

HOWARD JARVIS, Founder (1903-1986)  
JON COUPAL, President  
TREVOR GRIMM, General Counsel  
TIMOTHY BITTLE, Director of Legal Affairs



HOWARD JARVIS  
TAXPAYERS ASSOCIATION

SACRAMENTO OFFICE:  
921 11th Street, Suite 1201  
Sacramento, CA 95814  
(916) 444-9950, Fax: (916) 444-9823  
www.hjta.org

**Via Hand Delivery**

November 20, 2009

Ms. Krystal Paris  
Initiative Coordinator  
Attorney General's Office  
1515 K Street, 6<sup>th</sup> Floor  
Sacramento, CA 95814

09 - 0089  
**RECEIVED**  
NOV 20 2009

Re: Taxpayer Protection Act of 2010

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Dear Ms. Paris:

By this letter, we respectfully request the Attorney General to prepare a title and summary of the chief purpose and points of the Taxpayer Protection Act of 2010.

Any correspondence regarding this initiative should be directed to Howard Jarvis Taxpayers Association, 921 Eleventh Street, Suite 1201, Sacramento, CA 95814 (916) 444-9950. The proponent's resident address is attached to this letter.

Enclosed is the required \$200 filing fee as well as the certification as required by Elections Code Section 18650.

Thank you for your cooperation.

Sincerely,

A rectangular box with a dashed border, used to redact the signature of Jon Coupal.

Jon Coupal  
President

## INITIATIVE MEASURE TO BE SUBMITTED TO VOTERS

## SECTION 1. STATEMENT OF FINDINGS

- A. Californians are among the highest taxed citizens of any state in the nation.
- B. Failure of the State and local governments to control spending and debt has increased the pressure to raise taxes and evade the Constitution's voting requirements by disguising taxes as "fees" or "fines," and by disguising special taxes as "general taxes."
- C. Recently the Legislature raised taxes by over \$12 billion, and it would have doubled the amount of that tax increase if not stopped by the voters.
- D. Voters already have the right to vote on local taxes. It makes sense that voters should also have the right to vote on state taxes.

## SECTION 2. STATEMENT OF PURPOSE

- A. The people hereby enact the "Taxpayer Protection Act of 2010" to impose reasonable limitations on government taxation by:
  - (1) Requiring voter approval for any new, extended, or increased state tax; and
  - (2) Limiting the ability of the Legislature and local governments to impose new taxes by disguising them as "fees" or "fines," or by disguising special taxes as "general taxes."

## SECTION 3. AMENDMENTS TO CONSTITUTION

Section 3 of Article XIII A is hereby amended to read:

Sec. 3 The Legislature shall not:

- (a) Impose, extend, or increase any state tax on any taxpayer except by a bill passed in each house by a rollcall vote entered in the journal, two-thirds of the membership concurring, and submitted to the electorate and approved by a majority vote. A tax necessary for the purpose of funding expenditures relating to an emergency as provided in section 3(c) of Article XIII B, may become effective immediately without voter approval if the tax expires prior to the first statewide election held in the calendar year following the calendar year of the emergency. From and after the effective date of this article, any changes in State taxes except enacted for the purpose of increasing revenues collected pursuant thereto whether by increased rates or changes in methods of computation must be imposed by an Act passed by not less than two thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property may be imposed.
- (b) Impose, extend, or increase any fee on any fee-payer except by a bill passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring.

- (c) Impose, extend, or increase any monetary fine, forfeiture, or penalty except for a monetary fine, forfeiture or penalty to be imposed for a violation of law in an adjudicatory or quasi-adjudicatory proceeding.
- (d) Impose any tax, fee, or assessment on real property, or on the sale or transfer of real property.
- (e) For purposes of this section, the term "fee" does not include a fee or charge to reimburse the state for the cost incurred by the state in providing a product or service requested by the payer which the payer reasonably could have declined.

Section 1 of Article XIIIIC is amended to read:

Sec. 1. As used in this article:

- (a) "General tax" means any tax imposed for general governmental purposes.
- (b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity.
- (c) "Special district" means an agency of the state, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.
- (d) "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund, or a tax which is the subject of a companion measure or provision advising specific purposes.
- (e) "Special tax" also means any fee or charge except:
  - (1) A fee or charge to reimburse the local government for the cost incurred by the local government in providing a product or service requested by the payer which the payer reasonably could have declined;
  - (2) property-related fees or charges imposed in accordance with Article XIIID;
  - (3) fees or charges imposed as a condition of property development;
  - (4) a monetary fine, forfeiture, or penalty imposed for a violation of law in an adjudicatory or quasi-adjudicatory proceeding.

#### SECTION 4. GENERAL PROVISIONS

- A. If any provision of this measure, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.
- B. This measure is intended to be comprehensive. If this measure and another measure or measures relating to the same subject appear on the same statewide ballot, the other

measure or measures shall be deemed to be in conflict with this measure. If this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

- C. The provisions of this Act shall be liberally construed to further the purposes stated. In any legal action to enforce the provisions of this Act, the burden shall be on the state or local government to prove compliance with the provisions herein.