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Editorial: The governor's propositions

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Arnold Schwarzenegger's legacy and his chances of performing in a sequel as governor both hinge on the Nov. 8 special election. At the center of the governor's gambit are three initiatives - Propositions 74, 76 and 77 - that he endorsed early on. (Schwarzenegger also has endorsed Propositions 75 and 78, but has been most active in promoting 74, 76 and 77.)

To his credit, the governor is focused on a trio of serious and pressing concerns: the quality of public school teachers; the tendency of the Legislature to spend lavishly during boom times; and the ability of politicians to gerrymander electoral districts, thus assuring themselves "safe seats."

Unfortunately, each of the governor's proposals has problems - some big, some small. None of the proposals received the vetting that might have occurred had the governor and legislative leaders engaged in serious negotiations.

Left with a mixed bag, voters will have to decide for themselves about the merits of each proposal. By our count, Schwarzenegger has one solid hit, and a pair of pop-ups. While .333 is a good average in baseball, it doesn't cut it in politics. Here's why:

No on Prop. 74

California's kids deserve the best teachers instead of the best-protected ones.

Over the years, the California Teachers Association has ensured, through myriad rules and bargaining agreements, that school districts can fire teachers only after a long, costly process.

While teachers shouldn't become scapegoats for our schools, there is no doubt that some of them are burned out or unable to rise to their supremely important tasks.

Proposition 74, the governor's "Put The Kids First Act," would do two things: First, it would increase the probationary period for new teachers - the period in which principals could dismiss them without cause - from two to five years. Such a provision, proponents argue, would give more time to weed out bad teachers.

This may help some, but the bigger issue is how Proposition 74 proposes to deal with "tenured" teachers. At the moment, school districts can seek dismissal if a teacher does something egregious or has a number of unsatisfactory evaluations over several years. Prop. 74, by contrast, defines "unsatisfactory performance" as two consecutive bad evaluations.

The California School Boards Association says this provision could make it harder, not easier, to get rid of bad teachers.

Had the administration properly vetted Proposition 74, and made it part of larger, more ambitious reform effort, it would be easier to endorse. As is, the measure has a worthy aim but misses the mark.

No on Prop. 76

As this page has noted previously, California's lawmakers tend to spend like drunken miners when they discover a vein of new tax revenues.

Proposition 76, the governor's spending-control measure, is an attempt to enforce some sobriety. Regrettably, the measure could have unintended consequences for local governments and the safety net for the poor.

The measure, the "Live Within Our Means Act," limits state expenditures to the average revenue growth for the last three years. During big years, the state would sock away financial reserves, then tap them when revenues dip.

On the surface, this "smoothing" effect sounds attractive. Then again, consider the big picture. During boom revenue years, state lawmakers are pressured to cut taxes, meaning that reserves could end up smaller than needed. Without adequate money socked away, state lawmakers would be forced, during lean times, to cut deeply or borrow heavily. For these reasons, Legislative Analyst Elizabeth Hill says that Prop. 76 "would likely reduce state spending over time" and possibly "shift costs to local governments (primarily counties)."

Prop. 76 would also grant new powers to the governor (and the minority party) to hold down spending during budget impasses or mid-year fiscal crises. If revenues dropped 1.5 percent below projections (and lawmakers didn't quickly respond), the governor would be empowered to cut programs, including schools and welfare.

If lawmakers missed their budget deadline, the previous year's budget would go into effect. Since it takes a two-thirds vote to pass a budget, the minority party could just refuse to budge and the previous year's budget would stay in effect. That would make lawmakers even less accountable than they are now.

While Proposition 76 is more measured than some spending control proposals, it doesn't deal with the core problem of California's budget inertia - the two-thirds vote requirement. This albatross needs to be buried at sea. While reformers are at it, they should amend Proposition 98, the 1988 law that mandates an escalator effect for school spending, regardless of other needs. They should also repeal Proposition 42, which dedicates a portion of the sales tax (not the gas tax) for roads.

The governor's initiative makes reasonable changes to Prop. 98, but it prevents lawmakers from borrowing from Prop. 42 after this year. The effect is to threaten the school lobby and reward the highway lobby - an odd set of priorities.

Yes on Prop. 77

Thankfully, Schwarzenegger has one measure on the ballot that all Californians can rally around. Proposition 77, the governor's redistricting plan, aims to end the conflicts inherent

when lawmakers map their own political districts. Because of this gerrymandering, members of Congress tend to keep their jobs for life; legislators keep them as long as term limits allow.

Schwarzenegger's initiative proposes to separate politicians from the maps, which is why party bosses such as Rep. John Doolittle, R-Rocklin, and Rep. Howard Berman, a San Fernando Valley Democrat, are raising big bucks to kill it.

Under Proposition 77, the State Judicial Council would pick, by lot, a pool of 24 retired judges. Lawmakers from both parties would narrow this pool to 16 finalists, from which three judges would be chosen by lot to make up the redistricting panel.

All by itself, this measure would not bring in a fresh set of politicians, but it could lead to more contested seats and more responsive incumbents. It's small step forward, but one that lawmakers will never do themselves. Voters should approve it on Nov. 8.

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