to ask, is there any way that you can see that we can improve the business climate here in the State? We've done a lot to help it, but -- are there ways, things that are problems today in the State? Is over-regulation a problem? Do you see other problems that we have here in the State, that's somewhat different than other states?

MR. CURTISS: Well, Senator, that is a wonderful question, and I know that the Senator would like to leave for Trenton by 4 o'clock.

SENATOR HAINES: You've got three hours to finish the answer. (laughter)

MR. CURTISS: If I could answer that, I should be working over in Trenton. I do serve as a local committeeman in my town; I've done that for a number of years. We're very fortunate over in Monmouth County; I think we send very good people over to Trenton. We've been very fortunate over the years. And I trust those people, and I vote for them. And I rely on those people to carry out what's best -- I really feel this -- for myself, my family, my community; and I hope that some of those things that I know you're aware of that you hope to change will be changed slowly. I mean, out of 8000 bills a year, there's got to be a few in there that are going to work for the betterment of the State.

I think that the tax situation -- if we can improve that, instead of going up, level it out. I know my taxes have gone up. They went into schools -- I'm not going to argue about that. I think if your tax goes up and it goes to schools, that's an investment in the future.

There's a lot of area, sir -- a lot of opportunity for improvement. And I'm going to rely on you to do that, and

Senator Lipman. I think you people are equipped to do it. You don't need me to go on the ballot and start voting there.

SENATOR HAINES: Well, keep us informed. I think one of the things the last speaker alluded to was the fact that maybe I&R didn't -- might not do everything right, and it might cause some problems. Certainly, in the Legislature, some of the legislation we've passed, we have to go back and quickly correct a bad situation. And we do it all the time, and I had a very good friend of mine whom I ran with the first time, Bobby Meyer, from this county. He didn't introduce very much legislation. He said, "My object in Trenton is not to introduce a lot of legislation. My object up there is to keep bad legislation from being passed." And probably a third of what we do is in that direction -- to keep bad legislation from being passed and also to deal with some of the regulators that get in your hair. And I see you've got more hair than I have, but they get in my hair, too.

MR. CURTISS: Well, it's going quickly. And if this bill goes, I'll be a little bit more advanced.

I appreciate the opportunity to speak here. I'll probably see you in Trenton. Thank you very much.

SENATOR LIPMAN: All right. Thank you very much, Mr. Curtis.

Mr. Richard Stokes of Atlantic Electric? There you are.

R I C H A R D M. S T O K E S: Madam Chairman, Senator Haines. My name is Richard Stokes, and I am the senior legislative representative for the Atlantic City Electric Company.

Atlantic Electric is an investor-owned public utility organized under the laws of New Jersey, which provides for the generation, transmission, distribution, and sale of electric energy to over 400,000 customers in southern New Jersey. Atlantic Electric covers a 2700-square mile service territory representing the southern one-third of the State of New

Jersey. In fact, we're one of the few companies that has this type of boundary, so truly, we are a southern New Jersey corporation.

Atlantic Electric opposes the initiative and referendum proposals currently before the State Senate. We understand that it is difficult to argue with the general concept of initiative and referendum that would allow New Jersey citizens to initiate new legislation, or repeal existing laws if they were dissatisfied with actions or inactions of the Legislature and the Governor. Evidence from the most recent Eagleton polls suggest that most citizens surveyed agree that they ought to be able to decide issues where public officials are hesitant to act.

However we agree with the many witnesses who have previously testified opposing initiative and referendum, that it would weaken our system of representative government. Our company has two major concerns with the initiative and referendum proposals before the New Jersey State Legislature. One is the complexity and the cost of the issues placed on the ballot and two is the geographic distribution requirements of the initiative and referendum proposals.

First, we believe it is difficult, if not impossible, to adequately explain many changes in the Constitution or new laws to voters on any election ballot. For instance, in the utility area, a variety of changes to the rate-making process have been placed on election ballots across the country. These issues are extremely complex and technical to understand, let alone explain in a short summary on an election ballot.

Many have suggested that the initiative and referendum, as an indirect form of government, helps to involve individual voters in the decision-making process. We believe, however, that a well-organized, well-financed committee, likely to be a special interest group, would be necessary to work a proposal through to passage on the election ballot in New Jersey. Our

view of the 37 utility-related votes across the country between 1972 and 1984 reveal that a minimum of over \$130,000 and up to \$4.5 million was spent per ballot question. This points out that the notion of initiative and referendum as the average New Jersey citizen perceives it, giving him or her control over the decision-making process, is, in fact, not the way the process works in reality today across the U.S. It has become a big business, with many political consultant and advertising firms reaping the benefits by influencing voters' attitudes.

Second, we believe that geographic distribution requirements for only petition signature-gathering in the initiative and referendum legislation being considered is not adequate. As a company representing a specific geographic location in the State, we are concerned about the lack of geographic distribution requirements for the initiative or referendum proposal itself on the election ballot. Because citizens in New Jersey sign a variety of petitions regularly, South Jersey voters could sign a petition to place an I&R issue on the ballot without realizing the full impact of their signatures. In states without a geographic distribution requirement, urban vs. rural, north vs. south, and/or region vs. region have been pitted against one another on initiative and referendum questions.

Given the recent South Jersey secessionist movement, Atlantic Electric is concerned about questions that might impact our region of the State. Under the Senate Committee Substitute, an issue could impact only Southern New Jersey, like stronger Pinelands protection, nuclear or hazardous waste siting in the region, casino gaming, or Atlantic Electric rate matters, and could receive the 386,000 signatures required to 30% of the total votes cast in the election without receiving one single vote from the entire Southern New Jersey voter population.

I've attached to the back of the report two tables. Table I summarizes how an initiative or referendum proposal could reach the ballot and be approved by the New Jersey voters with South Jersey support only at the petition-gathering stage. In Table II, we have reviewed the 1985 election and its ballot questions. Since most New Jersey voters do vote on public questions, the minimal 30% requirement for total votes cast in the election is a very low and easy number to reach. In 1985, even the controversial and final ballot question on legislative oversight resulted in winning 42% of the total 1985 ballots cast. We suggest the actual election vote require broad geographic distribution across the State. We believe an equitable geographic distribution would require a certain percentage from each county in the State.

In summary, Atlantic Electric submits that initiative and referendum -- an issue that at first glance seems a right all citizens should enjoy -- could result in complex, technical questions being reduced to a simple ballot explanation, making it extremely difficult for the voter to cast an informed vote. The process involves more than simple citizen action and, in fact, today results in quite costly, well-financed, special interest questions reaching the ballot.

Finally, the lack of geographic distribution requirements at the ballot could result in issues being decided at the expense of regions like South Jersey, which are less populated. Atlantic Electric submits that the voters of New Jersey, under the current system of representative government, have intelligently led us to a position of leadership among the States. We ask this Legislature to continue the system of governing we have had with such successful results, and to oppose the present initiative and referendum proposals.

SENATOR LIPMAN: Thank you.

Senator, you wanted to speak to this? Any questions?

SENATOR HAINES: I don't have any questions.

MR. STOKES: Did you want me to go back to it? (laughter)

SENATOR LIPMAN: Thank you, Mr. Stokes.

SENATOR HAINES: How do I get my electric bill reduced? I keep asking that. (laughter)

MR. STOKES: We just won't send it in next time.

SENATOR LIPMAN: Mr. Tony Pizzitullo, New Jersey Builders Association.

A N T H O N Y P I Z Z I T U L L O: Thank you, Madam Chairperson and Committee members -- or member. I am Anthony Pizzitullo; I am with the New Jersey Builders Association, and I'm here today to share the New Jersey Builders Association's views on I&R.

In examining proposals to authorize initiative and referendum in our legislative process, we should consider the role that New Jersey's Constitution assigns to the Legislature. In this context, the Legislature is the policy-making body of the State. It is responsible for examining the broad implications of issues, and on the basis of this analysis, it is expected to devise solutions that will balance the manifold interests that are affected by our laws and regulations.

The Legislature is composed of individuals elected to represent their local districts. Seats are apportioned, to the maximum extent possible, to give equal representation to every citizen of the State. As a result, the Legislature is a microcosm of the State, and represents a broad diversity of region and interest that exists in New Jersey. Yet the Legislature is sufficiently small as to permit the formal debate -- the insightful give-and-take -- that improves legislative proposals as they proceed through both chambers. In this way, our representative form of government is both representative of the people and efficient in accomplishing these objectives.

The Legislature is elected to represent the people, to reflect their concerns, and to accomplish their will. If you

find a flaw in the responsiveness of the State's government to the will of the people, you might better question those elected to accomplish it rather than the constitutional tools that these elected individuals wield.

The structure of our government anticipates that the Legislature will define the purpose and scope of the law; and further, that the Legislature will monitor the implementation and operation of programs and laws to assure that they achieve these purposes. These principles are at the heart of the distribution of authority within our State government. They are critical to the checks and balances essential to our constitutional form of government.

Our system of representative government adds stability to the public policy process, and this is essential to the long-term prosperity of our citizens. As a result, the individual private citizen -- and the private sector generally -- can plan and make long-term commitments with a sense that public policy will remain stable, and evolve incrementally, without shifting haphazardly.

When our laws are enacted on whim, when they reflect narrow purposes and are pushed through without regard for the general welfare, none of us will be able to assess future conditions and none of us will be able to make prudent judgments of either a personal or business nature. By reducing the stability of governmental policy, initiative and referendum will increase the uncertainty that confronts those who must plan and who must assess risks. If the business of legislation becomes haphazard, then all citizens will face increased uncertainty, become more hesitant in making long-term commitments, and in the worst case, become paralyzed as lawmaking becomes more of a media event than a deliberative process. In that environment, is it not likely that business will look to locate elsewhere? Won't our citizens' future welfare be adversely affected by this?

Initiative and referendum disrupts our governmental structure by introducing into it a potentially simplistic legislative process. It reduces highly charged and complex questions to a simple vote of "yes" or "no." Voters have two stark choices and cannot rely on their elected leadership to apply its political skills to achieve balanced and rational compromises.

The potential of initiative and referendum to alert (note: written statement says "alter") our policy-making progress is so great that you cannot view it as a single constitutional amendment. Its impacts will be such that it should be viewed as a veritable rewriting of our Constitution, as it will reduce the legislative branch of the government to such a degree that its very necessity is called into question.

What do we want for New Jersey? Do we wish to be held hostage to simplistically stated proposals from single-interest-minded groups? Do we want to commit ourselves to waging expensive media campaigns to stop proposals that would gut the State's revenue base, disrupts its economy, or place it outside its own Constitution? It is easy to imagine proposals that would do these things, and we saw this happen on Tuesday.

The New Jersey Legislature has a national reputation of being responsible in taking action on very complex issues that then becomes model legislation for other states. We support the view that elected representatives of our State should continue to have the responsibility of studying all aspects of legislative measures and making informed decisions on them.

The New Jersey Builders Association is deeply concerned about the issue of initiative and referendum. While it may be offered as a reform that will make government more responsive, it is inevitably becoming a tool that will abuse the public welfare as special interest groups use it to promote narrow

objectives. Initiative and referendum borders the abdication of legislative responsibility and becomes a mechanism for circumventing rational government.

You have before you SCR-1 that will alter the very fabric of our State's government. It has the potential of transforming the State's legislative process into an erratic instrument of special interests and emotionalism. In this light, initiative and referendum must be seen not as a proposal to reform government, but rather, as one that will deform it.

I thank you.

In addition to that, what you have before you is Chapter 10 of Professor David McElbee's (phonetic spelling) book, called "Direct Democracy," that I would like to have written in the record. What direct democracy is, is an empirical analysis of initiative and referendum in our states nationally. What I would like to do is just comment to you what he has found under a scientific approach, which we hope to be unbiased -- is that we heard a lot about citizens' participation today, about -- with regards to I&R being opened up to the citizens of our State. McElbee has found this, through his empirical data: Number one, that citizens rarely read ballots. He calls it "walking into a ballot, or a voting booth, and playing Russian roulette" on determining decisions on various ballots.

In addition to that, with regards to the representativeness of specific types of I&R, McElbee says, "Direct legislation or I&R is structured in such a way as to discourage participation by less educated and (indiscernible) voters, who lack the knowledge and personal efficacy to survive the complicated ballot, the voters' handbook, and the excessive number of voting decisions." Now, that is an empirical piece of data in which he inferred (sic) his decision based on a number of states that have initiative and referendum.

In addition to that, McElbee says about voter understanding, "Significant voter confusion exists over the

meaning of the vote, which goes beyond uncertainty, about the best policy option." Now, is that what we want in New Jersey? Do we want that thing to happen, and what makes New Jersey citizens different from other citizens in the rest of this country?

And finally, McElbee says that "special interest groups are primary participants in direct legislation." This is a finding that he's put forth -- not citizens, special interest groups -- special single interest groups run the agenda on initiative items in other states -- not citizens, not for citizens, not your general John Q. Public. And as a result, by driving the agenda, they effect the legislative agenda within the Legislature.

Now, again, as I said, McElbee's book is an empirical piece of data. I believe it's the only piece of empirical data done on initiative and referendum. Again, I think these estimates are more than inferences; they are educated estimates, and we should look at them as an example of what's been happening in other states.

Thank you.

SENATOR LIPMAN: Okay. Senator? A question?

SENATOR HAINES: I just want to make a comment, or say something-- You praised the Legislature, and we thank you for that. Every time I see you up there, though, you're scared to death we'll pass a bill that will screw up the (indiscernible) (laughter) I guess we haven't done as much damage as maybe we thought.

MR. PIZZUTILLO: I think you're exactly right, Senator. We feel that in this pluralistic society, all interest have an even-handedness, and we have to maintain that our interests are certainly looked after. But that's what makes this whole process so good, that other interests have an opportunity to partake in the process, whereas in the initiative and referendum process, it's winner take all, and the silent majority is the one that suffers.

Thank you.

SENATOR LIPMAN: All right. Lisa Glover, Roz Ladov, Jacqueline Keller, all from Mayfair - are they here? Oh, here you are. You are --?

L I S A G L O V E R: Lisa Glover.

SENATOR LIPMAN: Miss Glover. All right. Lisa Glover, Mayfair Supermarkets. Are the others--

MS. GLOVER: Miss Ladov is not here; Miss Keller is in the back and will speak directly after me.

SENATOR LIPMAN: Does she want to come forward to be with you?

MS. GLOVER: She will speak directly after me, if you don't mind.

SENATOR LIPMAN: Okay.

MS. GLOVER: Good afternoon. My name is Lisa Glover, and I'm Communications Associate for Mayfair Supermarkets in Elizabeth, New Jersey. More importantly -- and the reason I am here today -- is the fact that I am a registered voter and taxpayer, and would like to share my concerns, ever so briefly, with this Committee regarding initiative and referendum.

The idea of putting proposed laws and/or changes to the State Constitution directly before the electorate in the form of a referendum is, on the surface, an appealing one. After all, the referendum process seemingly embraces the very best of our democratic traditions -- government of, by, and for the people. But just what people, or rather, who would determine which new laws or proposed changes to the State Constitution would appear on a referendum ballot should give cause for concern.

The initiative and referendum process is one fraught with potential abuse. One might argue that it gives every citizen an equal chance to utilize the process, but what are my chances really, without time, money -- and money is a very critical factor -- without time, money and manpower, what are my chances, realistically, to put forth a measure?

Again, you might argue that grassroots groups have accomplished a great deal through initiative and referendum. But the reality is that special interest groups which have the greatest resources, can and do often control the process. Witness the recent attempts in Massachusetts to deny public funding for abortions, and countless other measures voted upon in states which have I&R.

Moreover, let's consider the actual numbers of people who would vote on referendum issues. Presently, only a small percentage of all registered voters cast their ballots in any given election. To think that, quote-unquote, "x" percent of all registered voters will ultimately determine changes to the State Constitution is not only troubling, but frightening.

I strongly urge all State Senators to vote no on initiative and referendum. Let's not circumvent the legislative process. It works, and it works well. It is perhaps the best example of government for the people. Tough questions or issues cry out and deserve thorough analysis and debate. This is best accomplished through our present legislative process. Again, I urge you to vote no on initiative and referendum. Thank you.

SENATOR LIPMAN: Senator?

SENATOR HAINES: I'm just amazed at how many nice voices we have for the Legislature. You get up there in Trenton, and people are scared to death--

SENATOR LIPMAN: It means we're all going to be re-elected.

SENATOR HAINES: I guess so.

Thank you.

SENATOR LIPMAN: Thank you, Miss Glover.

Okay, you are -- let me see --

J A C Q U E L I N E K E L L E R: I'm Jacqueline Keller.

SENATOR LIPMAN: Miss Keller? Jacqueline Keller.

MS. KELLER: Thank you.

Madam Chairperson and Senator Haines, I will be very brief. My name is Jackie Keller; I'm Vice President of Communications for Mayfair Supermarkets in Elizabeth.

Both personally and professionally, I am strongly opposed to the I&R proposal. I feel that issues, particularly controversial issues, need to be clearly debated, refined, and amended in the legislative process. That's what we elect our legislators to do for us.

The I&R lends itself to being taken over by special interest groups pursuing narrow interests. Important issues such as abortion, school curriculum, income tax -- the kind of issues that need serious debate would be the ones that show up on the ballot with no debate. There would be no chance for meaningful dialogue, or compromise; and of course, there would be no accountability, since special-interest groups are not elected officials.

The result would be laws that go against the interests of most people, and the people of New Jersey would be the losers. The Legislature has proven to be responsive to the needs of all the people. There is growing confidence in our elected form of government, as indicated by recent Eagleton polls. Let's keep it that way.

Thank you.

SENATOR LIPMAN: Very complimentary. Thank you.

Miss Constance Kirby? Is she here? Yes.

C O N S T A N C E K I R B Y: Thank you, Madam Chairman, gentlemen.

Those before me have given all the reasons, or many reasons -- all the pros and cons, etc., so I too, will keep it very, very brief.

The initiative and referendum proposal is most flattering to the voters of this State. It implies that each one of us has the inclination to investigate and study issues, and the ability to create laws that will be beneficial to everyone. Unfortunately, I don't believe that to be so.

Under our present system, we the voters have the right and privilege to select the candidate of our own choosing. With our vote goes the responsibility for maintaining good government, and for enacting good law. Whenever issues arise that have an effect on the general public -- we saw evidence of that this afternoon -- we are inclined to react emotionally. Our elected representatives are more astute. They have the time and the resources to thoroughly investigate said issues and proposals, weigh the pros and cons, and thereby reduce the chances of bad laws. You notice I didn't say we don't get bad laws. We do get them, but the odds are a lot less.

As citizens, we do participate, in response to one of the other ladies who said, "What can we do?" -- I&R was the answer for the citizenry. That's not so. We do have a chance to participate, by exercising our franchise. We must permit our representatives to do their job by maintaining good government. If they don't, well, there's always another election.

Thank you very much.

SENATOR LIPMAN: Senator? Thank you, Miss Kirby.

All right. Miss Sue Covais, of the New Jersey Association of Realtors.

S U S A N C O V A I S: Thank you, Madam Chairperson. My name is Sue Covais, and I represent the 38,000-member New Jersey Association of Realtors. Let me give you my statement. (leaves seat to distribute statement)

Thank you, Madam Chairperson, and members of the Committee, for allowing me to testify. Basically, I'd just like to say that the 38,000-member New Jersey Association of Realtors opposes Senate Concurrent Resolution No. 1, which establishes the procedure known as initiative and referendum.

NJAR believes that initiative and referendum is not an appropriate way to govern in the 1980s, and I believe you've heard that from a number of speakers. The Association feels

that New Jersey's political system is working, and I think this hearing itself is a good example of that. We've all had an opportunity to talk, and express our views on that.

The New Jersey State Legislature is a respected one that does have a reputation for facing the tough issues, like Mount Laurel, like insurance reform, capital punishment, toxic waste, etc. For example, we were talking before about 8000 bills. I used to be a legislative aide for one of the Republican legislators a few years ago, and a lot of those bills -- and I'm sure, a lot of these 8000 bills that are in the hopper right now -- are a direct result of communications with constituents. I remember many times putting in a bill for one person, because they had a problem. And through that discussion in committee, it was discovered that many other people had that problem, but didn't really address it to their legislators. So, I think legislators are being responsive to their constituents, and they are putting legislation in; obviously, we have 8000 bills because of it.

And I don't think a lot of us -- the groups that are opposing I&R -- don't think that voters have the wisdom. There's no doubt about it, that voters have wisdom, and that people can make intelligent decisions if they have the time. And I think that's one of the key things that really hasn't been brought up. It takes a lot of time to read a ballot, and I know -- I've seen that California ballot, with 65 pages, or whatever pages it is. I don't think I would have read the whole thing, and as a matter of fact, just glancing at it right now, you know, as you would have glanced at it when you received it in the mail, you really would not have had the time to read through all those issues. And being a lobbyist and a person in the political arena, you'd think that I would be able to -- that I would be a person who would read that stuff. I myself probably wouldn't have had time to read that, and I probably wouldn't have made an intelligent decision if I were

living in California; because I know I wouldn't have taken the time to read that.

For example, the two issues that were on our ballot this past election -- I read them and I didn't really understand them, and a couple of us were having a discussion out there in the hallway. Only two issues -- and neither one of the people I talked to in the hallway really understood them, either, and they're all in the political arena-- As a matter of fact, I got into the voting booth, and I voted and walked out and realized I had forgotten to vote on the issues, because they were over here and I was voting in this column over here and didn't even see them, so-- I mean, even people in the political arena, you know, we all make mistakes. And I think the key thing about I&R is that it's the whole time thing -- who's got time to read 10 issues and really understand them?

There was one woman before me who mentioned, why don't we have this hearing on a Saturday, when more people have time? Well, the very people that we want to vote on these very complex issues are the very people who don't have time to be here today. Even those of us who are here today don't have the time to read 10 issues, and we trust you, as legislators, to make those decisions for us, really. Because that's why we elected you -- we don't have time to review all these issues. And that's why, when I saw those two questions on the ballot, I said, "Well, I'm sure these are good for the State, because -- I'm sure they've been through committee, and the Governor signed them, and everybody voted on this; I'm sure it was a compromise, so I'm going to vote 'yes' on these, because I think it probably is good for the State," even though I didn't really understand them.

We think that I&R is a way for the legislative process to be bypassed on these tough issues. Concerned citizens go directly to the public instead of through the legislative process, like we're discussing right now, where we can debate

an issue or revise it, or amend it when necessary. In I&R, these issues are debated in the media, and this leaves those groups who can't afford the media unable to debate these issues. And I don't think that's fair. I think that everybody should have an opportunity to debate an issue, whether they can afford it or not. We think this is a step backwards, and this is not the way the system was intended to operate.

As an aside, I have a publication here, as we were talking about the fact that there are many PR groups in California that are into this business of initiative and referendum organization. This is a publication for the Boards of Realtors out in California, and it's written by Kaplan Associates in Los Angeles, California. And it's a small little booklet of about 60 pages. It goes on about how you set up an initiative, and I just wanted to read to you a couple of the things that they said.

In their little introductory letter to these Boards of Realtors that they would send this to, they say, "I&R originally was designated as a way for the people of California to wrestle control of the State Legislature from powerful railroad interests. The initiative has become a favored tool of special interests -- governors, legislators, environmentalists, Democrats, Republicans, and neighborhood groups -- to get what they want after the Legislature or local governments have ignored or rejected their goals, demands, and ideas." These are not just concerned citizens; this is people who are already in the process, who haven't been satisfied through the regular compromise and debate process, and have decided to bypass it.

They also warned the realtors that qualifying an issue for a ballot is time-consuming, expensive, and not always successful. Before you begin to draft an initiative, try to get your County Board of Supervisors or City Council to place a measure on the ballot by legislative action. They say that

"this would save you a good sum of money, and criticism of being the initial backers and writers of the proposed law." This is really a marketing plan, and later on Kaplan Associates talks about getting a political professional to assess the "marketability" of the initiative from the public's perspective. We're not talking about good or bad now, or whether something's good for the State or bad for the State. They're just talking about marketing an idea, and I think that's a very dangerous concept when we're talking about legislation through marketability, as opposed to legislating through what's good for the State, what's going to help the State.

And I just wanted to end with the fact that our Association doesn't see the advantages of having initiative and referendum in New Jersey. We should be looking for ways to improve our deliberative process, instead of ways to bypass it. And I'd like to thank you very much for allowing me to address you.

SENATOR LIPMAN: Okay.

SENATOR HAINES: Sue, one of the things that has come to my attention -- and some of the arm-twisting that's been done, frankly, by people in my own party -- has been that they say that we can solve this Mount Laurel problem with I&R, and this fits right in with your field by passing legislation that would for all time return the planning and zoning process to the local towns. How do you feel-- Does this give you a conflict in what you're saying here? How does this fit into the situation? Does this make sense to you?

MS. COVAIS: Well, our Association, as far as Mount Laurel has gone -- we really have not taken a position on that. We are an association that is in the business of having housing, and having more housing. I think that it's -- that the Mount Laurel decision -- it went to the court -- not that I may debate about whether that was a right decision or a wrong

decision, the fact is that people need housing, and real estate licensees would then sell this housing.

I think that the decision-- My perspective, anyway, because the Association really hasn't taken a for or against position on it, is that we have a job to provide housing, and this State is not providing the housing. We have a serious housing shortage, especially affordable housing, and our Association recognizes that -- not just in home ownership, which is the basis of our Association -- that we'd like more people to own homes, and it's really their basic right as a citizen of this State.

But we feel that there's a shortage in other housing areas, too. Like one of the things that we've thought about is rental housing as another way that a town could provide some affordable housing. We've made a lot of -- there's been a lot of anti-rental housing legislation lately, too. And I think that the court has a definite role in that the minority rights really have to be protected, and I think that's what Mount Laurel was about -- that yes, we do have -- whether it was too far this way, you know, in the decision, the fact remains that housing -- that a town really can't discriminate in its housing stock, and that towns really do have an obligation to provide housing for those people who work in their town, that there really should be more of an effort made to provide affordable housing.

SENATOR HAINES: So, even in spite of that, your Association would be against 1&R?

MS. COVALS: Oh yes, definitely.

SENATOR HAINES: Okay. Thank you.

SENATOR LIPMAN: Okay. All right, thank you.

At this point, I'd like to make an announcement that we have decided to have another hearing at 10 a.m., December 4th in Trenton. That is a session day for us, and we'll have two good hours to hear the rest of the testimony. However, if

there's anyone here who cannot come to Trenton December 4th at 10 a.m., I'd like to hear you now. Is there anyone? (audience member indicates yes) All right, would you come forward, sir?

A L M U L L E R: I am Mr. Muller. Madam Chairman, Senator Haines--

SENATOR LIPMAN: Yeah, Director of Public Affairs, RCA.

MR. MULLER: I'm just interested in public affairs, and I want to say, when I look around and see the people who are against it, it really makes me for it. If I was undecided before, I certainly am for it now. I resent very much -- very deeply their implication -- and not in the least bit hidden -- that I am quite stupid because I have not secured a college degree.

Now, there's a lot of things I can do, and a lot of things I can't do. And I can understand an argument. I have a few things marked down here. I didn't come prepared. Most of these people came well-prepared, in lots of time -- knew exactly what ax they were going to grind, and I would like them to point out to me just who exactly is that Machiavellian monster who's going to manipulate me in my vote. Who is this terrible person? What sinister motives do they have?

On the other hand, I'd like to know what sinister motives these business magnums (sic) have? I'll agree with the fact that business -- the concern of the entire environment is business. If you don't have it, if it isn't running smoothly, things are in chaos. I'll admit that. But they say that people are pouring money into these campaigns -- one man said, \$4 million for one, \$5 million for another. I'd like to know where those millions came from -- who was behind it.

They also said that once any of this legislation is passed, we'll be stuck with it for five years. We've been stuck with a lot of legislation that's no good for longer than five years. Also, on the other hand, if we can pass legislation, why can't we undo it? Senator, you said that you

spend a lot of time undoing it. So, it can be undone with anything that's started out by an I&R. So, that's my position.

But Senator, you wanted to know what you haven't done that you could do. May I list a few things?

SENATOR HAINES: Sure.

MR. MULLER: Thank you.

One thing -- I know you've been working on this part -- chemical irresponsibility. There's a lot of it.

SENATOR LIPMAN: Toxic waste.

MR. MULLER: Yes. The glass Bottle bill -- that's another thing down the drain. Why? All of this money that they claim is spent on promoting I&R somewhere else -- I'd like to know how much money is spent by these fellows -- most of them gone home already, so they can't hear my objections -- they weren't going to listen to them anyhow. How much money do they spend in promoting legislation in their particular favor. Not mine, I'm sure of that. The glass Bottle bill is one illustration of that.

Another thing you can address is the court system. It stinks, and you know it. Another one is the lawyer system in the courts. You know what I'd like to see? The lawyers put on a roster. One, you take the prosecution; two, you take the defense. The next time the list comes around, you'll have the prosecution; you'll have the defense. And proper legislation to do away with frivolous lawsuits for these lawyers who waste everybody's time in the court, etc.

Let's see if I find anything else here that I can read. Oh, yeah. How about pesticides? All through the country, you know they talk about business having done such a wonderful job promoting agriculture. We produce more grain, more corn, more wheat, etc. Would you tell me where all this extra corn and wheat is? It's rotten -- some of it out in the fields, some of it in silos, some of it taken out and shipped but the bottom's rotting out of it.

So, Senator, there's just a few of the things that I noted down. And I thank you for paying attention to me.

SENATOR LIPMAN: Don't go anywhere. Okay, you want to speak. (A member of the audience speaks away from the microphone; the comments are completely inaudible)

MR. MULLER: Sure. Pardon me.

SENATOR LIPMAN: Oh my goodness; what do we do now? I think -- Senator, do you want to try to give him an answer?

SENATOR HAINES: Which one of your-- You know, we could be here all afternoon talking about all of those things that you mentioned. Which one would you like me to answer, because I'd love to talk about any one of them -- the Bottle bill, the pesticides, or which one of those things would you like me to answer?

SENATOR LIPMAN: We can't (inaudible) the courts.

MR. MULLER: I'd like to hear something positive on the court--

SENATOR LIPMAN: Yeah, I thought so.

SENATOR HAINES: The court thing? Well, that's my favorite subject. Our Supreme Court Justice lives on Park Avenue, New York -- the Chief of our Supreme Court in New Jersey. And, this part of the State has no representation on the New Jersey Supreme Court. Southern New Jersey has no representation, while our Chief Justice of our Supreme Court lives on Park Avenue, and he doesn't want to move to New Jersey. That's a problem. We tried to solve that in the Senate, but you know, we can't solve everything. We just couldn't do it.

MR. MULLER: Well, solving his residential problem isn't solving the procedural problem that occur in the courts.

SENATOR HAINES: We in South Jersey would like to have representation on the Supreme Court. And I think we're entitled to it, because we do have a quarter of the population down here. And some of us on both sides of the fence -- and I

want you to know this -- are a little irritated that we have no representation, and Park Avenue, New York, is represented.

So, we try, but we don't solve-- I've got a lot of friends who say the same thing that you do, exactly.

MR. MULLER: I'm glad I'm not alone.

SENATOR HAINES: And we try to solve some of these problems. Most of the farmers want a Bottle bill. We try to solve some of these problems, but we don't solve them all because we don't all agree. But we try to get our point across, and I think, if you'd come up to a Senate session, you would see that we as Senators get up and express our own point of view. And many times Wynona's and my point of view is the same. Sometimes we're different. But she respects what I say, and I respect what she says. And when we listen to what everybody says, then we vote. And it really is a democratic process -- it's a very democratic process.

But as I said before, we make mistakes and we don't always win our own point of view.

MR. MULLER: I certainly believe that. But sir, with the l&R, it does not mandate that anything particular be done, but it does mandate that the Legislature give it thought and come up with an appropriate bill addressed to the subject.

SENATOR HAINES: It also says that if the Legislature does not do that, then it goes on the ballot as an issue. And that's where--

SENATOR LIPMAN: That's why we call it indirect.

MR. MULLER: And you don't have time to resolve anything in six months?

SENATOR LIPMAN: Oh, yeah. We do.

MR. MULLER: Well, then it would be resolved without--

SENATOR LIPMAN: I think we resolve issues very fast, if we have to.

MR. MULLER: I think so. Thank you very much.

SENATOR LIPMAN: Thank you very much, Mr. Muller. (Refers to speaker in audience) You said you -- Can you have time for him?

SENATOR HAINES: I've got time.

SENATOR LIPMAN: Who are you, sir?

D E N N I S F. B R A D L E Y: Dennis Bradley.

SENATOR HAINES: (To Senator Lipman) I don't have as far to go as you do.

MR. BRADLEY: I think I'm the last one on there.

Good afternoon, Senator Lipman, Senator Haines. I'm Dennis Bradley, South Jersey Chamber of Commerce. We have approximately 840 member firms who employ around 250,000 people. Our headquarters, incidentally, is in Pennsauken, and I'm a resident of Medford Lakes here in Burlington County.

Currently in the New Jersey Legislature are several separate proposals for the implementation of an initiative and referendum system. After reviewing this legislation, the South Jersey Chamber of Commerce strongly opposes any I&R process as unnecessary and contrary to our representative form of government.

All individuals, groups, or organizations now have the opportunity to participate in the legislative process through equal representation and access to our local officials, as so many people have done today.

An I&R system will allow a minority of the population to place before the electorate certain issues, regardless of their impact on all citizens of New Jersey. Such a system undermines the role of elected State representatives, who are charged with carefully evaluating the needs of all citizens of New Jersey and enacting responsible legislation to address those needs.

Many of the issues facing the Legislature today such as tax reform, particularly liability and automobile coverage, and hazardous waste disposal are difficult to resolve. The fact that the Legislature has been struggling with these issues, and

the Assembly's narrow passage by a minimum of 41 votes, of ACR-53 demonstrates their complexity. In fact, in a 1954 (note: written statement says 1984) Star-Ledger - Eagleton Poll, 75% of those questioned felt that important issues are too complex for a simple yes or no vote in a public referendum.

The Chamber feels the Legislature has not always been responsible to its particular concerns. However, the current system does allow for comprehensive dialogue and debate of the issues. The result of an I&R system would be laws enacted without the benefit of essential open debate. The South Jersey Chamber of Commerce strongly urges the Senate to resist attempts to establish any initiative and referendum system.

Thank you for the opportunities to present these views.

SENATOR LIPMAN: All right. Senator, you want to say something to him?

SENATOR HAINES: Dennis, I think you said it very well. I don't really have any questions.

MR. BRADLEY: Okay, thank you very much.

SENATOR LIPMAN: I don't either. Thank you for coming.

Sir, did you want to say something about--

E D F I N N E G A N: (Speaks away from microphone) I thought if I answered this gentleman as a layman, instead of you--

SENATOR LIPMAN: We didn't answer him, really.

MR. FINNEGAN: --as to where is all the support coming from for I&R, and what else did he have to say -- generally put everybody down. I am just a layman, and I think that I am an amateur at this stuff in a room full of professionals. It's been my observation that no matter what line of human endeavor we -- is ever operated, the professionals are the ones that do the best. And because I'm just an amateur--

SENATOR LIPMAN: Don't you want to sit down, so--

MR. FINNEGAN: My name is Finnegan, Ed Finnegan.

SENATOR LIPMAN: Yes. We want you to be in this transcript, so you have to talk into the microphone.

MR. FINNEGAN: (Sits at microphone) I'll start again.

SENATOR LIPMAN: All right.

MR. FINNEGAN: I am here as the plain, common citizen that someone spoke about quite a long time ago. And I've heard 20,000 representatives, 50,000 representatives, but I think I actually represent the majority. I represent the common citizen.

I also know that I'm an amateur at this type of presentation, coming to these meetings. And therefore, I'm not a professional. I've noticed that in all forms of human endeavor -- let's take athletics, baseball, football -- I have this written down-- You take any form of endeavor: athletics, a doctor, a lawyer, a clergy, the banker, and educators. These people are professional, and they do their job better than I do as an amateur. I don't feel I'm qualified to try to do a better job at legislation than you people who are the professionals at that, and I personally am content to go along with your professional decisions, because I think you are much better qualified than I am as an amateur.

The only thing-- I wanted to ask a question, and see if I'm correct. My understanding of this thing is that if I were a well-heeled kook, it would be possible for me to form an organization and get enough resolutions if I hired a crew out of the State of New Jersey, and the resolution would be, on the subject, "Shall it be illegal to write with your left hand?" Ludicrous. But if I had got the required number of petitions, this thing conceivably could be presented to the Legislature and if nothing happened, in six months, would this go on the ballot? And if it did, the majority of people in the State of New Jersey are right-handed. I'm wondering, conceivably -- highly improbable -- would it be possible that under I&R, that type of legislation could become a law. Being an amateur, I

don't know that. I know positively that it would never get through the Legislature the way it is set up now, with the checks and re-checks. But I'm worrying if that type of ridiculous legislation could actually become a law, and have to stay there for five years. And I think a lot of ordinary citizens are probably worrying about that, or at least, they should be told that this possibility exists. And that's it.

SENATOR LIPMAN: Thank you very much. Senator, you wanted to speak?

SENATOR HAINES: I think really, that's a little far-fetched. I think the courts would strike it down, and that would be it, because as we heard before, the court struck down most of these referenda in California, and there's -- some of what passed this week may have trouble, going through the courts.

There is the possibility that any of this can be struck down because it infringes upon human rights, and I think that the right to write with your left hand is something that every human has a right to do, and you can't take that away from someone. So, I really think that (inaudible)

MR. FINNEGAN: Well, I worried a little earlier because somebody here said that through the various devious methods, maybe some of the human rights could be crossed over. I'm not making any accusations. I just don't think that something that had any of these "ifs" in it would ever get past the Legislature, between the Senate and the House now; and we're a little -- we citizens should have characters and features of the law that are positively positive, with no "ifs" in it. And that's the way it's operating now, and that's why I personally think it should stay the way it is.

SENATOR HAINES: I would like to straighten you out on one subject, though. I'm the least professional person you ever saw, and I don't consider myself a politician -- maybe others do. But I'm a farmer, and that's my basic source of income. I

really think that the Legislature is made up of people from different professions, and because it is, it's a cross section. It is not a professional group of people, and I hope -- I really hope it doesn't become a professional group of people; that it's more or less a cross section of society. And to me, the more people like yourself that get involved in the political process, the better off we are. We should have, in every legislative body, in every county government, in every local government, a cross section of people as near as possible, and not professionals. And that's why we're part-time. We're all part-time; we're not up there full time.

MR. FINNEGAN: All right, then I should remove the term "professional." I didn't mean its implication that any material or money was involved. Let me say, "experienced."

SENATOR HAINES: Well, experienced, but--

MR. FINNEGAN: At making good laws.

SENATOR HAINES: Yeah, I think even there, these folks who work with us, they're the professionals. They tell us what we should do and try to keep us out of jail. (laughter) But we're the folks who make the final decision. They try to make sure that what we do is legal, and that we don't do anything wrong. But basically, we're not professionals. We're part-timers.

MR. FINNEGAN: I'd like to close with an observation. This is the first contact that I've had with either of you. I'm very impressed with your clarity and your comprehension, and your sound reasoning; and I have confidence that you will be able to continue to make very good laws.

SENATOR LIPMAN: Oh, thank you very much sir. (audience applauds) Well, I guess we'd better leave on that note. (laughter)

(HEARING CONCLUDED)

APPENDIX

ATTACHMENT A

LEVELS OF EDUCATION FOR ADULTS IN CALIFORNIA, MASSACHUSETTS, OREGON, RHODE ISLAND, AND THE UNITED STATES AS A WHOLE, 1976

<i>Years of School Completed</i>	<i>California</i>	<i>Massachusetts</i>	<i>Oregon</i>	<i>Rhode Island</i>	<i>Whole United States</i>
0-8	13%	14%	11%	20%	17%
9-11	13	14	13	18	16
12	34	37	38	33	36
Some college (13-15)	23	18	22	14	17
B.A. degree or more (16+)	17	17	15	15	14
Mean year of school completed	13	13	13	12	13

Source: U.S. Bureau of the Census, *Statistical Abstract of the United States, 1981* (Washington, D.C.: U.S. Government Printing Office, 1981), 144.

READABILITY OF BALLOT DESCRIPTIONS IN CALIFORNIA, MASSACHUSETTS, OREGON, AND RHODE ISLAND, 1970-79

<i>State</i>	<i>Average Number of Words in Sample</i>	<i>Average Number of Words per Sentence</i>	<i>Readability</i>		
			<i>Fry^a</i>	<i>Dale-Chall^a</i>	<i>Flesch^b</i>
California	8,121	21.4	17.9	17.3	24.5
Massachusetts	4,414	30.4	15.0	14.5	32.9
Oregon	3,779	21.2	17.9	16.3	25.4
Rhode Island	1,588	41.8	15.0	14.5	32.9
Mean		24.0	17.2	16.3	25.5

Sources: State of California, *California Voter's Pamphlet, 1974-80* (Sacramento: Office of the Secretary of State, 1974-80); Commonwealth of Massachusetts, *Massachusetts Information for Voters, 1974-80* (Boston: Office of the Secretary of the Commonwealth, 1974-80); State of Oregon, *State of Oregon Voter's Pamphlet, 1970-80* (Portland: Office of the Secretary of State, 1970-80); State of Rhode Island, *Voter Information on Statewide Referenda, 1976-79* (Providence: Office of the Secretary of State, 1976-79).

^a The figures in this column represent the readability grade levels. For more information see Appendix D.

^b The figures in this column represent the readability scores on the Flesch readability index (0 = very difficult, 100 = very easy).

ATTACHMENT B-1

Selected Statewide Initiatives and Referenda November 1986

	STATE	PROPOSITION	TYPE
SOCIAL ISSUES	VT	Declares that equal rights shall not be abridged by VT or its political subdivisions on account of sex	CAR
	OR	Legalizes the possessing and cultivating of a "reasonable amount" of marijuana for personal use	SI
	AR, OR, WA	Prohibits public funding of abortion	SI
	MA, RI	Prohibits public funding of abortion	CAR
	CA	Designates AIDS a contagious disease (thereby putting severe restrictions on AIDS victims and those who test positive for AIDS antibodies)	SI
GOVERNMENT	AZ	Limits campaign contributions to candidates	SI
	CA	Sets governor's salary at \$80,000, constitutional officers' at \$52,500 and limits top state and local officials' to \$64,000	SI
GAMBLING	FL, ID, ND, NE, OK	Creates state lotteries	SI
	LA, SD	Creates state lotteries	CAR
	FL	Legalizes casino gambling	SI
ENVIRONMENTAL	OR	Bans nuclear power	SI
	OR	Bans radioactive waste disposal	SI
	OR	Bans nuclear weapons production	SI
	MA	Mandates clean up of toxic waste dumps	SI
	WA	Raises sales tax one-eighth cent to pay for fish and wildlife conservation	SI
STATE TAX/ SPENDING LIMITS	MT	Abolishes property taxes	SI
	MA	Mandates that state tax revenue increases cannot exceed growth in state's wages and salaries	SI
	OR	Provides for property tax cut	SI
MISCELLANEOUS	AZ, MT	Limits court awards to victims in liability cases	SI
	CA	Declares English the official state language	SI
	MI	Prevents utility from charging consumers for multi-billion dollar losses due to abandoned nuclear power plant construction projects	SI

KEY

SI: Statutory measure initiated by voter petition
 CAR: Constitutional amendment referred to the ballot by the state legislature

Proposals listed are not confirmed for the ballot.
 Sources: Initiative Resource Center, Washington, D.C. and Institute for Government and Politics, Washington, D.C.

dy

ATTACHMENT C-1

VOTER APPROVAL RATES FOR INITIATIVES AND LEGISLATIVE PROPOSITIONS FOR ALL STATES,
1898-1978

State	Proposed by Legislatures			Proposed by Popular Petition		
	Number Proposed	Number Approved	Percentage Approved	Number Proposed	Number Approved	Percentage Approved
<i>Statutory proposals</i>						
Alaska	4	2	50%	6	3	50%
Arizona	14	6	43	71	28	39
Idaho	4	3	75	11	5	45
Maine	124	89	72	12	4	33
Michigan	7	3	43	4	3	75
Montana	43	25	58	26	15	58
Nebraska	11	5	45	9	1	11
Ohio	16	3	19	6	2	33
Oklahoma	11	9	82	26	6	23
Oregon	35	18	51	119	39	33
Subtotal	269	163	61%	290	106	37%
<i>Constitutional proposals</i>						
Arizona	105	67	64%	46	19	41%
Arkansas	79	37	47	56	27	48
California	476	294	62	90	24	27
Michigan	93	59	63	34	8	23
Nebraska	243	167	69	15	7	47
Ohio	113	74	65	38	8	21
Oklahoma	159	73	46	42	10	24
Oregon	238	138	58	88	28	32
Subtotal	1,506	909	60%	409	131	32%
Total proposals	1,775	1,072	60%	699	237	34%

Sources: Austin Ranney, "United States," in Butler and Ranney, *Referendums*, 77. Much of Ranney's data are drawn, in turn, from Graham, *A Compilation of Statewide Initiative Proposals Appearing on Ballots through 1976*.

ATTACHMENT C-2

STATUTORY AND CONSTITUTIONAL INITIATIVES PROPOSED AND APPROVED BY VOTERS FOR ALL STATES, 1898-1979

State ^a	Statutes			Constitutional Amendments			Total Initiatives		
	Number Proposed	Number Approved	Percentage Approved	Number Proposed	Number Approved	Percentage Approved	Number Proposed	Number Approved	Percentage Approved
Oregon	126	43	34%	101	28	28%	227	71	31%
California	67	19	28	93	27	29	160	46	29
North Dakota	135	55	41	30	18	60	141	65	46
Colorado	50	22	44	75	21	28	125	43	34
Arizona	66	22	33	46	19	41	112	41	36
Washington	74	35	47	—	—	—	74	35	47
Oklahoma	28	7	25	44	11	25	72	18	25
Arkansas	23	11	48	45	24	53	68	35	51
Missouri	15	5	33	34	7	21	49	12	24
Ohio	8	2	25	38	9	24	46	11	24
Michigan	5	4	80	36	14	39	41	18	44
Montana	33	21	64	3	1	33	36	22	61
Massachusetts	28	13	46	2	2	100	30	15	50
Nebraska	14	1	7	15	7	47	29	8	27
South Dakota	23	3	13	2	0	0	25	3	12
Nevada	13	7	54	5	3	67	18	10	56
Maine	16	5	31	—	—	—	16	5	31
Idaho	11	6	55	—	—	—	11	6	55
Alaska	10	5	50	—	—	—	10	5	50
Utah	8	2	25	0	0	0	8	2	25
Florida	0	0	0	2	1	50	2	1	50
Illinois	1	1	100	1	1	100	2	2	100
Wyoming	0	0	0	0	0	0	0	0	0
Total	754	289	38%	572	193	34%	1,326	482	36%

Sources: Data for the period 1898-1976 were obtained from Graham, *A Compilation of Statewide Initiative Proposals Appearing on Ballots through 1976*; data for 1978-80 were obtained from correspondence or interviews with election officials in each state.

^a States are listed in order of total usage.

ATTACHMENT D-2

TOTAL REPORTED ELECTION EXPENDITURES IN ACTUAL DOLLARS FOR CONSTITUTIONAL OFFICES,
THE STATE LEGISLATURE, AND BALLOT PROPOSITIONS IN CALIFORNIA, 1958-82

<i>Reported Expenditures</i>					
<i>Year</i>	<i>Constitutional Offices</i>	<i>State Legislature</i>	<i>Total Candidate</i>	<i>Propositions</i>	<i>Total</i>
1958	\$ 4,220,505	\$ 1,372,899	\$ 5,593,404	\$ 6,158,601	\$ 11,752,005
1960		1,850,519	1,850,519	1,270,193	3,120,712
1962	6,725,239	2,329,559	9,054,798	1,150,909	10,205,707
1964		2,489,929	2,489,929	5,363,313	7,853,242
1966	9,615,394	6,337,689	15,953,083	916,788	16,869,871
1968		4,865,282	4,865,282	1,577,224	6,442,506
1970	9,129,364	6,094,418	15,223,782	1,407,387	16,631,169
1972		7,875,673	7,875,673	10,618,963	18,494,636
1974	17,886,696	10,638,591	28,525,287	2,248,938	30,774,225
1976		14,749,893	14,749,893	12,655,974	27,405,867
1978	22,416,273	20,243,595	42,659,868	14,734,322	57,394,190
1980		17,541,448	17,541,448	4,532,494	22,073,942
1982	40,517,443	43,251,642	83,769,085	36,073,536	119,842,621

Sources: Data for 1958-70 are from John R. Owens, *Trends in Campaign Spending in California, 1958-1970* (Princeton: Citizens Research Foundation, 1973), 57. Owens's 1970 figures are in error; therefore, the data used here are from a brief filed in the case of *Citizens for Jobs and Energy v. Fair Political Practices Commission* by the firm California Research. Data for candidates in 1972 and 1974 are from the California Fair Political Practices Commission, *Campaign Costs*, 2. Data for propositions in 1972 and 1974 were gathered from primary sources, State of California Archives. Data for candidates and propositions since 1976 are from the Fair Political Practices Commission official spending reports.

Republican Leadership for California's Future



Governor

**GEORGE
DEUKMEJIAN**



for U.S. Senate

ED ZSCHAU



for State Controller

**BILL
CAMPBELL**

Proposition 61 - Pay Cut Initiative

According to the independent Legislative Analyst, Proposition 61 could cost California taxpayers \$7 Billion! Its unfair pay cuts would jeopardize the quality of public education and its limits on earned sick and vacation leave would hurt law enforcement and fire fighters.

NO*

Proposition 62 - Local Tax Reform

Recently some 108 local governments have raised taxes by more than \$300 million without approval of local taxpayers. A YES vote on Proposition 62 gives back your right to vote on any tax increases proposed by local government.

YES*

Proposition 65 - Toxics Initiative

Proposition 65 is a politically inspired, exemption-filled initiative that would create more problems than it would solve. And it would not result in any cleaner water. That's why the California Republican Party and the entire Republican State Legislative Leadership urge a NO vote on Proposition 65.

NO*

ATTACHMENT E

Bulk Rate
U.S. Postage
PAID
Permit #6
Long Beach, CA

Republicans Agree - Vote YES on 53 & 56 and Vote NO on 61 & 65

Proposition 61	NO*
PAY CUT INITIATIVE	
<p>According to the independent Legislative Analyst, Proposition 61 could cost California taxpayers \$7 Billion! Its unfair salary cuts and freezes would jeopardize recent progress in improving the quality of public education. Its limits on overtime and use of earned sick and vacation leave would adversely affect sheriffs, police officers and fire fighters, who often work long hours to protect the public. Prop. 61 would also cut the pay of 90% of the teaching faculty at state university medical schools as well as researchers in such important areas as cancer and organ transplants. Finally, Prop. 61 would drive important research activity out of California, taking high technology industries and private sector jobs with it. California simply cannot afford Proposition 61.</p> <p><i>Richard P. Simpson</i> <i>Bill Honig, Superintendent of Public Instruction</i> <i>California Taxpayers Assn.</i></p>	

Proposition 65	NO*
TOXICS INITIATIVE	
<p>In the past four years Governor George Deukmejian has signed over 100 new laws to clean up our environment and the toxics clean-up budget has increased nearly 150%. Proposition 65 is a politically inspired, exemption-filled initiative that would create more problems than it would solve. And it would not result in cleaner water. As the leading Republican Legislator on the Assembly Environmental Safety and Toxic Materials Committee, I urge you to join the California Republican Party and the entire Republican State Legislative Leadership in opposing Proposition 65, the Toxics Initiative. Please vote NO on Proposition 65 on November 4th.</p> <p><i>Cathie Wright</i> <i>Member of the Assembly,</i> <i>37th District</i></p>	

Proposition 53	YES*
SCHOOL BUILDINGS	
<p>In recent years, California has made great strides in improving its elementary and secondary schools. To keep up the momentum for improvement in the schools, children need adequate classrooms, science laboratories and libraries a more demanding curriculum requires. Moreover, California's school population is growing again. In many areas of the state, classrooms are badly overcrowded. Over the next five years California will need to provide classrooms for nearly 450,000 new students. Older schools also need to be repaired and made safer. To continue the progress for educational excellence, every California child needs to be assured of a safe, uncrowded classroom. Proposition 53 will benefit school children throughout the state and for years to come.</p> <p><i>Governor George Deukmejian</i> <i>Bill Honig, Superintendent of Public Instruction</i></p>	

Proposition 56	YES*
STATE COLLEGES & UNIVERSITIES	
<p>California has one of the most respected systems of higher education in the world but the construction of needed facilities has not kept pace with the demands of recent times. There is an enormous backlog of projects urgently needed to maintain the quality of California's higher education programs. New and renovated classrooms, libraries and laboratories are needed in order to keep pace with population growth. Older buildings need to be brought into compliance with new earthquake, fire and other safety regulations. State of the art instructional and research laboratories are essential to adequately train Californians for high tech and other jobs necessary to the state's future. Proposition 56 will help provide these needed facilities.</p> <p><i>Governor George Deukmejian</i> <i>David P. Gardner, President, University of California</i></p>	

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CALIFORNIA SAMPLE BALLOT
November 4, 1986

1
3

STATE

GOVERNOR Vote for One	GEORGE "DICK" DEUKMEJIAN Governor, State of California	Republican	2 →	<input type="radio"/>
	TOM CRAIG Mayor, City of Los Angeles	Democratic	3 →	<input type="radio"/>
	MARIA ELI Educator	Peace and Freedom	4 →	<input type="radio"/>
	GARY V. MILLER Governing Board Member, Mt. SAC Comm. College Dist.	American Independent	5 →	<input type="radio"/>
	JOSEPH FUEHRIG Professor of Economics	Libertarian	6 →	<input type="radio"/>
LIEUTENANT GOVERNOR Vote for One	HONORABLE J. ALFONSO... Actor	Libertarian	7 →	<input type="radio"/>
	JAMES C. "JIMMY" GILFILLAN Truck Driver	American Independent	8 →	<input type="radio"/>
	LEO J. MCCARTHY Lieutenant Governor	Democratic	10 →	<input type="radio"/>
	MIKE CURB College Instructor	Republican	11 →	<input type="radio"/>
SECRETARY OF STATE Vote for One	THOMAS "TINK" DEWITT Farmer	American Independent	14 →	<input type="radio"/>
	BRUCE NESTANDE Orange County Supervisor	Republican	15 →	<input type="radio"/>
	MARCH FONG EU Secretary of State of California	Democratic	16 →	<input type="radio"/>
	GLORIA GARCIA Worker	Peace and Freedom	17 →	<input type="radio"/>
	RICHARD WINGER Election Law Consultant	Libertarian	18 →	<input type="radio"/>
CONTROLLER Vote for One	CAROLYN TREYNOR Business Administrator	Libertarian	20 →	<input type="radio"/>
	JOHN HAAG Peace/Political Organizer	Peace and Freedom	21 →	<input type="radio"/>
	BILL CAMPBELL California State Senator	Republican	22 →	<input type="radio"/>
	NICHOLAS W. KUDRONZEF Retired Electrical Director	American Independent	23 →	<input type="radio"/>
	GRAY DAVIS Member of the State Assembly, California Legislature	Democratic	24 →	<input type="radio"/>

01-005E

STATE

TREASURER Vote for One	JENNIFER M. UNGER California State Treasurer	Democratic	28 →	<input type="radio"/>
	RAY CULLEN CPA	Libertarian	29 →	<input type="radio"/>
	KEITH D. SHORT Aviator	American Independent	30 →	<input type="radio"/>
	MAUREEN SMITH Union/Community Organizer	Peace and Freedom	31 →	<input type="radio"/>
ATTORNEY GENERAL Vote for One	CARY R. ODOM Attorney	American Independent	33 →	<input type="radio"/>
	CAROL L. HEWITT Attorney, Health Practice	Libertarian	34 →	<input type="radio"/>
	ROBERT J. LEWIS Lawyer	Peace and Freedom	35 →	<input type="radio"/>
	BRUCE GLEASON Attorney at Law	Republican	36 →	<input type="radio"/>
	JOHN VAN DE KAMP Attorney General, California	Democratic	37 →	<input type="radio"/>
MEMBER STATE BOARD OF EQUALIZATION 4th District Vote for One	LEWIS McCAMMON Teacher	Peace and Freedom	39 →	<input type="radio"/>
	STEPHEN I. MALMBERG Small Businessman	Libertarian	40 →	<input type="radio"/>
	PAUL CARPENTER Senator, State of California	Democratic	41 →	<input type="radio"/>
	H. STANLEY JONES City Treasurer	Republican	42 →	<input type="radio"/>

UNITED STATES SENATOR

Vote for One	ED ZSCHAU U.S. Congressman	Republican	54 →	<input type="radio"/>
	BRECK McKNELY Financial Consultant	Libertarian	55 →	<input type="radio"/>
	EDWARD B. "BOB" VALLEN Director, Patriotic Committee	American Independent	56 →	<input type="radio"/>
	ALAN GREENGLASS United States Senator	Democratic	57 →	<input type="radio"/>
	PAUL KATZAS Socialist Organizer	Peace and Freedom	58 →	<input type="radio"/>

UNITED STATES REPRESENTATIVE

24th District Vote for One	HENRY A. WATMAN United States Representative, 24th Congressional District	Democratic	62 →	<input type="radio"/>
	GEORGE ADRIANS Investor	Libertarian	63 →	<input type="radio"/>
	JAMES GREEN Worker	Peace and Freedom	64 →	<input type="radio"/>

MEMBER OF THE STATE ASSEMBLY

45th District Vote for One	DONALD MEYER Courier	Libertarian	68 →	<input type="radio"/>
	BURT MARGOLIN Member of the State Assembly, 45th Assembly District	Democratic	69 →	<input type="radio"/>
	SYLVIA F. KUSHNER Human Rights Organizer	Peace and Freedom	70 →	<input type="radio"/>
	JANA OLSON Businesswoman	Republican	71 →	<input type="radio"/>

JUSTICE OF THE SUPREME COURT
VOTE YES OR NO FOR EACH CANDIDATE

For Chief Justice of California Shall ROSE ELIZABETH PIRD be elected to the office for the term prescribed by law?	80	YES <input type="radio"/>	<input type="radio"/>
	81	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice of the Supreme Court Shall EDWARD A. PARNELLI be elected to the office for the term prescribed by law?	82	YES <input type="radio"/>	<input type="radio"/>
	83	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice of the Supreme Court Shall JOSEPH R. GRODIN be elected to the office for the term prescribed by law?	84	YES <input type="radio"/>	<input type="radio"/>
	85	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice of the Supreme Court Shall STANLEY MOSK be elected to the office for the term prescribed by law?	86	YES <input type="radio"/>	<input type="radio"/>
	87	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice of the Supreme Court Shall MALCOLM M. LUCAS be elected to the office for the term prescribed by law?	88	YES <input type="radio"/>	<input type="radio"/>
	89	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice of the Supreme Court Shall CRUZ REYNOSO be elected to the office for the term prescribed by law?	90	YES <input type="radio"/>	<input type="radio"/>
	91	NO <input type="radio"/>	<input type="radio"/>

JUSTICE OF THE COURT OF APPEAL
VOTE YES OR NO FOR EACH CANDIDATE

For Presiding Justice, Court of Appeal, Second Appellate District, Division One Shall VAINO SPENCER be elected to the office for the term prescribed by law?	97	YES <input type="radio"/>	<input type="radio"/>
	98	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice, Court of Appeal, Second Appellate District, Division One Shall CAMPBELL M. LUCAS be elected to the office for the term prescribed by law?	99	YES <input type="radio"/>	<input type="radio"/>
	100	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice, Court of Appeal, Second Appellate District, Division One Shall ROBERT R. DEVICH be elected to the office for the term prescribed by law?	101	YES <input type="radio"/>	<input type="radio"/>
	102	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice, Court of Appeal, Second Appellate District, Division Two Shall MORIO L. FUKUTO be elected to the office for the term prescribed by law?	103	YES <input type="radio"/>	<input type="radio"/>
	104	NO <input type="radio"/>	<input type="radio"/>

JUSTICE OF THE COURT OF APPEAL
VOTE YES OR NO FOR EACH CANDIDATE

For Associate Justice, Court of Appeal, Second Appellate District, Division Three Shall ELWOOD LUI be elected to the office for the term prescribed by law?	105	YES <input type="radio"/>	<input type="radio"/>
	107	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice, Court of Appeal, Second Appellate District, Division Three Shall ARMAND ARABIAN be elected to the office for the term prescribed by law?	108	YES <input type="radio"/>	<input type="radio"/>
	109	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice, Court of Appeal, Second Appellate District, Division Four Shall JOHN A. ARGUELLES be elected to the office for the term prescribed by law?	110	YES <input type="radio"/>	<input type="radio"/>
	111	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice, Court of Appeal, Second Appellate District, Division Five Shall DAVID N. EAGLESON be elected to the office for the term prescribed by law?	112	YES <input type="radio"/>	<input type="radio"/>
	113	NO <input type="radio"/>	<input type="radio"/>
For Presiding Justice, Court of Appeal, Second Appellate District, Division Six Shall STEVEN J. STORE be elected to the office for the term prescribed by law?	114	YES <input type="radio"/>	<input type="radio"/>
	115	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice, Court of Appeal, Second Appellate District, Division Six Shall ARTHUR GILBERT be elected to the office for the term prescribed by law?	116	YES <input type="radio"/>	<input type="radio"/>
	117	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice, Court of Appeal, Second Appellate District, Division Six Shall RICHARD W. ABBE be elected to the office for the term prescribed by law?	118	YES <input type="radio"/>	<input type="radio"/>
	119	NO <input type="radio"/>	<input type="radio"/>
For Presiding Justice, Court of Appeal, Second Appellate District, Division Seven Shall MILDRED L. LILLIE be elected to the office for the term prescribed by law?	120	YES <input type="radio"/>	<input type="radio"/>
	121	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice, Court of Appeal, Second Appellate District, Division Seven Shall EARL JOHNSON be elected to the office for the term prescribed by law?	122	YES <input type="radio"/>	<input type="radio"/>
	123	NO <input type="radio"/>	<input type="radio"/>
For Associate Justice, Court of Appeal, Second Appellate District, Division Seven Shall LEON THOMPSON be elected to the office for the term prescribed by law?	124	YES <input type="radio"/>	<input type="radio"/>
	125	NO <input type="radio"/>	<input type="radio"/>

04-003E

05-003E

JUDGE OF THE SUPERIOR COURT

Office No. 1 Vote for One	LEON S. KAPLAN Judge of the Los Angeles Municipal Court	132 →	<input type="radio"/>
	NEEDAN ISAAC NILES Judge of the Municipal Court, Los Angeles Judicial District	133 →	<input type="radio"/>
Office No. 12 Vote for One	MAXINE F. THOMAS Judge of the Los Angeles Municipal Court	134 →	<input type="radio"/>
	BERNARD KAUFMAN Municipal Court Judge	135 →	<input type="radio"/>

COUNTY

ASSESSOR Vote for One	JIM REYSON Deputy Assessor, Office of the Assessor	138 →	<input type="radio"/>
	JOHN J. LYRCH Deputy County Assessor	139 →	<input type="radio"/>

STATE MEASURES

53	GREENE-HUGHES SCHOOL BUILDING LEASE-PURCHASE BOND LAW OF 1985. This act provides for a bond issue of eight hundred million dollars (\$800,000,000) to provide capital outlay for construction or improvement of public schools to be sold at a rate not to exceed four hundred million dollars (\$400,000,000) per year.	150	YES →	<input type="radio"/>
		159	NO →	<input type="radio"/>
54	NEW PRISON CONSTRUCTION BOND ACT OF 1986. This act provides for the acquisition and construction of state youth and adult correctional facilities pursuant to a bond issue of five hundred million dollars (\$500,000,000).	161	YES →	<input type="radio"/>
		162	NO →	<input type="radio"/>
55	CALIFORNIA SAFE DRINKING WATER BOND LAW OF 1985. This act provides for a bond issue of one hundred million dollars (\$100,000,000) to provide funds for improvement of domestic water systems to meet minimum drinking water standards.	164	YES →	<input type="radio"/>
		165	NO →	<input type="radio"/>
56	HIGHER EDUCATION FACILITIES BOND ACT OF 1986. This act provides for a bond issue of four hundred million dollars (\$400,000,000) to provide capital for construction or improvement of facilities at California's public higher education institutions, including the University of California's nine campuses, the California State University's 19 campuses, the California Community College's 106 campuses, and the California Maritime Academy, to be sold at a rate not to exceed two hundred fifty million dollars (\$250,000,000) per year.	168	YES →	<input type="radio"/>
		170	NO →	<input type="radio"/>
57	RETIREMENT BENEFITS FOR CONSTITUTIONAL OFFICERS. Precludes basing retirement benefits of certain state constitutional officers on compensation payable to their successors. Fiscal Impact: Would result in an annual state savings of about \$400,000 by preventing the automatic increase of future retirement benefits of fewer than 20 people when salaries of statewide elected officers increase in the future.	173	YES →	<input type="radio"/>
		174	NO →	<input type="radio"/>
58	TAXATION. FAMILY TRANSFERS. Exempts transfers of real property between spouses and between parents and children from property tax reassessment. Fiscal Impact: Would reduce local property tax revenues. Local governments would lose about \$17 million in 1987-88, \$37 million in 1988-89, and increasing amounts in future. School and community college districts would lose about \$11 million in 1987-88, \$23 million in 1988-89, and increasing amounts in future, but state aid would offset these losses, resulting in a loss to the State General Fund in those amounts.	177	YES →	<input type="radio"/>
		179	NO →	<input type="radio"/>
59	ELECTED DISTRICT ATTORNEY. Requires office of county district attorney to be elective. Fiscal Impact: Measure would have no direct state or local fiscal effect.	181	YES →	<input type="radio"/>
		182	NO →	<input type="radio"/>

STATE MEASURES

<p>60 TAXATION, RENTAL RESIDENCES. Legislature may permit homeowners over fifty five, who change residences to keep assessment under certain conditions. Fiscal Impact: Measure has no direct state or local effect unless the Legislature passes laws implementing it. If the Legislature does so, property tax revenues would be reduced. Loss of revenue would probably amount to several million dollars per year. Local governments would bear 60 percent of loss, community colleges and school districts the balance. The state General Fund would offset loss to community colleges and school districts through higher state aid.</p>	185	YES → <input type="radio"/>
	187	NO → <input type="radio"/>
<p>61 PUBLIC OFFICIAL, EMPLOYEE, CONTRACTOR COMPENSATION. Limits compensation of state and local public officials, employees and individual contractors. Fiscal Impact: Not fiscal impact is unknown. This measure would result in additional savings to state and local governments estimated to be about \$1.5 million in the first year at state level and roughly the same at local level. These savings, however, could be offset and could even be outweighed by the need to pay vacation sick and vacation leave at a one-time cost of about \$7 billion.</p>	191	YES → <input type="radio"/>
	193	NO → <input type="radio"/>
<p>62 LOCAL TAXATION. For new and increased taxes, local governments and districts need two-thirds popular vote--special taxes; majority--general taxes. Fiscal Impact: Prevents new or higher general taxes without voter approval by local agencies. Could reduce local agencies' existing tax revenues, if their voters do not ratify the continuation of new or higher taxes adopted after August 1, 1985. Provisions imposing penalties and requiring voter approval cannot be applied to charter cities.</p>	196	YES → <input type="radio"/>
	198	NO → <input type="radio"/>
<p>63 OFFICIAL STATE LANGUAGE. Requires Legislature and State officials to insure English as official state common language. Provides for private enforcement. Fiscal Impact: No direct effect on the costs or revenues of the state or local governments.</p>	200	YES → <input type="radio"/>
	201	NO → <input type="radio"/>
<p>64 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS). Declares AIDS virus carrier a contagious condition, subject to quarantine and reportable disease regulation. Fiscal Impact: The measure's cost could vary greatly depending upon its interpretation by health officers and courts. If existing discretionary communicable disease controls were applied to AIDS, given the current state of medical knowledge, there would be no substantial change in state and local costs. If measure were interpreted to require added disease controls, costs could range to hundreds of millions of dollars per year depending on measures taken.</p>	203	YES → <input type="radio"/>
	205	NO → <input type="radio"/>

STATE MEASURES

<p>65 TOXIC DISCHARGE AND EXPOSURE RESTRICTIONS. Prohibits discharge of toxic chemicals into drinking water and requires avoidance of toxic chemicals exposure. Fiscal Impact: Costs of state and local enforcement are estimated at \$400,000 in 1987 and thereafter would depend on many factors, but could exceed \$1.0 billion annually. Costs would be partially offset by fines collected.</p>	211	YES → <input type="radio"/>
	212	NO → <input type="radio"/>

COUNTY MEASURES

<p>J LOS ANGELES COUNTY BOND PROPOSITION J. BONDS FOR ADULT AND JUVENILE DETENTION FACILITIES. Shall the County of Los Angeles issue a bonded indebtedness and issue bonds in the sum of Ninety-Six Million Dollars (\$96,000,000) for the purpose of providing funds for site acquisition, construction and improvement of adult and juvenile detention and support facilities serving the entire County and the retention and demolition of any existing facilities on the sites?</p>	218	YES → <input type="radio"/>
	219	NO → <input type="radio"/>

LOS ANGELES CITY SPECIAL MUNICIPAL ELECTION

<p>U REASONABLE LIMITS ON COMMERCIAL BUILDING AND TRAFFIC GROWTH. INITIATIVE ORDINANCE U. Shall the Los Angeles Municipal Code be amended to provide that the total floor area of all main buildings on a lot in Height District No. 1 in a commercial or industrial zone be limited to one-and-one-half times the buildable area of the lot?</p>	224	YES → <input type="radio"/>
	225	NO → <input type="radio"/>
<p>V JOBS WITH PEACE INITIATIVE. INITIATIVE ORDINANCE V. Shall the initiative ordinance, creating a Development Council for Jobs With Peace to encourage the reduction of federal military spending and the use of those and other funds for local community needs, be adopted?</p>	227	YES → <input type="radio"/>
	228	NO → <input type="radio"/>
<p>W HOUSING REVENUE NOTES AND OTHER EVIDENCES OF INDEBTEDNESS. CHARTER AMENDMENT W. Shall Charter Section 38 be amended to permit the issuance of revenue notes and other evidences of indebtedness for residential housing developments, to permit the deposit of the proceeds from the sale of bonds, notes, and other evidences of indebtedness directly with the bond, note, or indebtedness trustee or with the City Treasurer, and to permit the execution of signatures to be by facsimile or autograph?</p>	231	YES → <input type="radio"/>
	232	NO → <input type="radio"/>

END OF BALLOT

08-002E

09-015E

**VOTER'S PAMPHLET
General Election
November 4, 1986**

**STATEMENT OF: LEON S. KAPLAN
CANDIDATE FOR JUDGE OF THE SUPERIOR COURT,
OFFICE NO. 1**

CANDIDATE STATEMENTS

The following statements have been printed at the request of the candidates. A complete list of candidates appears in the Sample Ballot portion of this pamphlet. The cost of these statements are paid for by the candidates.

Law enforcement officials know that JUDGE KAPLAN has and will continue to help in the fight against crime. Chief James Bale, President of the LOS ANGELES COUNTY POLICE CHIEFS ASSOCIATION, representing 47 cities, wrote: "Because of your track record of over 15 years of increasingly responsible public service in fighting crime and delinquency, the Chiefs voted unanimously to support your continuing interest in being elevated to Superior Court."

A UCLA graduate, JUDGE KAPLAN is an excellent judge--none of his verdicts have been overturned.

JUDGE KAPLAN BELIEVES:

"Innocent citizens should not have to make their homes fortresses while vicious criminals roam the streets."

"The epidemic of violent crime, delinquency, and drug dealing can be stopped by sending hardcore career criminals to state prison for long sentences when they are convicted."

"The worst criminals prey on vulnerable victims--children, women, and senior citizens. Vicious criminals must be punished, and vulnerable children protected from criminal careers through community education and involvement."

While serving on the California Youth Authority Board, JUDGE KAPLAN was instrumental in substantially increasing terms of confinement for homicide, robbery, and other violent offenses involving weapons and drugs.

SUPPORT JUDGE KAPLAN. HE'S TOUGH ON CRIME AND POLICE CHIEFS SUPPORT HIM!

MEASURE INFORMATION

Arguments for and against measures are filed pursuant to California Law and are the opinions of the authors.

STATEMENT OF: ALPAN ISAAC NILES

CANDIDATE FOR JUDGE OF THE SUPERIOR COURT,

OFFICE NO. 1

With over 24 years of legal experience, JUDGE ALPAN ISAAC NILES has what it takes to be an effective Superior Court Judge-- a tough but fair attitude, high standards of personal integrity and a thorough knowledge of the law he is sworn to uphold.

Having presided over more than 2500 criminal court matters, JUDGE NILES has earned the respect and endorsement of law enforcement officers and organizations such as THE CALIFORNIA ORGANIZATION OF POLICE AND SHERIFFS and the PROFESSIONAL PEACE OFFICERS' ASSOCIATION.

In endorsing JUDGE NILES, the SOUTHERN CALIFORNIA ALLIANCE OF LAW ENFORCEMENT, representing over 16,000 law enforcement officers in Southern California, said JUDGE NILES has "clearly demonstrated a sincere commitment to protect and strengthen the California Criminal Justice System... He deserves the support of the entire community."

JUDGE NILES has served the community as Chair of the Southern California Business Development Center and has given generously of his time to a number of causes. JUDGE NILES is a Korean War Veteran and American Legionnaire.

The prestigious Los Angeles Legal Newspaper METROPOLITAN NEWS said about JUDGE NILES, "We believe that by virtue of his legal knowledge, his demeanor and his conscientiousness, NILES would be an outstanding addition to the Superior Court."

STATEMENT OF: BERNARD KAUFMAN

CANDIDATE FOR JUDGE OF THE SUPERIOR COURT,

OFFICE NO. 12

JUDGE BERNARD KAUFMAN has 32 years of courtroom experience. As a municipal court judge for 10 years, and as an attorney, JUDGE KAUFMAN participated in thousands of criminal and civil cases. He has served as presiding judge of his Municipal Court five times.

JUDGE KAUFMAN, Chairman of the Judges' Committee on Drinking Drivers since 1978, has led the effort to stop this terrible crime. JUDGE KAUFMAN believes in tough sentences. His practice is to suspend the driver's license of every convicted drunk driver.

The Los Angeles Times called JUDGE KAUFMAN "an excellent candidate" and endorsed him for Superior Court. His opponent was rated "not qualified" by the Los Angeles County Bar Association, and in June, 1986, was removed as presiding judge of the Los Angeles Municipal Court by an overwhelming 57-13 vote of her fellow judges.

JUDGE KAUFMAN'S ENDORSEMENTS INCLUDE:

CALIFORNIA ORGANIZATION OF POLICE AND SHERIFFS
SOUTHERN CALIFORNIA ALLIANCE OF LAW ENFORCEMENT
LOS ANGELES POLICE PROTECTIVE LEAGUE
LOS ANGELES TIMES

Assembly Republican Leader Pat Nolan
State Senate President Pro-Tem David Roberti
County Supervisors Mike Antonovich and Ed Edelman
Congressman Howard Berman
State Senator William Campbell
City Council Members Joan Milke Flores and Zev Yaroslavsky

ELECT A QUALIFIED JUDGE -- JUDGE BERNARD KAUFMAN,
SUPERIOR COURT, OFFICE 12

STATEMENT OF: JIM KEYSOR
CANDIDATE FOR ASSESSOR

Occupation: DEPUTY ASSESSOR/BUSINESSMAN

Do you support cutting government waste? Do you favor keeping the spirit of Proposition 13 alive? Do you believe your Assessor should lead the fight to keep taxes low?

If you do, you should know I do too. That's why I'm running for Assessor. And that's why I'm endorsed by our retiring Assessor Alexander Pope.

I support Proposition 60 which would allow Senior Citizens to move from larger to smaller homes without losing their Proposition 13 benefit. And I believe we must catch tax cheats and close loopholes that permit people to avoid paying their fair tax share.

I've run a large, successful business so I know how to make tough decisions. And I've been an elected member of the State Assembly, so I know how to fight for taxpayers' rights and the laws we need.

As Deputy Assessor, I've used my legislative and business experience to keep the tax system fair, the Assessor's Office efficient.

We need to do a better job of serving the public in the Assessor's Office. We need to continue to fight for lower taxes.

Democrats, Republicans, and Independents agree on the man for the job:
VOTE FOR JIM KEYSOR.

STATEMENT OF: JOHN J. LYNCH
CANDIDATE FOR ASSESSOR

OCCUPATION: DEPUTY COUNTY ASSESSOR

Age: 49

JOHN LYNCH is the MOST QUALIFIED CANDIDATE for the Office of Assessor.

His qualifications include Deputy County Assessor, Attorney at Law, Real Estate Broker and State Certified Appraiser.

The Assessor's job is important. The Assessor's main function is to locate and evaluate all taxable property within Los Angeles County.

Like the Sheriff and the District Attorney, the Assessor is unique because that person requires specialized knowledge in his field to be truly effective.

John Lynch has this knowledge.

For the past 14 years John has been working as Deputy Assessor gaining experience critical to the proper management of this office. John Lynch is a professional not an amateur.

Howard Jarvis says, "John, I strongly urge all of my friends and supporters in Los Angeles County to join me in supporting your campaign."

As Assessor, John Lynch will:

IMPROVE SERVICE TO THE PUBLIC
PRESERVE THE "SPIRIT OF PROPOSITION 13"
SIMPLIFY THE TAX APPEAL PROCESS

John and his wife, Lala, have been married for 16 years.

ANALYSIS OF PROPOSITION J

By De Witt W. Clinton, County Counsel

Approval of Proposition J will authorize the County Board of Supervisors to issue up to \$96 million in general obligation bonds for the acquisition and construction of detention facilities. A two-thirds vote is required for passage of the proposition.

The bonds would be repaid by a property tax levied on real property. Authority for such a tax was granted by passage of a State constitutional amendment known as Proposition 46 at the June, 1986, primary election.

The County Auditor has estimated that if the full amount of \$96 million in bonds were issued, the property tax on a home or commercial building with an assessed value of \$125,000 would be approximately \$7.50 the first year and \$3.50 per year thereafter for a twenty year bond repayment period.

ARGUMENT IN FAVOR OF PROPOSITION J

Proposition J will provide funds to relieve severe overcrowding in County jails and juvenile detention facilities. Without additional facilities, the Sheriff may be forced by the courts to release some offenders into the community.

This Proposition will expand present jails for 4,500 adult and juvenile prisoners. Currently, there are 20,000 inmates in a jail system meant to hold 12,000. Population in our three juvenile halls has recently reached a level of 2,000 minors in facilities designed to hold 1,400.

The cost to a property taxpayer for this measure is minimal. The County's Auditor-Controller estimates that for a typical \$125,000 home, the added cost will be about \$7.52 the first year, dropping to \$3.29 the second year. The charge will go down slightly each year thereafter until the bonds are paid off. This is a small amount to pay to keep accused or convicted criminals off the streets.

The County is under Court order to reduce the inmate population at Central Jail by 2,000 prisoners and has been cited by the California Youth Authority for severe overcrowding and Health and Safety Code violations at Juvenile Hall. This overcrowding problem and a high proportion of violent offenders have resulted in violence in our jails.

This request of the voters is a last resort. The County has no other funds to pay for these needed facilities without cutting other vital services for children, health services, criminal prosecution, or law enforcement.

An ever increasing percentage of jail inmates is accused or convicted of violent crimes such as murder, rape, assault, armed robbery, and arson. Your "YES" vote on Proposition J will help keep these people in jail.

PETER F. SCHABARUM, Chairman
Los Angeles County Board of Supervisors

KENNETH HAHN, Supervisor
Los Angeles County

DEANE DANA, Supervisor
Los Angeles County

EDMUND D. EDELMAN, Supervisor
Los Angeles County

MICHAEL D. ANTONOVICH, Supervisor
Los Angeles County

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION J

The members of the County Board of Supervisors are using scare tactics to win approval of this expensive bond measure.

These shifty politicians imply that a vote against Proposition J is a vote to let murderers and rapists out on the street. This is false. Violent criminals such as murderers, rapists, thieves, arsonists, etc. are sentenced to state prisons. County jails hold "victimless criminals," such as prostitutes, marijuana growers, alcoholics, and innocent citizens who haven't paid their traffic tickets. Juvenile detention facilities hold a large number of kids who have not committed any crime, but are runaways or abused by their parents.

No more prison beds are needed. There is plenty of room for real criminals to be held before their trials. Anyone else should not be arrested, let alone jailed. What is needed is a reassessment of law enforcement priorities, not a system of locking up more and more people.

\$96 million is a lot of money. If voters in November commit to pay the interest on these bonds, they are not only obligating themselves to pay, but also taxpayers years in the future who have no vote on the subject. This is "taxation without representation" for generations yet unborn, the same battle-cry used by American colonists when they fought a revolution against the British monarch.

Do not turn our children and grandchildren into debtors! Do not allow the bureaucrats and politicians to tell you that more prison beds are needed! They are NOT needed!

We urge you to vote NO on Proposition J.

TED BROWN, Chairman
Central Los Angeles Region
Libertarian Party of California

LAURA G. BROWN, Campus Chairman
Central Los Angeles Region
Libertarian Party of California

SARAH E. FOSTER, Editor
California Libertarian News

ARGUMENT AGAINST PROPOSITION J

Proposition J asks for \$96 million for financing 4000 beds in county detention centers. We believe that instead of providing for more prisoners, we must completely reevaluate the criminal "justice" system.

California has a higher percentage of its residents behind bars than almost any other political subdivision in the world, yet violent crimes are on the upswing. This problem is primarily due to improper priorities on the part of law enforcement.

The only people who should be sent to prison are those convicted of violating the rights of other people. This group includes murderers, rapists, thieves, defrauders, etc. However, the purpose of prison should not just be detention. Criminals must be made responsible for their actions by paying restitution to their victims and to the taxpayers for their room-and-board in prison.

A recent study found that at least 50% of an LAPD officer's time is spent dealing with victimless crimes, such as prostitution, gambling, pornography, drug use, and traffic violations. Vice squads should be abolished and their officers transferred to duty against real criminals.

The crime rate continues its spiraling climb due to government's "war on drugs." Outlawing drugs raises the price to astronomical levels, forcing addicts to rob innocent citizens to support their habits. This is especially true for heroin addicts, whose habits cost \$300 per day for a product only worth about \$10. The profits for drug dealers are so high that there is a great deal of violence, a clear parallel to the Prohibition-era gangsters of the 1920's. The solution to at least half the crime in California would be to decriminalize drugs and thus put the drug dealers out of business by making their occupation unprofitable.

Don't spend our hard-earned tax dollars on unneeded prison beds. Vote No on Proposition J.

TED BROWN, Chairman
Central Los Angeles Region
Libertarian Party of California

LAURA G. BROWN, Campus Chairman
Central Los Angeles Region
Libertarian Party of California

SARAH E. FOSTER, Editor
California Libertarian News

New Jersey State Library

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REBUTTAL TO ARGUMENT AGAINST PROPOSITION J

Since 1981, the County jail population has grown at an astounding rate of 13% per year resulting in severe overcrowding. The trend in violent crimes has increased and today our jails house many more murderers, rapists, arsonists, burglars, narcotic offenders, and inmates with violent criminal histories. Currently, relatively few jail beds are dedicated to the housing of criminals who commit minor crimes. All but one of the facilities house high risk inmates considered a danger to the community.

California residents have supported harsh penalties for violent offenders and have endorsed detention of these individuals for the safety of the community.

A number of innovative programs to reduce jail overcrowding have already been implemented without endangering the safety of the community. In spite of these efforts, jail population continues to increase. Further, the number of inmates held for serious felonies has increased dramatically and they now constitute the vast majority of the total jail population.

Proposition J will provide funding to construct facilities for the existing jail population. Without this money, the County may be forced to curtail other vital services for children, health services or law enforcement.

Cost to property taxpayers for this measure is minimal. It is estimated that for a typical \$125,000 home, the added cost will be about \$7.52 the first year, dropping to \$3.29 the second year. The charge will go down slightly each year thereafter until the bonds are paid off.

Your "YES" vote on Proposition J will help keep violent offenders in jail.

PETER F. SCHABARUM, Chairman
Los Angeles County Board of Supervisors

KENNETH HAHN, Supervisor
Los Angeles County

DEANE DANA, Supervisor
Los Angeles County

EDMUND D. EDELMAN, Supervisor
Los Angeles County

MICHAEL D. ANTONOVICH, Supervisor
Los Angeles County

STATEMENT IN COMPLIANCE WITH ELECTIONS CODE SECTION 5300
TO 5304

As shown on the enclosed sample ballot, an election will be held in the County of Los Angeles on November 4, 1986 for the purpose of submitting to the electors of said County the question of incurring a bonded indebtedness of said County in the principal amount of \$96,000,000. If such bonds are authorized and sold, the principal thereof and interest thereon will be payable from the proceeds of tax levies made upon the taxable property in said County. The following information regarding tax rates is given to comply with Sections 5300 to 5304 of the Elections Code. Such information is based upon the best estimates and projections presently available from official sources and upon experience within said County or other demonstrable factors.

If said bonds are authorized the present projection is that said \$96,000,000 of bonds will be sold in two series as follows:

(a) \$76,200,000 thereof on or about December 15, 1986 dated on or about January 1, 1987 maturing on the anniversary of their date,

\$1,532,000 in the year 1988	\$3,544,000 in the year 1998
\$1,666,000 in the year 1989	\$3,854,000 in the year 1999
\$1,812,000 in the year 1990	\$4,191,000 in the year 2000
\$1,970,000 in the year 1991	\$4,558,000 in the year 2001
\$2,142,000 in the year 1992	\$4,957,000 in the year 2002
\$2,330,000 in the year 1993	\$5,390,000 in the year 2003
\$2,534,000 in the year 1994	\$5,862,000 in the year 2004
\$2,755,000 in the year 1995	\$6,375,000 in the year 2005
\$2,997,000 in the year 1996	\$6,933,000 in the year 2006
\$3,259,000 in the year 1997	\$7,539,000 in the year 2007

and bearing interest at an estimated rate of 8.75% per annum.

(b) \$19,800,000 thereof on or about June 15, 1987 dated on or about July 1, 1987 maturing on the anniversary of their date,

\$ 362,000 in the year 1988	\$ 922,000 in the year 1998
\$ 433,000 in the year 1989	\$1,003,000 in the year 1999
\$ 472,000 in the year 1990	\$1,092,000 in the year 2000
\$ 513,000 in the year 1991	\$1,186,000 in the year 2001
\$ 557,000 in the year 1992	\$1,290,000 in the year 2002
\$ 607,000 in the year 1993	\$1,403,000 in the year 2003
\$ 659,000 in the year 1994	\$1,525,000 in the year 2004
\$ 718,000 in the year 1995	\$1,660,000 in the year 2005
\$ 781,000 in the year 1996	\$1,806,000 in the year 2006
\$ 849,000 in the year 1997	\$1,962,000 in the year 2007

and bearing interest at an estimated rate of 8.75% per annum.

Based upon such projections and estimates, the following statements are made in compliance with paragraphs (1), (2) and (3) of subdivision (a) of Section 5301 of the Elections Code:

2/1/87

MARCH FONG EU

Secretary of State

1230 J STREET

SACRAMENTO, CA 95814

BULK RATE
U.S.
POSTAGE
PAID
Secretary of
State

In an effort to reduce election costs, the State Legislature has authorized the Secretary of State and counties having this capability to mail only one ballot pamphlet to addresses where more than one voter with the same surname resides. If you wish additional copies, you may obtain them by calling or writing to your county clerk or registrar of voters.

CERTIFICATE OF SECRETARY OF STATE

I, March Fong Eu, Secretary of State of the State of California, do hereby certify that the foregoing measures will be submitted to the electors of the State of California at the GENERAL ELECTION to be held throughout the State on November 4, 1986, and that this pamphlet has been correctly prepared in accordance with law.

Witness my hand and the Great Seal of the State in
Sacramento, California, this 13th day of August 1986.



March Fong Eu

MARCH FONG EU
Secretary of State

**ELECTION
MATERIAL**



Secretary of State

SACRAMENTO 95814

Dear Fellow Californians:

This is your California Ballot Pamphlet for the November 4, 1986, General Election. It contains the ballot title, a short summary, the Legislative Analyst's analysis, the pro and con arguments and rebuttals, and the complete text of each proposition. It also contains the legislative vote cast for and against each measure proposed by the Legislature.

Many rights and responsibilities go along with citizenship. Voting is one of the most important as it is the foundation on which our democratic system is built. Read carefully each of the measures and information about them contained in this pamphlet. Legislative propositions and citizen-sponsored initiatives are designed specifically to give you, the electorate, the opportunity to influence the laws which regulate us all.

Take advantage of this opportunity and exercise your rights by voting on November 4, 1986.

SECRETARY OF STATE

Please note that Proposition 53 is the first proposition for this election. To avoid confusion with past measures, the Legislature passed a law which requires propositions to be numbered consecutively starting with the next number after those used in the November 1982 General Election. This numbering scheme runs in twenty-year cycles.

Official Title and Summary Prepared by the Attorney General

COMPENSATION OF PUBLIC OFFICIALS, EMPLOYEES, INDIVIDUAL PUBLIC CONTRACTORS. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Sets Governor's annual salary at \$80,000; other "Constitutional" officers at \$52,500. Limits maximum compensation of elected or appointed state and local government employees and individual public contractors to 80% of Governor's salary. Requires people's vote to increase salaries of constitutional officers, members of Board of Equalization, legislators, judiciary, and specified local elected officers. Prohibits public officials and employees from accruing sick leave or vacation from one calendar year to another. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: Public official and employee salary and benefit-related reductions would amount to \$125 million in the first year at the state level and roughly the same amount at the local level. These reductions would not necessarily result in comparable savings. They would be offset to some extent or could be outweighed by the need to pay various costs depending on unknown factors relating to (1) how the measure is interpreted, (2) possible payment of vested sick and vacation leave at a one-time cost of about \$7 billion, (3) how the measure would be implemented, (4) its effect on governmental efficiency resulting from its limitation on pay for officers, employees and contractors. Net fiscal impact is unknown.

Analysis by the Legislative Analyst

Background

Currently, the state and local governments have discretion in setting the salaries and fringe benefits of elected officials and public employees. These governments set the salaries of elected officials (such as the Governor, judges and city council members), and the salaries may be increased without voter approval. For public employees, state and local governments can pay the amounts necessary to attract and retain qualified persons. With regard to fringe benefits, virtually all public employees earn vacation and sick leave, and governments allow most of them to carry over at least some portion of unused leave from year to year.

State and local governments may contract with individuals for services. While the law places some restrictions on the kinds of services governments may provide through contracts, generally there are no specific limitations on either the amount or length of contracts.

Proposal

This constitutional amendment changes substantially the laws governing compensation for state and local elected officials and employees. It also places restrictions on contracting that affect both state and local governments. The proposed amendment, however, contains many phrases which are either unclear or subject to different interpretations. Consequently, this analysis is based on assumptions about how the courts would interpret the initiative.

The main provisions of this measure are as follows:

Elected Officials. This measure increases the Governor's annual salary from \$49,100 to \$80,000 and adds a new provision requiring that the voters approve any future increases. (Under existing law, this salary would have increased to \$85,000 on January 5, 1987.) The initiative also sets an annual salary of \$52,500 for all other constitutional officers (such as the State Treasurer and Controller) and members of the Board of Equalization. (Under existing

law, these salaries also would have increased in the coming year.)

In addition, the measure limits the salaries of all other state and local elected officials to 80 percent of the Governor's salary. On November 5, 1986, this limit would be \$64,000. In the future, these salaries could be increased only with the voters' approval, but the new salaries still could not exceed 80 percent of the Governor's salary. The measure provides one exception to this limit by allowing local voters, through an initiative, to approve salaries for local officials (elected or appointed) which exceed the limit.

State and Local Government Employees. This initiative also limits the pay of all state and local government employees to 80 percent of the Governor's salary. The measure uses both the terms "compensation" and "salary." "Compensation" typically includes salary plus employer payments for health, retirement and other benefits. The courts, however, probably would interpret this pay provision as a *salary* limit. If so, the highest allowable salary for any public employee would be frozen at \$64,000 until the people voted to increase the Governor's salary. If, however, the courts were to interpret this measure as placing a limit on "compensation" (which would include fringe benefits), the highest allowable salary would be frozen at about the \$50,000 level.

The initiative would not allow public employees to carry over unused vacation and sick leave from one calendar year to another. It is unclear, however, whether this restriction would apply only to leave earned in the future or whether it also would apply to leave earned prior to this election. Given that the law generally protects an employee's right to already earned benefits, the courts probably would interpret this restriction as applying only to future vacation and sick leave.

State and Local Government Contracts. The initiative prohibits public agencies from paying individuals under contract more than 80 percent of the Governor's annual salary. In addition, these individuals could not receive

compensation greater than \$75 per hour, nor could their contracts exceed two years in length. Under "special circumstances," the Legislature could approve—by a two-thirds vote—state contracts for individuals which provide compensation in excess of the limit, as long as the contracts did not exceed four years in length. The measure does not define "special circumstances," and does not allow this provision to be used by local governments.

Fiscal Effect

The initiative would have several fiscal effects on state and local governments, many of which are difficult to measure. The salary limit would affect about 9,000 state employees, an unknown—but probably similar—number of local government employees, and a relatively small number of elected officials. Most of the affected employees fall into one of the following categories: (1) top-level managers (such as executive directors of state agencies, city managers, and police and fire chiefs); (2) medical personnel (such as doctors at county hospitals and University of California medical school staff); (3) legal positions (such as state judges, district attorneys and their senior prosecutors, and staff counsel to state departments); and (4) University of California personnel (senior professors and administrators).

The salary and benefit-related reductions associated with these positions would be about \$125 million at the state level, with local government reductions of roughly the same amount. These reductions, however, would not result in comparable savings, for at least two reasons. First, at the state level, the Legislature could use the "special circumstances" provision to approve contracts with employees affected by the limit to provide compensation approaching the former salary levels. It is unknown how often, or how extensively, this provision would be used. Second, governments would be allowed to increase *non*-salary forms of compensation in an attempt to keep total

pay packages competitive with those of other public and private employers.

Any net savings from the salary reductions also would be offset to some extent by other costs. For instance, the prohibition on the carry-over of vacation and sick leave probably would result in increased use of leave time, especially toward the end of a calendar year. As a result, governments would incur unknown costs each year to pay substitute workers in essential public programs, such as police, fire, and education services. This analysis assumes that the carry-over restrictions imposed on vacation and sick leave would *not* apply to unused leave time earned prior to the amendment's effective date (November 5, 1986). If the courts were to rule to the contrary, state and local governments could face one-time costs of about \$7 billion to buy out these protected benefits. A major portion, but not all, of this cost otherwise would be paid out to employees over a period of many years.

An important, immediate and long-term effect of this initiative would be its impact on the public sector's ability to hire and retain qualified and experienced employees. State and local governments compete for these employees with other employers in the public and private sectors. Presumably, these governments are now paying salaries above \$64,000 in order to attract and keep competent individuals. Under the salary limit, governments in many cases would be forced to rely on less qualified or experienced employees and contractors. This, in turn, would lead to less efficient, more costly government services. These costs cannot be estimated, but they would be substantial.

In summary, this measure would result in unknown savings to state and local governments from salary reductions. These savings, however, would be offset to some extent—and could even be outweighed—by various costs. The net fiscal impact is unknown because it would depend on how the measure is interpreted and implemented.

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 repeals, adds, and amends existing provisions of the Constitution, and repeals provisions of the Government Code; therefore, provisions 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

SECTION I: Sections 11550 through 11569 of the California Government Code are hereby repealed.

Article I: Salaries of Specified Positions

~~11550. Effective July 1, 1984, an annual salary of seven/two thousand five hundred dollars (\$72,500) shall be paid to each of the following:~~

- ~~(a) Director of Finance.~~
- ~~(b) Secretary of Business, Transportation and Housing Agency.~~
- ~~(c) Secretary of Resources Agency.~~
- ~~(d) Secretary of Health and Welfare Agency.~~
- ~~(e) Secretary of State and Consumer Services Agency.~~
- ~~(f) Director of Industrial Relations.~~

- ~~(g) Commissioner of the California Highway Patrol.~~
- ~~(h) Secretary of Youth and Adult Correctional Agency.~~
- ~~(i) Director of Food and Agriculture.~~

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a ~~cost-of-living~~ increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general ~~cost-of-living~~ salary increases provided for state employees during that fiscal year.

~~11551. Effective January 5, 1987, an annual salary of eighty/five thousand dollars (\$85,000) shall be paid to the Governor.~~

Upon the commencement of each new term, the annual compensation provided by this section shall be increased based on the ~~cost-of-living~~ increases provided for state employees over the previous four years. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the combination of percentages of the general ~~cost-of-living~~ increases provided for state employees for the four previous fiscal years.

Continued on page 59

Argument in Favor of Proposition 61

The only way to stop the salaries from skyrocketing is to *limit* the *salaries*, which PROPOSITION 61 does.

Your elected officials don't like that and neither do the public employee union bosses. They want no limits. They believe they have a *right* to whatever pay raises they wish to vote themselves. And you, the taxpayer, should have *nothing* to say about it!

Even more galling, the politicians are trying to scare you with dire predictions about losing qualified teachers. But what they *fail* to tell you is that the salary *limit* for classroom teachers is \$64,000 a year!

Teachers don't make that kind of money; only the *bureaucrats* do.

Can salaries ever be raised above these limits? Sure!

It just requires a two-thirds *roll-call* vote of the Legisla-

ture. And *elected* officials will simply have to get voter approval when they vote themselves a raise.

Is that so bad?

It is clear that what the bureaucrats and politicians are *really* mad about is that, from now on, salaries must be discussed and voted upon in the clear light of day.

And one thing I've learned, bureaucrats *don't* like the light.

The bureaucrats and politicians have a sweet little deal going and they don't want you, or anybody else, "rocking the boat."

Well, I say "rock it" or "dock it." We're *through* paying the bills. Vote YES on Proposition 61.

PAUL GANN

Rebuttal to Argument in Favor of Proposition 61

Gann claims the pay limitations of Prop. 61 would save taxpayer dollars.

That's **NOT TRUE!** Actually it could **COST TAXPAYERS BILLIONS.**

Proposition 61's **COST TO STATE AND LOCAL TAXPAYERS COULD BE ABOUT \$7 BILLION**, according to the official impact report by Legislative Analyst John L. Vickerman. Staggering tax increases and municipal bankruptcies could result.

Proposition 61 prohibits public employees from accumulating earned sick leave and vacation time. This would *encourage absenteeism*. Accumulation of this time is *good* because employees could use it in the event of serious illnesses.

In addition:

- According to California's chief legal counsel, Prop. 61 is so poorly and ambiguously written it would *cause years of litigation in the state courts just to figure out what it means!*

- State School Superintendent Bill Honig says unrea-

sonable pay limitations would **DEVASTATE OUR PROGRESS TOWARD EXCELLENCE IN EDUCATION.**

- It would cause a loss of high-tech jobs in California as highly qualified and experienced university researchers in medicine, agriculture, and computers leave the state.

DON'T BE FOOLED!

PROPOSITION 61 WON'T CORRECT PENSION ABUSES, WON'T SAVE YOU ONE CENT, BUT WOULD COST YOU A BUNDLE!

VOTE NO ON PROP. 61!

RICHARD P. SIMPSON
California Taxpayers' Association

JOE A. DUARDO
President, California School Boards Association

JACK BOLING
President, California Association of Highway Patrolmen (CHP)

Compensation of Public Officials, Employees, Individual Public Contractors. Initiative Constitutional Amendment and Statute

61

Argument Against Proposition 61

DON'T BE MISLED!

Proposition 61 is *NOT ABOUT PENSION REFORM* and *IT WOULD NOT SAVE TAXPAYERS DOLLARS!*

It doesn't contain one word about lowering the outrageous pensions of former elected officials!

In fact, Proposition 61 would **DRASTICALLY REDUCE** the **QUALITY OF GOVERNMENT SERVICES** in California and could **COST TAXPAYERS BILLIONS!**

Prop. 61 *IS* unfair, arbitrary and unworkable.

It puts a straitjacket on California's economic future.

We no longer would be able to hire and retain the best police chiefs, prosecutors, university presidents, scientists, toxic experts, school officials and medical personnel.

And our state and local governments would find it difficult, if not impossible, to contract with private business, even for such vital functions as highway construction, flood and fire control and toxic cleanup.

An exaggeration? NO! Take a look.

The mandatory pay limit in Prop. 61 will **REDUCE PAYCHECKS** of thousands of our best and brightest public employees, including:

- Top **LAW ENFORCEMENT** experts, the very people we depend on to keep us safe.
- Top **EDUCATORS**, including the University of California president, Nobel Laureate professors, and superintendents of our largest school districts.
- Renowned **DOCTORS AND RESEARCHERS** who provide Californians with the best and most advanced medical care.

CALIFORNIA WOULD LOSE its best public servants to better paying jobs in **OTHER STATES** and private business. We'd be stuck with mediocre management.

The **UNFAIR SALARY LIMIT** violates basic principles of our American system: that skilled and talented people can *earn* their way up, and that *competition* determines salaries, *not* senseless regulation.

Under Prop. 61 workers would be mandated to use their earned sick leave and vacation time each year or lose it

forever. **ABSENTEEISM WOULD FLOURISH.** Flexibility in times of emergency would become impossible. California *doesn't* need more regulations which are harmful to both management and employees.

Furthermore, the contradictory and confusing language used throughout Prop. 61 would leave interpretation and control in the hands of the courts or, worse, to the politicians in Sacramento!

Prop. 61 puts unworkable limits on government's ability to contract with the private sector for important services, like highway construction, emergency services and toxic cleanup. These services cost millions of dollars, yet Prop. 61 prohibits contracts exceeding \$64,000 annually without a vote of the Legislature.

As a result, such services would have to be performed either by full-time civil service bureaucrats—at great cost to the state—or, worse yet, the Legislature will meddle in every large contract. **THESE DECISIONS SHOULD NOT BE MADE IN THE BACK ROOMS OF SACRAMENTO!**

Would this initiative save taxpayers money? *Not a chance!* Government would be far less efficient and effective, public management mediocre and waste would increase. **AND THE IMMEDIATE COST TO TAXPAYERS COULD BE BILLIONS OF DOLLARS** because state coffers would be drained to compensate employees for leave time they have already earned.

Hardworking and talented people have made California great; but Prop. 61 restricts our ability to compete for and keep the best and the brightest.

For the sake of our future, **VOTE NO ON PROP. 61!**

RICHARD P. SIMPSON
California Taxpayers' Association

LINDA BRODER
President, League of Women Voters of California

BILL HONIG
State Superintendent of Public Instruction

Rebuttal to Argument Against Proposition 61

Did they just say that Paul Gann is going to *raise* the cost of government?

If you believe that, I've got a little swampland in Florida you might be interested in!

For years, I've been sponsoring initiatives to *cut* wasteful government spending, and I'm not about to switch now.

My initiatives have saved California taxpayers literally tens of billions of dollars, *without* cutting vital services. And they've all passed by *huge* margins for *two* reasons:

(1) Each solved a problem the Legislature *refused* to correct.

(2) Each did it *fairly*, treating both workers and taxpayers with *respect*.

That's what **PROPOSITION 61** does.

It simply puts a reasonable limit on government salaries.

All **PROPOSITION 61** says is the people have the right to set maximum salary limits for their elected and appointed officials—that limit is \$64,000.

That's right, I said **\$64,000** a year. Does that sound like we're turning these public officials out into the streets?

I think not.

Then, why are *elected* politicians so upset?

Because if **PROPOSITION 61** passes and *they* want a salary increase, it must be approved by the voters.

And it gives the people the right, by initiative, to change *any* of these public officials' salaries, *up* or *down*.

Now you can see what all the fuss is *really* about!

This is why I urge you to vote "YES" ON **PROPOSITION 61!**

PAUL GANN

and shall be disbursed by the department in accordance with this chapter. Any money made available under this section to the department shall be returned by the department to the General Fund plus interest the money would have earned in the Pooled Money Investment Account from money received from the first sale of bonds sold for the purpose of carrying out this chapter subsequent to the withdrawal.

13898.3. Upon request of the department, supported by a statement of the proposed arrangements to be made pursuant to Section 13895.9 for the purposes stated therein, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make those arrangements,

and, if so, the amount of bonds then to be issued and sold. Successive issues of bonds may be authorized and sold to make those arrangements progressively, and it shall not be necessary that all of the bonds authorized to be issued shall be sold at any one time.

13898.4. The committee may authorize the Treasurer to sell all or any part of the bonds authorized at the time or times as fixed by the Treasurer.

13898.5. All proceeds from the sale of bonds, except those derived from premiums and accrued interest, are available for the purpose provided in Section 13898.5, but are not available for transfer to the General Fund to pay principal and interest on bonds. The money in the fund may be expended only as provided in this chapter.

Proposition 61 Text of Proposed Law

Continued from page 37

11551.5. Effective January 5, 1987, an annual salary of seventy-seven thousand five hundred dollars (~~\$77,500~~) shall be paid to the Attorney General.

Upon the commencement of each new term, the annual compensation provided by this section shall be increased based on the cost-of-living increases provided for state employees over the previous four years. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the combination of percentages of the general cost-of-living increases provided for state employees for the four previous fiscal years.

11552. Effective July 1, 1984, an annual salary of sixty-eight thousand dollars (~~\$68,000~~) shall be paid to each of the following:

- (a) Superintendent of Banks.
- (b) Commissioner of Corporations.
- (c) Insurance Commissioner.
- (d) Director of Transportation.
- (e) Real Estate Commissioner.
- (f) Savings and Loan Commissioner.
- (g) Director of Social Services.
- (h) Director of Water Resources.
- (i) Director of Corrections.
- (j) Director of General Services.
- (k) Director of Motor Vehicles.
- (l) Director of the Youth Authority.
- (m) Executive Officer of the Franchise Tax Board.
- (n) Director of Employment Development.
- (o) Director of Alcoholic Beverage Control.
- (p) Director of Housing and Community Development.
- (q) Director of Alcohol and Drug Abuse.
- (r) Director of the Office of Statewide Health Planning and Development.
- (s) Director of the Department of Personnel Administration.
- (t) Chairperson and Member of the Board of Equalization.
- (u) Director of Commerce.
- (v) State Director of Health Services.
- (w) Director of Mental Health.
- (x) Director of Developmental Services.
- (y) State Public Defender.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a cost-of-living increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general cost-of-living salary

increases provided for state employees during that fiscal year.

11552.5. Effective January 5, 1987, an annual salary of seventy-two thousand five hundred dollars (~~\$72,500~~) shall be paid to each of the following:

- (a) Lieutenant Governor.
- (b) Secretary of State.
- (c) Controller.
- (d) Treasurer.
- (e) Superintendent of Public Instruction.

Upon the commencement of each new term, the annual compensation provided by this section shall be increased based on the cost-of-living increases provided for state employees over the previous four years. The amount of the increase provided by this section, shall be determined by multiplying the then current compensation by the combination of percentages of the general cost-of-living increases provided for state employees for the four previous fiscal years.

11553. Effective July 1, 1984, an annual salary of sixty-five thousand dollars (~~\$65,000~~) will be paid to each of the following:

- (a) Chairman of the Unemployment Insurance Appeals Board.
- (b) Chairperson of the Agricultural Labor Relations Board.
- (c) President of the Public Utilities Commission.
- (d) Chairman of the Fair Political Practices Commission.
- (e) Chairman of the Waste Management Board.
- (f) Chairperson of the Energy Resources Conservation and Development Commission.
- (g) Chairperson of the Public Employment Relations Board.
- (h) Chairperson of the Workers' Compensation Appeals Board.
- (i) Administrative Director of the Division of Industrial Accidents.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a cost-of-living increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.

11553.5. Effective July 1, 1984, an annual salary of sixty-three thousand dollars (~~\$63,000~~) shall be paid to the following:

- (a) Member of the Agricultural Labor Relations Board.
- (b) Member of the State Energy Resources Conservation and Development Commission.
- (c) Member of the Public Utilities Commission.

(d) Member of the Public Employment Relations Board.
(e) Member of the Unemployment Insurance Appeals Board.

(f) Member of the Workers' Compensation Appeals Board.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a cost-of-living increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.

1155. Effective July 1, 1984, an annual salary of sixty thousand dollars (\$60,000) shall be paid to each of the following:

(a) Director of Conservation.

(b) Director of Fish and Game.

(c) Director of Parks and Recreation.

(d) Director of Rehabilitation.

(e) Director of Veterans Affairs.

(f) Director of Consumer Affairs.

(g) Director of the State Office of Economic Opportunity.

(h) State Architect.

(i) Director of Forestry.

(j) Director of Fair Employment and Housing.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a cost-of-living increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.

1155.5. Effective July 1, 1984, an annual salary of fifty-seven thousand dollars (\$57,000) shall be paid to the following:

(a) Chairman of the Board of Prison Terms.

(b) Chairman of the State Water Resources Control Board.

(c) Chairman of the Youthful Offender Parole Board.

(d) Chairman of the Occupational Safety and Health Appeals Board.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a cost-of-living increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.

1156. Effective July 1, 1984, an annual salary of fifty-five thousand dollars (\$55,000) shall be paid to each of the following:

(a) Director of Boating and Waterways.

(b) Director of the Office of Emergency Services.

(c) Member of the Board of Prison Terms.

(d) Member of the State Water Resources Control Board.

(e) Member of the Youthful Offender Parole Board.

(f) State Fire Marshal.

(g) Director of the Department of Aging.

(h) Member of the Occupational Safety and Health Appeals Board.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a cost-of-living increase is provided for state employees. The amount of the increase provided by this section shall be

determined by multiplying the then current compensation by the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.

1156.5. Effective July 1, 1984, an annual salary of twenty-seven thousand five hundred dollars (\$27,500) shall be paid to each of the following:

(a) Chairman of the Narcotic Addict Evaluation Authority.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a cost-of-living increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.

1156.7. Effective July 1, 1984, an annual salary of twenty-four thousand dollars (\$24,000) shall be paid to each member of the Narcotic Addict Evaluation Authority.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a cost-of-living increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.

1156.7. Effective July 1, 1984, an annual salary of twenty thousand dollars (\$20,000) shall be paid to each member of the State Personnel Board.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a cost-of-living increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.

1156.9. Effective July 1, 1984, an annual salary of ten thousand five hundred dollars (\$10,500) shall be paid to the President of the Traffic Adjudication Board.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a cost-of-living increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.

1156.9. Effective July 1, 1984, an annual salary of ten thousand dollars (\$10,000) shall be paid to each member of the Traffic Adjudication Board.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a cost-of-living increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.

1156.1. Effective July 1, 1984, an annual salary of twenty thousand dollars (\$20,000) shall be paid to each member of the State Air Resources Board, provided each member devotes a minimum of 60 hours per month to state board work. Such salary shall be reduced proportionately if less than 60 hours per month is devoted to state board work.

On July 1, the annual compensation provided by this section shall be increased in any fiscal year in which a

cost of living increase is provided for state employees. The amount of the increase provided by this section shall be determined by multiplying the then current compensation by the percentage of the general cost of living salary increases provided for state employees during that fiscal year.

Article 2. Application of Salary Provisions

11565. If the salary specified in Article 1 (commencing with Section 11550) for any particular position is greater than the salary which the incumbent is receiving on the date when this chapter takes effect, he or she shall receive the higher amount from and after the first day of the month immediately following such effective date.

11566. If the salary specified in Article 1 (commencing with Section 11550) for any particular position is less than the salary which the incumbent is receiving on the date when this chapter takes effect, he or she shall continue to receive the higher amount and the provisions of Article 1 (commencing with Section 11550) shall not become operative until a new appointment is made for the position.

11567. If any constitutional provision prevents an increase in the salary during the term of office of a position for which an increase is provided by this chapter, such increase shall become operative with the commencement of the next succeeding term of office of such position.

11568. The provisions of this chapter shall not be superseded or modified by any subsequent legislation except to the extent that such legislation shall do so expressly.

11569. Notwithstanding the foregoing provisions of this chapter or of any statute specifying the salary to be paid to any state officer, in any fiscal year for which the Legislature appropriates additional funds to augment the salaries paid to state officers whose salaries are specified by statute, each such statutory salary for such fiscal year shall be the amount so specified plus an amount which constitutes an equal percentage increase for each such officer. No such increase shall be paid to any officer whose salary is subject to Section 8901 or Section 68203 of the Government Code. If any constitutional provision prevents such increase during the term of office of a position, the increase shall not become operative as to such position before the commencement of the next succeeding term of office, as provided in Section 11567.

The secretaries and other personnel of the Governor appointed pursuant to Section 12001 shall be regarded as state officers for purposes of determining the salaries of state officers pursuant to this section and the Governor may fix the salary of each such person at an amount not to exceed the maximum for such position set forth in Section 12001 plus a percentage equal to the increase authorized for statutory salaries under this section.

SECTION II: Section 26 is hereby added to Article XX of the California Constitution:

Section 26. Public Salary Limitations.

(a) On the effective date of this Section, the salary of the Governor shall be set at \$80,000.00 per year and the salary of all other Constitutional officers and members of the Board of Equalization shall be set at \$52,500.00 per year subject to adjustment as set forth in subsection (c) of this Section 26.

(b) Notwithstanding Article III Section 4 or any other section of this Constitution, but subject to subsection (g) of this Section, no state, city, county, city and county or special district employee, elected or appointed, which shall include individuals working under contract, may receive compensation in excess of eighty percent of the Governor's salary. Under special circumstances the Legislature may appropriate funds for employee services

contracted for by agencies in state government in excess of eighty percent of the Governor's salary if the contract or contracts in question do not exceed four years in length and are approved by both houses by a two-thirds roll call vote. Insofar as this section may conflict with a city, county or city and county's power to set salaries pursuant to Article XI sections 3 through 5, this section shall take precedence.

(c) No increase in the salary of any constitutional officer, member of the Board of Equalization, member of the Legislature, supreme or appellate court justice or judge or a court of record shall become operative unless such increase has been approved by a majority of the voters of the state voting in a statewide general election.

(d) Notwithstanding any city, county, or city and county charter adopted pursuant to Article XI Section 3 of this Constitution, no increase in the salary of an elected officer of a city, county, city and county or special district which establishes the salary payable to its members shall become effective unless such increase has been approved by a majority of the voters of the city, county, city and county, or special district voting on the question at an election.

(e) On the effective date of this section, the annual salary for those employees and officials referenced in subsections (b) and (c) above, except the Governor, Constitutional officers and members of the Board of Equalization, shall not exceed eighty percent of the annual salary paid to the Governor as of that date. No elected or appointed official, or any employee subject to the provisions of this section shall be permitted to accumulate sick leave or vacation time from one calendar year to another.

(f) Any public employee on the state or local level who serves in more than one paid public position in this state may not receive a total aggregate compensation, including pension payments derived in whole or in part from public funds, in excess of eighty percent of the Governor's salary.

(g) The electorate of any city, county, city and county or special district may, by initiative, adjust the salary of any elected or appointed official in that jurisdiction in excess of the limitation set forth in subsection (f) of this Section 26. Notwithstanding Article II Section 11 or Article XI Section 3, no legislative body shall enact laws which restrict the electorate's right to use the initiative process to increase or decrease the compensation or the conditions of any future accruals of employee benefits of their elected or appointed officials. Any laws existing on the effective date of this measure which purport to limit the electorate's right to do so are null and void. Notwithstanding any other provision of law, the signatures of not less than 10 percent of the voters of any jurisdiction shall qualify the initiative for the next general election ballot of that jurisdiction. All other sections of the California Elections Code or a local jurisdiction's Charter shall govern the process for such initiatives.

(h) After the date this section becomes effective, the Legislature shall enact no laws authorizing any public official covered by this section to engage the services of private subcontractors wherein the contractual amount of compensation exceeds seventy-five dollars per hour and no contract may exceed two years in duration, and in no event may the total compensation for an individual exceed the amount set forth in subsection (b) of this Section 26. Furthermore, no state official or agency shall employ, hire, contract with, pay or otherwise compensate any attorney or legal firm to act on behalf of the state or any agency thereof where the state or any agency thereof is a plaintiff, defendant, complainant petitioner, respondent or real party in interest unless the California Attorney

General has formally noted a conflict in representing the agency.

(i) If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this section which can be given effect without the invalid provision or its application and to this end the provisions of this section are severable.

SECTION III. Article III Section 4(b) of the Constitution is hereby repealed.

(b) Beginning on January 1, 1981, the base salary of a judge of a court of record shall equal the annual salary payable as of July 1, 1980, for that office had the judge been elected in 1978. The Legislature may prescribe increases in those salaries during a term of office, and it may terminate prospective increases in those salaries at any time during a term of office, but it shall not reduce the salary of a judge during a term of office below the highest level paid during that term of office. Laws setting the salaries of judges shall not constitute an obligation of contract pursuant to Section 9 of Article I or any other provision of law.

SECTION IV. Article V Section 12 of the Constitution is amended to read as follows:

ARTICLE V Section 12 Compensation of the Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Superintendent of Public Instruction, and Treasurer shall be prescribed by statute but may not be increased or decreased during a term Article XX Section 26(a) and modified by the voters of the State of California pursuant to Article XX Section 26(c) of this Constitution.

SECTION V. Article VI Section 5 of the Constitution is amended to read as follows:

ARTICLE VI Section 5 (a) Each county shall be divided into municipal court and justice court districts as provided by statute, but a city may not be divided into more than one district. Each municipal and justice court shall have one or more judges.

There shall be a municipal court in each district of more than 40,000 residents and a justice court in each district of 40,000 residents or less. The number of residents shall be ascertained as provided by statute.

The Legislature shall provide for the organization and prescribe the jurisdiction of municipal and justice courts. It shall prescribe prescribed for each municipal court and provide for each justice court the number, qualifications, and compensation, subject to Article XX Section 26(c), of judges, officers, and employees. (b) Notwithstanding the provisions of subdivision subdivision (a), any city in San Diego County may be divided into more than one municipal court or justice court district if the Legislature determines that unusual geographic conditions warrant such division.

SECTION VI: Article VI Section 19 of the Constitution is amended to read as follows:

ARTICLE VI Section 19 The Legislature shall prescribe compensation for judges of courts of record, subject to Article XX Section 26(c) of the Constitution. A judge of a court of record may not receive the salary for the judicial office held by the judge while any cause before the judge remains pending and undetermined for 90 days after it has been submitted for decision.

Official Title and Summary Prepared by the Attorney General

RESTRICTIONS ON TOXIC DISCHARGES INTO DRINKING WATER; REQUIREMENT OF NOTICE OF PERSONS' EXPOSURE TO TOXICS. INITIATIVE STATUTE. Provides persons doing business shall neither expose individuals to chemicals known to cause cancer or reproductive toxicity without first giving clear and reasonable warning, nor discharge such chemicals into drinking water. Allows exceptions. Requires Governor publish lists of such chemicals. Authorizes Attorney General and, under specified conditions, district or city attorneys and other persons to seek injunctions and civil penalties. Requires designated government employees obtaining information of illegal discharge of hazardous waste disclose this information to local board of supervisors and health officer. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: Costs of enforcement of the measure by state and local agencies are estimated at \$500,000 in 1987 and thereafter would depend on many factors, but could exceed \$1,000,000 annually. These costs would be partially offset by fines collected under the measure.

Analysis by the Legislative Analyst

Background

Currently, the state has a number of programs designed to protect people against possible exposures to harmful chemicals. The major programs involve the regulation of:

- **Waste Discharges.** The State Water Resources Control Board and the regional water quality control boards regulate the discharge of wastes into state waters, including rivers, streams, and groundwater that may be used as sources of drinking water. The Department of Health Services regulates the disposal and cleanup of hazardous waste, including hazardous waste that may contaminate drinking water.
- **Drinking Water.** Current law prohibits local water agencies from supplying drinking water to the public that contains dangerous levels of certain harmful chemicals. Local water agencies must inform customers when the level of these chemicals exceeds certain limits. The Department of Health Services enforces these limits.
- **Workplace Hazards.** The Department of Industrial Relations regulates exposure to cancer-causing materials and other harmful substances in the workplace. Current law also requires employers to inform workers of possible exposure to dangerous substances.
- **Pesticides.** The Department of Food and Agriculture regulates the use of pesticides in agriculture and in other business applications, such as maintenance of landscaping and golf courses.

These regulatory agencies must make judgments about the amounts of harmful chemicals that can be released into the environment. In doing so, they try to balance what it costs to prevent the release of chemicals against the risks the chemicals pose to public health and safety. As the level of allowable exposure goes down, the cost of prevention typically goes up. The risk that some substances pose to health is not always known. Often, scientists cannot determine precisely the health impact of low-level exposures that occur over 20 or 30 years.

Proposal

This measure proposes two additional requirements for

businesses employing 10 or more people. First, it generally would prohibit those businesses from knowingly releasing into any source of drinking water any chemical in an amount that is known to cause cancer or in an amount that exceeds 1/1,000th of the amount necessary for an observable effect on "reproductive toxicity." The term "reproductive toxicity" is not defined. Second, the measure generally would require those businesses to warn people before knowingly and intentionally exposing them to chemicals that cause cancer or reproductive toxicity. The measure would require the state to issue lists of substances that cause cancer or reproductive toxicity.

Because these new requirements would result in more stringent standards, the practical effect of the requirements would be to impose new conditions for the issuance of permits for discharges into sources of drinking water. In order to implement the new requirements, state agencies that are responsible for issuing permits would be required to alter state regulations and develop new standards for the amount of chemicals that may be discharged into sources of drinking water.

The measure also would impose civil penalties and increase existing fines for toxic discharges. In addition, the measure would allow state or local governments, or any person acting in the public interest, to sue a business that violates these rules.

Fiscal Effect

It is estimated that the administrative actions resulting from the enactment of this measure would cost around \$500,000 in 1987. Starting in 1988, the costs of these actions are unknown and would depend on many factors, but these costs could exceed \$1 million annually.

In addition, the measure would result in unknown costs to state and local law enforcement agencies. A portion of these costs could be offset by increased civil penalties and fines collected under the measure.

Beyond these direct effects of the measure, state and local governments may strengthen enforcement activities to ensure compliance with the new requirements. The costs of any additional enforcement could be significant.

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 Health and Safety Code; therefore, existing provisions 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

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

SECTION 1. *The people of California find that hazardous chemicals pose a serious potential threat to their health and well-being, that state government agencies have failed to provide them with adequate protection, and that these failures have been serious enough to lead to investigations by federal agencies of the administration of California's toxic protection programs. The people therefore declare their rights:*

(a) *To protect themselves and the water they drink against chemicals that cause cancer, birth defects, or other reproductive harm.*

(b) *To be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.*

(c) *To secure strict enforcement of the laws controlling hazardous chemicals and deter actions that threaten public health and safety.*

(d) *To shift the cost of hazardous waste cleanups more onto offenders and less onto law-abiding taxpayers.*

The people hereby enact the provisions of this initiative in furtherance of these rights.

SECTION 2. Chapter 6.6 (commencing with Section 25249.5) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 6.6.

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

25249.5. Prohibition On Contaminating Drinking Water With Chemicals Known to Cause Cancer or Reproductive Toxicity. *No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water, notwithstanding any other provision or authorization of law except as provided in Section 25249.9.*

25249.6. Required Warning Before Exposure To Chemicals Known to Cause Cancer Or Reproductive Toxicity. *No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in Section 25249.10.*

25249.7. Enforcement.

(a) *Any person violating or threatening to violate Section 25249.5 or Section 25249.6 may be enjoined in any court of competent jurisdiction.*

(b) *Any person who has violated Section 25249.5 or Section 25249.6 shall be liable for a civil penalty not to exceed \$2500 per day for each such violation in addition to any other penalty established by law. Such civil penalty may be assessed and recovered in a civil action brought in any*

court of competent jurisdiction.

(c) *Actions pursuant to this section may be brought by the Attorney General in the name of the people of the State of California or by any district attorney or by any city attorney of a city having a population in excess of 750,000 or with the consent of the district attorney by a city prosecutor in any city or city and county having a full-time city prosecutor, or as provided in subdivision (d).*

(d) *Actions pursuant to this section may be brought by any person in the public interest if (1) the action is commenced more than sixty days after the person has given notice of the violation which is the subject of the action to the Attorney General and the district attorney and any city attorney in whose jurisdiction the violation is alleged to occur and to the alleged violator, and (2) neither the Attorney General nor any district attorney nor any city attorney or prosecutor has commenced and is diligently prosecuting an action against such violation.*

25249.8. List Of Chemicals Known to Cause Cancer Or Reproductive Toxicity.

(a) *On or before March 1, 1987, the Governor shall cause to be published a list of those chemicals known to the state to cause cancer or reproductive toxicity within the meaning of this chapter, and he shall cause such list to be revised and republished in light of additional knowledge at least once per year thereafter. Such list shall include at a minimum those substances identified by reference in Labor Code Section 6382(b)(1) and those substances identified additionally by reference in Labor Code Section 6382(d).*

(b) *A chemical is known to the state to cause cancer or reproductive toxicity within the meaning of this chapter if in the opinion of the state's qualified experts it has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer or reproductive toxicity, or if a body considered to be authoritative by such experts has formally identified it as causing cancer or reproductive toxicity, or if an agency of the state or federal government has formally required it to be labeled or identified as causing cancer or reproductive toxicity.*

(c) *On or before January 1, 1989, and at least once per year thereafter, the Governor shall cause to be published a separate list of those chemicals that at the time of publication are required by state or federal law to have been tested for potential to cause cancer or reproductive toxicity but that the state's qualified experts have not found to have been adequately tested as required.*

(d) *The Governor shall identify and consult with the state's qualified experts as necessary to carry out his duties under this section.*

(e) *In carrying out the duties of the Governor under this section, the Governor and his designates shall not be considered to be adopting or amending a regulation within the meaning of the Administrative Procedure Act as defined in Government Code Section 11370.*

25249.9. Exemptions from Discharge Prohibition.

(a) *Section 25249.5 shall not apply to any discharge or release that takes place less than twenty months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section 25249.8.*

(b) *Section 25249.5 shall not apply to any discharge or release that meets both of the following criteria:*

(1) *The discharge or release will not cause any significant amount of the discharged or released chemical to*

Continued on page 62

Restrictions on Toxic Discharges into Drinking Water; Requirement of Notice of Persons' Exposure to Toxics. Initiative Statute

Argument in Favor of Proposition 65

Nearly every week sees a new toxic catastrophe. Children in Fullerton, Riverside, McFarland, Sacramento, and San Jose have already been exposed to chemicals that may make them sterile or give them cancer.

There are certain chemicals that are scientifically known—not merely suspected, but known—to cause cancer and birth defects. Proposition 65 would:

- Keep these chemicals out of our drinking water.
- Warn us before we're exposed to any of these dangerous chemicals.
- Give private citizens the right to enforce these laws in court.
- Make government officials tell the public when an illegal discharge of hazardous waste could cause serious harm.

The cost to taxpayers will be negligible, according to the Attorney General's official estimate.

Our present toxic laws aren't tough enough. Despite them, polluters contaminate our drinking water and expose us to extremely toxic chemicals without our knowing it. The health of innocent people is jeopardized. And the public must pay massive costs for cleanup.

The Governor's Toxics Task Force found:

- Toxic chemicals can cause cancer, birth defects, and genetic damage.
- Much of our drinking water is polluted by toxic chemicals.
- Exposure to toxics costs Californians more than \$1.3 billion per year in medical care, lost income, and deaths.

Proposition 65 turns that report into action, with requirements that are clear, simple, and straightforward.

Proposition 65 gets tough on toxics.

SAFE DRINKING WATER

Proposition 65 singles out chemicals that are scientifically known to cause cancer or reproductive disorders (such as birth defects). Effectively, it tells businesses: Don't put these chemicals into our drinking water supplies.

WARNING BEFORE EXPOSURE

Proposition 65 also tells businesses: Don't expose us to any of

these same chemicals without first giving us a clear warning. We each have a right to know, and to make our own choices about being exposed to these chemicals.

TOUGHER ENFORCEMENT

Both public prosecutors and ordinary citizens can enforce these health protections directly in court.

Proposition 65 also toughens enforcement for criminal laws already on the books. Fines and jail terms are doubled for toxic crimes like midnight dumping. Police and prosecutors are given extra rewards for enforcing toxics laws.

Proposition 65's new civil offenses focus only on chemicals that are *known to the state* to cause cancer or reproductive disorders. Chemicals that are only suspect are not included. The Governor must list these chemicals, after full consultation with the state's qualified experts. At a minimum, the Governor must include the chemicals already listed as known carcinogens by two organizations of the most highly regarded national and international scientists: the U.S.'s National Toxicology Program and the U.N.'s International Agency for Research on Cancer.

These new laws will not take anyone by surprise. They apply only to businesses that *know* they are putting one of the chemicals out into the environment, and that *know* the chemical is actually on the Governor's list.

Proposition 65 will give California the clearest, most effective toxic control laws in the nation.

VOTE YES ON PROPOSITION 65.

IRA REINER

District Attorney, Los Angeles County

ART TORRES

*State Senator, 24th District
Chair, Senate Toxics and Public Safety
Management Committee*

PENNY NEWMAN

Chair, Concerned Neighbors in Action (Stringfellow Acid Pits)

Rebuttal to Argument in Favor of Proposition 65

WE JOIN SCIENTISTS, HEALTH PROFESSIONALS AND FARMERS IN URGING A "NO" VOTE ON PROPOSITION 65.

Everybody wants safe drinking water. Proposition 65 simply won't give it to us.

PROPOSITION 65 WILL NOT PRODUCE SAFE DRINKING WATER.

FACT: Proposition 65 EXEMPTS the biggest water polluters in the state.

FACT: Proposition 65 *limits* funds available to district attorneys to enforce the law.

FACT: IT UNDERMINES CALIFORNIA TOXICS LAW—THE TOUGHEST IN THE COUNTRY.

PROPOSITION 65 WON'T PRODUCE USEFUL WARNINGS.

It requires "warnings" on millions of ordinary and safe items. We won't know what products are really dangerous anymore. **THE WARNINGS WE REALLY NEED WILL GET LOST IN LOTS OF WARNINGS WE DON'T NEED.**

PROPOSITION 65 IS THE WRONG APPROACH.

A leading spokesman for the proponents recently said, "We have plenty of laws on the books already... you can't clean up anything by loading on more legislation."

We couldn't agree more.

FACT: Toxics enforcement personnel has *increased* 48% in

the last four years.

FACT: The toxics cleanup budget has *increased* nearly 150% in the last four years.

FACT: Several million dollars in fines have *already* been collected, used for cleanup and future enforcement.

Proposition 65 will take environmental regulation out of the hands of lawmakers and prosecutors and create a system of vigilante justice with bounty hunters seeking rewards.

PROPOSITION 65 IS FILLED WITH EXCEPTIONS, HURTS FARMERS, AND WILL NOT GIVE US SAFE DRINKING WATER.

VOTE NO on the Toxics Initiative.

VOTE NO on Proposition 65.

EDWARD R. JAGELS

District Attorney, Kern County

MICHELE BEIGEL CORASH

*Former General Counsel
U.S. Environmental Protection Agency*

CATHIE WRIGHT

*Member of the Assembly, 37th District
Member, Assembly Committee on Environmental
Safety and Toxic Materials*

Restrictions on Toxic Discharges into Drinking Water; Requirement of Notice of Persons' Exposure to Toxics. Initiative Statute

65

Argument Against Proposition 65

TOXIC POLLUTION IS A SERIOUS MATTER REQUIRING SERIOUS ATTENTION. Proposition 65 is a *simplistic response to a complex problem.*

As scientists, health professionals, and farmers, we are on *solid ground* when we say that *Proposition 65* is *faulty* from a scientific point of view, is so *full of exemptions* as to be meaningless from a health point of view, and is *unfair and devastating to farmers.*

FACT: UNDER PROPOSITION 65 THE GOVERNMENT AND MANY BUSINESSES ARE EXEMPT.

- Publicly owned nuclear power plants **ARE EXEMPT!**
- Cities which dump raw sewage into freshwater streams **ARE EXEMPT!**
- Public water systems **ARE EXEMPT!**
- Military bases which contaminate residential drinking water **ARE EXEMPT!**
- County landfills **ARE EXEMPT!**
- Thousands of businesses **WOULD BE EXEMPT.**
- A GOOD LAW APPLIES EVENLY AND EQUALLY TO EVERYONE.
- This is a bad law made worse because it is *loaded with exemptions.*

FACT: PROPOSITION 65 UNFAIRLY TARGETS CALIFORNIA FARMERS.

Normally, manufacturers—not users—must prove the safety of their product. But Proposition 65 *puts that burden on farmers.*

Many common fertilizers, weed and pest control materials—perfectly safe when properly used—*would be effectively banned for most farmers*—but allowed for many nonfarmers.

FARMERS MAY EVEN HAVE TO STOP IRRIGATING.

Farmers are having a tough time as it is providing quality food, in adequate supply, at the lowest possible price. Proposition 65 would add to their burden and may be the final straw to break the back of many.

FACT: PROPOSITION 65'S BOUNTY HUNTER PROVISION IS A BONANZA FOR PRIVATE LAWYERS.

Proposition 65 creates a lawyer's paradise: anyone can sue; almost anyone can be sued. People who sue will get a reward from penalties collected. *Thus, environmental regulation is taken from the hands of government regulators and prosecutors and*

handed to private lawyers and judges.

WE HAVE THE LAWS; WE NEED BETTER ENFORCEMENT.

We have many thoughtful laws relating to toxic pollution on the books. They include:

- Porter-Cologne Water Quality Act.
- Toxic Air Contaminants Program.
- Water Supply Testing Program.
- Pesticide Contamination Prevention Act.
- Birth Defect Prevention Act.
- Toxics Pit Clean-up Act.

Over 50 new laws have been passed in the last two years to control chemicals and toxics.

We need to build on the system we have, not abandon it in favor of extreme "solutions."

The simple *scientific fact* of the matter is that manmade carcinogens represent only a tiny fraction of the total carcinogens we are exposed to, most of which are natural substances such as tobacco, alcohol, and chemicals in green plants. Significant amounts of manmade carcinogens are highly regulated in California under the most stringent laws in the United States. This initiative will result in chasing after trivial amounts of manmade carcinogens at *enormous cost* with minimal benefit to our health.

We're concerned about safer, cleaner drinking water. And we're concerned that we get there in an intelligent, rational and fair manner.

Proposition 65 just won't do that.

We urge you to VOTE NO ON THE TOXICS INITIATIVE. Vote no on PROPOSITION 65.

DR. BRUCE AMES

*Chairman, Department of Biochemistry,
University of California, Berkeley*

HENRY VOSS

President, California Farm Bureau

ALICE OTTOBONI, Ph.D.

*Toxicology Staff Toxicologist, California
Department of Health Services, Rtd.*

Rebuttal to Argument Against Proposition 65

Who's really against Proposition 65?

The big oil and chemical companies are leading the opposition—because they know they would be forced to stop dumping extremely dangerous chemicals into your drinking water if Proposition 65 passes. The existing laws don't stop them. Proposition 65 will. That's why they're spending millions of dollars on a misleading media campaign.

DON'T BE FOOLED.

Proposition 65 simply says that businesses shouldn't put chemicals that are scientifically known to cause cancer, or birth defects, into your drinking water. And that they must warn you before they expose you to such a chemical.

• Proposition 65 means tougher law enforcement. It will help prosecutors put polluters in jail. That's why the California District Attorneys Association has endorsed it.

• Proposition 65 applies equally to all businesses in California, except for the smallest businesses (those with fewer than 10 employees).

• Proposition 65 applies to the big businesses that produce more than 90% of all hazardous waste in California (according to official state estimates).

• Proposition 65 treats farmers exactly the same as everyone else—no tougher, no easier. Small family farms, like other small businesses, are exempt.

• Proposition 65 is based strictly on scientific testing, more than any existing toxics law.

• Proposition 65 does not apply to insignificant (safe) amounts of chemicals.

• Proposition 65 will not in any way weaken any of California's existing protections in toxics law.

DON'T BE FOOLED BY THE BIG POLLUTERS.

Vote YES on Proposition 65!

GET TOUGH ON TOXICS!

ARTHUR C. UPTON, M.D.

Former Director, National Institutes of Health

NORMAN W. FREESTONE, JR.

Farmer, Visalia

ALBERT H. GERSTEN, JR.

Businessman; Member, Little Hoover Commission

Proposition 65 Text of Proposed Law

Continued from page 53

enter any source of drinking water.

(2) The discharge or release is in conformity with all other laws and with every applicable regulation, permit, requirement, and order.

In any action brought to enforce Section 25249.5, the burden of showing that a discharge or release meets the criteria of this subdivision shall be on the defendant.

25249.10 Exemptions from Warning Requirement.

Section 25249.6 shall not apply to any of the following:

(a) An exposure for which federal law governs warning in a manner that preempts state authority.

(b) An exposure that takes place less than twelve months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section 25249.8.

(c) An exposure for which the person responsible can show that the exposure poses no significant risk assuming lifetime exposure at the level in question for substances known to the state to cause cancer, and that the exposure will have no observable effect assuming exposure at one thousand (1000) times the level in question for substances known to the state to cause reproductive toxicity, based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for the listing of such chemical pursuant to subdivision (a) of Section 25249.8. In any action brought to enforce Section 25249.6, the burden of showing that an exposure meets the criteria of this subdivision shall be on the defendant.

25249.11 Definitions.

For purposes of this chapter:

(a) "Person" means an individual, trust, firm, joint

stock company, corporation, company, partnership, and association.

(b) "Person in the course of doing business" does not include any person employing fewer than ten employees in his business; any city, county, or district or any department or agency thereof or the state or any department or agency thereof or the federal government or any department or agency thereof; or any entity in its operation of a public water system as defined in Section 4010.1.

(c) "Significant amount" means any detectable amount except an amount which would meet the exemption test in subdivision (c) of Section 25249.10 if an individual were exposed to such an amount in drinking water.

(d) "Source of drinking water" means either a present source of drinking water or water which is identified or designated in a water quality control plan adopted by a regional board as being suitable for domestic or municipal uses.

(e) "Threaten to violate" means to create a condition in which there is a substantial probability that a violation will occur.

(f) "Warning" within the meaning of Section 25249.6 need not be provided separately to each exposed individual and may be provided by general methods such as labels on consumer products, inclusion of notices in mailings to water customers, posting of notices, placing notices in public news media, and the like, provided that the warning accomplished is clear and reasonable. In order to minimize the burden on retail sellers of consumer products including foods, regulations implementing Section 25249.6 shall to the extent practicable place the obligation to provide any warning materials such as labels on the producer or packager rather than on the retail seller, except where the retail seller itself is responsible for introducing a chemical known to the state to cause cancer or reproduc-

tive toxicity into the consumer product in question.

25249.12 Implementation. The Governor shall designate a lead agency and such other agencies as may be required to implement the provisions of this chapter including this section. Each agency so designated may adopt and modify regulations, standards, and permits as necessary to conform with and implement the provisions of this chapter and to further its purposes.

25249.13 Preservation Of Existing Rights, Obligations, and Penalties. Nothing in this chapter shall alter or diminish any legal obligation otherwise required in common law or by statute or regulation, and nothing in this chapter shall create or enlarge any defense in any action to enforce such legal obligation. Penalties and sanctions imposed under this chapter shall be in addition to any penalties or sanctions otherwise prescribed by law.

SECTION 3. Subdivision (d) of Section 25189.5 of the Health and Safety Code is amended to read:

(d) The court shall also impose upon a person convicted of violating subdivision (b) or (c) a fine of not less than five thousand dollars (\$5,000) or more than ~~fifty one hundred thousand dollars (\$50,000)~~ (\$100,000) for each day of violation except as further provided in this subdivision. If the act which violated subdivision (b) or (c) caused great bodily injury or caused a substantial probability that death could result, the person convicted of violating subdivision (b) or (c) may be punished by imprisonment in the state prison for up to 36 months, in addition to the term specified in subdivision (b) or (c), and may be fined up to two hundred fifty thousand dollars (\$250,000) for each day of violation.

SECTION 4. Section 25180.7 is hereby added to the Health and Safety Code as follows:

(a) Within the meaning of this section, a "designated government employee" is any person defined as a "designated employee" by Government Code Section 82019, as amended.

(b) Any designated government employee who obtains information in the course of his official duties revealing the illegal discharge or threatened illegal discharge of a hazardous waste within the geographical area of his jurisdiction and who knows that such discharge or threatened discharge is likely to cause substantial injury to the public health or safety must, within seventy-two hours, disclose such information to the local Board of Supervisors and to the local health officer. No disclosure of information is required under this subdivision when otherwise prohibited by law, or when law enforcement personnel have determined that such disclosure would adversely affect an ongoing criminal investigation, or when the information is already general public knowledge within the locality affected by the discharge or threatened discharge.

(c) Any designated government employee who knowingly and intentionally fails to disclose information required to be disclosed under subdivision (b) shall, upon conviction, be punished by imprisonment in the county

jail for not more than one year or by imprisonment in state prison for not more than three years. The court may also impose upon the person a fine of not less than five thousand dollars (\$5000) or more than twenty-five thousand dollars (\$25,000). The felony conviction for violation of this section shall require forfeiture of government employment within thirty days of conviction.

(d) Any local health officer who receives information pursuant to subdivision (b) shall take appropriate action to notify local news media and shall make such information available to the public without delay.

SECTION 5. Section 25192 of the Health and Safety Code is amended to read:

25192. (a) All civil and criminal penalties collected pursuant to this chapter or Chapter 6.6 (commencing with Section 25249.5) shall be apportioned in the following manner:

(1) Fifty percent shall be deposited in the ~~Hazardous Waste Control Account~~ Hazardous Substance Account in the General Fund.

(2) Twenty-five percent shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action, or in the case of an action brought by a person under subdivision (d) of Section 25249.7 to such person.

(3) Twenty-five percent shall be paid to the department and used to fund the activity of the local health officers officer to enforce the provisions of this chapter pursuant to Section 25180. If investigation by the local police department or sheriff's office or California Highway Patrol led to the bringing of the action, the local health officer shall pay a total of forty percent of his portion under this subdivision to said investigating agency or agencies to be used for the same purpose. If more than one agency is eligible for payment under this provision, division of payment among the eligible agencies shall be in the discretion of the local health officer.

(b) If a reward is paid to a person pursuant to Section 25191.7, the amount of the reward shall be deducted from the amount of the civil penalty before the amount is apportioned pursuant to subdivision (a).

(c) Any amounts deposited in the Hazardous Substance Account pursuant to this section shall be included in the computation of the state account rebate specified in Section 25347.2.

SECTION 6. If any provision of this initiative or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the initiative which can be given effect without the invalid provision or application, and to this end the provisions of this initiative are severable.

SECTION 7. To further its purposes this initiative may be amended by statute, passed in each house by a two-thirds vote.

SECTION 8. This initiative shall take effect on January 1, 1987.