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COMMENTARY

Friday, June 4, 2004

Time to stop the stealth-tax scams

Dubiously authorized fees often aren't even used for their stated purpose

By Larry McCarthy
President, California Taxpayers Association

In trouncing Proposition 56 (the "Blank Check" initiative) by a vote of nearly two to one this spring, California voters delivered a resounding message that if state taxes must be raised, it should only occur through a two-thirds vote of the Legislature.

The two-thirds vote requirement for new or increased taxes is critically important because it requires broad, bipartisan consensus before allowing the state government to take more money out of taxpayers' wallets.

The same holds true for Proposition 218's requirement that new or additional local taxes be imposed only by a vote of the people.

Unfortunately, enterprising politicians are trying to make an end run around these requirements by disguising tax increases as "fees," which can be authorized by government without any vote of the people whatsoever.

Aside from the obvious financial burdens imposed on taxpayers, programs funded by these stealth taxes are often among the state's most poorly managed and least accountable. They can be deceptive, unfair and even illegal.

For example, it's not unusual for a fee which is imposed for one purpose to be used for something else altogether. The so-called 911 fees are a case in point. Touted by local governments as a way to pay for emergency dispatchers, an important public service, this money is often siphoned off to pay for administration, overhead and anything but 911 operators.

As fees have turned into stealth taxes, they now often have no connection to the problem they are supposed to solve. For example, the California Department of Health Services and U.S. Environmental Protection Agency concluded long ago that lead poisoning is primarily caused by exposure to lead paint. An appropriate use of fees would have been to require paint companies to pay the bulk of the cost for the state's Childhood Lead Prevention Program.

Instead, California drivers are forced to pay 85 percent of the program costs, a total of roughly \$125 million, through the imposition of fees for lead on oil companies. This happens despite the fact that refiners began removing lead from their gasoline 30 years ago, which studies show has been a major factor in reducing blood lead levels.

The Childhood Lead Prevention Program suffers from other problems, having been poorly managed for many years. The program has been criticized in two scathing reports by the California state auditor. A recent investigative study by the Orange County Register found

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dozens of cases of toxic levels of lead in candy imported from Mexico. Despite reports that state officials were aware of these lead poisoning risks, no fees were assessed against these companies.

Clearly, it's time for the Legislature to stop foisting new stealth taxes on California's beleaguered taxpayers and businesses and to reform those that now exist. The politicians should not be allowed to divert fees imposed for specific uses to fund broad general benefit programs; the law should also prohibit assessments exceeding the proportional responsibility of those required to pay them.

California taxpayers are forced to pay dearly for these fees with their hard-earned dollars - it's not asking too much to demand accountability and fairness from those assessing them.

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