

Opinion • Opinion

## Walters: Pay-to-play alive and well in Sacramento

Has California replaced illegal bribery with ballot measures that funnel money to interests that sponsored them?



The Honorable Quentin Kopp addresses the crowd at Independence Sunday. in 2014. In the early 1990's, Quentin Kopp, then a state senator, carried a bill to prohibit pay-to-play ballot measures.

By **DAN WALTERS, CALMATTERS** |

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Let's imagine that a business owner wrote a hefty campaign check to a state legislator who agreed, in return, to carry a bill that would directly benefit the contributor.

Such a quid pro quo deal would, of course, be illegal bribery that could land both parties in jail.

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In fact, many Capitol political figures went to prison in the early 1990s after a multi-year undercover sting investigation into such scenarios, dubbed “Shrimpgate” because FBI agents posed as owners of a shrimp company seeking political favors.

As that investigation was unfolding, another form of political pay-to-play surfaced – ballot measures that would funnel bond or tax money directly to private interests that had contributed heavily to the measures’ sponsoring organizations.

Gerald Meral, one-time head of the Planning and Conservation League, is widely credited with inventing this bootstrap practice of drafting bond or tax measures.

In 1990, for instance, Meral told potential sponsors of an \$800 million per year boost in liquor taxes that the ballot measure would need \$3 million to qualify and for a campaign and that those seeking shares of the booty would be expected to contribute either money or signatures, valued at 50 cents each.



Quentin Kopp, then a state senator, carried a bill in the early 1990s to prohibit pay-to-play ballot measures. Citing the Kopp law, Attorney General Dan Lungren refused to certify a Meral-sponsored measure for the 1994 ballot. But Meral's organization challenged the law and won a ruling that it unconstitutionally throttled the initiative process.

The practice of financing initiatives with contributions from their beneficiaries has flourished ever since, even though it would be illegal bribery if it occurred in the Legislature.

Examples include measures to raise income taxes to underwrite mental health services, largely financed by mental health clinics; \$3 billion in state bonds for stem cell research promoted by organizations seeking grants from the funds; taxes on oil production to finance alternative fuel development backed by those who would be eligible for subsidies; and a boost in cigarette taxes for medical care, financed by the hospital industry.

This year's Proposition 4, a \$1.5 billion bond issue for children's hospitals, is another example since virtually all of its financial support comes from hospitals that would benefit from its very specific allocations.

Meral, who has meandered back and forth between the public and private sectors, still is plying the trade, mostly in the fields of water and parks.

That brings us to Proposition 3, Meral's latest brainchild. It would, if approved by voters, authorize \$8.9 billion in state bonds to finance a specific laundry list of water projects whose advocates have put up the money to qualify the measure for the ballot and campaign for it.

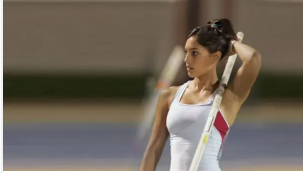
Some of the specific projects are praiseworthy, but others are simply pieces of pork.

Why, for instance, should all Californians provide \$750 million to repair the Friant-Kern and Madera canals in the San Joaquin Valley, which are collapsing due to farmers' pumping too much water from underground aquifers?

Traditionally, such repairs are financed by the water users themselves through water charges, and there's no reason why they shouldn't do so in this case, especially since the canals are owned by the federal government, not the state.

Quentin Kopp had it right with his legislation banning pay-to-play ballot measures. Those who write and finance such propositions should be subject to the same conflict-of-interest laws that apply to legislators.





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