

10-31-1997

25 Year Pilot Program For Casino Gambling.

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BILL JONES
Secretary of State
State of California

ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ss.ca.gov

April 10, 1998

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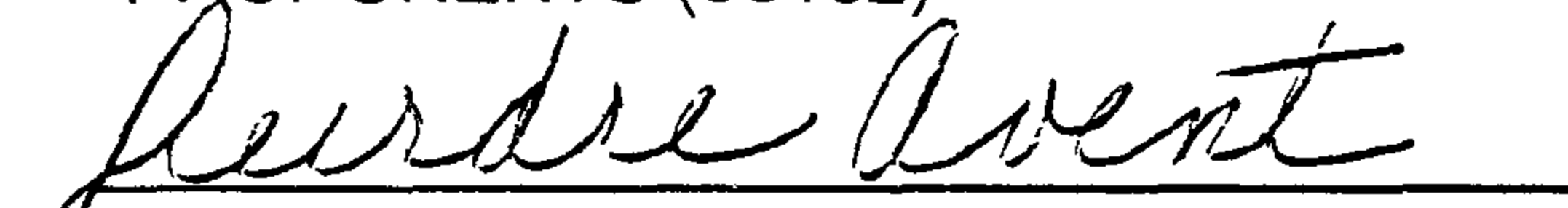
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APR 14 1998

#763

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPOSERS (98152)

FROM:


DEIRDRE AVENT
Elections Analyst

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: 25 YEAR PILOT PROGRAM FOR CASINO GAMBLING.

SUMMARY DATE: October 31, 1997

PROPOSER: John Brown
Robert W. Wilson

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October 31, 1997

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (97176)

FROM:

Deirdre Avent

DEIRDRE AVENT
ELECTIONS ANALYST

SUBJECT: INITIATIVE #763

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**25 YEAR PILOT PROGRAM FOR CASINO GAMBLING.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponents of the above-named measure are:

John Brown
Robert W. Wilson
The Law Offices of Brown and Martinez
500 Esplanade Drive, Suite 1270
Oxnard, California 93030
(805) 983-2238

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#763
25 YEAR PILOT PROGRAM FOR CASINO GAMBLING.
INITIATIVE CONSTITUTIONAL AMENDMENT.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 693,230
California Constitution, Article II, Section 8(b)

2. Official Summary Date:..... Friday, 10/31/97
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Friday, 10/31/97

 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a))Monday, 03/30/98

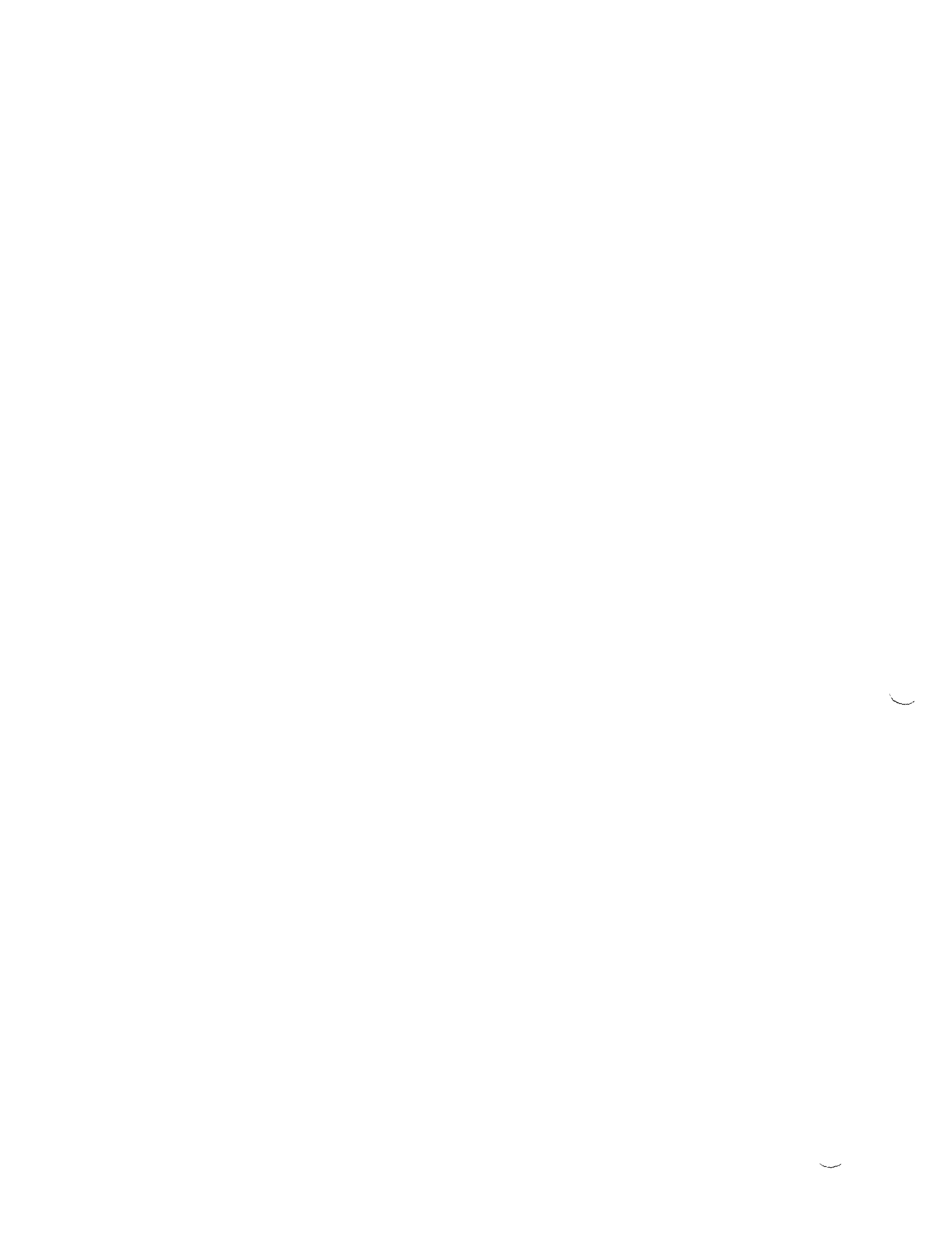
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b))..... Friday, 04/10/98

(If the Proponent files the petition with the county on a date prior to 03/30/98,
the county has eight working days from the filing of the petition to determine
the total number of signatures affixed to the petition and to transmit the total to
the Secretary of State) (EC §9030(b)).

 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Sunday, 04/19/98*

 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e)).....Monday, 06/01/98

* Date varies based on receipt of county certification. Elec. Cd. §15.



INITIATIVE #763

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 04/19/98, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

f. If the signature count is more than 762,553 or less than 658,569 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 658,569 and 762,553 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a))..... Thursday, 06/11/98*

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c)).Thursday, 07/23/98

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 06/11/98, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §9031(b)(c)).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033) Monday, 07/27/98*

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 3, 1998 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 25, 1998). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections official by April 17, 1998. If a 100% check of signatures is necessary, it is advised that the petitions be filed by February 25, 1998.

* Date varies based on receipt of county certification. Elec. Cd. §15.



IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104,9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation in printing, typing and otherwise preparing your initiative petition for circulation and signatures, Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures



DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555
Facsimile: (916) 323-2137
(916) 324-5490


October 31, 1997

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

OCT 31 1997

Bill Jones
Secretary of State
1500 - 11th Street
Sacramento, CA 95814

BILL JONES, Secretary of State

By 
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: 25 YEAR PILOT PROGRAM FOR CASINO GAMBLING.
INITIATIVE CONSTITUTIONAL AMENDMENT.
File No: SA 97 RF 0032

Dear Mr. Jones:


Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

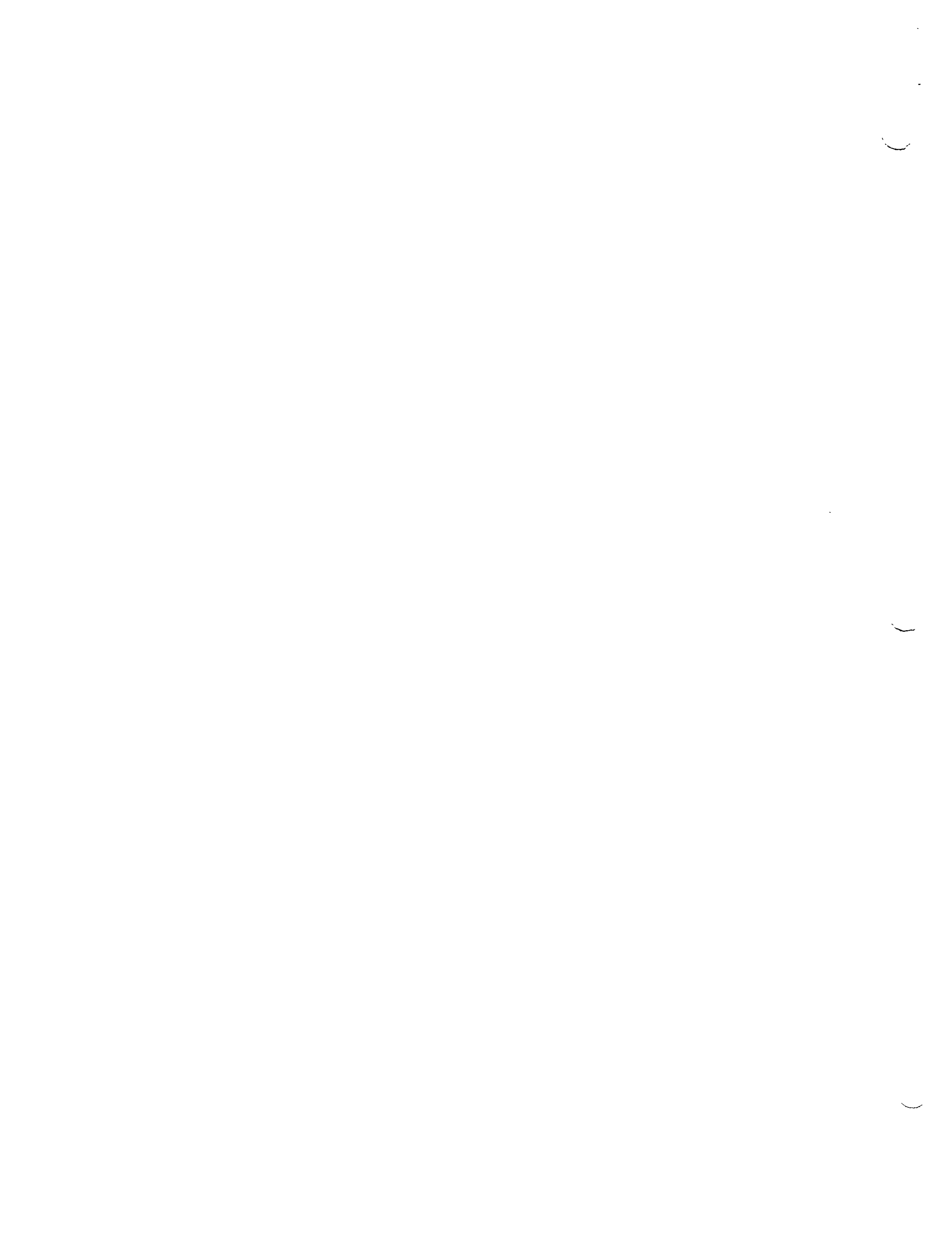
According to information available in our records, the names and address of the proponents are as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General


ROSEMARY R. CALDERON
Initiative Coordinator

RRC:fec
Enclosures



Date: October 31, 1997
File No.: SA97RF0032

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

25 YEAR PILOT PROGRAM FOR CASINO GAMBLING. INITIATIVE CONSTITUTIONAL AMENDMENT. Creates pilot experimental casino-type gambling project limited to California City, Kern County, and one Indian reservation selected by majority-vote of sovereign Indian tribes. After 25 years, Legislature may expand or eliminate gaming. Provides that measure repeals conflicting constitutional or statutory prohibitions. Provides for three-member gaming commission appointed by Governor for four-year terms, with specified powers, duties, salaries, staff. Mandates Legislature to enact specified gaming laws. Authorizes California City to permit gambling locally with city licenses and state permits. Requires permittees to pay annual permit fee set by Legislature. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure could result in revenues to the state and local governments -- potentially in the tens of millions of dollars annually -- from fees and taxes associated with casino-type operations and other related economic activity. Some of the increased revenues would be offset by state and local regulatory costs and, potentially, by reduced lottery and horse-racing-related revenues.



THE LAW OFFICES OF
BROWN & MARTINEZ

500 Esplanade Drive
Suite 1270
Oxnard, California 93030
(805) 983-2238

SA 97 RF 0032

John Brown
Victor S. Martinez

Fax (805) 983-3418

September 3, 1997

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SEP 8 1997

Daniel E. Lungren, Attorney General
State of California
Elections Division
1500 - 11th Street
Post Office Box 944260
Sacramento, California 94244-2600

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

RE: SUMMARY AND TITLE OF CONSTITUTIONAL AMENDMENT

Dear General Lungren:

Robert W. Wilson and John Brown, as proponents, submit the attached initiative proposing an amendment to the California Constitution.

Subject: Gaming


We request that you prepare a summary and title of said initiative in accordance with the provisions of the election code.

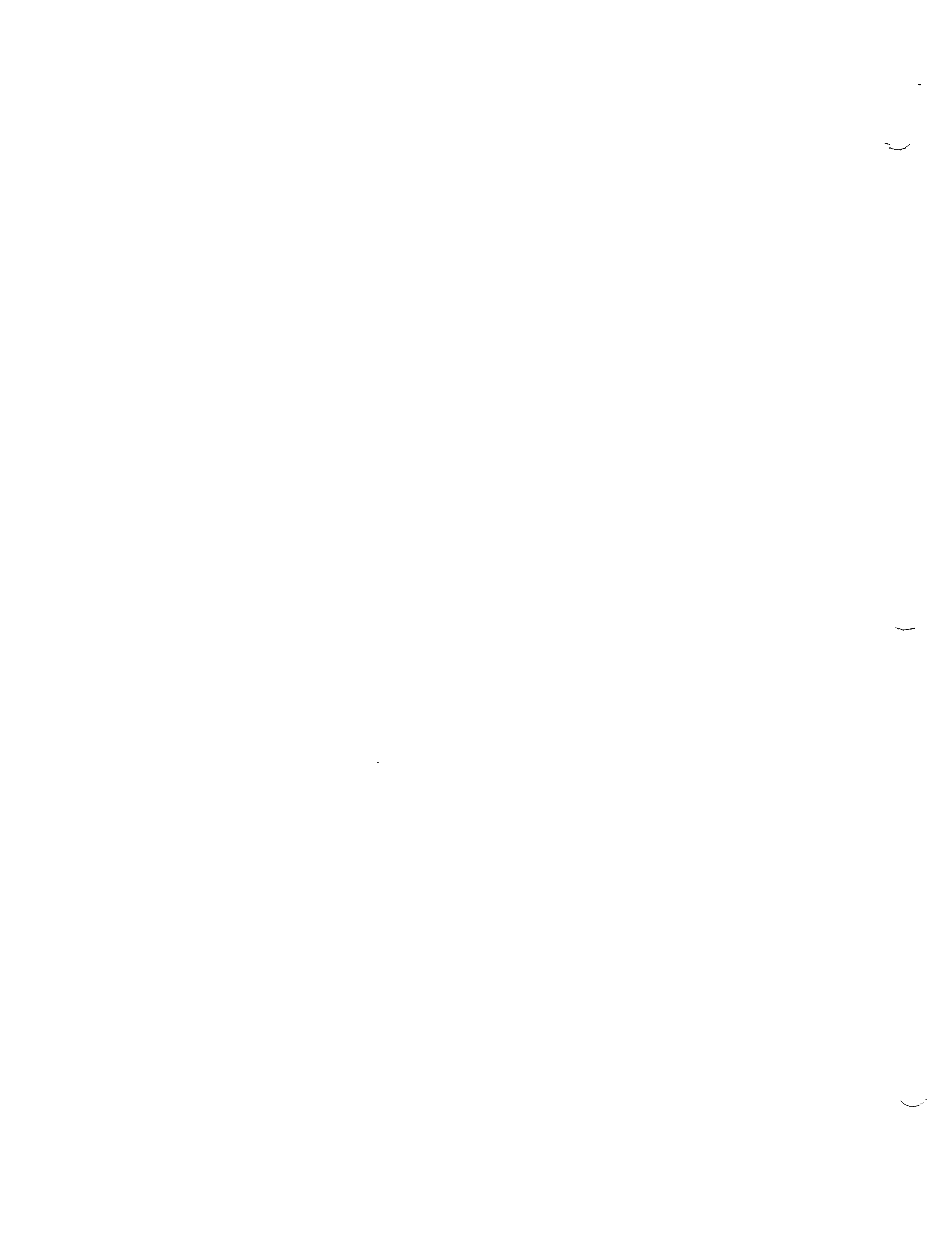
Enclosed is a \$200.00 certified check as required.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,


JOHN BROWN


ROBERT W. WILSON

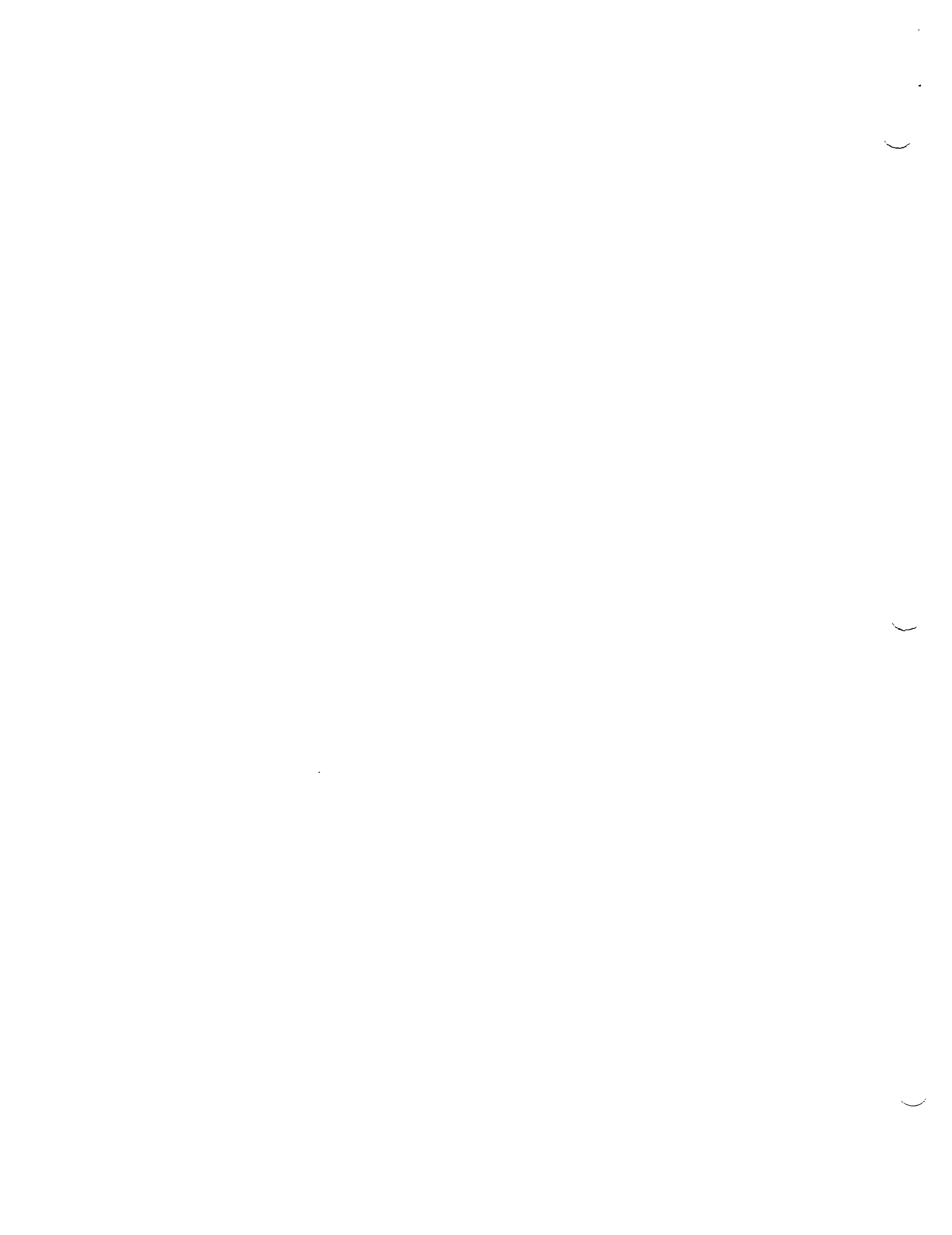


TO THE HONORABLE SECRETARY OF THE STATE OF CALIFORNIA

We, the undersigned, registered and qualified electors of California, residents of _____ County, hereby propose an amendment to the Constitution of the State of California a new Article and Subsection within Article IV, Section 19 of said Constitution, relating to the People's Experimental Gaming Act and petition the Secretary of State to submit the same to the electors of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional amendments (full title and text of the measure) reads as follows:

AMENDMENT TO ARTICLE IV, SECTION 19, SUBSECTION TO BE APPROPRIATELY NUMBERED ACCORDING TO ALPHABETICAL PROGRESSION TITLED AS "THE PEOPLE'S GAMING ACT"

SECTION 1 In December, 1992, the Governor's Office of Planning and Research, State of California published a report regarding, among other things, the competitive effects of legalized gambling. The executive summary of this report is quoted, in part, as follows: "In the midst of continued (and justified) concern over the emigration of businesses and productive taxpayers out of California, another, long-standing migration has been overlooked. That is the migration of dollars out of California to the casinos of Nevada. Many of the tax advantages which Nevada businesses and individuals enjoy in their competition with California, and which benefit Nevada in its competition to attract them, exist because of the enormous subsidy that Californians provide to Nevada through their gambling patronage. That patronage allows Nevada to function without any taxes on income (corporate or personal), franchises, or property. Thus Nevada derives an enormous competitive advantage from its monopoly on legal gambling. While surveys consistently find that high taxes are among the chief reasons businesses leave California, Nevada still has no business or personal income tax. It is not only productive businesses and employers who place the state at risk by leaving, it is productive citizens and employees. Young California families burdened by expensive housing and high taxes are also leaving the State. Gambling by Californians pumps nearly \$3.8 billion per year into Nevada, and probably adds about \$8.8 billion--and 196,000 jobs--to the Nevada economy, counting the secondary employment it generates. This is a direct transfer of income and wealth from California to Nevada every year. California can no longer afford to casually give away such an enormous competitive advantage to a neighboring state. California loses in two ways: First, Californians spend over 1% of our Gross State Product annually in Nevada on gambling and gambling-related activities. Second, the state that is California's nearest competitor is able to fund many of its businesses (and thereby establish an extremely friendly "business climate") out of the spending of our own citizens. The money Californians spend on gambling and related tourism in Nevada is in a very real sense paying for the exodus of California jobs. Many of these jobs go to Nevada. The Reno-Sparks area in particular has emerged as an inventory and distribution center for California because of its access to California highways and lack of inventory taxes. The same is true to a lesser degree of Las Vegas Thus, the



strongest argument in support of gambling is not strictly financial. The main motivation would be to deny our most pressing nearby competitor, Nevada, the free ride it gets from Californians' gambling dollars. Transfers of wealth from Nevadans back to Californians that are modest by our standards can be enormous by theirs, because of the nearly thirty-fold difference in population consideration should be given to some form of recapture of at least some of the revenues and competitive subsidy Californians provide to Nevada Some form of casino-type gambling might be authorized in isolated "intercept" locations close to the Nevada State line and far from California's own urban centers"

The purpose of this Article is to legalize Las Vegas and Atlantic City type gambling as defined in California Penal Code, Chapter 10, Section 330, in California City, California, and one Indian Reservation which will be selected by a majority vote of all sovereign indian tribes recognized as such within the boundaries of the State of California, in California "intercept" locations relatively far from California's own urban centers and relatively close to the Nevada State line, thereby providing comity to the indian tribes with relation to the citizens of California, one site in California City and one site on an indian reservation.

This proposed program provides for a pilot experimental program for a period of 25 years which limits gaming to the city of California City, California and the Indian Reservation in California, as described above, in California, to the exclusion of all other Cities, Counties and Indian Reservations. These programs will be conducted in accord with the experimental program described in this initiative within the State in order to prove or disprove the viability of the plan. The inclusion of a pilot experimental program on an Indian Reservation will only be effective should federal law mandate parity of the Indian's right to conduct gaming within the state. At the end of the experimental program, the legislature is free to extend gaming within the state or eliminate it entirely.

SECTION II The California Legislature shall provide for the regulation of Gaming as defined in Penal Code, Chapter 10, Section 330.

SECTION III This Article shall be cited and known as the PEOPLES GAMING ACT, and all reference to it shall be the same.

SECTION IV Recognizing the mandate of the people, the Legislature shall pass all laws reasonably necessary to implement the conduction of Gaming within the State.

SECTION V. After expiration of the twenty-five (25) year period referred to in Section I of this Article, the Legislature shall have the power to extend the pilot experimental program to a time to be determined by it according with all rules, regulations, and conditions the legislature may have then prescribed or to confirm said Article for all counties and indian reservations of this State or eliminate gaming entirely should the pilot plan prove gaming not to be in the best interests of California.

SECTION VI Jurisdiction and supervision over Gaming in this State and over all persons or things having to do with the operation of Gaming is vested in the People's Gaming Act Commission. The People's Gaming Act commission shall consist of three members to be appointed by the governor. Each member shall have been a resident of

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this State for four years prior to the date of appointment. Each member shall hold office for a term of four years. Any vacancy shall be filled by the governor for the remainder of the term.

SECTION VII. The Governor may remove any People's Gaming Act Commission member for cause upon first giving him a copy of the charges against him and an opportunity to be heard. The members of the People's Gaming Act Commission shall elect one of its members as a Chairman. The People's Gaming Act Commission shall appoint such employees as may be necessary to carry out the provisions of this law.

SECTION VIII. The salaries of the People's Gaming Act Commission members, the Secretary, other employees, and all other necessary expenses to carry out the Gaming Measure shall be paid monthly out of the California State General Fund by the State Treasurer on the warrant of the State Controller and the Certification of the Chairman of the People's Gaming Act Commission.

The Peoples' Gaming Act Commission shall establish and maintain a general office for the transaction of its business at a place to be determined by it. The People's Gaming Act Commission may hold meetings at any other place when the convenience of the members of the People's Gaming Act Commission requires.

All meetings of the People's Gaming Act Commission shall be open to the public and all persons shall be permitted to attend any meeting of the People's Gaming Act Commission.

A majority of the People's Gaming Act Commission constitutes a quorum for the transaction of its business or the exercise of any of its powers. The Secretary shall keep a full and true record of all proceedings, books, documents, and papers of the board, prepare for service such notices and other papers as may be required by the People's Gaming Act Commission and perform such other duties as the People's Gaming Act Commission may prescribe.

All records of the People's Gaming Act Commission shall be open to inspection by the public during regular business hours.

The Legislature shall give the People's Gaming Act Commission all powers necessary and proper to enable it to carry out fully and effectively the purposes of this law.

SECTION IX. Kern County and the county to be selected for the site of the Indian Reservation as determined according to the provisions of Section I of this Article shall be the only counties, and the City of California City and the Indian Reservation within said counties shall be the only city and reservation for this pilot program. Consequently, the geographical areas where gaming shall be permitted according to the provisions of this Article shall be limited to the city boundaries of the City of California City, County of Kern, and the site of the Indian Reservation, State of California, and nowhere else in California.

The Legislature shall pass all laws reasonably necessary to implement the legalization and conducting of gaming as presently proscribed by State Penal Code, Chapter 10, Section 330 including Betting On Sporting Events, Slot Machines, Card Dice, Dice, Punchboard, Pool Selling, Faro, Monte, Roulette, Lansquenet, Rouge et Noire, Rondo, Tan, Fan-Tan, Stud-Horse Poker, Seven-and-a-Half, Twenty-One, Hokey-Pokey, or any banking or percentage game played with cards, dice or any device for money, checks, credit or other representations of value.

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The People's Gaming Act Commission shall issue permits for Gaming at the request of the City Council of the City of California City or the Indian Tribe. It shall be unlawful for any person, persons, corporations, public or private, associations or other legal entities to conduct Gaming in this State without a City license from California City or license from the Indian Tribe and a permit from the People's Gaming Act Commission of this State.

The City of California City shall adopt a City Ordinance providing for a full-time three (3) man commission appointed by its City Council for the purpose of creating a universal screening-licensing Commission of the City to investigate applicants for a Gaming License; supervising Gaming in the City; and establishing its own licensing and tax fees. The Indian Tribe will exercise its sovereign rights regarding these matters.

The People's Gaming Act Commission shall issue as many permits as the City of California City and the Indian Tribe requests for Gaming.

SECTION X. Thirty days after the issuance of a permit for Gaming, the permittee shall pay to the People's Gaming Act Commission a permit fee in an amount to be determined by the legislature of the State of California which shall be paid into the State general fund. The permittee shall pay said permit fee annually thereafter. All revenues derived for the State from this Article are for the purposes of lowering taxation on the people of the State of California and all permit fees shall be paid into the State General Fund.

SECTION XI

It is hereby declared to be the policy of this State that all establishments where gambling games are conducted or are operated or where gambling devices are operated in the State of California shall be licensed by the City of California City or licensed by the Indian Tribe as described herein and granted a permit from the People's Gaming Act Commission, and be controlled so as to protect the public health, safety, morals, good order, and general welfare of the inhabitants of the State of California.

SECTION XII DEFINITIONS

Banking Game: A game in which the "house" or "bank" is a participant in the game, taking all comers, paying all winners, and collecting from all losers.

Percentage Game: Any game of chance from which the house collects money calculated as a portion of wagers made or sums won and played, exclusive of charges or fees for use of space and facilities.

"Game" "Gambling Game": Any banking or percentage game played with cards, dice or any device for money, checks, credit, or other representative of value including betting on sporting events, faro, monte, roulette, lansquenet, rouge et noir, rondo, tan, fan-tan, seven-and-a-half, twenty-one, hokey-pokey, bingo, craps, stud-horse poker, draw poker or slot machines.

"Gaming Device" : Any mechanical contrivance or machine used in connection with Gaming or any Game.

"Gaming," "Gambling" : Dealing, operating, carrying on, conducting, maintaining or exposing for play any Game as defined in Penal Code, Chapter 10, Section 330 and



elsewhere in the People's Gaming Act.

"Gaming License" : Any license issued by the City of California City or Indian Reservation which authorizes the person named therein to engage in Gaming.

"Gaming Permits" : Any permit issued by the People's Gaming Act Commission which authorizes the person named therein to engage in Gaming.

"Person" : Any association, corporation public or private, firm, partnership, trust or other form of business association as well as a natural person.

"City": Any incorporated or unincorporated city or town.

"Indian Reservation": An Indian Reservation exercising sovereign rights within the State of California, and as described in Section I of this Article.

SECTION XIII. All provisions of the Constitution of the State of California and the laws of the State of California in conflict with or inconsistent with the provisions hereof are hereby repealed. If any portion, section or clause of this Article shall be declared unconstitutional or invalid, such declaration or adjudication shall not affect the remainder of this Article.

SECTION XIV. The Legislature shall pass all laws necessary to effect operation of this Measure. It shall take effect five days after the date of the official declaration of the vote by the Secretary of State and become operative upon the first day of the first month after the date of the official declaration of the vote.

SECTION XV. The provisions of this Article are self-executing.

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