

12-5-1979

## Environment

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Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

Elections Division  
(916) 445-0820

April 30, 1980

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS/PROPONENTS  
FROM: CASHMERE M. APPERSON, ELECTIONS TECHNICIAN

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed Initiative Constitutional Amendment filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient. See attached letter.

TITLE: ENVIRONMENT

SUMMARY DATE: DECEMBER 4, 1979

PROPONENTS: PETER BEHR AND DAVID BROWER

The petition has failed and no further action is necessary.

# Alliance for a Healthy and Productive California

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29 April 1980

March Fong Eu  
c/o Cashie Apperson  
Elections Department  
Secretary of State's Office  
1230 J Street  
Sacramento, CA 95814

Dear Ms. Eu:

This is to notify your office that the Environmental "Bill of Rights" Initiative (800168, 1/25/80), cosponsored by Peter Behr and David Brower, has failed to obtain the signatures necessary for qualification for the November 1980 ballot. As a result, the Alliance for a Healthful and Productive California will not be submitting the petitions to the various county clerks' offices, thereby saving additional expense to both ourselves and to the government.

We understand that your office will notify the various counties concerning initiatives which will not be submitted for counting. Should you have further questions, feel free to contact us, as follows:

Alliance for a Healthful and Productive California  
717 K Street, Room 209  
(916) 444-8727  
Sacramento, CA 95814

Thank you for your attention to this matter.

Sincerely,



David F. Abelson  
Statewide Coordinator

cc: Behr, Brower



Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

Elections Division  
(916) 445-0820

December 4, 1979

TO ALL COUNTY CLERKS/ REGISTRARS OF VOTERS

Pursuant to Section 3513 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

ENVIRONMENT  
INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule

- 1. Minimum number of signatures required ..... 553,790  
Constitution II, 8(b).
- 2. Official Summary Date ..... Tuesday, 12/04/79  
Elections Code Section 3513.
- 3. Petition Sections:
  - a. First day Proponent can circulate  
Sections for signatures ..... Tuesday, 12/04/79  
Elections Code Section 3513.
  - b. Last day Proponent can circulate and  
file with the county. All Sections are  
to be filed at the same time within  
each county ..... Friday, 5/02/80\*  
Elections Code Sections 3513, 3520(a)
  - c. Last day for county to determine total  
number of signatures affixed to petition  
and to transmit total to the Secretary  
of State ..... Friday, 5/09/80

(If the Proponent files the petition with the county on a date prior to 5/02/80, the county has 5 working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State).  
Elections Code Section 3520(b).

\* NOTE TO PROPONENT(S): The law requires that the process for verifying petition signatures must be completed 131 days before the election in which the people will vote on any initiative. January 24, 1980 is the deadline that an initiative must be declared sufficient for the June 3, 1980 Primary Election.

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State ..... Saturday, 5/24/80

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 5/09/80, the last day is not later than the fifteenth day after the notification). Elections Code Section 3520(d), (e).

- e. If the signature count is between 498,411 and 609,169 then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State ..... Monday, 6/23/80

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 5/24/80, the last day is not later than the thirtieth day after the notification). Elections Code Section 3521(b), (c).

4. Campaign Statements:

Last day for Proponent to file a Campaign Statement of Receipts and Expenditures for period ending 5/30/80 ..... Friday, 6/06/80

(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 5/02/80, the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline). Government Code Section 84204.

5. The proponents of the above named measure are:

Mr. David Brower  
40 Stevenson Avenue  
Berkeley, CA 94708

Mr. Peter Behr  
360 Drakes View Drive  
Inverness, CA 94937

Sincerely,

WILLIAM N. DURLEY  
Assistant to the Secretary of State  
Elections and Political Reform



CASHMERE M. APPERSON  
Elections Technician

CMA:rh

NOTE TO PROPONENT(S): Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate format and type considerations in printing, typing, and otherwise preparing your initiative petition for circulating and signatures. Your attention is further directed to the campaign disclosure and petition circulating requirements of the Political Reform Act of 1974, Government Code Section 81000 et seq.

DECLARATION OF MAILING

RE: Initiative Constitutional Amendment - Environmental Rights  
Letter to March Fong Eu, Secretary of State, dated  
December 4, 1979

I, MONA AMARO declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Suite 350, Sacramento, California 95814

The proponent(s) of the above named measure are:

Mr. David Brower  
40 Stevenson Avenue  
Berkeley, CA 94708

Mr. Peter Behr  
360 Drakes View Drive  
Inverness, CA 94937

On the 4th day of December, 1979, I mailed a letter, a true copy of which is attached hereto, to the person(s) above named, in an envelope addressed to them at the address(es) set out immediately below the name(s), sealed said envelope(s), and deposited the same in the United States mail at the City of Sacramento, County of Sacramento, State of California, with postage thereon fully prepaid, and there is regular communication between the said place of mailing and the place(s) so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on December 4, 1979.

Mona Amaro



State of California  
Department of Justice  
George Deukmejian  
(PRONOUNCED DUKE-MAY-GIN)  
Attorney General

555 CAPITOL MALL, SUITE 350  
SACRAMENTO 95814  
(916) 445-9555

December 4, 1979

**FILED**  
In the office of the Secretary of State  
of the State of California

DEC-5 1979

MARCH FONG EU, Secretary of State

By *Casimir M. Apperson*  
Deputy

Honorable March Fong Eu  
Secretary of State  
1230 J Street  
Sacramento, CA 95814

Attention: Rico Nannini

Re: Initiative Constitutional Amendment -  
Environmental Rights

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby informed that on this date we mailed to David Brower and Peter Behr, as proponents, the following title and summary:

**ENVIRONMENT. INITIATIVE CONSTITUTIONAL AMENDMENT.**  
Adds inalienable rights of conserving property and pursuing and obtaining a healthful and productive environment to the constitution. Provides that the right to a healthful and productive environment includes the benefit and enjoyment of specified aspects of the environment. Requires the Legislature and all governmental agencies to implement this right, except where prohibited by federal law, in the manner specified by the amendment. Prohibits enactment of laws or regulations which unreasonably impair the right to a healthful and productive environment. Provides that the healthful and productive environment right shall be enforceable beginning on January 1, 1982. Financial impact: Indeterminable, but potentially substantial increases in state and local costs after January 1, 1982, depending on court mandates.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.



Honorable March Fong Eu  
Page Two  
December 4, 1979

According to information available in our records the address and phone number of the proponents of this measure are as stated on the declaration of mailing.

Very truly yours,

George Deukmejian  
Attorney General



Jeffrey 'J' Fuller  
Deputy Attorney General

JJF:ma  
Enclosures

PROPOSED AMENDMENTS TO  
THE STATE CONSTITUTION - ARTICLE I

Section 1. INALIENABLE RIGHTS

(Note: Underlined words in Section 1 are additions to the existing "Inalienable Rights" provisions in the State Constitution.)

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, protecting, and conserving property, and pursuing and obtaining safety, happiness, privacy, and a healthful and productive environment.

Section 28. RIGHT TO A HEALTHFUL AND PRODUCTIVE ENVIRONMENT

(a) Rights

The people have a right to a healthful and productive environment. Such right includes, but is not limited to, the benefits and enjoyment of:

1. Clean air in urban centers, industrial and agricultural work places, and elsewhere throughout the state;
2. Adequate amounts of water, unpolluted by toxic wastes or excessive sediments, in streams, rivers, lakes, underground basins, and coastal areas;
3. Renewable, safe, and non-wasteful energy systems;
4. Freedom from involuntary exposure to chemicals, minerals, radioactive substances and energy forms that are hazardous to health;
5. Livable urban and rural environments, with productive employment, affordable housing, efficient transportation, and freedom from excessive noise;
6. Accessible parks, recreational areas, and open spaces;
7. Agricultural lands protected from urban or suburban sprawl;
8. Unique and scenic resources, including wilderness and coastal areas, free-flowing rivers, lakes, mountains, deserts, forests, historic structures and archeological sites;
9. Fish and wildlife populations, rare and endangered flora and fauna, and other native plant and animal life, protected and enhanced where possible;
10. A population level compatible with a good standard of living.

(continued)

(b) Implementation

The legislature and all agencies of government, federal, state, regional and local, except where explicitly prohibited from so acting by federal law, shall implement the right guaranteed herein, as follows:

- (1) Renewable and Recyclable Resources - Use and invest in renewable, recyclable, or reclaimable energy, water, timber, and mineral resources in preference to virgin or non-renewable resources;
- (2) Resource Conservation - Manage and value natural resources, including energy, water, timber, and minerals in such a way as to minimize waste and sustain productive natural and economic systems.
- (3) Toxic Substances - Replace toxic methods or substances with non-toxic or less toxic methods or substances whenever they can reasonably serve the same purpose;
- (4) Planning - Avoid unnecessary long-range costs through comprehensive land use and other planning which coordinates and harmonizes the efforts of individual agencies;
- (5) Informing the Public - Compile and make readily available to the public accurate inventories of natural resource reserves, toxic and hazardous wastes, pollution levels, land use, and other basic resource information;
- (6) Economic Incentives and Government Regulation - Where feasible, use economic incentives and disincentives, rather than governmental regulation, to achieve a healthful and productive environment. When regulations are required, they shall be concise and simply worded, and shall minimize procedural delay and government intrusion into the lives of the people;

Nothing contained in this subsection shall be construed as exclusive of other laws, regulations, or policies needed to implement the people's right to a healthful and productive environment.

(c) Prohibition

No laws shall be enacted, or regulations adopted, which unreasonably impair the right of the people to a healthful and productive environment as defined and implemented herein.

(d) Enforcement

Subject to reasonable limitation and regulation by law, this section shall be enforceable through appropriate legal proceedings on and after January 1, 1982.