

California's Secretary of State has certified 12 ballot measures ("propositions," in California election parlance) to appear on the state's November 6, 2018 general election ballot. Many of those propositions—indeed, fully half of the dozen measures with which state voters will be confronted this fall—involve important environmental policy and legal questions.



(Amber Arnold/Wisconsin State Journal via AP)

I'll write in greater detail about several of these environmental propositions and their implications over the coming weeks and months. Here, however, is a brief summary:

- **Proposition 1.** Titled the "Veterans and Affordable Housing Bond Act of 2018," Proposition 1 is part of the California Legislature's multifaceted (if long overdue) efforts to address the Golden State's affordable housing crisis. The measure would authorize the sale of \$4 billion in bonds to finance existing housing programs as well as infrastructure improvements and grants to match local housing trust funds on a dollar-for-dollar basis. The official title of Proposition 1 is somewhat misleading, however: only 25% of the bond proceeds would be allocated to assist veterans purchase homes, mobile homes and farms.
- **Proposition 2.** The "No Place Like Home Act of 2018" is another initiative measure designed to confront the state's chronic housing shortage. Proposition 2 focuses specifically on the housing needs of California's chronically homeless population. It would do so by redirecting \$2 billion in bond proceeds originally authorized by state voters back in 2004 as part of the Mental Health Services Act (Proposition 63).

- **Proposition 3.** The brainchild of longtime California environmental activist Jerry Meral, Proposition 3 would authorize \$8.87 billion in state bonds to finance improvements in safe drinking water and water infrastructure. The majority of these bond proceeds would be devoted to a variety of safe drinking water projects across California, along with watershed and state fisheries improvements. A smaller portion of the funds would go to finance wildlife habitat protection projects and dam repairs. Proposition 3 also has an important environmental justice component: in allocating funding for new water projects, the initiative gives priority to disadvantaged communities.
- **Proposition 6.** Unlike the other propositions on California's November 6th ballot, Proposition 6 is a referendum measure, one designed to repeal the unfortunately-dubbed "Gas Tax" legislation approved by the California Legislature as SB 1 in 2017, with strong backing from Governor Jerry Brown. SB 1 increased California's gasoline and diesel fuel taxes and vehicle fees by several billion dollars a year, both to finance road, highway and bridge repairs and to fund public transportation projects. Notably, Proposition 6 is sponsored and financed principally by the California Republican Party, which is overtly using the controversial measure to get Republican voters to the polls in November and, it fervently hopes, thereby preserve Republican incumbents in the U.S. House of Representatives and elect at least a handful of Republican candidates to state constitutional offices. Conversely, Governor Brown, the California Chamber of Commerce and state construction unions have formed an unusual political alliance to oppose Proposition 6 and keep SB 1 on the books. (Proposition 6 is the most controversial, politically-charged and expensive proposition on the November ballot; I'll offer a more detailed commentary on this measure in a future post.)
- **Proposition 10.** Yet another political response to the state's affordable housing crisis, Proposition 10 seeks to expand the ability of California's local governments to adopt rent control measures. Currently, the Costa-Hawkins Rental Housing Act, enacted by the Legislature in 1995, prohibits local governments from adopting a variety of rent control ordinances, including those that protect tenants renting single-family homes, condominiums and apartments built after 1995. Rent control has been a highly controversial topic for decades, and Proposition 10's appearance on the November ballot places the issue front-and-center for California housing advocates, landlords, economists, political pundits—and voters.
- **Proposition 12.** In recent years, California has been a national and international leader when it comes to animal welfare legislation. Proposition 2, enacted as an initiative measure by California voters in 2008, was a first-in-the-nation law designed to prohibit the confinement of certain farm animals (primarily egg-laying chickens) in cages that prevent them from turning around freely, lying down, standing up or fully

extending their limbs. (Voters approved Proposition 2 by nearly a two-to-one margin, and in subsequent years several other states have followed California's lead by enacting similar farm animal protection laws.) Proposition 12, "The Prevention of Cruelty to Farm Animals Act," would expand upon Proposition 2's farm animal protections in several ways: if passed by the voters, it would ban the sale of meat derived from animals that are confined within certain areas; the measure would require that by 2021 all eggs sold in California be from hens raised according to the United Egg Producers' published cage-free guidelines; and Proposition 12 would dictate minimum square footage requirements for caged livestock.

Also noteworthy were two other environmental initiative measures that wound up being pulled from the November ballot at the 11th hour. First, paint companies had qualified for the November election an initiative measure that would have effectively absolved them from hundreds of millions of dollars in liability stemming from their past promotion and sale of toxic lead paint products. A Santa Clara County Superior Court judge had found the companies liable for those actions in 2000, a ruling ultimately upheld by the California Supreme Court. The misleadingly-titled "Healthy Homes & Schools Bond Act of 2018," in addition to wiping that ruling off the books, would have called on the State of California to sell \$2 billion in bonds to finance a publicly-funded lead paint abatement program. At the last minute, the paint companies and state Democratic lawmakers forged an agreement whereby the paint companies abandoned their initiative effort in exchange for legislators' promise to drop three bills that would have codified the companies' liability for their historic lead paint marketing practices.

Similarly, Democratic legislators and Governor Brown reluctantly agreed in late June to approve legislation sponsored by the soft drink industry that bans for 12 years local governments' ability to tax soda products. (Some cities, including Berkeley and San Francisco, had previously imposed such taxes, based primarily on public health concerns over sugar-laden soft drinks.) State officials did so in exchange for the industry's withdrawal of its already-qualified initiative measure that would have required a two-thirds public vote to approve *any* new fees or taxes adopted by local governments. Those state officials concluded that the soda tax preemption measure was the lesser of two evils.

Political polls consistently reveal that California voters strongly support the exercise of their "direct democracy" rights of initiative and referendum. And for nearly a century, a wide array of important environmental measures have been enacted (or repealed) by California's electorate. But the November 2018 general election ballot will be a high water mark in California political history when it comes to the unprecedented number of environmental propositions confronting state voters.

Interesting times...