

12-17-1997

Industrial Use Of Hemp (Marijuana).

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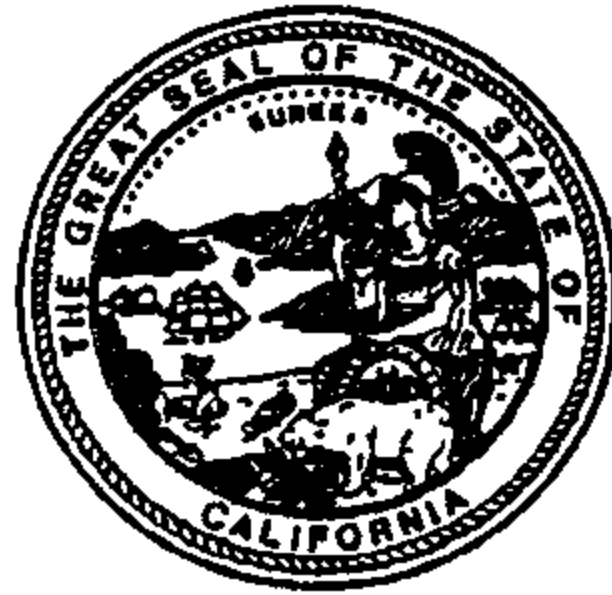
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Industrial Use Of Hemp (Marijuana). California Initiative 785 (1997).
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Secretary of State
State of California

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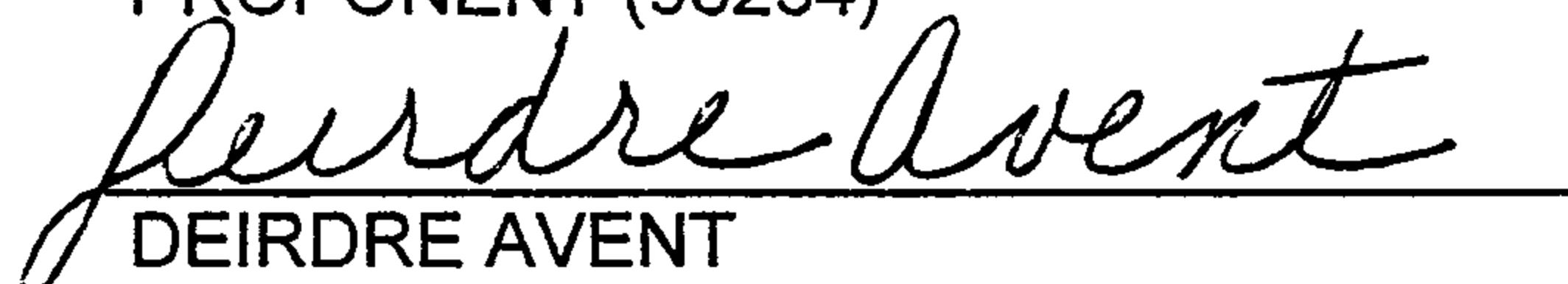
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May 28, 1998

#785

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (98234)

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 STATUTE 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: INDUSTRIAL USE OF HEMP (MARIJUANA).

SUMMARY DATE: December 17, 1997

PROPONENT: Sam H. Clauder II

(

)

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Secretary of State
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December 17, 1997

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (97244)

FROM: *Cathy Mitchell*
CATHY MITCHELL
ELECTIONS SPECIALIST

22, 1997

SUBJECT: INITIATIVE #785

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:

**INDUSTRIAL USE OF HEMP (MARIJUANA).
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Sam H. Clauder II
12922 Harbor Boulevard
Garden Grove, California 92840
(714) 894-8400



#785
INDUSTRIAL USE OF HEMP (MARIJUANA).
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,269
California Constitution, Article II, Section 8(b)

2. Official Summary Date:.....Wednesday, 12/17/97
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336).....Wednesday, 12/17/97

 - 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, 05/18/98*

 - 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, 05/29/98

(If the Proponent files the petition with the county on a date prior to 05/18/98,
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, 06/07/98**

- 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))..... Friday, 07/17/98

* Date adjusted for official deadline which falls on Saturday. Elec. Cd., §15
** Date varies based on receipt of county certification.

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INITIATIVE #785

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 07/09/98, 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 476,596 or less than 411,606 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 411,606 and 476,596 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))..... Monday, 07/27/98**

- 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)). Tuesday, 09/08/98

(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 07/27/98, 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). Saturday, 09/12/98**

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.

1

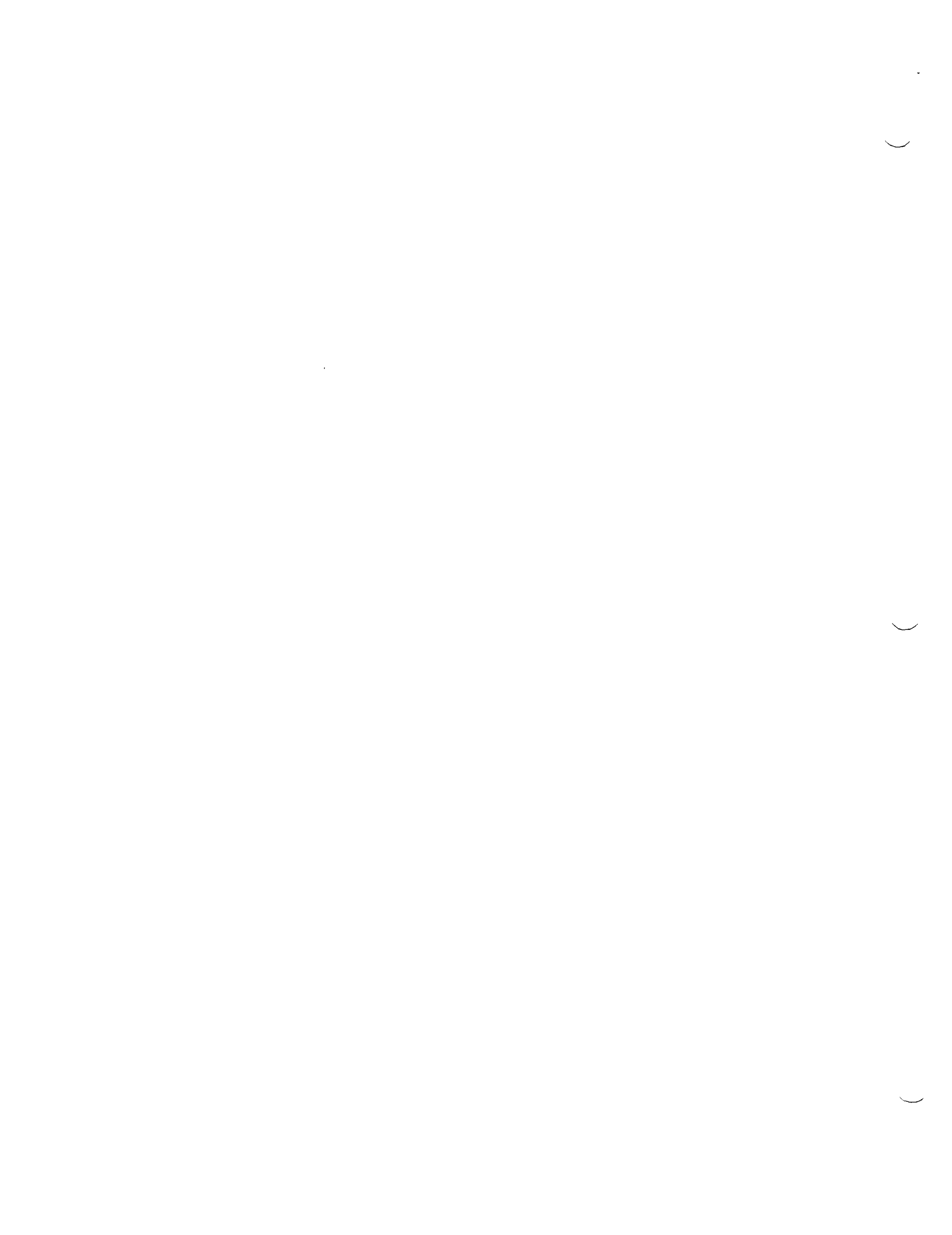
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IMPORTANT POINTS

- 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

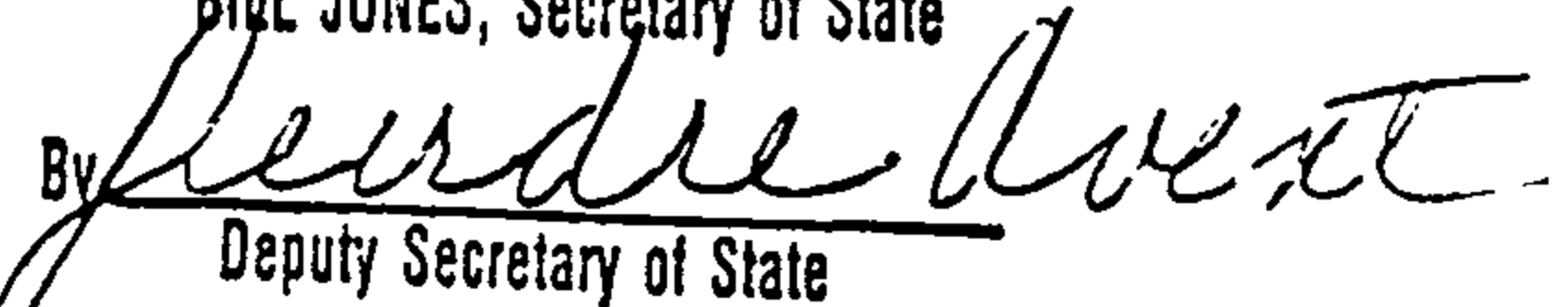
December 17, 1997

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

DEC 17 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: INDUSTRIAL USE OF HEMP (MARIJUANA).
INITIATIVE STATUTE.
File No: SA 97 RF 0041

Dear Mr. Jones:

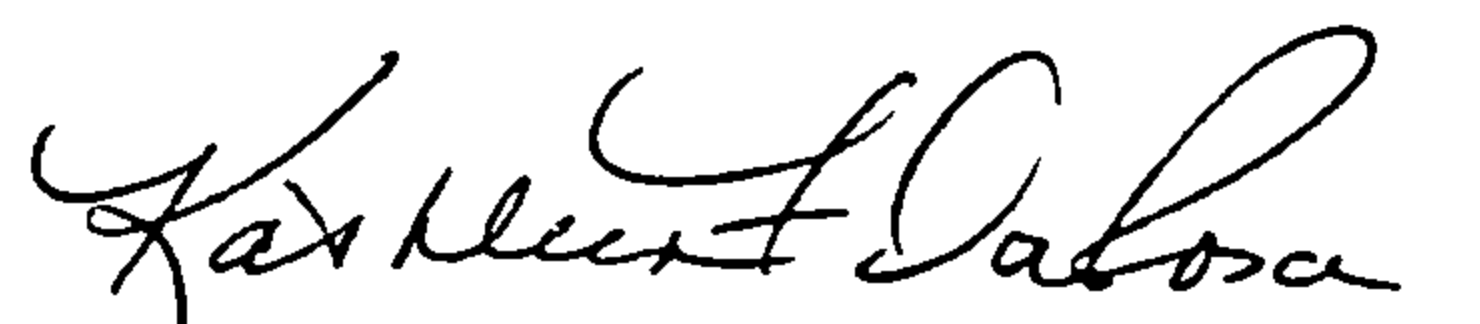
Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

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.

Sincerely,

DANIEL E. LUNGREN
Attorney General


MICHELE W. OLSEN
Acting Initiative Coordinator

MWO:fec
Enclosures
cc: Sam H. Clauder II

—

—

Date: December 17, 1997
File No. : SA 97 RF 0041

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

INDUSTRIAL USE OF HEMP (MARIJUANA). INITIATIVE STATUTE. Legalizes the growing, harvesting, storage and use of hemp for industrial purposes such as the production of building materials, cloth, industrial chemicals and paper. Defines industrial hemp as all varieties of the plant genus cannabis (marijuana), whether growing or not, containing less than one percent tetrahydrocannabinol (THC). Allows law enforcement officers to enter fields, without probable cause, to take samples for testing. Requires growers to register annually with the State Department of Food and Agriculture. States that new law may not be construed to interfere with enforcement of laws governing controlled substances. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: If allowed under federal law, the measure's legalization of hemp cultivation would probably result in minor costs to state and local government to administer and enforce its provisions.

SA97RF0041
Amdt. #2-NS

Sam H. Clauder II
12922 Harbor Boulevard
Garden Grove, California 92840
(714) 894-8400
FAX 894-8010

RECEIVED
DEC 15 1997

Hon. Daniel E. Lungren
Attorney General
State Of California
Department of Justice
Sacramento, California 94244

December 8, 1997 INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Initiative Coordinator

RE: AMENDMENTS TO PROPOSED STATUTORY INITIATIVE
Your File No. SA 97 RF 0041

Mr. Attorney General:

Enclosed is a final set of amendments proposed for the statutory initiative measure entitled THE INDUSTRIAL HEMP ACT OF 1998. The original version of this Act was filed on October 7, 1997. A substantially amended version was filed on October 22, 1997.

When the amended version was accepted on October 22, the name of the Act was changed from "The Industrial Use Act of 1998" to "The Industrial Hemp Act of 1998." However, the listing for the initiative on the Secretary of State's internet site uses the original title.

Two amended versions of the proposed initiative were submitted last week and rejected as substantive. The enclosed version of the initiative includes proposed amendments that are strictly grammatical. The first set of documents is a comparative analysis, broken down section by section, in three forms for each section. For each section, the analysis is in underlined, bold italics. It is followed by the section as written in the October 22, 1997, version. Then follows the section, as proposed to be amended. A complete version of the proposed, amended initiative follows the analysis.

The proponent for this initiative remains the same as the one originally filed. Thank you for your courtesy and cooperation in this matter.

Sincerely,



Sam H. Clauder II

enclosures



SAG7RF0041
Amnt. # 2-NS

THE INDUSTRIAL HEMP ACT OF 1998

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

TO THE HONORABLE SECRETARY OF THE STATE OF CALIFORNIA:

We, the undersigned, registered, qualified voters of California, residents of the aforementioned County (or City and County), hereby propose amendments to the Health and Safety Code by adding Section 11362.1, relating to the production and use of Industrial Hemp, and petition the Secretary of State to submit the same to the voters of the State of California for their adoption or rejection at the next succeeding primary or general election or at any special statewide election held prior to that primary or general election or as otherwise provided by law.

The proposed statutory initiative reads as follows:

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

HEALTH AND SAFETY CODE SECTION 11362.1

SECTION 1. TITLE

This initiative shall be known and may be cited as the Industrial Hemp Act of 1998.

SECTION 2. FINDINGS AND DECLARATIONS

The People of the State of California find and declare as follows:

(a) Industrial Hemp is a vital, sustainable, renewable resource for building materials, cloth, cordage, fiber, food, fuel, industrial chemicals, medicine, oil, paint, paper, plastics, seed, yarn, and many other useful products.

(b) The development of a viable hemp industry is in the best interest of the State economy.

(c) Farmers and agricultural developers in the State of California have been prohibited from participating in the thriving global market for Industrial Hemp.

(d) The production of Industrial Hemp and hemp products can be regulated so as not to interfere with the strict control of controlled substances in the State.

(e) The production of Industrial Hemp shall be authorized pursuant to the terms of this Act.

SECTION 3. PURPOSES

The People do hereby enact this measure for the purpose of promoting the agriculture, economy, public health, safety and welfare of the People of the State of California by permitting and encouraging the development of an Industrial Hemp industry while maintaining the strict control of marijuana.

SECTION 4. DEFINITION OF INDUSTRIAL HEMP

“Industrial Hemp” shall be defined as all parts, varieties and species of the plant genus Cannabis, whether growing or not, that contain a concentration of tetrahydrocannabinol, the average of which shall not exceed one percent (1%) on a dry weight basis, and that are cultivated and/or possessed in accordance with the provisions of this act.

SECTION 5. REGISTRATION

(a) Any individual or entity intending to cultivate Industrial Hemp shall register annually with the Department of Food and Agriculture, declare the size and identify the location of the area to be cultivated, and pay an annual registration fee of twenty dollars (\$20.00).

(b) The Department of Food and Agriculture shall maintain records of all Industrial Hemp registrations and shall make said records available for public inspection upon request.

SECTION 6. ENFORCEMENT

(a) Nothing in this Act shall be construed as to prohibit, or in any way inhibit, law enforcement agencies from fully enforcing the controlled substance laws of the State.

(b) Notwithstanding any other provision of law, any law enforcement officer may enter, with or without probable cause, any open field being cultivated with Industrial Hemp for the purpose of obtaining samples for scientific testing to determine if the crop being cultivated qualifies as Industrial Hemp under the provisions of this Act.

SECTION 7. LIBERAL CONSTRUCTION

This Act is an exercise of the public power of the State for the protection of the health, safety, and welfare of the People of the State of California, and shall be liberally construed to effectuate these purposes.



SECTION 8. CONFLICTING MEASURES

If this Act is approved by the voters of the State of California, but superseded by any other conflicting ballot measure approved by more voters at the same election, and the conflicting ballot measure is later held invalid, it is the intent of the voters of the State of California that this Act shall be self-executing and given the full force of the law.

SECTION 9. SELF EXECUTION

This Act shall be self executing.

SECTION 10. SEVERABILITY

The provisions of this Act are severable. If any provision of this Act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 11. SELF-EXECUTION AND EFFECTIVE DATE

This Act shall become effective immediately upon its approval by the voters of the State of California.

SECTION 12. AMENDMENT

This Act shall not be altered or amended except by a vote of the People of the State of California.

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BILL JONES
Secretary of State
State of California

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JUN 09 1998

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June 1, 1998

#786

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (98235)

FROM:

Deirdre Avent
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 STATUTE 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: REGULATION OF TIMBER OPERATIONS BY COUNTIES AND
CITIES. LIMITS ON TIMBER HARVESTING.

SUMMARY DATE: December 22, 1997

PROPONENT: Elise Moss

3

3

DIVISIONS:

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BILL JONES
Secretary of State
State of California

December 22, 1997

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SACRAMENTO, CA 95814
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For Hearing and Speech Impaired
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e-mail: comments@ss.ca.gov

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (97249)

FROM: *Cathy Mitchell*
CATHY MITCHELL
ELECTIONS SPECIALIST

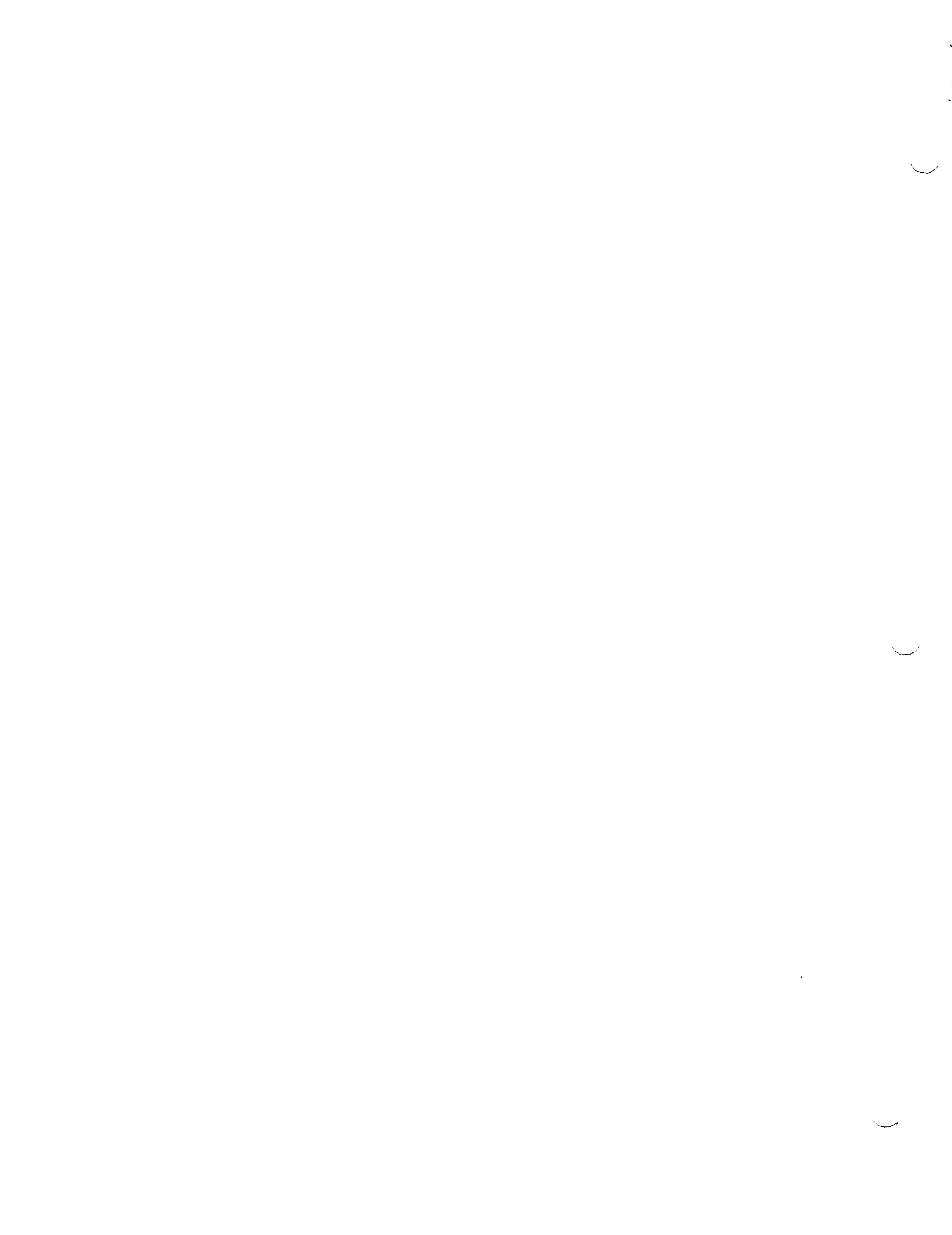
SUBJECT: INITIATIVE #786

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:

**REGULATION OF TIMBER OPERATIONS BY COUNTIES AND CITIES.
LIMITS ON TIMBER HARVESTING.
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Elise Moss
Neighbors for Responsible Logging
21884 Bear Creek Road
Los Gatos, CA 95033
(408) 354-2496



#786
REGULATION OF TIMBER OPERATIONS BY COUNTIES AND CITIES.
LIMITS ON TIMBER HARVESTING.
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,269
California Constitution, Article II, Section 8(b)

2. Official Summary Date:.....Monday, 12/22/97
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336)Monday, 12/22/97

 - 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))Thursday, 05/21/98

 - 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)).....Wednesday, 06/03/98

(If the Proponent files the petition with the county on a date prior to 05/21/98,
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))..... Friday, 06/12/98*

 - 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))..... Friday, 07/24/98

* Date varies based upon receipt of county certification.

INITIATIVE #786

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 06/12/98, 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 476,596 or less than 411,606 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 411,606 and 476,596 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))..... Monday, 08/03/98*

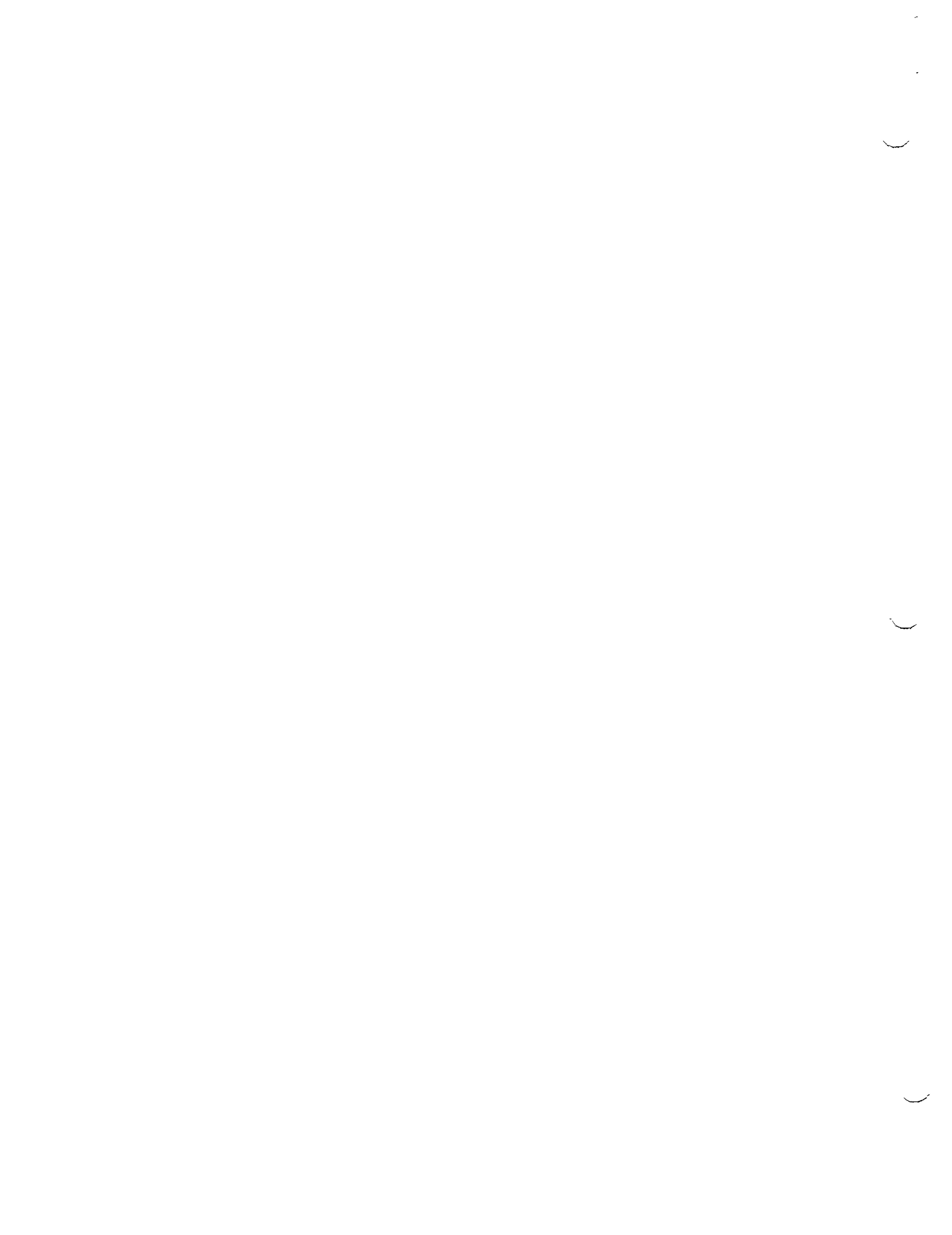
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State (EC §9031(b)(c)).Wednesday, 09/16/98

(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 08/03/98, 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).Sunday, 09/20/98*

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 upon receipt of county certification.



DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE




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

December 22, 1997

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

DEC 22 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: REGULATION OF TIMBER OPERATIONS BY COUNTIES AND CITIES.
LIMITS ON TIMBER HARVESTING. INITIATIVE STATUTE.
File No: SA 97 RF 0054

Dear Mr. Jones:

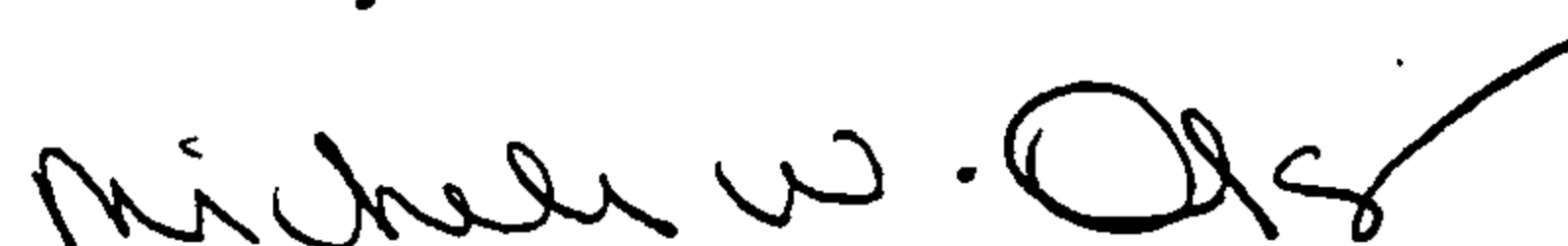
Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

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.

Sincerely,

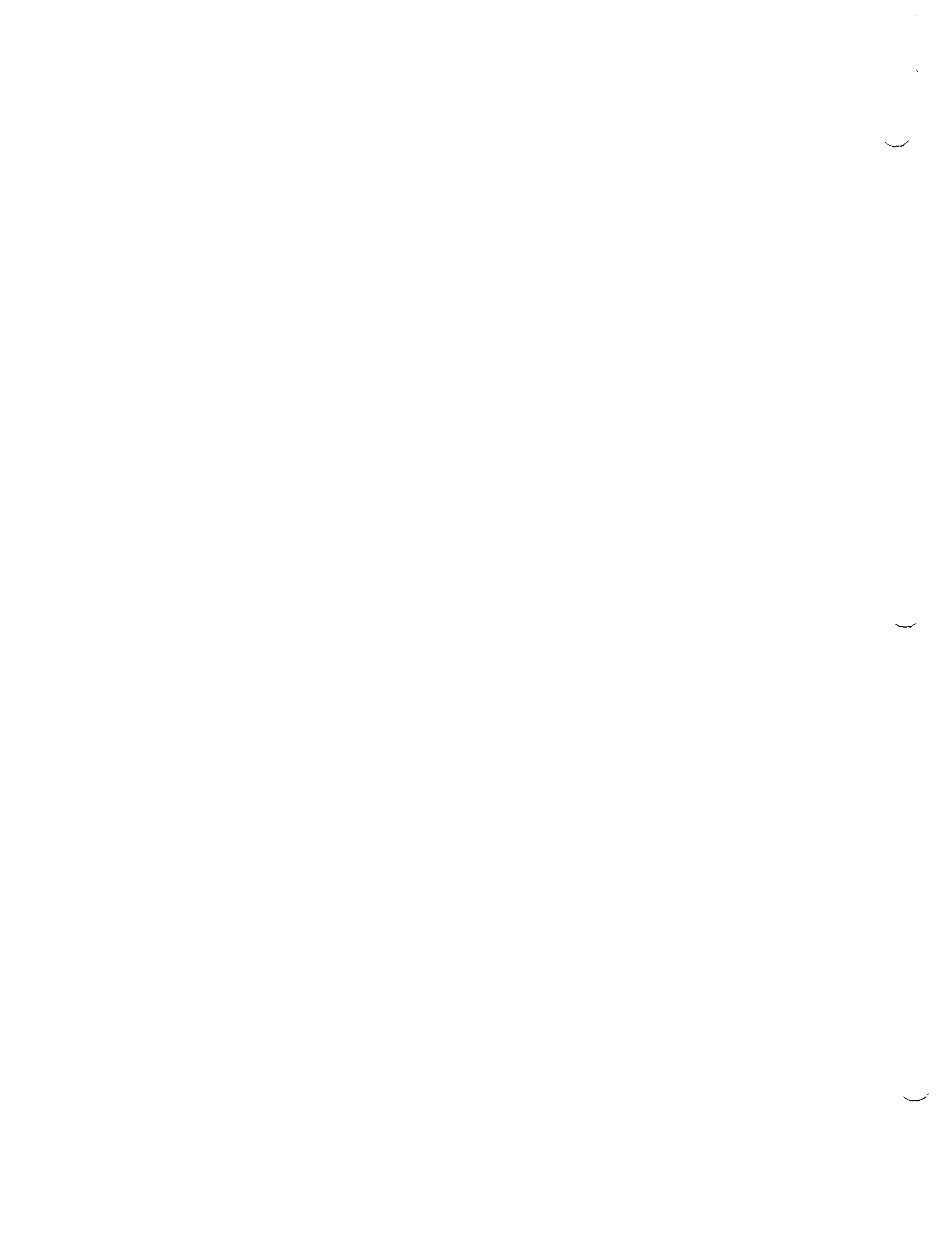
DANIEL E. LUNGREN
Attorney General



MICHELE W. OLSEN
Acting Initiative Coordinator

MWO:fec
Enclosures

cc: Elise Moss



Date: December 22, 1997
File No.: SA97RF0054

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

REGULATION OF TIMBER OPERATIONS BY COUNTIES AND CITIES. LIMITS ON TIMBER HARVESTING. INITIATIVE STATUTE. This measure allows a county or city to approve or disapprove any timber harvesting plan where the majority of the land lies within its jurisdiction. Provides such entities may enact requirements for timber harvesting and for inspection and regulation of timber operations. Specifies various restrictions on timber operations that would require local disapproval of a harvesting plan. Requires the state to be divided into watershed areas for planning purposes and limits timber harvesting to 25 percent of each area in any 10-year period.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: State and local governments would incur an unknown reduction in revenues, potentially a few million to tens of millions of dollars annually, to the extent that timber harvesting is reduced. Over the long term, the impact on state and local revenues due to changes in economic activities is unknown. The state would incur one-time costs of between \$100,000 and \$150,000 to remap the state into smaller planning watershed areas.

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—

SA97RF0054

Neighbors for Responsible Logging
21884 Bear Creek Road
Los Gatos, CA 95033

www.dasb.fhda.edu/forest
nrl@activist.com
(408) 354-2496

Date: October 21, 1997

To: Attorney General's Office


Please prepare a title and summary for the attached initiative measure. NRL had submitted an earlier draft of this initiative. We are enclosing the financial analysis done on the previous draft for your reference.

We would like to propose the following title and summary:

TITLE: LOCAL CONTROL OF TIMBER HARVESTING

SUMMARY: This measure provides counties with the option to act as a reviewing and approving agency for all timber harvesting plans where the greater portions of the land subject to those plans lies within the jurisdiction of the county. County governments may take jurisdiction by adopting a resolution which meets specific criteria outlined in this measure. Should a county opt not to adopt such a resolution, the current review process will remain in place for that county. The California Department of Forestry will retain its authority to review and approve timber harvesting plans, either as sole authority or in partnership with counties who have acted affirmatively to take jurisdiction.

Best Regards,


Elise Moss

enc: check for \$200
initiative measure
financial analysis

RECEIVED

OCT 24 1997

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE



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 point of the proposed measure:

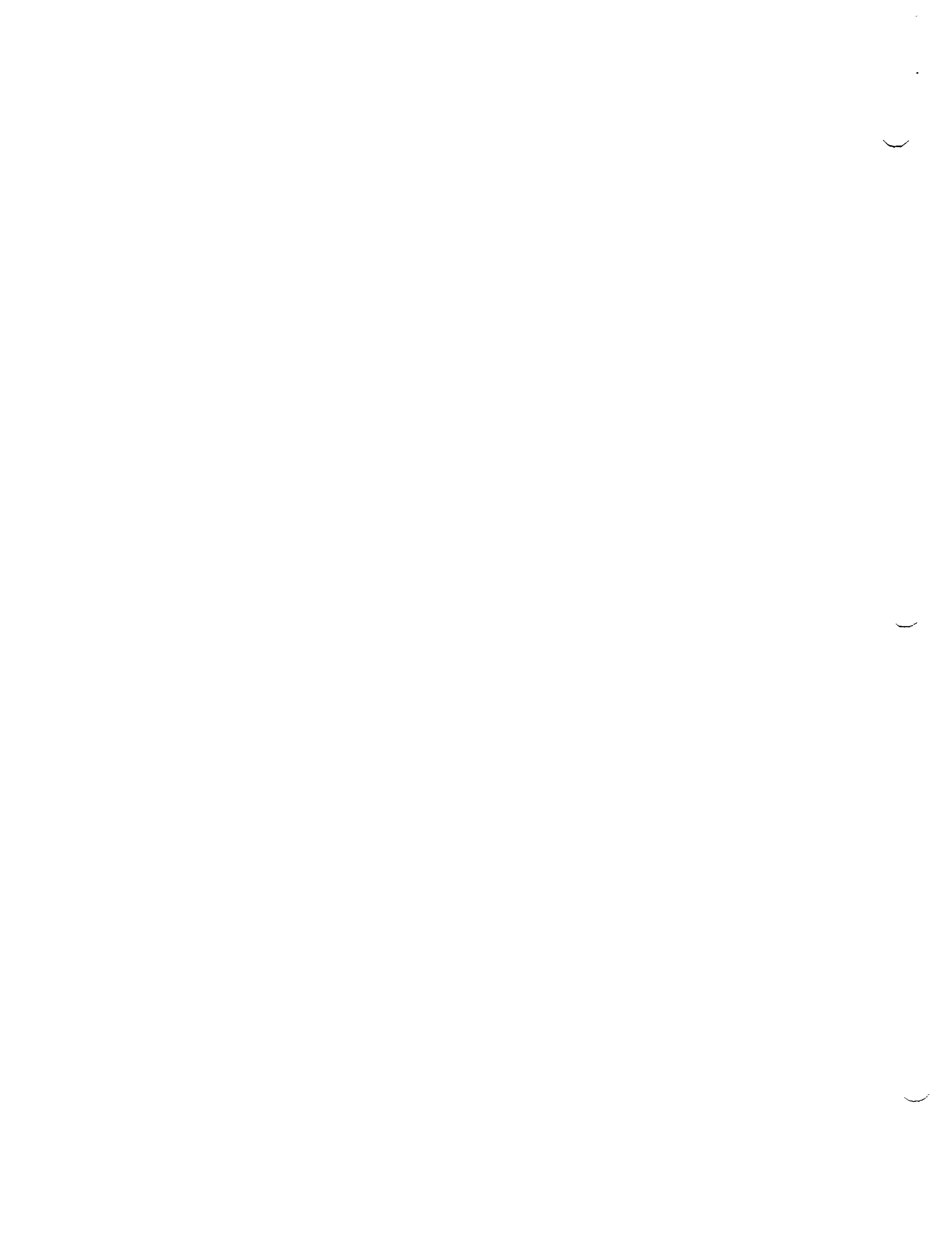
(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed on the top of each page of the petition whereon signatures are to appear.)

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 amendments to the Public Resources Code, relating to forest practices, 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 held prior to that general election or otherwise provided by law. The proposed statutory amendments (full title and text of measure) read as follows:

SECTION 1. Section 4516.9 is added to the Public Resources Code, to read:

4516.9 (a) Notwithstanding any other provision of this chapter, a county or city may, in accordance with this section, review and approve or disapprove any



timber harvesting plan where the greater portion of the land subject to the plan lies within the jurisdiction of the county or city.

(b) To initiate county or city review and approval or disapproval of timber harvesting plans, a county or city shall adopt a resolution stating all of the following:

(1) The intent of the county or city to act as a reviewing and approving agency for all timber harvesting plans where the greater portion of the land subject to those plans lies within the jurisdiction of the county or city.

(2) The procedures for the review and approval or disapproval of timber harvesting plans and procedures for reconsideration of a disapproved timber harvesting plan pursuant to subdivision (d).

(3) The fees that will be imposed on a timber harvesting plan submitter for the administrative costs of a plan review or reconsideration.

(4) Requirements that, if not met, will require the disapproval of a proposed timber harvesting plan or the issuance of a stop work order pursuant to paragraph (2) of subdivision (g), including, but not limited to, all of the following requirements:

(A) The area subject to a timber harvesting plan shall be located in an area zoned for timber production.



(B) The logging vehicles that will be used in timber operations conducted under the timber harvesting plan shall not have a major impact on traffic conditions or constitute any hazard.

(C) Less than 25 percent of the timberland area of the watershed in which the area subject to the timber harvesting plan is located shall have been previously harvested.

(D) No timber operations shall be conducted under the timber harvesting plan in a landslide area or in an area that has a slope of 65 percent or greater.

(E) No water uptake or spring used for direct human consumption shall be located within 1,000 feet of any timber harvesting operations.

(F) Road construction necessary for the conduct of timber operations under the timber harvesting plan shall meet all relevant county or city code requirements.

(G) No occupied manmade structures shall be located within 1,000 feet of any timber harvesting operations.

(H) No activities conducted pursuant to the timber harvesting plan shall violate any county or city ordinance or regulation pertaining to human health or safety or pertaining to the environment, including noise control.

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(l) Any operations involving helicopters shall be confined to the area subject to the timber harvesting plan.

(c) A county or city may, at any time, amend or repeal a resolution adopted pursuant to subdivision (b).

(d) If a county or city disapproves a timber harvesting plan, the plan submitter may request the county or city to reconsider its disapproval, and the county or city shall give due consideration to that request.

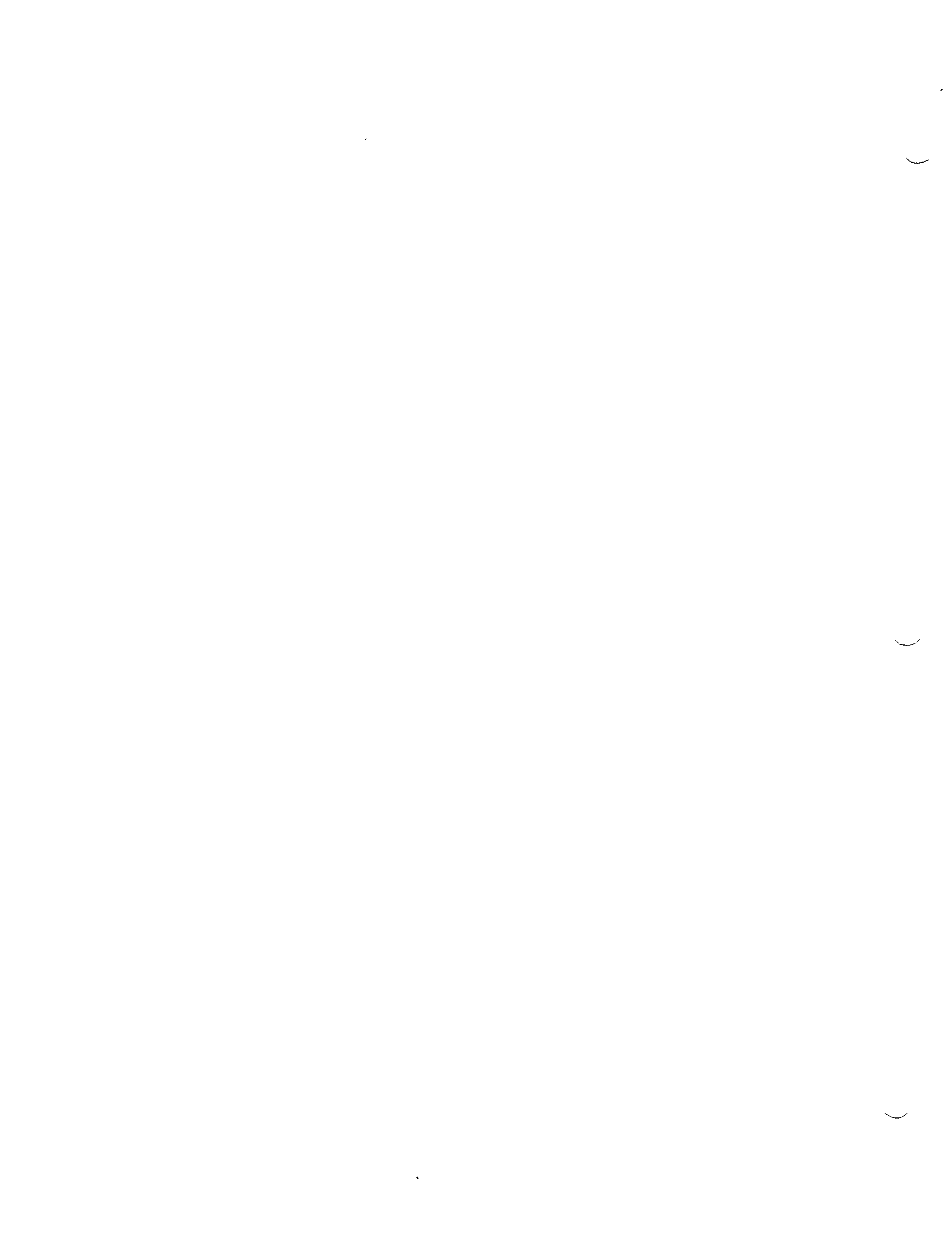
(e) The criteria for county or city review and approval or disapproval of a timber harvesting plan pursuant to this section shall be whether the plan is in conformance with this section, and with all other applicable requirements of law, including both of the following requirements:

(1) The plan will not violate any requirement stated in the resolution adopted pursuant to subdivision (b).

(2) The plan will not pose any hazard to the health, safety, or welfare of the general public.

(f) (1) If a county or city has adopted a resolution to review timber harvesting plans in accordance with subdivision (b), the director shall do all of the following:

(A) Upon receipt of a timber harvesting plan subject to the jurisdiction of the county or city pursuant to this section, immediately forward a copy of the plan to the county or city.



(B) Notify the timber harvesting plan submitter of the county's or city's review and approval authority.

(C) Extend the date for a final decision by the director on the timber harvesting plan to allow the county or city sufficient time to notice and hold a public hearing, and to review and either approve or disapprove the plan.

(2) Concurrently with the county or city plan review, the director may conduct a review of the timber harvesting plan pursuant to Section 4582.7. However, notwithstanding Section 4582.7, if the county or city disapproves the timber harvesting plan, the director may not approve the plan, and the plan submitter may not appeal the director's failure to approve the plan to the board.

(g) (1) If the timber harvesting plan is approved by the city or county, and by the director pursuant to this chapter, the county or city shall have the right to inspect the area subject to the plan (A) before timber operations commence, (B) during timber operations, and (C) following the completion of timber operations.

(2) If the county or city determines at any time that timber operations under the timber harvesting plan are being conducted, or are about to be conducted, in violation of county or city requirements adopted pursuant to paragraph (4) of subdivision (b), the rules and regulations adopted by the board, or any provision of this chapter, or any other applicable legal



requirement, the county or city may issue a written timber operations stop work order. A copy of the stop work order shall be delivered to the timber harvesting plan submitter, the registered professional forester, the licensed timber operator, and the director. The stop work order shall identify the specific act or omission that constitutes the violation or threatened violation and shall describe the corrective or mitigative actions that will be necessary to bring timber operations into compliance with the applicable legal requirements so that timber operations may recommence. The county or city shall terminate the stop work order if the responsible parties enter into a written agreement with the city or county assuring that the responsible parties will undertake the necessary corrective or mitigative actions and will resume timber operations in compliance with all applicable legal requirements.

(h) Notwithstanding subdivision (e) of Section 4516.5, the board shall, upon request of a county or city, delegate to the county or city the authority of the board to require performance bonds or other surety for the protection of public roads and county or city property, in which case, the procedures and forms shall be the same as those used in similar circumstances in the county or city. The board or the county or city may establish reasonable limits on the amount of performance bonds or other surety that may be required for timber operations and criteria for the

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requirements, payment, and release of those bonds or other surety. If the county or city fails to inform the director of any claims within 90 days after the completion report has been filed, the bond or surety shall be released.

SEC. 2. Section 4561.4 is added to the Public Resources Code, to read:

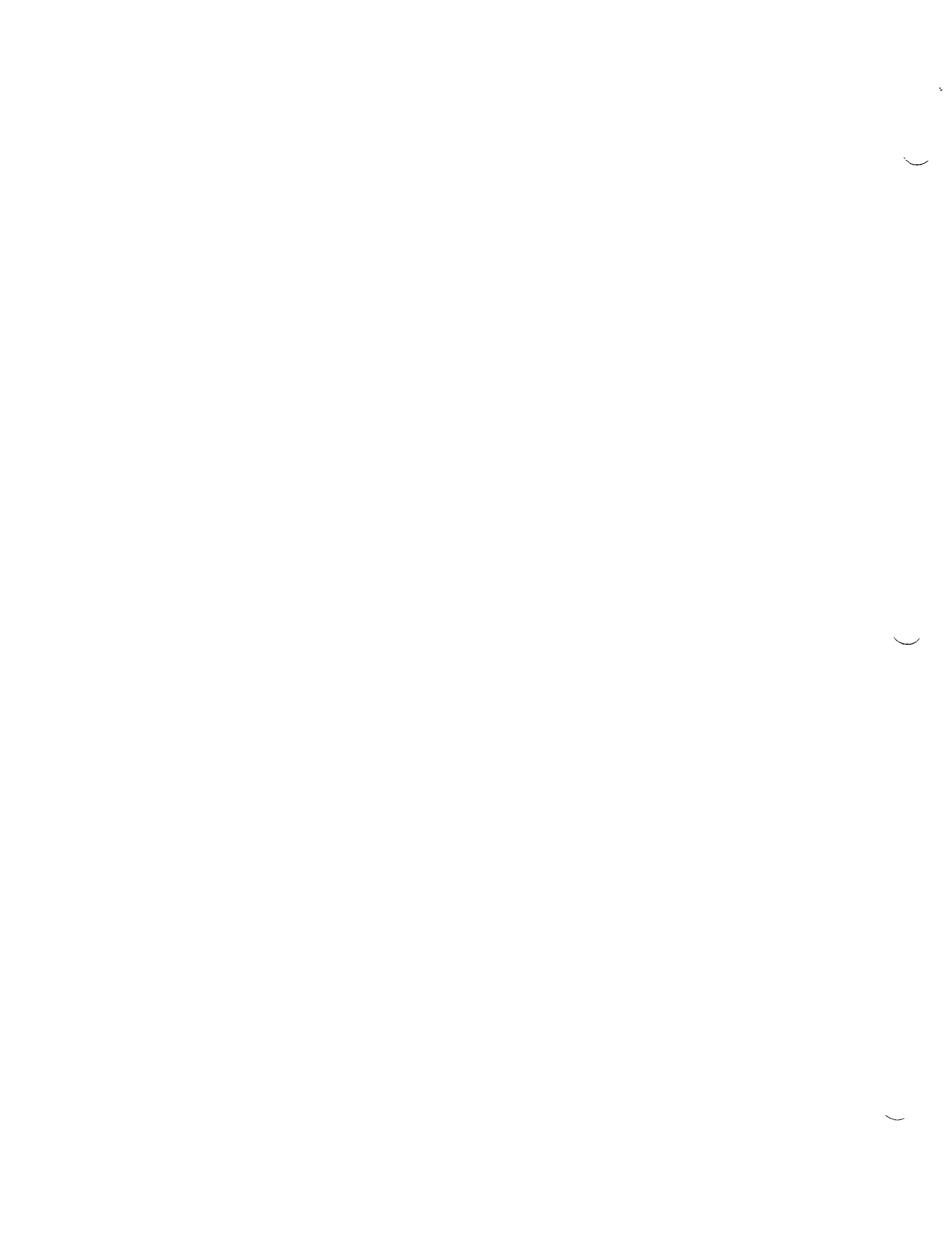
4561.4 (a) (1) As used in this section, "planning watershed" means the land area and associated watershed system that drains into a Class I watercourse that is greater than 1,000 acres, but less than 3,000 acres, in size, except that planning watersheds that drain into the Pacific Ocean may be less than 1,000 acres.

(2) If a watershed exceeds 3,000 acres, the department shall subdivide it into smaller planning watersheds greater than 1,000 acres, but less than 3,000 acres.

(3) If a watershed is less than 1,000 acres, the department shall combine one or more adjacent tributary watersheds to create a planning watershed greater than 1,000 acres, but less than 3,000 acres, in size that is drained by a single common stream.

(b) No timber operations shall cause more than 25 percent of the acreage in any planning watershed to be subject to timber operations in any ten year period.

(c) On or before January 1, 1999, the board shall adopt rules and regulations which shall include a



requirement that the department establish boundaries for all planning watersheds.

SEC. 3. Section 4582.75 of the Public Resources Code is repealed.

~~4582.75. The rules adopted by the board shall be the only criteria employed by the director when reviewing timber harvesting plans pursuant to Section 4582.7.~~

SEC. 4. Section 4582.75 is added to the Public Resources Code, to read:

4582.75. Notwithstanding any other provision of law, a county or city may conduct an onsite inspection of any area that is subject to a proposed timber harvesting plan, once the plan is submitted to the department pursuant to Section 4582, or that is subject to an approved timber harvesting plan.

SEC. 5. If any provision of this law, or the application of any provision to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this act that can be given effect without the invalid provision or application.

