

# BALLOT MEASURES REPORT



*Proposed Bond Issues,  
Constitutional Amendments,  
and Initiative Statutes  
to be submitted to the electors  
of the State of California  
at the General Election*

**NOVEMBER 2, 1982**

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## TABLE OF CONTENTS

	Page
Proposition No. 1 — State School Building Lease-Purchase Bond Law of 1982 .....	2
Proposition No. 2 — County Jail Capital Expenditure Bond Act of 1981.....	5
Proposition No. 3 — Veterans Bond Act of 1982.....	8
Proposition No. 4 — Lake Tahoe Acquisitions Bond Act .....	11
Proposition No. 5 — First Time Home Buyers Bond Act of 1982 .....	14
Proposition No. 6 — Public Pension Fund Investment .....	17
Proposition No. 7 — Real Property Valuation .....	20
Proposition No. 8 — Transfer of Funds by Local Governments .....	22
Proposition No. 9 — School Textbooks, Nonpublic Schools .....	24
Proposition No. 10 — Unifying Superior, Municipal and Justice Courts.....	26
Proposition No. 11 — Beverage Container Reuse and Recycling Act.....	29
Proposition No. 12 — Nuclear Weapons .....	33
Proposition No. 13 — Water Resources Conservation and Efficiency Act .....	35
Proposition No. 14 — Reapportionment by Districting Commission or Supreme Court .....	40
Proposition No. 15 — Guns .....	43
<b>Appendix — Los Angeles City and County Ballot Measures</b>	
County Proposition A — Discharge of Striking County Employee.....	50
County Proposition B — Prohibit RTD Employees from Striking (Advisory) ...	51
City Proposition V — Membership of Paramedics or Civilian Ambulance Employees in Safety Members Pension Plan. Conditions to Acquire Credit for Past City Service..	52
City Proposition W — Rent Control—Exemption of New Construction .....	54

cal campaigns by those without adequate access to the facts. Even though this measure would only be advisory it could further complicate the negotiation process if interpreted by Russia as evidence of internal dissension.

2) The threat of nuclear war does not come from this country, but from the Soviet Union, which is now engaged in a massive nuclear weapons buildup. Russian secrecy has made the relative positions of the nuclear armament of the two nations unclear. However, many reports indicate that the Russians now lead substantially in the number of nuclear warheads, delivery systems, and certainly in nuclear civil defense capability. Under such conditions a "nuclear freeze" could put the United States at a permanent disadvantage.

3) The Soviet Union's action in Afghanistan and Southeast Asia and its illegal use of biological weapons as outlined in the United Nations report violates the Geneva Protocol of 1925, the related rules of international law, and the 1972 Biological Weapons Convention. This lawless behavior should demonstrate that Soviet promises cannot be trusted — that solemn, signed agreements are meaningless to them. The United States should not be pressured by its citizens to enter into meaningless agreements.

4) An agreement between adversative nations to freeze one type of weapon or weapon system does nothing to reduce overall armaments and could stimulate development of a more deadly substitute. History is replete with examples of the "ultimate weapon" being overtaken with same more horrible weapon. There is promise only in negotiations for *overall* arms reduction and for improved systems of international law. This measure could be a diversion from those goals.

## PROPOSITION NO. 13

### Water Resources Conservation and Efficiency Act

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*"Statutes regarding interbasin conservation programs, allowed instream appropriations, Stanislaus River water uses, and critical ground water overdraft regulations."*

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#### INITIATIVE STATUTE

#### SUMMARY

This Proposition is an initiative measure that would add several sections to the California Water Code. As an initiative measure, it qualified for the ballot by sponsors having secured signatures totaling at last 5% of the votes cast for Governor in 1978. The measure contains a number of general policy statements regarding water policy, and also substantive parts dealing with water conservation, instream protection (including a chapter addressing the New Melones Project), and groundwater management.

#### **Water Conservation**

The Proposition would require that public agency water suppliers or private con-



tractors develop water conservation programs and submit them to the State Water Resources Control Board by January 1, 1985. An entity affected by this measure could not undertake a new or increased transfer of water between basins until the Board determined that the entity's water conservation program was adequate and is being adequately implemented. Entities subject to this requirement would be those that (a) supply or will supply directly, or through contracts with the state or federal government, more than 20,000 acre-feet of water per year, and (b) are involved in the transfer of water from one basin to another.

A proposed water conservation program must identify all reasonable water conservation alternatives, such as waste reclamation, interbasin and intrabasin transfers of developed water supplies, and changes in water pricing. It also must include a comparison of costs and a plan for implementing alternatives to new or increased interbasin transfers. Any alternative that would cost less than the importation of additional water must be implemented before any additional water can be imported.

Each entity involved in water conservation would be granted authority to use any of its existing financial powers to implement the water conservation program.

#### ***Protection of Instream Uses***

Under existing law, the State Water Resources Control Board is responsible for approving applications to appropriate water from streams and lakes. This normally involves a diversion or other form of physical control of the water. When determining the amount of water that may be appropriated, the Board must consider public interest in retaining sufficient flows to support recreation and fish and wildlife. This Proposition would authorize the Board to approve an appropriation of water in a stream or lake solely for "reasonable and beneficial instream uses" such as recreational, esthetic, scientific, scenic and water quality uses without diverting or physically controlling the stream flow.

In addition, any municipal, agricultural or power project which would have an adverse impact on instream uses must offset those impacts as a condition for approval of water appropriation. The measure also permits the Board to establish instream flow protection standards to implement its provisions — provided that no such standards shall impair vested water rights.

#### ***New Melones Reservoir***

With several specified exceptions, the measure would prohibit the storage of water at the federal New Melones Reservoir on the Stanislaus River until the Federal Bureau of Reclamation had entered into long-term contracts to sell at least 75% of the water supply made available by the project. This restriction would apply except in cases involving (1) satisfaction of vested water rights, (2) releases to preserve and enhance fish and wildlife, (3) releases for water quality control purposes, and (4) flood control purposes. Hydroelectric power could only be generated to the extent that the water was stored and released for one or more of the four specified purposes.

The Proposition would also purport to revise the congressionally authorized pricing of water from the New Melones project. The Federal Bureau of Reclamation currently pools the costs and revenues of the water and power from New Melones with the costs and revenues from all other facilities of the Central Valley Project. This Proposition would prohibit those entities subject to state law from entering into a contract with the federal government for purchase of water from New Melones unless the purchasers agree to pay their full share of: (1) construction costs of the New Melones project, without benefit of subsidy from the Central

Valley Project facilities or other water users and (2) all operation, maintenance and delivery costs involved in the New Melones project and related conveyance facilities.

The Proposition would also require the State Water Resources Control Board, to the extent possible, to restrict storage of water in the New Melones Reservoir to the area downstream of Parrotts Ferry Bridge.

#### **Groundwater Management**

This Proposition would impose groundwater management on 11 groundwater basins located primarily in the San Joaquin Valley where overpumping of water is judged critical. It also would include any other area with significant water overdraft, land subsidence, water quality degradation or other significant environmental harm.

Local entities in these designated areas would be required to establish groundwater management authorities within one year of the passage of the measure. If a local entity failed to comply within one year, the State Water Resources Control Board would be authorized to designate a public local entity or provide for the creation and designation of a joint powers groundwater management authority.

No later than two years after the State Water Resources Control Board approved or established a groundwater management authority, that authority would be required to adopt a groundwater management program which contained a detailed statement of objectives and a plan for achieving these objectives. When conditions such as long-term overdraft or poor water quality existed, the authority would be empowered to limit, control or prohibit pumping of groundwater.

A groundwater management program could not be effective until it was approved by the State Water Resources Control Board which would be required to give public notice and afford an opportunity for public hearing before granting its approval.

The Proposition would prohibit interbasin transfer to any of the specified basins until the groundwater management program covering that basin was approved by the SWRCB. Commencing one year after the effective date of the measure and until the approval of a groundwater management program for a given basin, only land within the basin that had been irrigated in at least one of the preceeding three years could be irrigated.

Under provisions of the Proposition, every public entity in California would be required to implement the measure's policies and provisions to the fullest extent possible. The measure also provides that any person may challenge a final State Water Resources Control Board action, but must do so within 60 days after the action. The measure would also allow the State Water Resources Control Board, the California Attorney General, or any private individual to enforce any of its provisions by court actions.

Finally, the authority of the Legislature to amend the measure would be substantially restricted.

#### **FISCAL EFFECT (According to the Legislative Analyst)**

*"The State Water Resources Control Board estimates that it would incur a cost of \$1.48 million annually (1982 prices) for six years to carry out its new responsibilities related to water conservation, instream protection, the New Melones Reservoir and groundwater management. Both the Departments of Fish and Game and Water Resources maintain that they would not incur any significant increased*



costs because they are now operating in a manner that is relatively consistent with the measure.

*"Under this measure, both the state and local governments would incur short-term planning and administrative costs and long-term implementation costs. These costs would be most significant in those areas of the state specifically targeted by the measure. The extent of these costs would depend on the specific decisions made by government entities, prospective diverters of water, and individual water users.*

*"The Legislative Counsel has advised that certain provisions of this measure, particularly those involving the impairment of groundwater rights and modification of federal operations at New Melones, are probably invalid and may be tested through litigation. The Attorney General's office would incur unknown costs, depending on the extent of litigation, to validate and enforce provisions of the measure. Because the outcome of such litigation could have a considerable effect on the fiscal impact of this measure, the measure's overall fiscal effect on the state and local governments cannot be determined.*

*"If the measure defers the filling of the New Melones Reservoir, it would result in an unknown loss of power revenues to the Central Valley Project and its local water and power service contractors.*

*"The water conservation and improved groundwater management features of the measure could result in long-term savings to the state and affected local agencies by reducing the costs incurred to add new water supplies and pump water."*

#### **BACKGROUND**

California is dependent on both surface water and groundwater to meet its water needs. Approximately 60% of the water used in California comes from surface sources such as rivers, lakes and streams. The remaining 40% is pumped from wells in groundwater basins.

#### **ARGUMENTS PRESENTED FOR THE MEASURE**

- 1) California has a statewide water problem that requires statewide solutions. This Proposition would establish a goal of ending the wasteful and inefficient use of water and would require communities and water districts to draft and implement water conservation and use plans to meet this goal.
- 2) By requiring groundwater management, this Proposition would provide some protection for California's underground water supplies which are being dangerously depleted by overpumping in a number of areas of the state. This valuable resource is absolutely essential to California's economy and must be protected from short-sighted overpumping to provide water for systems that use it inefficiently.
- 3) By requiring major importers of water to develop and implement water conservation programs by 1985, this Proposition could lead to water conservation and improved water management in California.
- 4) By pricing water at its full costs this Proposition would encourage those who now waste water to conserve it.
- 5) By banning interbasin transfers of water until water conservation programs are in place, this Proposition would require the adoption of management plans not only in urban areas, but also in agricultural areas where the vast majority of California's water supplies are used.

- 6) California's rivers and streams are not just sources of water for irrigation and power generation. This Proposition would establish that others have legal claims upon rivers and streams for fisheries, wildlife habitat, recreation sites, or for water quality control.
- 7) This Proposition would require that the use of property taxes to subsidize the cost of water development or delivery be minimized, and ultimately phased out as a source of revenue.
- 8) This measure protects citizens against capricious or arbitrary decisions by the SWRCB since it includes the right of any person to make a timely judicial challenge.

#### **ARGUMENTS PRESENTED AGAINST THE MEASURE**

- 1) This Proposition would increase the cost of water for California's farmers. This, in turn, would increase the price of agricultural products for all Californians and escalate the cost of food.
- 2) Because of costs of production, California's farmers already face competitive problems in both the domestic and foreign marketplaces. Any additional cost increases because of more expensive water would only aggravate the problem.
- 3) This measure could restrict the full utilization of the \$360 million New Melones dam which is already built and ready to provide much needed water and energy to California. We can't afford to let such a necessary facility sit idle for the sake of a few whitewater rafters when our water and energy needs are so important to the economic health of the state.
- 4) Because of the enforcement provisions granting any person the right to take to court every disagreement with any policy decision related to the Proposition, this measure would permit any disgruntled individual or special interest to tie up vital issues concerning water and energy in lengthy court proceedings.
- 5) This Proposition could mean that local decision-making authority in local water districts and communities would be largely replaced by unelected state bureaucrats.
- 6) This Proposition equates the rights of individuals whose claims are esthetic or recreational with the rights of those individuals whose claims are for human needs, agriculture, or industry. This is an example of the misguided priorities that have helped produce the difficult times now existing in California and elsewhere.
- 7) This Proposition would cast established water law into uncertainty and undo the laws which have been established by the legislative and judicial processes for over half a century. Any person would have legal standing to obstruct the provision of adequate and reliable water supplies.
- 8) The phrase that "... local ground water resources should be managed to avoid significant environmental harm" is open to various interpretations and could be detrimental in resolving long-standing problems such as that between the City of Los Angeles and Inyo County.
- 9) This measure ignores certain areas such as Sacramento and Stockton. It is in such unmetered areas that the greatest waste of water occurs. All of California citizens should be treated equally.
- 10) This Proposition is a classic example of the abuse of the initiative process in California. It involves issues of great scientific and technological complexity that are clearly beyond the competence of even the best-informed lay citizen. At the



same time it restricts the ability of the Legislature (with its access to the professionals in this field) to address the problems involving water and thus undermines our representative form of government. It assumes an inefficient use of water in the water-short areas of the state despite the masses of evidence to the contrary. It contains patently invalid provisions purporting to control federal projects. And, by inviting endless litigation it threatens the development of our most vital resource — water.

## PROPOSITION NO. 14

### Reapportionment by Districting Commission or Supreme Court

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*"Repeals Legislature's power over reapportionment and establishes commission to reapportion legislative and equalization districts starting with 1984 elections. Fiscal impact: On assumptions of Analyst, increased state costs of \$126,000 in 1983 and a comparable amount once every 10 years [commencing] in 1991."*

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#### INITIATIVE CONSTITUTIONAL AMENDMENT

##### SUMMARY

This Proposition is an initiative constitutional amendment that would amend the California Constitution to transfer from the Legislature to a newly established commission the responsibility for reapportioning the California Assembly, State Senate, Congressional and Board of Equalization Districts. The commission, designated the "Districting Commission," would be required by this measure to adopt by October 1, 1983 districting plans for the 1984 through 1990 elections based on the 1980 census. Thereafter, beginning in 1991, the Commission would be required to meet once each decade to develop new reapportionment plans based on the most recent census data.

The Commission would consist of at least 10 appointed members. Four members, including the Chairman of the Commission, would be selected by a panel of Justices of the California Courts of Appeal. The two largest political parties in California would each appoint three members, two of whom could be members of the Legislature. In addition, any other political parties having 10% or more representation in the State Legislature (there are none at present) would be authorized to appoint a single member.

This measure would also require members of the first Districting Commission to be appointed in December 1982. Thereafter, the Commission members generally would be appointed during December of the year in which the decennial census occurs. The Commission would remain in existence until there are final redistricting plans.

Each Commission member who is not an elected state official would receive compensation equal to the monthly salary of a state legislator for each month dur-