

2-4-1988

## Tax Credit. Aids Research Fund.

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Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

#441

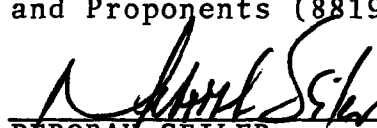
ELECTIONS DIVISION  
(916) 445-0820

For Hearing and Speech Impaired  
Only:  
(800) 833-8683

August 16, 1988

TO: All County Clerks/Registrars of Voters  
and Proponents (88195)

FROM:

  
DEBORAH SEILER  
Assistant to the Secretary of State  
Elections and Political Reform

Pursuant to Elections Code section 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: TAX CREDIT. AIDS RESEARCH FUND.  
INITIATIVE STATUTE.

SUMMARY DATE: February 4, 1988

PROPONENT: Gray Davis  
Bruce B. Decker

DS/1/da



Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

ELECTIONS DIVISION  
(916) 445-0820  
For Hearing and Speech Impaired  
Only:  
(800) 833-8683

February 4, 1988

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (8841)

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

TAX CREDIT. AIDS RESEARCH FUND.  
INITIATIVE STATUTE.

Circulating and Filing Schedule

- 1. Minimum number of signatures required..... 372,178  
Cal. Const., Art. II, Sec. 8(b).
- 2. Official Summary Date.....Thursday, February 04, 1988  
Elec. C., Sec. 3513.
- 3. Petition Sections:
  - a. First day Proponents can circulate Sections for  
signatures.....Thursday, February 04, 1988  
Elec. C., Sec. 3513.
  - b. Last day Proponents can circulate and file with  
the county. All Sections are to be filed at  
the same time within each  
county.....Tuesday, July 05, 1988\*  
Elec. C., Secs. 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.....Tuesday, July 12, 1988

(If the Proponents file the petition with the county on a date prior to 07/05/88, the county has five 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.) Elec. C., Sec. 3520(b).

\*Date adjusted for official deadline which falls on Sunday and the following Monday is a holiday. Elec. C., Sec. 60.

+PLEASE NOTE: To the Proponents who may wish to qualify for the November 8, 1988 General Election. The law allows approximately 85 days for county election officials to check and report petition signatures and transmit results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 85 days. But if you want to be sure that this initiative qualifies for the November 8, 1988 General Election, you should file this petition with the county before April 6, 1988.

TAX CREDIT. AIDS RESEARCH FUND.  
INITIATIVE STATUTE.

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February 4, 1988

d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties.....Thursday, July 21, 1988\*\*

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.....Friday, August 05, 1988

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 07/12/88 the last day is not later than the fifteenth day after the county's receipt of notification.)  
Elec. C., Sec. 3520(d), (e).

f. If the signature count is more than 409,395 or less than 353,569, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 353,569 and 409,395 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures.....Monday, August 15, 1988\*\*

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.....Wednesday, September 28, 1988

(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 08/05/88, the last day is not later than the thirtieth working day after county's receipt of notification.)  
Elec. C., Sec. 3521(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.....Sunday, October 02, 1988

\*\*Date varies based on receipt of county certification.

4. The Proponents of the above named measure are:

Gray Davis  
Bruce B. Decker

300 Capitol Mall  
18th Floor  
Sacramento, CA 95814  
(916) 445-2636

P.O. Box 35036  
Los Angeles, CA 90035

6300 Wilshire Blvd.  
Suite 1270  
Los Angeles, California 90048  
(213) 852-5213

5. Important Points:

- (a) Please refer to Elections Code sections 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type considerations in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.
- (b) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (c) 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.
- (d) When a petition is presented to the county elections official for filing by someone other than the proponents, the required authorization shall include the name or names of the persons filing the petition.
- (e) When filing the petition with the county elections official, please provide a blank petition for elections official use.

Sincerely



DEBORAH SEILER  
Assistant to the Secretary of State  
Elections and Political Reform

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

02/04/88

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
P.O. BOX 944255  
SACRAMENTO 94244-2550  
(916) 445-9555

(916) 323-1995

February 4, 1988

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

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

FEB - 4 1988

MARCH FONG EU, Secretary of State  
By *[Signature]*  
Deputy

Dear Mrs. Eu:

Initiative Title and Summary.  
Subject: TAX CREDIT. AIDS RESEARCH FUND. INITIATIVE STATUTE  
Our File No: SA 88 RF 0003

Pursuant to the provisions of section 3503 and 3513 of the Elections code, you are hereby notified that on this day we mailed to the proponent of the above identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, 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 name and address of the proponent is as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

*Floyd D. Shimomura*

FLOYD D. SHIMOMURA  
Deputy Attorney General

FDS:rrc  
Enclosures

Date: February 4, 1988  
File No: SA 88 RF 0003

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

TAX CREDIT. AIDS RESEARCH FUND. INITIATIVE STATUTE. Creates AIDS Research Fund. Establishes board to: administer fund, promote coordinated AIDS (acquired immune deficiency virus) research and related interventions including vaccine development, treatment and prevention education and award research grants. For tax years 1988, 1989, and 1990, allows individuals, estates, trust and corporations a state income tax credit equal to 55 percent of contributions to the Trust Fund not exceeding \$25 for individuals; \$50 for joint filers, heads of households, and surviving spouses; and \$5,000 for estates, trusts and corporations. Limits administrative expenses. Initially, Franchise Tax Board to solicit contributions for fund. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The tax credit will result in state general fund losses, probably several million dollars annually, and larger revenue gains to the AIDS Research Trust Fund from 1988-89 and continuing through 1991-92. The Franchise Tax Board and the AIDS Research Trust Board will incur unknown administrative costs, likely in excess of several hundred thousand dollars annually, to administer the measure's program. In addition, the Franchise Tax Board will incur costs to administer the tax credit program which is estimated to be about \$250,000 in the start-up year 1988-89, and probably less than \$100,000 annually in 1989-90 through 1991-92 depending on taxpayer participation. The trust fund would finance administrative costs up to the measure's 6 percent cap on administrative expenses. Any additional costs would be financed by the state general fund. The State Controller would incur unknown administrative costs to perform the required annual audit of the trust fund. Such costs would be financed from the state general fund.

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**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS**

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

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

**TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA**

We, the undersigned, registered, qualified voters of California, residents of \_\_\_\_ County (or City and County), hereby propose a statute, relating to AIDS research, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election prior to that general election or otherwise as provided by law. The proposed statute reads as follows:

SECTION 1. This act shall be known and may be cited as "The AIDS Research Act of 1988."



SEC. 2. (a) The people of California are in the midst of a health and financial crisis that will become a catastrophe within the next few years.

(b) Today, between 300,000 and 500,000 California residents are infected with the acquired immune deficiency syndrome (AIDS) virus. Approximately 5,000 Californians have died from AIDS, and within four years, 34,000 men, women, and children in California will die from AIDS.

(c) Within four years, AIDS will cost Californians \$10 billion.

(d) The solution to the AIDS crisis is to find a vaccine to protect the general public from AIDS and a cure for individuals who have the disease.

(e) The people of California declare their support for an intensive and coordinated program of scientific research to find a vaccine and a cure to end the AIDS epidemic.

SEC. 3. Chapter 1.95 (commencing with Section 194.1) is added to Part 1 of Division 1 of the Health and Safety Code, to read:

CHAPTER 1.95. THE AIDS RESEARCH TRUST BOARD

194.1. The AIDS Research Trust Board is hereby created and shall consist of 11 voting members, as follows:

(a) A representative of the University of California, to be appointed by the President of the University of California.

(b) The Controller or his or her designee.

(c) The Secretary of Health and Welfare or his or her designee.

(d) A licensed physician and surgeon, who shall have experience, training, and expertise in the area of AIDS, to be appointed by the Senate Rules Committee.

(e) A registered nurse, who shall have experience, training, and expertise in the area of AIDS, to be appointed by the Senate Rules Committee.

(f) A representative of the health and life insurance industry, to be appointed by the Speaker of the Assembly.

(g) A representative of California employers, to be appointed by the Speaker of the Assembly.

(h) One member, who shall have experience, training, and expertise in the area of AIDS, to be appointed by the Chair of the Senate Health and Human Services Committee.

(i) One member, who shall have experience, training, and expertise in the area of AIDS, to be appointed by the Chair of the Senate Revenue and Taxation Committee.

(j) One member, who shall have experience,

training, and expertise in the area of AIDS, to be appointed by the Chair of the Assembly Health Committee.

(k) One member, who shall have experience, training, and expertise in the area of AIDS, to be appointed by the Chair of the Assembly Revenue and Taxation Committee.

194.2. The appointments of the board members shall be made no later than 45 days after the effective date of this chapter. However, the failure for all members to be appointed within 45 days after the effective date of the chapter shall not prevent a majority of the members appointed from holding meetings and taking official action. The appointed members shall serve for a term of three years and may be reappointed. Members shall serve without compensation but shall be reimbursed for necessary expenses incurred in connection with the performance of duties as a member of the AIDS Research Trust Board.

194.3 The AIDS Research Trust Board shall have all of the following powers and responsibilities:

(a) To appoint an advisory committee of nationally recognized AIDS research experts to assist the board in performing its duties.

(b) In consultation with the advisory committee of nationally recognized AIDS research experts, to award research grants, pursuant to criteria established in

guidelines and procedures.

(c) To promote an intensive and coordinated research program, including promoting the sharing and exchanging of AIDS-related information.

(d) To solicit and encourage contributions to the AIDS Research Trust Fund.

(e) To adopt, amend, and rescind rules, guidelines, and procedures for performing its duties.

(f) To administer and interpret this chapter, and to do all other things necessary to carry out the purpose of this chapter, including hiring staff and entering into interagency contracts, as required.

194.4 The AIDS Research Trust Fund is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, all contributions received by the AIDS Research Trust Fund are continuously appropriated without regard to fiscal years to the AIDS Research Trust Board for carrying out purposes of this chapter.

No more than 6 percent of the contributions to the AIDS Research Trust Fund received during any fiscal year shall be used for the costs of administering this chapter and costs incurred by the Franchise Tax Board in administering Sections 17053.12 and 23613 of the Revenue and Taxation Code.

194.5. For six months after the effective date

of this chapter, or until otherwise directed by the AIDS Research Trust Board, whichever occurs first, the Franchise Tax Board shall act as agent of the AIDS Research Trust Board for the purposes of publicizing this chapter, soliciting contributions to the AIDS Research Trust Fund, receiving and depositing contributions, keeping records, and rendering related services.

194.6 Within six months of the effective date of this chapter, the AIDS Research Trust Board shall produce, and make available to the public, an implementation plan. The plan shall include, but not be limited to, criteria for awarding research grants and techniques that will be used to promote an intensive and coordinated research program.

194.7 The AIDS Research Trust Board shall produce, and make available to the public, an annual report within six months after the close of each fiscal year. The annual report shall include, but not be limited to, all of the following:

(a) The amounts of the donations.

(b) Administrative expenditures of the AIDS Research Trust Board.

(c) A description of each grant recipient, the amount awarded to each recipient, and the purpose of each grant.

194.8 The Controller shall perform an annual

audit of the records and financial transactions of the AIDS Research Trust Board and perform other related special audits as the Controller deems necessary.

194.9 The purposes of this chapter, the term "research" includes research and related AIDS interventions in all of the following areas:

(a) Vaccine development, which includes virus studies and field trials.

(b) Treatment, which includes antiviral treatment, treatment of opportunistic infections, supportive mental health treatment, virus studies, and field trials.

(c) Prevention education, which includes high-risk behavior change research.

(d) Applied studies, which include health care demonstration projects, prevention demonstration projects, and health care planning, particularly for medically indigent adults.

(e) Epidemiologic studies.

(f) Virus studies, which includes basic research, blood products research, immunology research, and natural history.

SEC. 4. Section 17053.12 is added to the Revenue and Taxation Code, to read:

17053.12 (a) There shall be allowed a credit against the tax imposed by this part an amount determined

in accordance with subdivision (b) for contributions made during the taxable year to the AIDS Research Trust Fund, which is established in the State Treasury pursuant to Section 194.4 of the Health and Safety Code. For purposes of this section, the taxpayer shall be deemed to have made a contribution on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the date the tax is required to be paid pursuant to Section 18551.

(b) The amount of the credit shall equal 55 percent of the contributions, but not to exceed the following for any taxable year:

(1) Fifty dollars (\$50) for married couples filing joint returns, head of household, and surviving spouses (as defined in Section 17046).

(2) Twenty-five dollars (\$25) for all other individuals.

(3) Five thousand dollars (\$5,000) for estates and trusts.

(c) In order to qualify for a credit under this section, a taxpayer shall provide with the contribution the taxpayer's name, address, and identification number.

(d) This section shall apply only to taxable years 1988, 1989, and 1990, and as of January 1, 1992, is repealed.

SEC. 5. Section 23613 is added to the Revenue

and Taxation Code, to read:

23613. (a) There shall be allowed as a credit against the tax imposed by this part (except the minimum franchise tax) an amount equal to 55 percent of the contributions made during the income year to the AIDS Research Trust Fund, which is established in the State Treasury pursuant to Section 194.4 of the Health and Safety Code. For purposes of this section, the taxpayer shall be deemed to have made a contribution on the last day of the preceding income year if the contribution is made on account of such income year and is made not later than the date the tax is required to be paid pursuant to Section 25551.

(b) The amount of the credit shall not exceed for any income year five thousand dollars (\$5,000).

(c) In order to qualify for a credit under this section, a taxpayer shall provide with the contribution the taxpayer's name, address, and identification number.

(d) This section shall apply only to income years 1988, 1989, and 1990, and as of January 1, 1992, is repealed.

SEC. 6. No provision of this act may be changed except to further its purpose by a bill passed by a vote of two-thirds of the membership of both houses of the Legislature and signed by the Governor.





SA88RF0003

**GRAY DAVIS**

**Controller of the State of California**

January 18, 1988

The Honorable John Van de Kamp  
Attorney General of California  
1515 K Street, Suite 511  
Sacramento, CA 95814

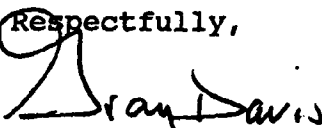
Dear Attorney General Van de Kamp:


The attached initiative is virtually identical to the AIDS Research Tax Credit, your file number SA 87 RF 0047, for which you have prepared a title and summary.

The only changes are in section 194.9 a, b, and f, where "animal studies" has been dropped. It is our opinion that these changes do not affect the title or summary.

Please expedite the preparation of a title and summary for the attached initiative so that a petition can be circulated for signatures, and if possible, withdraw the earlier submission.

Respectfully,

  
GRAY DAVIS  
Controller  
State of California

  
BRUCE B. DECKER  
Member and Former Chairman  
California AIDS Advisory  
Committee

DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

On the date shown below, I mailed a copy of copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: February 4, 1988

Initiative Title and Summary.

Subject: TAX CREDIT. AIDS RESEARCH FUND. INITIATIVE STATUTE


Our File No: SA 88 RF 0003

Name of Proponents and Addresses:

Gray Davis  
Bruce B. Decker  
Post Office Box 35036  
Los Angeles, CA 90035

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

Executed at Sacramento, California February 4, 1988.

  
ROSEMARY R. CALDERON  
Declarant  
(916) 323-1995

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
P.O. BOX 944255  
SACRAMENTO 94244-2550  
(916) 445-9555

(916) 323-1995

February 4, 1988

Gray Davis  
Bruce B. Decker  
Post Office Box 35036  
Los Angeles, CA 90035

Initiative Title and Summary.  
Subject: TAX CREDIT. AIDS RESEARCH FUND. INITIATIVE STATUTE  
Our File No: SA 88 RF 0003

Pursuant to your request, we have prepared the attached title and summary of the chief purposes and points of the above identified proposed initiative. A copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our declaration of mailing, and the text of your proposal that was considered is attached.

The Secretary of State will be sending you shortly a copy of the circulating and filing schedule for your proposal that will be issued by that office.

Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

*Floyd D. Shimomura*

FLOYD D. SHIMOMURA  
Deputy Attorney General

FDS:rrc  
Enclosures



INITIATIVE CHECK LIST

Phone Notification from AG - Date/Time: 2/4/88 9:55  
 Title of Initiative: TAX CREDIT AIDS RESEARCH FUND.  
 Type of Initiative: CA / S CA and S  
 Number of Pages 9 Number of Proponents 2  
 Date and Time Initiative will be ready for pick-up 2/4/88-10:00

Initial/Date/Time

1. da 12/4/10:00 OSSI informs Deborah/David/Barbara/Caren and Don day and time initiative will be ready for pick-up.
2. da 12/4/10:23 OSSI gives check list to Word Processing Technician to prepare calendar.
3. gw 12/4/11:25 Word Processing Technician prepares and proofs fraud calendar and log and returns both to OSSI.
4. da 12/4/11:27 OSSI proofs calendar and log.
5. da 12/4/11:30 OSSI gives final calendar and log to Elections Analyst.
6. gw 12/4/12:05 Elections Analyst reviews and has Elections Chief sign. Elections Analyst returns signed calendar to OSSI.
7. da 12/4/12:15 OSSI makes copies of initiative calendar for each proponent.
8. da 12/4/12:25 OSSI attaches copy of Political Reform Act of 1974 Requirements to proponent's copy of initiative calendar.
9. da 12/4/2:27 OSSI prepares Mail/Freight Request Form. OSSI hand carries Mail/Freight Request form and initiative calendar for each proponent (ready for mailing) to Service and Supply. Initiative calendar sent on 2/4/88 to each proponent.  
Date

(This must be sent to each proponent same day AG prepares Title and Summary).

10. da 12/4/13:00 OSSI advises Assistant Chief when initiative calendar is sent to proponent(s).

INITIATIVE CALENDAR CHECK LIST

Page two

11. da 12/4/87 2:30 OSSI distributes copies of initiative calendar same day AG prepares Title and Summary to:

Tony  
 Caren  
 Jerry  
 Deborah  
 Barbara

12. da 12/5/87 5:00 OSSI distributes copies of initiative calendar to:

All CC/ROV  
 Political Reform (3 copies)  
 Elections Staff  
 LA Office via LA Pouch -  
J.R. Schultz (12 copies)  
 Initiative mailing list  
 Extra copies for public  
distribution  
 Master copy

13. da 12/8/87 10:00 OSSI advises Assistant Chief of completion of above distribution.

14. da 12/4/87 3:00 OSSI makes copies of log and distributes as follows:

1. Initiative canvass binder
2. Vi Daniels - FTB
3. Archives
4. Oliver Cox
5. Initiative Clipboard

15. AP 12/5/87 3:15 OSSI prepares folder for public distribution.

16. AP 12/5/87 4:00 OSSI prepares index cards for each initiative.

17. da 12/4/87 2:30 OSSI staples Mail/Freight Request form to back of INITIATIVE CHECK LIST.

18. da 12/8/87 11:00 OSSI returns completed INITIATIVE CHECK LIST to Assistant Chief.

19.  / / Assistant Chief returns check list to Election Analyst.

ELECTIONS DIVISION  
MAIL/FREIGHT REQUEST

Mail Submitted to Mail Room 2/4/88  
Date Time

Request mail to be sent no later than 2/4/88  
Date

MAIL:

- 1st Class
- Bulk
- Book Rate
- Presort
- Third Class

CHARGES:

Amount: .56  
Pieces: 3

FREIGHT:

- UPS
- Purolator
- Greyhound (Next bus out: Yes \_\_\_ No \_\_\_)
- Air-Freight
- Truck Lines

ACTIVITY:

- Outreach (Specify: \_\_\_\_\_)
- County Mailings (#'s: \_\_\_\_\_)
- Ballot Pamphlet
- Other (Specify: \_\_\_\_\_)
- Initiative Calendar to Proponent(s).

Mail room sent requested mail on 2/4/88

JLJ/ASW  
Initial (Service and Supply)