

California Commentary

More Proposition 13 Myths

By Jon Coupal

Most everyone has heard about the fried ro-
dent found in an order of chicken from a na-
tional fast-food chain. And what about the
scuba diver who was picked up by a firefighting
aircraft when it swooped down on the ocean for
a load of water?

These stories, and others like them, are re-
peated so often that, despite absolutely no evi-
dence that they actually occurred, they are re-
ferred to as urban myths.

Everyone enjoys a good story, and most of
these myths are intended as nothing more than
tales to entertain ourselves and our friends.
Strangely, however, Proposition 13 — Califor-
nia's very serious tax limiting measure — has
become associated with numerous urban myths.
Here are a couple we've all heard.

Myth: Proposition 13 is responsible for the
inadequate funding of schools. This one is usu-
ally promulgated by school administrators, un-
ion officials, teachers, the occasional PBS docu-
mentary producer and, just this week, a Sacra-
mento newspaper editorial writer.

Fact: Today, even after adjusting for infla-
tion, California spends 30 percent *more* per pu-
pil than it did *prior* to Proposition 13. Addition-
ally, California has the *highest* paid teachers in
the nation.

Myth: Proposition 13 robbed school districts
of local control of funding, turning this impor-

tant function over to the state. This myth is of-
ten told by school officials and members of the
PTA.

Fact: The way schools are funded is the re-
sult of the 1971 California Supreme Court deci-
sion in *Serrano v. Priest*. In this Equal Protec-
tion case, the Supreme Court ruled it unconsti-
tutional for communities to rely on property tax
revenues to determine spending on local schools.
Otherwise, those districts with high value prop-
erty could afford to spend much more per pupil
than those with low value property. Since low
value property was found to often coincide with
minority neighborhoods, the case also had a civil
rights aspect. To meet the Court's require-
ments, the Legislature was compelled to step in
with a *uniform* spending formula, to which the
courts gave final approval in 1982.

Here are several more Proposition 13 myths
that have been publicly repeated in the last few
weeks.

Myth: Proposition 13 created the two-thirds
vote requirement for local general obligation
bonds that must be repaid solely by property
owners. This was recently reported by a San
Diego County newspaper in a story about a law-
suit over a local school bond. When questioned,
the reporter said that the attorneys for both par-
ties had assured her this was true.

Fact: Proposition 13 said *nothing* about the
vote threshold for *bonds*. When Proposition 13

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passed, the two-thirds vote requirement for local bonds had been in effect for 99 years. The two-thirds vote had been incorporated in the California Constitution of 1879. However, the misguided reporter should not feel bad. For years, the editorial writers at Los Angeles' downtown newspaper used to regularly flog Proposition 13 for its *nonexistent* requirement for a two-thirds vote to approve local bonds. After being confronted with the facts, they finally desisted and moved on to lashing Proposition 13 for other perceived iniquities.

Myth: Proposition 13 passed because it was backed by business, especially big business, so their property would be taxed at the lower residential property rate. This one appeared a few days ago in a Washington state newspaper. It was contained in a column by someone claiming to be a California refugee who wanted to warn Washingtonians of the evils of Proposition 13. He went so far as to say that the tax limiting measure would never have passed without the millions spent on misleading advertising.

Fact: This one provided everyone at the Howard Jarvis Taxpayers Association with a good laugh, because California has always taxed property at *one* rate, business and residential alike. In fact, the major *opposition* to Proposition 13, other than politicians and public employee unions, came from the *business community*, whose leaders feared that if it passed the Legislature would respond by increasing taxes on business. And the multimillion dollar misleading advertising campaign? You guessed it; the money was for ads *against* Proposition 13.

Proposition 13 was backed by a true grass roots effort, with very shallow pockets. Its phenomenal success at the ballot box was considered by political experts to be so unlikely that, when it passed, it sent shock waves across the country and put the measure's principal author, Howard Jarvis, on the cover of *Time Magazine*.

Proposition 13 has become legendary to those seeking to make governments at all levels more responsive to the needs of the people. And *that* is no myth.

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JON COUPAL is an attorney and president of the Howard Jarvis Taxpayers Association — California's largest taxpayer organization which is dedicated to the protection of Proposition 13 and promoting taxpayer rights. He can be reached through the Association's website: <http://www.hjta.org>.

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