

# First 5 judge got it right

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A Fresno County Superior Court judge has appropriately swatted the hand of the state as it tried to reach into the cookie jar of California's First 5 commissions.

Ruling that the Legislature and governor acted illegally, Fresno Judge Debra Kazanjian effectively halted the \$1 billion money grab attempted by Assembly Bill 99, which was adopted earlier this year.

If the ruling holds up through the appellate process, Yolo County's First 5 Commission once again could have full use of its \$8.8 million reserve fund.

Like First 5 commissions throughout the state, Yolo's is the result of a 1998 ballot initiative in which California voters specifically said they wanted more education, health care, preschool, abuse-prevention and mental health services for children from birth to age 5.

To pay for those additional programs, voters adopted a 50-cent per pack tax on cigarettes. They also put local residents and service providers in charge of deciding how that tax should be spent, county by county.

As Judge Kazanjian rightly pointed out, the initiative was designed to supplement services being provided by the state. It specifically prohibits using the money to backfill services the state should be funding.

The judge affirmed that the state cannot do what the commissions are explicitly prohibited from doing: using First 5 funds to fill the state's budget gap. And she didn't buy the argument that AB 99 was necessary to address a budget crisis

Calling that argument "disingenuous," she noted: "It was the legislature that 'chose' to cut funding to existing services instead of taking what might be an unpopular step of raising revenue."

California voters repeatedly have been clear about wanting to put more effort -- not less -- into giving its youngest children a healthy start in life. The expectation is that, by spending a few more dollars to address problems early on, it will cost taxpayers less down the road.

If voters had wanted First 5 to also serve as an emergency fund for the state, they would have included those provisions in one of the three ballot measures they have adopted so far. Rather, voters have consistently tried to protect First 5 funds from those who would raid them.

Good for the judge for backing voters on this.

Instead of wasting any more taxpayer money appealing this decision, state lawmakers should accept the will of the voters and figure out a legitimate way to pay for services it should be providing for its youngest children.