



NEWS RELEASE

CALIFORNIA SECRETARY OF STATE **BRUCE McPHERSON**

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Four Proposed Initiatives Enter Circulation

- 1. Government Acquisition of Private Property. Initiative Constitutional Amendment.*
- 2. Open Multiple Listing Service. Initiative Statute.*
- 3. Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment.*
- 4. Product Liability. Immunity from Punitive Damages. Initiative Statute.*

SACRAMENTO, CA - Secretary of State Bruce McPherson announced today that the proponents of four new initiatives may begin collecting petition signatures for their measures.

The Attorney General's official titles and summaries are as follow:

GOVERNMENT ACQUISITION OF PRIVATE PROPERTY. INITIATIVE CONSTITUTIONAL AMENDMENT.

Amends California Constitution to bar state and local governments from condemning or damaging private property, without the owner's consent, for economic development, tax revenue, or other private use. Government must occupy condemned property or lease property to certain regulated entities. Defines "just compensation." Prohibits deference to government in condemnation cases. Condemned private property must be offered for resale to prior owner at current fair market value if, within ten years, government abandons proposed condemnation's objective. Exempts asset forfeiture following criminal conviction. Applies to condemnation actions pending or commenced after June 2005.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown, potentially significant, changes in governmental costs to acquire property for public purposes. (SA2005RF0134, Amdt., #1-S.)

The Secretary of State's tracking number for this measure is 1202 and the Attorney General's tracking number is SA2005RF0134.

The proponents for this measure, Senator Tom McClintock, Jon Coupal, Chris Norby and Assemblyman Doug LaMalfa, must collect 598,105 signatures of registered voters, which is eight percent of the total votes cast for governor in the 2002 general election. The 150-day deadline to collect signatures is July 17, 2006. The initiative proponents can be reached at 916-446-6460.

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OPEN MULTIPLE LISTING SERVICE. INITIATIVE STATUTE.

Provides for creation of an internet-based open multiple listing service ("open MLS") offering free public access to non-confidential information regarding real property for sale or rent. Subscribers with active real estate licenses may access confidential information. Paid subscribers may list their own realty. Requires licensed real estate agents to list property on open MLS unless client requests otherwise. Specifies format and content of open MLS. Provides for bidding process to select open MLS operator, and establishes qualifications, powers and duties of operator. Provides that Department of Real Estate will enforce this measure.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Probably minor annual increase in state real estate enforcement costs and related real estate license fees. (SA2005RF0145.)

The Secretary of State's tracking number for this measure is 1203 and the Attorney General's tracking number is SA2005RF0145.

The proponent for this measure, David Barry of Barry and Associates, must collect 373,816 signatures of registered voters, which is five percent of the total votes cast for governor in the 2002 general election. The 150-day deadline to collect signatures is July 17, 2006. The initiative proponent can be reached at 415-398-6600.

GOVERNMENT ACQUISITION, REGULATION OF PRIVATE PROPERTY. INITIATIVE CONSTITUTIONAL AMENDMENT.

Bars state and local governments from condemning or damaging private property to promote other private property projects, uses. Limits government's authority to adopt certain land use, housing, consumer, environmental and workplace laws and regulations, except when necessary to preserve public health or safety. Voids unpublished eminent domain court decisions. Defines "just compensation." Government must occupy condemned property or lease property for public use. Condemned private property must be offered for resale to prior owner or owner's heir at current fair market value if government abandons condemnation's objective. Exempts certain governmental actions.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown, but potentially significant major future costs for state and local governments to pay damages and/or modify regulatory or other policies to conform to the measure's provisions. Unknown, potentially major, changes in governmental costs to acquire property for public purposes. (SA2005RF0146.)

The Secretary of State's tracking number for this measure is 1204 and the Attorney General's tracking number is SA2005RF0146.

The proponent for this measure, Anita S. Anderson, must collect 598,105 signatures of registered voters, which is eight percent of the total votes cast for governor in the 2002 general election. The 150-day deadline to collect signatures is July 17, 2006. The initiative proponent can be reached at 1161 Rhode Island Street, San Francisco, CA 94107. No phone number was provided.

PRODUCT LIABILITY. IMMUNITY FROM PUNITIVE DAMAGES. INITIATIVE STATUTE.

Prohibits courts from assessing damages to punish defendants (punitive damages) when a product causes injury or harm if, at time of manufacture, distribution or sale, the product or the product's warning information was in material compliance with existing laws, regulations or governmental standards. Immunity from punitive damage awards would be required unless injured party could prove, with clear and convincing evidence, that manufacturer, distributor or seller intentionally withheld or misrepresented information required by a governmental agency, and that such action was causally related to consumer injury. Measure applies to pending lawsuits.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Potential unknown reductions in revenues to the state and local governments resulting from a potential decrease in punitive damage awards in certain product liability lawsuits. (SA2005RF0147.)

The Secretary of State's tracking number for this measure is 1205 and the Attorney General's tracking number is SA2005RF0147.

The proponent for this measure, John H. Sullivan, must collect 373,816 signatures of registered voters, which is five percent of the total votes cast for governor in the 2002 general election. The 150-day deadline to collect signatures is July 17, 2006. The initiative proponent can be reached at 916-446-6752.

For the complete texts, titles, summaries and circulation calendars, please call the Secretary of State's Press Office at 916-653-6575.