



Date: October 14, 2016
To: Mayor and Members of the City Council
From: Patrick H. West, City Manager *T. West*
Subject: **Statewide Ballot Measures – November 8, 2016 Election**

Introduction

On Tuesday, November 8, 2016, voters will consider 17 statewide ballot measures. Below is a summary of these ballot measures and lists of major groups supporting and opposing each proposition, current as of the date of this memo. For more information, please visit the California Secretary of State Official Voter Information Guide at: <http://voterguide.sos.ca.gov/>.

Proposition 51. School Bonds. Funding for K-12 School and Community College Facilities. Initiative Statutory Amendment.

Proposition 51, the Kindergarten through Community College Public Education Facilities Bond Act of 2016, would authorize \$9 billion in general obligation bonds for improving and constructing public school facilities for K-12 schools, community colleges, and career technical education facilities. Specifically, this measure would allocate \$3 billion for construction of new public K-12 school facilities; \$3 billion for modernization of public K-12 school facilities; \$500 million for charter schools facilities; \$500 million for career technical education programs facilities; and \$2 billion for acquiring, constructing, renovating, and equipping community college facilities.

Proposition 51 would prohibit amendments to existing authority to levy developer fees to fund public school facilities, until new construction bond proceeds are spent or December 31, 2020, whichever is earlier. This measure would also prohibit amendments to existing State Allocation Board process for allocating public school construction funding, as to these bonds. Proposition 51 would appropriate money from the General Fund to pay off the bonds.

The Legislative Analyst's Office estimates Proposition 51 would cost \$17.6 billion to pay off \$9 billion in principal and \$8.6 billion in interest over a period of 35 years. Annual payments would average \$500 million from the State General Fund.

- **Supporters:** *State Senator Cathleen Galgiani, Assemblymember Young Kim, Assemblymember Evan Low, Coalition for Adequate School Housing, California Building Industry Association, California Republican Party, California State Parent Teacher Association (PTA), Northern California Carpenters Regional Council, California Association of School Business Officials, California Democratic Party*
- **Opponents:** *Governor Jerry Brown, California Taxpayer and Educators Opposed to Sprawl and Developer Abuse*

Long Beach Impacts: Proposition 51 would not directly impact the City of Long Beach.

Proposition 52. State Fees on Hospitals. Federal Medi-Cal Matching Funds. Initiative Statutory and Constitutional Amendment.

Proposition 52 would require voter approval of changes to the hospital fee program to ensure that the State uses these funds for the intended purpose of supporting hospital care to Medi-Cal patients and healthcare for low-income children.

Proposition 52 would increase the required vote to two-thirds for the State Legislature to amend the Medi-Cal Hospital Reimbursement Improvement Act of 2013 (Act) that imposes fees on hospitals to obtain federal Medi-Cal matching funds and directs those fees and federal matching funds to hospital-provided Medi-Cal health care services, to uncompensated care provided by hospitals to uninsured patients, and to children's health coverage. Currently, the Legislature and Governor have the ability to enact legislation to direct the revenue from the provider fee and the federal matching money to any part of the Medi-Cal program. This measure would repeal the Act's sunset date such that the hospital fee program would remain operative indefinitely. The Legislature and Governor recently extended the provider fee for another year, and it is likely that the hospital fee program will continue to be extended. The proceeds from the hospital fee and federal matching funds should not be considered for the State spending limit or education funding.

The Legislative Analyst's Office estimates there would be a net savings of \$500 million annually beginning in fiscal year 2016-17 to over \$1 billion annually by fiscal year 2019-20, and growing between 5 percent and 10 percent annually thereafter. In addition, state and local public hospitals would experience an increase in revenues of around \$90 million annually beginning in fiscal year 2016-17 to \$250 million annually by fiscal year 2019-20, and growing between 5 percent and 10 percent annually thereafter.

- **Supporters:** *Congressmember Alan Lowenthal, Senate President Pro Tempore Kevin de Leon, Senator Isadore Hall, Assemblymember Mike Gipson, Assemblymember Patrick O'Donnell, County Health Executives Associate of California (CHEAC)*
- **Opponents:** *Service Employees International Union, United Health Care Workers West (SEIU-UHW)*

Long Beach Impacts: Given the need for these services within the City of Long Beach, Proposition 52 would be important to fund health access for uninsured and underinsured individuals. However, it is unknown if this ballot measure would directly impact the City.

Proposition 53. Revenue Bonds. Statewide Voter Approval. Initiative Constitutional Amendment.

Proposition 53, the No Blank Checks Initiative, would require statewide voter approval before any revenue bonds may be issued or sold by the State for projects that are funded, owned, operated, or managed by the State or any joint agency that includes the State, if the bond amount exceeds \$2 billion. This measure would prohibit dividing projects into multiple separate projects to avoid the statewide voter approval requirement. This ballot measure would impact projects such as High Speed Rail, and the Delta Water Tunnels.

According to the Legislative Analyst's Office, the fiscal impact on State and local governments is unknown and would vary per project as well as depends on voter approval of the project. However, passage of this proposition will make large statewide projects much more expensive and difficult to deliver given the new hurdles that will be imposed.

- **Supporters:** *Dean Cortopassi, Joan Cortopassi*
- **Opponents:** *Governor Jerry Brown, League of California Cities, California Chamber of Commerce, State Building and Construction Trades Council*

Long Beach Impacts: Proposition 53 would not specifically impact the City of Long Beach as Long Beach does not anticipate any City projects that will exceed \$2 billion in the foreseeable future.

Proposition 54. Legislature. Legislation and Proceedings. Initiative Constitutional Amendment and Statute.

Proposition 54, the California Legislature Transparency Act, would prohibit the State Legislature from passing any legislation unless it has been printed, distributed to the Legislators, and published on the Internet for at least 72 hours before the vote, except in cases of emergency declared by the Governor. This measure, commencing January 1, 2018, would require the Legislature to make audiovisual recordings of all proceedings, except closed sessions, accessible via the Internet within 24 hours after the proceedings. The Legislative Analyst's Office estimates Proposition 54 would cost the State \$1 to \$2 million in startup costs, and \$1 million annually for all additional legislative proceedings available in audiovisual form on the Internet.

- **Supporters:** *State Assembly Republican Leader Kristin Olson, former Speaker pro Tempore of the State Assembly Fred Keeley, League of Women Voters of California, California Chamber of Commerce, Los Angeles Area Chamber of Commerce*
- **Opponents:** *None on file*

Long Beach Impacts: Proposition 54 would not directly impact the City of Long Beach.

Proposition 55. Tax Extension to Fund Education and Healthcare. Initiative Constitutional Amendment.

Proposition 55, the California Children's Education and Health Care Protection Act of 2016, would extend the income tax provisions of Proposition 30. Specifically, Proposition 55 would continue the temporary personal income tax increase on incomes over \$250,000 for 12 years to be used for education and healthcare. Proposition 55 will not impact the sunset date for the sale tax component of Proposition 30. For background, Proposition 30 was approved by 55.4% of voters on November 6, 2012 and instituted temporary income tax and sale tax increases. The income tax increase in Proposition 30 is set to expire on January 1, 2019, and the sales tax will expire on January 1, 2017. Proposition 55 is intended to help stabilize the State's revenue by extending only the Proposition 30 income tax increase for another 12 years, expiring on January 1, 2031.

The Legislative Analyst's Office estimates Proposition 55 has the potential to generate \$5 billion to \$11 billion in State revenues annually from 2019 through 2030. The increased revenues would be allocated under constitutional formulas to schools and community colleges, budget reserves and debt payments, and health programs, with remaining funds available for these or other State purposes. The expiration of Proposition 30 would likely result in cuts to State spending, again.

- **Supporters:** *Lieutenant Governor Gavin Newsom, California State Controller Betty Yee, California State Treasurer John Chiang, Senate President Pro Tem Kevin de Leon, Senator Isadore Hall, III, Senator Ricardo Lara, Senator Holly Mitchell, Assembly Speaker Anthony Rendon, Assemblymember Toni G. Atkins, Assemblymember Mike Gipson, Assemblymember Patrick O'Donnell*
- **Opponents:** *California Chamber of Commerce*

Long Beach Impacts: Proposition 55 would not directly impact City operations; however, if the income tax expires in 2017, the State will again experience budget shortfalls that may reduce funding to important programs.

Proposition 56. Cigarette Tax to Fund Healthcare, Tobacco Use Prevention, Research, and Law Enforcement. Initiative Constitutional Amendment and Statute.

Proposition 56, the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, would amend the meaning of "tobacco products" to include electronic cigarettes and any device sold in combination with nicotine which can be used to deliver to a person nicotine in aerosolized or vaporized form. This meaning would become effective April 1, 2017.

Proposition 56 would increase the cigarette tax by \$2.00 per pack, with an equivalent increase on other tobacco products and electronic cigarettes containing nicotine. This measure would distribute \$40 million annually to fund the University of California (UC) for physician training; \$30 million annually to fund the State Department of Public Health (DPH) Dental Program for dental disease prevention programs; and \$48 million annually to fund law enforcement efforts to reduce illegal tobacco sales (with \$30 million of this amount to the Department of Justice (DOJ) for front line law enforcement to support enforcement against sales to minors; \$6 million for regulatory compliance; \$6 million to the DPH for furthering the Stop Tobacco Access to Kids Enforcement (STAKE) Act; and \$6 million to the California Attorney General for tobacco enforcement). Of the remaining tax revenues, Proposition 56 would annually allocate 82% to the Healthcare Treatment Fund; 13% for tobacco prevention and control programs (with 85% of this amount to the DPH to administer small grants to State and local government agencies, and 15% to the California Department of Education for tobacco prevention programs); and 5% to the UC for medical prevention research.

The Legislative Analyst's Office estimates Proposition 56 would provide a net increase in excise tax revenues in the range of \$1.1 billion to \$1.6 billion annually by fiscal year 2017-2018, with revenues decreasing slightly in subsequent years.

- **Supporters:** *Congressmember Karen Bass, Congressmember Ted Lieu, Lieutenant Governor Gavin Newsom, California Secretary of State Alex Padilla, California State Controller Betty Yee, Senate President Pro Tem Kevin de Leon, Senator Ricardo Lara,*

Assembly Speaker Anthony Rendon, Long Beach Vice Mayor Rex Richardson, Long Beach Councilmember Al Austin, Long Beach Councilwoman Lena Gonzalez, Long Beach Councilmember Roberto Uranga

- **Opponents:** *None on File*

Long Beach Impacts: The City of Long Beach's municipal code currently classifies e-cigarettes as tobacco products, and treats the vaporized devices in much the same manner as regular cigarettes. However, it is unknown if Proposition 56 would significantly impact Long Beach.

Proposition 57. Criminal Sentences. Juvenile Criminal Proceedings and Sentencing. Initiative Constitutional Amendment and Statute.

Proposition 57, the Justice and Rehabilitation Act, is Governor Jerry Brown's criminal justice initiative. This measure would allow parole consideration for persons convicted of nonviolent felony upon completion of the full prison term for their primary offense. This measure would authorize the Department of Corrections and Rehabilitation (CDCR) to award sentence credits for rehabilitation, good behavior, or educational achievements, and require CDCR to adopt regulations to implement new parole and sentence credit provisions and certify those provisions would enhance public safety. According to the Governor, as of the beginning of 2016, there were about 25,000 nonviolent State felons that could seek early release and parole under the proposed initiative.

The Legislative Analyst's Office estimates Proposition 57 would provide a net State savings that could range from the tens of millions of dollars to the low hundreds of millions of dollars annually primarily due to a reduction in the prison population additional from paroles granted and credits earned. Proposition 57 could also have various effects on State and local governments dependent on how certain provision in the ballot measure are interpreted and implemented.

- **Supporters:** *Governor Jerry Brown, U.S. House Speaker Newt Gingrich, State Senator Loni Hancock, Los Angeles Police Chief Charlie Beck, Head of Californians for Safety and Justice Lenore Anderson*
- **Opponents:** *State Senator Andy Vidak*

Long Beach Impacts: Proposition 57 would not require a legal response from the City; however, this ballot measure would directly impact the Long Beach community as it could increase the size of the probation population in the near term and affect crime rates in varying ways.

Proposition 58. Senate Bill 1174 (Chapter 753, Statutes of 2014), Lara. English language education.

Proposition 58 is an initiative authored by Senator Ricardo Lara as Senate Bill 1174 in the 2014 State Legislative Session. This measure would amend and repeal provisions of Proposition 227 of 1998, including repealing the requirement that all children be taught English by being taught in English. This measure would instead allow school districts and county offices of education, in consultation with language experts and parents, to determine the best language instruction methods and language acquisition programs to implement for English learners.

The State Assembly Appropriations Committee estimates Proposition 58 would cost approximately \$115,000 for a one time General Fund expenditure, and approximately \$48,000 for the California Department of Education to revise guidance and oversight to ensure the State continues to meet federal requirements to provide certain services to English learners as a protected class. These costs include staff training, technical support to the field and updating materials.

- **Supporters:** *State Senator Ricardo Lara, State Senator Loni Hancock, State Senator Bill Monning, State Senator Martin Block, Assembler Nancy Skinner, Assemblymember Lorena Gonzalez, Los Angeles Unified School District*
- **Opponents:** *U.S. English Chairperson Mauro E. Mujica*

Long Beach Impacts: Proposition 58 would directly impact the Long Beach Unified School District.

Proposition 59. Senate Bill 254 (Chapter 20, Statutes of 2016), Allen. Campaign finance: voter instruction.

Proposition 59 is an initiative authored by Senator Ben Allen as Senate Bill 254 in the 2016 State Legislative Session. This measure would amend the United States Constitution to overturn *Citizens United v. Federal Election Commission*. This measure would ask voters to make clear to the California Legislature that corporations should not have the same constitutional rights as human beings.

In 2014, the California Supreme Court removed Senate Bill 1272 (Lieu), which qualified for the 2014 statewide ballot as Proposition 49 and placed a similar advisory question as Proposition 59. Long Beach supported SB 1272 while it was in the State legislature.

- **Supporters:** *California Democratic Party*
- **Opponents:** *None on File*

Long Beach Impacts: The Long Beach City Council, on November 5, 2013, voted to adopt a resolution supporting a constitutional amendment to overturn the Supreme Court's decision in *Citizen United v. Federal Election Commission*. Proposition 59 would not specifically impact the City of Long Beach.

Proposition 60. Adult Films. Condoms. Health Requirements. Initiative Statute.

Proposition 60, the California Safer Sex in the Adult Film Industry Act, would require performers in adult films to use condoms during filming of sexual intercourse. This measure would require producers of adult films to pay for performer vaccinations, testing, and medical examinations related to sexually transmitted infections. This proposition is substantively similar to Measure B, which was adopted by 56.96% of Los Angeles County voters in November 2012, and specific to Los Angeles County.

With respect to Measure B, on January 11, 2013, porn production company Vivid Entertainment filed a lawsuit in federal court seeking to have Measure B overturned on the grounds that it imposes an unconstitutional prior restraint on freedom of expression. A three-judge panel on the 9th Circuit Court of Appeals ruled the measure does not compromise artistic expression in December 2014. Unresolved issues not decided by the ruling remained, but in late January 2016, the parties involved in the lawsuit reached a tentative agreement about the terms of the initiative, including health permit and inspection procedures.

Passage of Proposition 60 would extend Measure B's requirement for condom usage during the filming of intercourse statewide.

- **Supporters:** *AIDS Healthcare Foundation*
- **Opponents:** *Free Speech Coalition*

Long Beach Impacts: Direct impacts of Proposition 60 on the City of Long Beach are unknown.

Proposition 61. State Prescription Drug Purchases. Pricing Standards. Initiative Statute.

Proposition 61, the California Drug Price Relief Act, would prohibit State agencies from paying more for a prescription drug than the lowest price paid for the same drug by the United States Department of Veterans Affairs (VA) commencing no later than July 1, 2017. This measure would apply to any program where the State is the ultimate payer for a drug, even if the State does not purchase the drug directly. Proposition 61 would exempt certain purchases of prescription drugs funded through Medi-Cal. This measure may be amended by Statute with a two-thirds vote of the Legislature and signed by the Governor. Further, Proposition 61 has the potential to keep health care costs low for cities.

The Legislative Analyst's Office states there is a potential for State savings of an unknown amount depending on (1) how the measure's implementation challenges are addressed and (2) the responses of drug manufacturers regarding the provision and pricing of their drugs.

- **Supporters:** *U.S. Senator Bernie Sanders, Representative Mike Honda, Assemblymember David Chiu, Assemblymember Kansen Chu, Los Angeles Urban League*
- **Opponents:** *California Life Sciences Association*

Long Beach Impacts: Direct impacts of Proposition 61 on the City of Long Beach are unknown.

Proposition 62. Death Penalty. Initiative Statute.

Proposition 62, the Justice that Works Act of 2016, would repeal the State death penalty as a maximum punishment for persons found guilty of murder and would instead replace it with life imprisonment without the possibility of parole. This measure would apply retroactively to persons already sentenced to the death penalty. For persons found guilty of murder and sentenced to life without the possibility of parole, that person would be required to work as prescribed by the Department of Corrections and Rehabilitation (CDCR). Under Proposition 62, the portion of wages

earned by persons sentenced to life without the possibility of parole that may be applied to any victim restitution fines or order against them would increase to 60%, unless prohibited by federal law.

The Legislative Analyst's Office estimates that this measure, if adopted, may result in a net reduction in State and local government costs of potentially \$150 million annually within a few years due to the elimination of the death penalty.

- **Supporters:** *Lieutenant Governor Gavin Newsom, Senate Majority Leader Bill Monning, State Senator Mark Leno, Congressman Loretta Sanchez*
- **Opponents:** *None on file*

Long Beach Impacts: Proposition 62 would not directly impact the City of Long Beach.

Proposition 63. Firearms. Ammunition Sales. Initiative Statute.

Proposition 63 is Lieutenant Governor Gavin Newsom's gun control initiative, the Safety for All Act of 2016. This measure, commencing July 1, 2017, would change State regulation of ammunition sales; prohibit possession of large capacity ammunition magazines; and create a new court process to ensure the removal of firearms from prohibited persons after they are convicted of a felony or a specific misdemeanor.

Proposition 63 would amend the meaning of "ammunition" to mean one or more loaded cartridges consisting of a primed case, propellant, and with one or more projectiles, not including blanks. This measure would require most individuals to pass a background check and obtain Department of Justice (DOJ) authorization to purchase ammunition, and require most ammunition sales be made through licensed ammunition vendors and reported to the DOJ. Commencing January 1, 2019, Proposition 63 would require persons age 18 or older to apply to the DOJ for an ammunition purchase authorization that would be valid for four years.

Proposition 63 would require firearms and ammunition owners to report to local law enforcement of lost or stolen firearms or ammunition within 5 days of the time they knew, or reasonably should have known, that the firearm had been lost or stolen. Local law enforcement would then be required to submit a description of the firearm to the DOJ Automated Firearms System. Owners who falsely report that a firearm has been lost or stolen would be subject to an infraction, punishable by a fine of \$250 for the first offense, and by a fine of \$1,000 for each subsequent offense.

Proposition 63 would require the DOJ to provide information about persons prohibited from acquiring a firearm to the federal National Instant Criminal Background Check System (NICS). This would take into effect July 1, 2017. This measure would prohibit persons convicted of stealing a firearm from possessing a firearm. Proposition 63 would establish new procedures for enforcing laws against prohibited processors prohibiting firearm possession by felons and violent criminals.

Proposition 63 would require local law enforcement agency to update the Automated Firearms System of any relinquished firearms to the agency. Local law enforcement must retain the firearm for 30 days, after which the firearm is subject to destruction, retention, sale or transfers. A local

agency may adopt an ordinance that imposes fees for seizures, impounding, storage or release of a firearms.

On July 1, 2016, Governor Jerry Brown enacted legislation expanding California's ban on assault weapons and regulating ammunition sales. The State Legislature presented the Governor with a package of gun control bills that consisted of 11 bills, of which 6 were enacted and 5 were vetoed. Within this bill packages, the Governor signed Senate Bill 1235 (Chapter 55, Statutes of 2016), which contains a provisions that will repeal the ammunition purchase and sale requirements proposed by Proposition 63, and require a vote of 55 percent of the Legislature. Specifically, SB 1235 instead allows ammunition to be sold only to a person whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, to a person who has a current certificate of eligibility, or to a person who purchases or transfers the ammunition in a single transaction. SB 1235 also charges ammunition purchasers and transferees a per transaction fee of no more than \$1. In all other instances, if Proposition 63 is approved by voters, the ballot measure's provisions would supersede the legislative differences where the enacted gun legislation and initiative overlap.

According to the Legislative Analyst's Office, Proposition 63 would increase State costs in the tens of millions of dollars annually related to regulating ammunition sales, likely offset by various regulatory fees authorized by the measure. State and local law enforcement would have new workload related to removing firearms from offenders who fail to surrender them as part of the new court process. State and local law enforcement could also have increased costs related to the storage or return of firearms. Some of the increased law enforcement costs related to the removal, storage, or return of firearms would be offset to the extent that local governments and State agencies change and collect fees for these activities, as allowed by Proposition 63. Proposition 63 proposes to appropriate \$25 million from the State's General Fund to support this gun control initiative.

- **Supporters:** *Lieutenant Governor Gavin Newsom,*
- **Opponents:** *California Police Chiefs Association, California State Sheriff's Association, Association of Deputy District Attorneys, Western States Sheriff's Association*

Long Beach Impacts: The City of Long Beach's State Legislative Agenda directs the City to support gun control legislation, including those that would strengthen gun control laws, ban large capacity magazines, enable ammunition tracking and ensure that prohibited possessors cannot own guns. Proposition 63 would directly impact the Long Beach Police Department.

Proposition 64. Marijuana Legislation. Initiative Statute.

Proposition 64 is the Control, Regulate and Tax Adult Use of Marijuana Act. This measure would legalize recreational marijuana under State law and designate State agencies to license and regulate the marijuana industry. Proposition 64 would impose a State excise tax of 15% on retail sales of both recreational and medical marijuana, which would be in addition to an excise tax imposed by the State and local governments. There would also be a State cultivation tax on both recreational and medical marijuana of \$9.25 per ounce of flowers and \$2.75 per ounce of leaves. This measure specifically allows cities to regulate and tax recreational marijuana. This measure

would establish packaging, labeling, advertising, and marketing standards and restrictions for marijuana products; it would also prohibit marketing and advertising marijuana to minors. Further, Proposition 64 would authorize resentencing and destruction of records for prior marijuana convictions.

The Legislative Analyst's Office estimates a net reduced costs ranging from tens of millions of dollars to potentially exceeding \$100 million annually to State and local governments related to enforcing certain marijuana-related offenses, handling the related criminal cases in the court system, and incarcerating and supervising certain marijuana offenders. The Office also estimates there would be a net increase in State and local tax revenues potentially ranging from the high hundreds of millions of dollars to over \$1 billion annually related to the production and sale of marijuana. Most of these funds would be required to be spent for specific purposes such as substance use disorder education, prevention, and treatment.

Supporters: *U.S. Senator Bernie Sanders, California Lieutenant Governor Gavin Newsom, Los Angeles County Democrats, the California Medical Association, the California Democratic Party*

Opponents: *State Senator Cathleen Galgiani, Assemblymember Jim Cooper, California Teamsters Union, California Correctional Supervisor's Association*

Long Beach Impacts: Proposition 64 would require City Council to decide on regulating and licensing, or banning, recreational marijuana businesses in Long Beach. If City Council decides to regulate and license recreational marijuana businesses, the City expects significant logistical and administrative resources to be required to implement State law and to permit recreational marijuana businesses. Further, this measure would not restrict the City's ability to tax recreational and medical marijuana. Additionally, Proposition 64 would require City Council to decide on permitting, or banning, recreational marijuana use in Long Beach. Permitting recreational marijuana use would also require significant City resources.

Proposition 65. Carry-Out Bags. Charges. Initiative Statute.

Proposition 65, the Environmental Fee Protection Act, would redirect money collected by a grocery store and other retail stores through sale of carry-out bags to a special fund administered by the Wildlife Conservation Board. The fund would be dedicated to support environmental projects, such as: drought mitigation, recycling, clean drinking water supplies, State, regional and local parks, beach cleanup, litter removal, and wildlife habitat restoration. The Wildlife Conservation Board would be required to develop project guidelines and regulations for implementing this measure.

The Legislative Analyst's Office estimates if voters uphold the State's current carryout bag law, redirected revenues from retailers to the Wildlife Conservation Board could potentially be in the several tens of millions of dollars annually. If voters reject the State's current carryout bag law, fiscal effects would be minimal.

- **Supporters:** *None on file*
- **Opponents:** *None on file*

Long Beach Impacts: Proposition 65 and Proposition 67 are competing measures. If both ballot measures pass, the statewide carryout bag law is effective, and the use of the revenues from the sale of carryout bags would depend on which proposition received more “yes” votes. If Proposition 65 passes and Proposition 67 fails, the statewide carryout bag law is ineffective and the revenues from any future statewide law similar to SB 270 would be used for environmental programs. Direct impacts of Proposition 65 on the City of Long Beach are unknown.

Proposition 66. Death Penalty. Procedures. Initiative Statute.

Proposition 66, the Death Penalty Reform and Savings Act of 2016, would change procedures governing State court appeals and petitions challenging death penalty convictions and sentences. This measure would designate the superior court for initial petitions, limit successive petitions, and impose time limits on State court death penalty review. Under this measure, appointed attorneys who take noncapital appeals would be required to accept death penalty appeals. Prison officials would be exempt from existing regulation process for developing execution methods. Proposition 66 would authorize death row inmate transfers among California state prisons, and require death row inmates to work and pay victim restitution. This measure states that other voter approved measures related to death penalty are null and void if this measure receives more affirmative votes.

The Legislative Analyst’s Office estimates that Proposition 66 would increase State costs that could be in the tens of millions of dollars annually for several years related to direct appeals and habeas corpus proceedings, with the fiscal impact on such costs being unknown in the long run. Potential State correctional savings could be in the tens of millions of dollars annually.

- **Supporters:** *Long Beach Police Officers Association, Governor George Duekmejian, Congressman Ed Royce, Los Angeles District Attorney Jackie Lacey, Los Angeles Sheriff Jim McDonnell*
- **Opponents:** *California Democratic Party*

Long Beach Impacts: Specific impacts of Proposition 66 on the City of Long Beach are unknown

Proposition 67. Referendum to Overturn Ban on Single-Use Plastic Bags.

Proposition 40 places on the ballot, a referendum to a State law previously approved by the State Legislature and Governor, Senate Bill 270 (Chapter 850, Statutes of 2014). SB 270 bans single-use plastic bags statewide, but permits sale of recycled paper bags and reusable bags. However, this legislation has not gone into effect. A yes vote on Proposition 67 would ratify the contested legislation banning plastic bags that was enacted by State Legislature under SB 270. A no vote on this measure would overturn SB 270.

The Legislative Analyst’s Office estimates approving the referendum will have no fiscal impact on State and local governments, while rejecting the referendum would result in a one-time cost of about \$1 million to the State and counties.

Supporters: Governor Jerry Brown, State Senator Alex Padilla, State Senator Kevin de León, State Senator Ricardo Lara, Assemblymember Rob Bonta, Assemblymember Kevin McCarty, Assemblymember Marc Levine

Opponents: City of Laguna Niguel

Long Beach Impacts: Proposition 67 is consistent with the City of Long Beach's local ordinance, which bans single-use plastic bags. The City's State Legislative Agenda also directs the City to support legislation that promotes an environmentally responsible approach to consumer goods, including a ban on single-use carryout bags. Proposition 67 could result in minor savings from reduced litter cleanup and waste management costs. However, the specific impacts of Proposition 67 on the City of Long Beach are unknown.

Additionally, Proposition 67 and Proposition 65 are competing measures. If both ballot measures pass, the statewide carryout bag law is effective, and the use of the revenues from the sale of carryout bags would depend on which proposition received more "yes" votes. If 67 passes and Proposition 65 fails, the statewide carryout bag law is effective and revenues from the sale of carryout bags is kept by the stores.

Next Steps

Voters will cast ballots on these measures on November 8, 2016.

If you have any questions, please contact Diana Tang, Manager of Government Affairs, at 562-570-6506.

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